

Wednesday, 29th August, 1883

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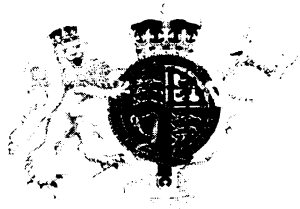
**1883**

**P. L.**

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

**1883**

**VOLUME XXII**



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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 Act of Parliament 24 & 25 Vic., cap. 67.*

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The Council met at Government House, Simla, on Wednesday, the 29th August, 1883.

P R E S E N T :

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

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

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

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

The Hon'ble C. P. Ilbert, C.I.E.

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

The Hon'ble T. C. Hope, C.S.I., C.I.E.

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

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

BURMA PILOTS BILL.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to provide for the grant of licenses to Pilots in British Burma and for investigating certain charges against them be taken into consideration. He said :

“ My Lord, this Bill was introduced by the Hon'ble Mr. Whitley Stokes in March, 1882, and its main object, as explained by him, was to give the force of law to certain rules which, under existing circumstances, rest exclusively on the authority of executive orders. It provided, amongst other things, for constituting special Courts of Inquiry for investigating charges against pilots. When I took up the Bill I felt some doubts whether it had been drawn up on the most appropriate lines, and it appeared to me that some of its provisions were open to rather serious objections. For instance, every charge against a pilot, however simple, had to be sent for trial before an elaborately and expensively constituted Court, including in its number assessors drawn from various classes of experts. Now, a Court of this kind is probably necessary for investigating charges which cannot be properly investigated except by persons possessing nautical or other special knowledge; but it would be absurd to summon such a Court to consider whether a pilot was or was not drunk on some particular day. Again, the Bill covered part of the same ground which is occupied by the

Merchant Shipping Acts, and Hon'ble Members will remember that our latest Merchant Shipping Act, which is modelled on a corresponding English Statute, provides for the holding of Courts of Inquiry to investigate shipping casualties, and enables those Courts to try charges preferred against masters, mates and engineers in connection with those casualties. The result would be that there might be sitting at the same time, at the same place, and in connection with the same casualty, two separate and independent Courts—one constituted under the Merchant Shipping Act and investigating a charge against the master of a ship, and the other constituted under the Pilots Act and investigating a charge against the pilot. Furthermore, I could not help thinking that there was a good deal of force in the objection taken by two of the Burma pilots, namely, that the power given to the Chief Commissioner to dismiss, suspend and degrade was somewhat arbitrary. I agree with them in thinking that this power should not be exercised without some preliminary judicial investigation. Lastly, it seemed to me worth while enquiring whether any special Act was necessary for British Burma at all, and whether the objects of the Bill might not appropriately be met by an amendment of the Merchant Shipping Act and the Indian Ports Act. We referred this point to the maritime Local Governments, but were satisfied with the replies we received that whilst special legislation is necessary for British Burma, yet the difficulty which this Bill was intended to meet is either not likely to arise in other parts of British India, or could be more suitably dealt with under the provisions of the existing law.

“This being so, we determined to proceed with the Bill, but to amend it in such a way as to remove the objections to which I have referred. The Bill in its present form provides for the grant of licenses to pilots, and enables the Chief Commissioner to make rules regulating the conduct of licensed pilots. Breach of these rules is punishable by fine or imprisonment. If a pilot is charged with an offence of a simple nature, such as drunkenness or refusing to take charge of such a ship, he goes before the ordinary Courts, and is dealt with in the ordinary way. If, on the other hand, the Local Government thinks there are grounds for charging him with incompetency or misconduct in the discharge of his duties as pilot, or with a breach of rules made under the Act, and that the charge is of such a nature that it cannot be satisfactorily investigated by an ordinary Court, provision is made for summoning a special Court with duly qualified assessors. This Court will submit their report to the Chief Commissioner, but will have no power to punish. With the Chief Commissioner will rest the power to dismiss, suspend or degrade a pilot in the following cases:—

- (a) if the pilot is found guilty by a Criminal Court of any offence punishable under the rules, or of any other offence the commission of which, in the opinion of the Chief Commissioner, shows him to be unfit to discharge the duties of a pilot; or

“(b) if, on considering a report submitted by a special Court under the Act, or transmitted under section 17 of the Merchant Shipping Act, 1883, the Chief Commissioner is of opinion that the pilot is incompetent or has been guilty of any misconduct in the discharge of his duty as pilot or of any breach of a rule under section 5.

“It will be observed that it is proposed to empower the Chief Commissioner to act on the report of an investigation into a casualty under the Merchant Shipping Act; and I presume that, in cases in which the pilot has been allowed a full opportunity of defending himself in the course of such an investigation the Chief Commissioner would act on that report and dispense with any special enquiry under the Pilots Act. But the Committee have suggested—and I should like to emphasise the suggestion—that, for the purpose of facilitating this proceeding and preventing the necessity for summoning two Courts, it is very desirable to amend the Merchant Shipping Act in such a way as to enable a Court of Inquiry held under that Act to formulate and try a charge against a pilot in somewhat the same manner as it can formulate and try a charge against a master, mate or engineer.”

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### UNIVERSITIES DEGREES BILL.

The Hon'ble MR. ILBERT also moved that the Bill to authorize the Universities of Calcutta, Madras and Bombay to grant certain honorary degrees be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs and Reynolds and the Mover. He said:—

“This Bill was introduced by the Hon'ble Mr. Gibbs last February, and the only order passed upon it was that it should be published in the official Gazettes. On looking into the papers, however, it seemed desirable to make one or two minor amendments which could be more conveniently dealt with by a Select Committee. But no action will be taken upon the Bill until Mr. Gibbs returns”

The Motion was put and agreed to.

#### MÚLTÁN DISTRICT LAWS BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to declare the law in force in certain lands which have been, or hereafter may be, ceded by the Baháwálpür State for occupation by the Indus Valley State Railway. He said that, under an existing Act (Act X of 1880), the law in force in the Múltán District was declared to be in force in certain lands which had been

before the passing of that Act ceded for the purpose of the Indus Valley State Railway and annexed to the Múltán District. Since the passing of the Act of 1880 certain other lands had been ceded for the same purpose and annexed to Múltán and it was obvious that the Act could not apply to them. Under these circumstances, it was thought convenient to repeal the Act and re-enact it in a more general form, so as to declare the law which was to be in force in all lands either already ceded, or hereafter to be ceded, for the purposes of this Railway, and which had been or might be annexed to Múltán or any other district of the Panjáb.

The Motion was put and agreed to.

#### BENGAL TENANCY BILL.

The Hon'ble SIR STEUART BAYLEY moved that the Hon'ble Mr. Hunter be added to the Select Committee on the Bill to amend and consolidate certain enactments relating to the law of Landlord and Tenant within the territories under the administration of the Lieutenant-Governor of Bengal.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 5th September, 1883.

D. FITZPATRICK,

SIMLA;  
 The 31st August, 1883. }

*Secretary to the Government of India,*

*Legislative Department.*