

Thursday,
9th February, 1882

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWs AND REGULATIONS

Vol. XXI

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ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1882.

VOL. XXI.

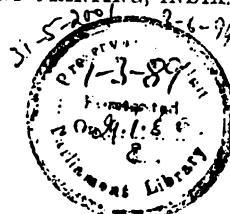
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1883.



*Abstract of the Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the
provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House on Thursday, the 9th February, 1882.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,
G.M.I.E., *presiding.*

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

The Hon'ble Whitley Stokes, C.S.I., C.I.E.

The Hon'ble Rivers Thompson, C.S.I., C.I.E.

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Major-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.

The Hon'ble L. Forbes.

The Hon'ble C. H. T. Crosthwaite.

The Hon'ble A. B. Inglis.

The Hon'ble Rájá Siva Prasád, C.S.I.

The Hon'ble W. C. Plowden.

The Hon'ble W. W. Hunter, C.I.E., LL.D.

The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.

The Hon'ble Durgá Charan Láhá.

The Hon'ble H. J. Reynolds.

INDIAN PAPER CURRENCY ACT AMENDMENT BILL.

The Hon'ble MR. STOKES presented the Report of the Select Committee on
the Bill to amend the Indian Paper Currency Act, 1871.

BRITISH BURMA STEAM-BOILERS BILL.

The Hon'ble MR. STOKES also moved for leave to introduce a Bill to pro-
vide for the inspection of Steam-boilers and Prime-movers in the towns of
Rangoon, Maulmain, Akyab and Bassein, in British Burma. He said that
the recent increase in the use of steam-power in British Burma for rice-mills,
sawing timber and other purposes was considerable, and would probably con-
tinue. Where the steam-engines were under the control of competent Euro-
pean workmen, there was not much danger of accidents ; but, in Rangoon and
other towns in Burma, steam-engines were sometimes placed in charge of

persons who had no knowledge of steam or the steam-engine. Unless, while working, they were tended by skilled workmen, boilers and prime-movers were liable to speedy decay through wear and tear and neglect, and became dangerous. There was also danger from repairs to boilers and prime-movers being executed by unskilled workmen.

At present, the Government had no power of ascertaining that proper precautions were taken to prevent accidents, and it was obviously desirable, in the interests of workmen and others employed in connection with steam-engines, that such power should be given. The Bill which he now asked leave to introduce had accordingly been prepared on the lines of Bengal Act No. III of 1879, which provided for the periodical inspection of steam-boilers and prime-movers in the town and suburbs of Calcutta and in Howrah. It empowered the Local Government to appoint an inspector to examine boilers and prime-movers and to grant certificates authorizing their use, and it prohibited the use of boilers and prime-movers for which certificates had not been granted. The Bill also gave power to the Local Government to provide for the examination of, and the grant of certificates to, engineers, and to determine the qualifications necessary to entitle an engineer to a certificate as a first class engineer. Where boilers and prime-movers were in charge of a first class engineer, the Bill provided that he might be appointed inspector of such boilers and prime-movers, which would not in that case be liable to any other inspection.

The Motion was put and agreed to.

BRITISH BURMA PILOTS BILL.

The Hon'ble Mr. Stokes also moved for leave to introduce a Bill to provide for the inquiry into, and trial of, charges of misconduct and incompetency of Pilots in British Burma. He said that the Pilot Rules at present in force at the ports of British Burma had not the force of law. So far as they related merely to the appointment and duties of pilots, the want of legal sanction did not appear to be of importance, as these matters could be arranged for executively. The rules, however, provided also for the holding of Courts for the trial and punishment of pilots guilty of misconduct in the performance of their duties, and, in so far as they related to such matters, required something more than the authority of mere executive orders for their due enforcement. At Calcutta, where the subject of the appointment and duties of pilots had, as in Burma, been provided for executively, the subject of the trial and punishment of pilots had been dealt with by the legislature in a special Act (XII of 1859). It seemed desirable that in Burma, also, this subject should be similarly dealt with.

The present Bill had, therefore, been prepared. It had been drawn generally on the lines of Act No. XII of 1859. It provided for the holding of investigations into charges of misconduct on the part of pilots. The constitution of the Courts of Enquiry, and the manner of selecting the members, were duly provided for, and power was given to the Chief Commissioner to make rules for conducting the proceedings. The authority of the Courts and the confirmation required for their findings and orders were also suitably defined. The Bill also prohibited any person from acting as a pilot in any port in British Burma, or in any navigable river or channel leading to any such port, unless he held a license to act as a pilot granted by the Chief Commissioner. This seemed desirable, as, under the present law, there was nothing to prevent a person from acting as a pilot without a license, except in ports to which section 38 of the Indian Ports Act, 1875, had been specially extended.

The Motion was put and agreed to.

INDIAN RAILWAY ACT AMENDMENT BILL.

The Hon'ble MR. STOKES then moved for leave to introduce a Bill to amend the Indian Railway Act, 1879. He said that the object of this Bill was to make one or two amendments of the Indian Railway Act, 1879, which the experience of the last three years had shown to be desirable.

Section 5 of the Act, as it stood at present, did not show as clearly as it should that the sanction of the Governor General in Council was necessary before any railway or portion or extension of, or addition to, a railway was opened for the public conveyance of passengers. To remedy this defect, the section had been recast by the Bill, which made it clear that the Government Inspector had of himself authority only to inspect and report on the line for the orders of the Governor General in Council. In order, however, to prevent inconvenience in special cases, an addition had been made to the section, enabling the Governor General in Council to delegate to the inspecting officer in special cases the power of sanctioning the opening of a railway conferred on the Governor General in Council by the section.

The Act did not now empower the Governor General in Council to inspect a line after it had once been opened for the public conveyance of passengers. At present, the absence of such a power was not of much importance, as the Government had full right under its contracts with the various Railway Companies to make what inspections it liked; but, if private enterprise hereafter started railways independent of Government, it might be seriously inconvenient to be unable to inspect such lines and ascertain whether they were being

maintained in a safe and efficient state. Certain provisions had, therefore, been inserted after section 5 of the Act, which empowered Government to cause a line to be inspected by an officer to be appointed for the purpose, defined his powers for the purpose of such inspection, authorized the Government to close any line reported not to be in a safe state for the public conveyance of passengers, and provided for the re-opening of such line only after its opening had been declared to be possible without danger to the public. An addition had also been made to section 21, imposing a penalty on any Railway Administration which did not close a railway in compliance with an order by Government to that effect, or re-opened a railway which had been closed without the sanction of Government.

Lastly, the Act, as it stood at present, did not empower Railway Administrations to impose fines by their bye-laws on their servants who might be guilty of breach of duty. This power was essential for the enforcement and maintenance of discipline on railways, and the Bill (here following the English Companies Clauses Act, 1845, sections 125, 126) conferred the requisite authority. The fines would not exceed Rs. 50, and would be recoverable only before a Presidency Magistrate or a Magistrate with powers not less than those of a Magistrate of the second class.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 16th February, 1882.

CALCUTTA ;
The 9th February, 1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India,
Legislative Department.

NOTE.—The meeting which was originally fixed for Thursday, the 2nd February, 1882, was postponed to Thursday, the 9th February, 1882.