

*Thursday,
6th September, 1894*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXIII

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ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

1894

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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 Indian Councils Acts, 1851 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Viceregal Lodge, Simla, on Thursday, the 6th September, 1894.

PRESENT:

His Excellency the Viceroy and Governor General of India, P.C., LL.D., G.M.S.I., G.M.I.E., *presiding*.

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

The Hon'ble Sir A. E. Miller, K.T., Q.C.

The Hon'ble Lieutenant-General H. Brackenbury, K.C.B., R.A.

The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.

The Hon'ble J. Westland, C.S.I.

The Hon'ble Sir A. P. MacDonnell, K.C.S.I.

The Hon'ble Baba Khem Singh Bedi, C.I.E.

INDIAN ARTICLES OF WAR BILL.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY moved that the Bill to amend the Articles of War for the government of Her Majesty's Indian Forces be referred to a Select Committee consisting of His Excellency the Commander-in-Chief, the Hon'ble Sir Alexander Miller, the Hon'ble Sir Antony MacDonnell and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

REPEALING AND AMENDING (ARMY) BILL.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY also moved for leave to introduce a Bill to amend certain enactments relating to the Army. He said:—"The Madras and Bombay Armies Act which has been passed by Parliament has thrown certain duties, and conferred certain powers, upon the Government of India and the Commander-in-Chief in India which were formerly thrown upon, or exercised by, the Governments of Madras and Bombay and the Commanders-in-Chief of those Presidencies, respectively. It has therefore become necessary to amend certain Acts of the Indian Legislature so as

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[*Lieutenant-General Brackenbury ; Mr. Westland.*] [6TH SEPTEMBER, 1894.]

to bring them into accord with the Madras and Bombay Armies Act ; and the Bill which I beg to move for leave to introduce is for that purpose.

The Motion was put and agreed to.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY also introduced the Bill.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY also moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India and in the local official Gazettes.

The Motion was put and agreed to.

ENGINEERS' CERTIFICATES VALIDATION BILL.

The Hon'ble MR. WESTLAND move for leave to introduce a Bill to validate certain certificates granted to engineers of steam-ships. He said :—
“The Bill which I ask the leave of the Council to introduce has for its object the remedying of a mistake of little more than a technical character.

“Under certain Acts of the Governor of Bombay in Council, certificates of competency, which were styled Indian foreign trade certificates of competency, and which were valid only for Indian waters, were granted, after the necessary examinations, to engineers of steam-vessels in Bombay.

“The law under which these certificates were granted was repealed by the Inland Steam-vessels Act (VI of 1884), and an Act passed at the same time, the Indian Steam-ships Act (VII of 1884), provided a system of examination and a prescribed certificate, which after the date on which the Act came into operation should have taken the place of the examination and certificate of the former Bombay system. This certificate is of a somewhat higher character than the Indian foreign trade certificate of the Bombay system, being valid outside Indian waters and being recognised by the Board of Trade.

“The Bombay authorities, however, failed to observe the repeal of their local Act under which these examinations were held and certificates given, and up till February, 1893, when the fact was brought to their notice, they continued to issue the Indian foreign trade certificates under the supposed authority of the repealed Act. About eighty such certificates have been issued, and under the circumstances explained they have no legal validity.

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"Now, under the Steam-ships Act (VII of 1884), a certificate cannot be granted to a steam-ship unless the surveyor has first found the steam-ship complete in certain particulars, one of which is that the certificates of the engineer are 'such and in such condition as are required by any law for the time being in force and applicable to the steam-ship.' The certificate I refer to being invalid—a certificate of survey—has, strictly speaking, to be refused to a steam-ship if its engineer possesses only this invalid qualification.

"It is considered unfair to the men who hold these invalid certificates to recall them and so deprive the holders of their means of livelihood. It would be unfair to require them at the peril of losing their means of livelihood to qualify by the examination prescribed under the later Act for the higher certificate required under the existing law. Their certificates, though legally invalid, are really evidence of the possession of the necessary qualifications for their present employment within the limits prescribed in them.

"The object of the present law therefore is to declare these certificates to be legal to the same extent as they would be if the law under which they were granted had continued in force up to the time when they were granted. They will not have the greater, or rather wider, validity of certificates under the existing Act."

The Motion was put and agreed to.

The Hon'ble MR. WESTLAND also introduced the Bill.

The Hon'ble MR. WESTLAND also moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India and in the Bombay Government Gazette.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 20th September, 1894.

J. M. MACPHERSON,

SIMLA;	}	<i>Offg. Secretary to the Government of India, Legislative Department.</i>
<i>The 7th September, 1894.</i>		