# The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Rules, 2010

UNION OF INDIA India

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# Rule

# THE-MERCHANT-SHIPPING-PREVENTION-OF-POLLUTION-BY-SEWA of 2010

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The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Rules, 2010Published vide Notification New Delhi, the 7th January, 2010Ministry of ShippingG.S.R. 13 (E). - In exercise of the powers conferred by sub-section (3) of Section 356C, Section 356E, clause (cc) of Section 356-O and Section 457 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely:-

#### 1. Short title and commencement.

(1) These rules may be called the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Rules, 2010.(2) They shall come into force on the date of their publication in the Official Gazette.

#### 2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Merchant Shipping Act, 1958;(b)"anniversary date" means the day and the month of each year which corresponds to the date of expiry of the International Sewage Pollution Prevention Certificate;(c)"Certificate" means and International Sewage Pollution Prevention Certificate or, as the case may be, an Indian Sewage Pollution Prevention Certificate, issued under rule 5;(d)"Certifying authority" means the Central Government;(e)"existing ship" means a ship which is not a new ship,(f)"Government ship" means the ship owned by the Central Government or the State Government;(g)"holding tank" means a tank used for the collection and storage of sewage;(h)"international voyage" means a voyage from a country to which the Convention applies to a port outside such country, or conversely,(i)"new ship"

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means a ship-(A)for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction, on or after the 27th day of September, 2003; or (B) the delivery of which is three years or more after the 27th day of September, 2003;(j)"nearest land", with all its grammatical variations, means the baseline from which the territorial sea of the territory in question is established in accordance with international law except that for the purposes of the Convention, nearest land off the north-eastern coast of Australia shall mean a baseline drawn from a point on the coast of Australia in latitude 11°00'S, longitude 142°08' E to-a point in latitude 10°35'S, longitude 141°55'E, thence to a point latitude 10°00'S, longitude 142°00'E, thence to a point latitude 09°10'S, longitude 143°52 E, thence to a point latitude 09°00'S, longitude 144°30'E, thence to a point latitude 10°41'S, longitude 145°00'E, thence to a point latitude 13°00'S, longitude 145°00'E, thence to a point latitude 15°00'S, longitude 146°00'E, thence to a point latitude 17°30'S, longitude 147°00'E, thence to a point latitude 21°00'S, longitude 152°55'E, thence to a point latitude 24°30'S, longitude 154°00'E, thence to a point on the coast of Australia in latitude 24°42'S, longitude 153°15'E;(k)"person" includes the member of the crew and the passenger;(l)"section" means section of the Act;(m)"sewage" shall have the same meaning as assigned to it in the explanation to sub-section (3) of Section 356C;

## 3. Obligation to prevent pollution of sea by sewage.

(1)The following ships engaged in voyages shall be under obligation to prevent pollution of sea by sewage from ships and shall comply with the provisions of these rules, namely;(a)new ships of four hundred gross tonnage and above;(b)new ships of less than four hundred gross tonnage which are certified to carry more than fifteen persons;(c)existing ships of four hundred gross tonnage and above, five years after the date of 27th day of September 2003;(d)existing ships of less than four hundred gross tonnage which are certified to carry more than fifteen persons, five years after the date of 27th day of September, 2003.(2)The Central Government shall ensure that existing ships, specified under clauses (c) and (d) of sub-rule (1), the keels of which are laid or which are at a similar stage of construction before 2nd October, 1983, shall be so equipped as to discharge sewage in accordance with the requirements of Rule 11:Provided that provisions of rule 11 shall not apply to-(a)the discharge of sewage from a ship is necessary for the purpose of securing the safety of the ship and those on board, or for saving life at sea; or(b)the discharge of sewage results from damage to the ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of such damage for the purpose of preventing or minimizing the discharge.

# 4. Surveys.

(1) Every ship specified under sub-rule (1) of rule 3 shall be subject to the following surveys, namely :-(a) an initial survey shall be conducted before the ship is put in service or before the Certificate required under rule 5 is issued for the first time and such initial survey shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material so as to ensure that they fully comply with the requirements of these rules.(b) a renewal survey shall be conducted at an interval not exceeding five years except where the provisions of sub-rules (2), (5), (6) and (7) of Rule 8 are applicable and the renewal survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with the requirements of these

rules.(c)an additional survey, either general or partial, according to the circumstances, shall be conducted after a repair is required under sub-rule (4), or whenever important repairs or renewals are made and such survey shall ensure that necessary repairs or renewals have been effectively made and that the material and workmanship of such repairs or renewals are in all respect satisfactory and the ship complies with the requirements of these rules in all respect.(2)The Central Government shall specify appropriate measures for ships which are not subject to the provisions of sub-rule (1) in such manner that the provisions of these rules are complied with.(3)The surveys of ships for the purposes of enforcement of the provisions of these rules shall be carried out by a surveyor appointed under section 9, or a person authorised under sub-section (1) of Section 356G by the Central Government.(4)The Central Government shall -(a)subject to such conditions as it deems fit, empower the surveyor or, as the case may be the authorised person, referred to in sub-rule (3), to require repairs to a ship and to carry out survey on the request of appropriate authorities of a State Party; and(b)notify the International Maritime Organisation of the specific responsibilities and conditions of authority so given to the surveyor or the authorised person, for circulation to the State Parties, for the information of their officers.(5)When the surveyor or, as the case may be, the authorised person determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that, the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or authorised person shall immediately ensure that corrective action is taken and shall also, in due course, report the same to the Central Government:Provided that where such corrective action is not taken, the certificate shall be withdrawn and the Central Government shall be reported of it immediately: Provided further that if the ship is in a port of another State Party, the appropriate authorities of that Port State shall be reported immediately: Provided also that where the surveyor or the authorised person has reported to the appropriate authorities of the Port State, the Government of that Port State shall give such surveyor or authorised person necessary assistance to carry out their obligations under these rules and shall ensure that such ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair vard available, without presenting any unreasonable threat of harm to the marine environment.(6)The Central Government shall, in every case, fully guarantee the completeness and efficiency of such survey and undertake to ensure necessary arrangements to satisfy such obligation. (7) The condition of the ship and its equipment shall be maintained in such manner as to conform to the provisions of the Convention so that the ship shall remain, in all respects, fit to proceed to sea without presenting any unreasonable threat of harm to the marine environment.(8)After any survey of the ship under sub-rule (1) has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by such survey without the sanction of the Central Government except any direct replacement of such equipment and fittings.(9)Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment as required by these rules, the master or owner of the ship shall report at the earliest opportunity to the Central Government, who shall cause investigations to be initiated by the surveyor or the authorised person to determine whether a survey as required by sub-rule (1) is necessary: Provided that if the ship is in the port of another State Party, the master or owner shall also report immediately to the appropriate authorities of that Port State and the surveyor or the authorised person shall also ascertain that such report has been made.

#### 5. Issue or Endorsement of Certificate.

(1) After an initial survey or, as the case may be, a renewal survey in accordance with the provisions of Rule 4, an International Sewage Pollution Prevention Certificate shall be issued to any ship which is engaged in voyages to ports or offshore terminals under the jurisdiction of other State Parties to the Convention and in the case of existing ships, such requirement shall apply five years after the date of 27th September, 2003.(2)The Certificate refer to in sub-rule (1) shall be issued or endorsed by the Central Government and in every case, it shall assume full responsibility for such Certificate.(3)The Central Government may, at the request of the Government of a State Party to the Convention, cause survey of a ship registered in that State and if satisfied that the provisions of the Convention are complied with, issue an International Sewage Pollution Prevention Certificate to that ship and a copy of the certificate and a copy of the Survey Report shall be transmitted as soon as possible to that Government requesting the survey. (4) A certificate issued under sub-rule (3) shall contain a statement that it has been issued at the request of the Government of the State Party and such certificate shall have the same effect as if it was issued by that Government. (5) No International Sewage Pollution Prevention Certificate shall be issued to a ship which is entitled to fly the flag of a State, which is not a Party.(6)The Central Government shall issue an Indian Sewage Pollution Prevention Certificate to any ship which is engaged in voyages to ports or offshore terminals in Indian waters and in the case of existing ships, such requirement shall apply five years after the date of 27th September, 2003.

### 6. Issue or Endorsement of a Certificate by another Government.

(1)The Government of a State Party to the Convention may, on the request of the Central Government, cause a ship to be surveyed and if satisfied that the provisions of the Convention are complied with, issue or authorise the issue of an International Sewage Pollution Prevention Certificate to that ship and where appropriate, endorse or authorise the endorsement of that Certificate on the ship in accordance with these rules.(2)A copy of the Certificate and a copy of the survey report shall be transmitted to the Central Government requesting the survey.(3)A Certificate so issued under sub-rule (1) shall contain a statement to the effect that it has been issued at the request of the Central Government and it shall have the same force and receive the same recognition as the certificate issued under rule 5.

#### 7. Form of Certificate.

- The International Sewage Pollution Prevention Certificate shall be in Form-I and the Indian Sewage Pollution Prevention Certificate shall be in Form-II.

# 8. Duration and validity of certificate.

(1)The International Sewage Pollution Prevention Certificate or, as the case may be, the Indian Sewage Pollution Prevention Certificate shall be issued valid for a maximum period of five years.(2)Notwithstanding anything contained in sub-rule (1), when the renew a survey is completed

-(a) within three months before the expiry date of the existing certificate, the new certificate issued shall be valid from the date of completion of such renewal survey for a period of five years from the date of expiry of the existing certificate; (b) after the expiry date of the existing certificate, the new certificate issued shall be valid from the date of completion of such renewal survey for a period of five years from the date of expiry of the existing certificate;(c)more than three months before the expiry date of the existing certificate, the new certificate issued shall be valid from the date of completion of the renewal survey for a period of five years from the date of completion of such renewal survey.(3)If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Central Government may endorse the existing certificate and such certificate shall be accepted as valid for a further period of five months from the expiry date.(4) If, at a time when the Certificate expires, a ship is not in the port in which it is to be surveyed, or in such other cases as it deems proper and reasonable so to do, the Central Government may, extend the period of validity of the certificate: Provided that such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed: Provided further that such extension shall not be granted for a period longer than three months: Provided also that a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled to leave that port without having a new Certificate and such new Certificate issued after the renewal survey is completed, shall be valid for a period of five years from the date of expiry of the existing Certificate before the extension was granted.(5)Where a certificate issued to a ship engaged on short voyages has not been extended under the provisions of sub-rule (4), the Central Government may extend the period of grace upto one month from the date of its expiry and the new certificate issued after the renewal survey is completed shall be valid for a period of five years from the date of expiry of the existing certificate before the extension was granted.(6)Under such special circumstances as may be determined by the Central Government, the new certificate shall be issued for a period of five years from the date of completion of the renewal survey and not from the date of expiry of the existing certificate as provided in clause (b) of sub-rule (2), sub-rule (4) and sub-rule (5).(7)A certificate issued under rules 5 or 6 shall cease to be valid in the following cases, namely:(a)where the surveys specified under sub-rule (1) of rule 4 has not been completed within the period specified thereunder; or(b)upon a transfer of the ship to the flag of another State Party:Provided that no new certificate shall be issued by any Government required to do so unless it is fully satisfied that the ship is in full compliance of the requirements of sub-rules (7) and (8) of rule 4; Provided further that in the case of a transfer between State Parties, if a request is made in three months after such transfer has taken place, the Government of the State Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Central Government copies of the certificate carried by the ship before such transfer and copies of survey reports, if available.

## 9. Sewage system.

- Every ship specified in rule 3 which is under obligation to comply with the provisions of these rules shall be equipped with one of the following sewage systems, namely :-(a)a sewage treatment plant, of the type approved by the Central Government, after taking into consideration the standards and test methods developed by the International Maritime Organisation; or(b)a sewage commuting and disinfecting system, approved by the Central Government:Provided that such system shall be fitted

with such facilities for temporary storage of sewage when the ship is less than three nautical miles from the nearest land; or(c)a holding tank of such capacity as may be specified by the Central Government, for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors: Provided that such holding tank shall be constructed in such manner as may be specified by the Central Government and shall have means to indicate visually the amount of its contents.

### 10. Standard discharge connection.

(1)To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection, in accordance with the following, namely:-TableStandard dimensions of flanges for discharge connections

Description Dimension Outside diameter 210 mm

Inner diameter According to pipe outside diameter

Bolt circle diameter 170 mm

4 holes, 18 mm in diameter, equidistantly placed on a bolt circle of the

Slots in flange above diameter, slotted to the flangeperiphery with the slot width of 18

mm

Flange thickness 16 mm

Bolts and nuts: quantity

4, each of 16 mm in diameter and of suitable length and diameter:

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face and this flange, together with a suitable gasket, shall be suitable for a service pressure of 600 kPa: Provided that for ships having a moulded depth of 5 m and less, the inner diameter of the discharge connection may be 38 mm.(2) For ships in dedicated trades, i.e., passenger ferries, its discharge pipeline may, alternatively, be fitted with a discharge connection such as quick connection couplings, with the approval of the Central Government.

# 11. Discharge of sewage.

(1) Subject to the provisions of rule 3, the discharge of sewage into the sea is prohibited, except under the following circumstances, namely ;-(a)the ship is discharging comminuted and disinfected sewage using such system as specified under clause (b) of rule 9 at a distance of more than three nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than twelve nautical miles from the nearest land; Provided that the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than four knots: Provided further that the rate of discharge shall be approved by the Central Government, on the basis of standards developed by the International Maritime Organisation; or(b)the ship has in operation the sewage treatment plant to

meet the operational requirements as specified under clause (a) of rule 9 and -(i)the test results of the plant are laid down in the ship's International Sewage Pollution Prevention Certificate; and(ii)the effluent shall not produce visible floating solids nor cause discolouration of the surrounding water.(2)When the sewage is mixed with wastes or waste water, the provisions of the Convention applicable to other wastes other than sewage shall also be complied with, in addition to the requirements of these rules.

# 12. Reception facilities.

- The Central Government shall ensure the provision of facilities at the ports and terminals for the reception of sewage without causing undue delay to ships, in accordance with the provisions of section 356-I.

# 13. Control on operational requirement.

(1)During inspection of a foreign ship in Indian port under section 356G, the surveyor, or as the case may be, any other person authorised thereunder, has clear grounds to believe that the master or crew of that ship are not familiar with operational requirements and procedures relating to the prevention of pollution by sewage, the Director-General or any officer authorised by him, shall, on the recommendation of the surveyor or the authorised person, take such steps as provided in section 356H.(2)Nothing in this rule shall be construed to limit the rights and obligations of the Central Government carrying out control over operational requirements specifically provided for in the Convention.

#### 14. Fees.

- The fee as specified in the Schedule shall be levied for the purposes of conducting surveys under these rules.

### 15. Penalty.

- Whoever contravenes any of the provisions of these rules	shall be punished with fine in accordance
with the provisions of clause (b) of sub-section (2) of section	on 458.Form-I(See rule 7)International
Sewage Pollution Prevention CertificateIssued under the pa	rovisions of the International Convention
for the Prevention of Pollution from Ships, 1973, as modified	ed by the Protocol of 1978 relating
thereto, as amended (hereinafter referred to as "the Conver	ntion"), under the authority of the
Government of	
India.by	(full designation
of the competent person or organization authorized under	the provisions of the
Convention)Particulars of ship1Name of ship	
	Distinctive number or letters
Port o	of
registry	Gross

tonnage	Number of persons
which the ship is certified to carry	_
ship*Date on which keel was laid or ship was at a similar stage of date on which work for a conversion or an alteration or modificate commencedThis Is To Certify:	f construction or, where applicable,
1. That the ship is equipped with a sewage treatment plant/comminuter/holding tank* and a discharge pregulations 9 and 10 of Annex IV of the Convention	ipeline in compliance with
1.1Description of the sewage treatment plant:Type of sewage treatment plantName of	atment
manufacturer	For in resolution MEPC.2
of manufacturerStandard of sedisinfection1.3Description of holding tank :Totankm3Location	tal capacity of the holding
2. That the ship has been surveyed in accordance IV of the Convention.	with regulation 4 of Annex
3. That the survey shows that the structure, equiparrangements and material of the ship and the correspects satisfactory and that the ship complies we requirements of Annex IV of the Convention.	ndition thereof are in all
This Certificate is valid until3 subject to see regulation 4 of Annex IV of the Convention.Completion date of see based:	•
Certificate)(dd/mm/yyyy)	riate)Endorsement to extend the iesThe ship complies with the
(dd/mm/yyyy):	y has been completed and

Certificate shall, in accordance with re	egulation 8.4 of Annex IV of t	the Convention, be accepted as		
valid until (dd/mm/yyyy):	Signed:	(Signature of		
authorized official)Place:	Date (dd/mm/	yyyy):(Seal or stamp		
of the authority, as appropriate)Endor	rsement to extend the validity	y of the Certificate until reaching		
the port of survey or for a period of gra	ace where regulation 8.5 or 8	3.6 appliesThis certificate shall, in		
accordance with regulation 8.5 or 8.6* of Annex IV of the Convention, be accepted as valid until				
(dd/mm/yyyy)	Signed:	(Signature of authorized		
official)Place:	Date (dd/mm/yyyy):	(Seal or stamp of the		
authority, as appropriate)*Delete as a	ppropriate			

- 1. Alternatively, the particulars of the ship may be placed horizontally in boxes.
- 2. Refer to the IMO Ship Identification Number scheme adopted by the Organization by resolution A.600 (15)
- 3. Insert the date of expiry as specified by the Central Government in accordance with regulation 8.1 of Annex IV of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation 1.8 of Annex IV of the Convention.

Form-II(See rule 7)Indian Sewage Pollution Prevention CertificateIssued under the provisions of the
Merchant Shipping (Prevention of Pollution by Sewage from Ships) Rules, 2009, under the
authority of the Government of India and in respect to the provisions of Annex IV of the
International Convention for the Prevention of Pollution from Ships, 1973, as modified by the
Protocol of 1978 relating thereto, as amended (hereinafter referred to as "the
Convention").by(full designation of the
competent person or organization authorized under the provisions of the Paragraphs.)Particulars of
ship1Name of ShipDistinctive
number of letterPort of registry
Gross
tonnageNumber of persons which
the ship is certified to carryIMO Number2New/existing ship*Date on which
keel was laid or ship was at a similar stage of construction or, where applicable, date on which work
for a conversion or an alteration or modification of a major character was
commencedThis Is To Certify :

1. That the ship is equipped with a sewage treatment plant/comminuter/holding tank and a discharge pipeline in compliance with regulations 9 and 10 of Annex IV of the Convention as follows:

1.1Description of the sewage treatment plant:Type	e of sewage treatment	
plantName of manufactor	ırerThe sewage	
treatment plant is certified by the Central Govern	ment to meet the effluent standards as provided	
for in resolution MEPC.2 (VI).1.2Description of co	omminuter:Type of	
comminuter	Name of	
manufacturer	Standard of sewage after	
disinfection1.3Description of	holding tank :Total capacity of the holding tank	
m3Location	1.4A pipeline for the	
discharge of sewage to a reception facility, fitted with a standard shore connection		

- 2. That the ship has been surveyed in accordance with regulation 4 of Annex IV of the Convention.
- 3. That the survey shows that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex IV of the Convention.

This Certificate is valid until2 subject to surveys in accordance with regulation 4 of Annex IV
of the Convention.Completion date of survey on which this Certificateis based:
dd/mm/yyyyIssued at
(Place of issue of
Certificate)(dd/mm/yyyy)(Date of
issue)(Signature of authorized official issuing the
Certificate)(Seal or stamp of the authority, as appropriate)Endorsement to extend the Certificate if
valid for less than 5 years where regulation 8.3 appliesThe ship complies with the relevant
provisions of the Convention, and this Certificate shall, in accordance with regulation 8.3 of Annex
IV of the Convention, be accepted as valid until
(dd/mm/yyyy):Signed:(Signature of authorized
official)Place:Date (dd/mm/yyyy):(Seal or stamp of the
authority, as appropriate)Endorsement where the renewal survey has been completed and
regulation 8.4 appliesThe ship complies with the relevant provisions of the Convention, and this
Certificate shall, in accordance with regulation 8.4 of Annex IV of the Convention, be accepted as
valid until (dd/mm/yyyy):Signed:(Signature of
authorized official)Place:Date
(dd/mm/yyyy):(Seal or stamp of the authority, as
appropriate)Endorsement to extend the validity of the Certificate until reaching the port of survey or
for a period of grace where regulation 8.5 or 8.6 appliesThis certificate shall, in accordance with
regulation 8.5 or 8.6* of Paragraph IV of the Convention, be accepted as valid until
(dd/mm/yyyy)Signed:(Signature of authorized
official)Place:
authority, as appropriate)*Delete as appropriate

- 1. Alternatively the particulars of the ship may be placed horizontally in boxes.
- 2. Refer to the IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15).
- 3. Insert the date of expiry as specified, by the Central Government in accordance with regulation 8.1 of Annex IV of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation 1.8 of Annex IV of the Convention.

# **Schedule**

(See rule 14)Fee for surveys conducted for issuing an International Sewage Pollution Prevention Certificate/Indian Sewage Pollution Prevention Certificate.

#### **Purposes**

1. Gross Tonnage of Ship up to

500 tons

Initial Survey Rs. 4,000 Renewal Survey Rs. 3,000 Additional Survey Rs. 3,000

2. Gross Tonnage of Ship 501 to

19,999 tons

Initial Survey Rs. 10,000
Renewal Survey Rs. 5,000
Additional Survey Rs. 5,000

3. Gross Tonnage of Ship 20,000

to 29,999 tons

Initial Survey Rs. 15,000 Renewal Survey Rs. 10,000 Additional Survey Rs. 10,000

4. Gross Tonnage of Ship 30,000

to 49,999 tons

Initial Survey Rs. 20,000 Renewal Survey Rs. 15,000 Additional Survey Rs. 15,000

5. Gross Tonnage of Ship 50,000

to 99,999 tons

**Initial Survey** Rs. 25,000 Renewal Survey Rs. 20,000 **Additional Survey** Rs. 20,000

6. Gross Tonnage of Ship-Above

1,00,000 tons

**Initial Survey** Rs. 30,000 Renewal Survey Rs. 25,000 Additional Survey Rs. 25,000

Sundays, holidays and for all the items of surveys for which no fees has overtimefees

beenprescribed, the fee shall be as follows:-

Rs. Overtime (Before 9.30 a.m. or after 6.00 p.m.) 1,000

Rs. Holidays fees

3,000