



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
BILLS OF THE GOVERNMENT OF INDIA.

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HOME DEPARTMENT (Legislative).

Fort William, the 21st May 1862.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General in Council:—

A Bill further to Amend Act I. of 1859 (for the amendment of the Law relating to Merchant Seamen).

Whereas the local Governments are empowered under Section LXXXI. of Act I. of 1859 (*for the amendment of the Law relating to Merchant Seamen*) to investigate cases of incompetency and misconduct on the part of Masters and Mates who have obtained certificates of competency of service from such local Governments, and under Section LXXXII. of the said Act, on proof of such misconduct or incompetency, to suspend or cancel such certificates; and it is expedient to extend the power of making such investigation and of suspending such certificates to other Governments than the Governments by which such certificates shall have been granted; It is enacted as follows:—

I. Section LXXXI. of Act I. of 1859 is hereby repealed, and the following Section is enacted in lieu thereof, and shall be read and construed in the same manner as if it formed part of the said Act, namely:—

“If the local Government, on the information of any Shipping Master, or any other ground, has reason to believe that any Master or Mate who has obtained a certificate of competency or service from such Government, or from any other local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation, and may summon the Master or Mate to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and shall, for the purpose of such investigation, have all the powers vested in Magistrates of summoning and examining witnesses, and may make such order with respect to the costs of such investigation as they may deem just, and shall, on the conclusion of the investigation, make a report upon the case to the local Government. If the local Government ordering such investigation shall not be the local Government which granted the certificate held by the Master or Mate whose conduct forms the subject of inquiry, the local Government ordering the investigation shall have power to suspend the certificate held by such Master or Mate on proof that, from incompetency or misconduct, he is unfit to discharge his duties, and shall communicate the result of the investigation to the local Government which granted such certificate.”

STATEMENT OF OBJECTS AND REASONS.

Section LXXXI. Act I. of 1859 (*for the amendment of the Law relating to Merchant Seamen*) empowers any local Government to order an in-

vestigation into the conduct of any Master or Mate to whom such Government may have granted a certificate of competency or service, if it has reason to believe that, either from incompetency or from misconduct, such Master or Mate is unfit to discharge his duties. But, as the law now stands, only the local Government which granted the certificate can order such investigation wherever the misconduct to be inquired into shall have been committed.

An instance has recently occurred showing the practical inconvenience that may result from the retention of this restriction, and the necessity that there appears to be for some modification of the law. The Master of a vessel, holding a certificate from the Government of Bengal, took his vessel to Bombay. A complaint of misconduct having been made against the Master on his arrival at Bombay, the Government of Bombay ordered an investigation under the provisions of Section LXXXI. of the Act above quoted; but being advised that it had no jurisdiction, the Bombay Government refrained from passing any decision in the case.

There appears to be no good reason why, in a case such as that described, the local Government, within whose territories the Master or Mate complained against happens to be at the time the

complaint is preferred, should not be empowered to order an investigation, and upon proof of incompetency or misconduct, showing such Master or Mate to be unfit to discharge his duties, to suspend the certificate held by him, although such certificate may have been granted by some other local Government.

The object of the present Bill is to admit of such investigation being made under the circumstances above stated by any local Government.

The Bill further provides that, when the local Government ordering the investigation shall not be the local Government which granted the certificate held by the Master or Mate whose conduct forms the subject of inquiry, the local Government ordering the investigation shall have power to suspend the certificate held by such Master or Mate on proof that, from incompetency or misconduct, he is unfit to discharge his duties, and shall communicate the result of the investigation to the local Government which granted the certificate.

(Signed) H. B. HARRINGTON.

The 12th May 1862.

M. WYLIE,

Deputy Secy. to the Govt. of India,
Home Department.