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## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 25th August 1886 :—

No. 20 of 1886.

#### THE NATIVE PASSENGER SHIPS BILL, 1886.

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## SCHEDULE.—ENACTMENTS REPEALED.

*A Bill to consolidate and amend the law relating to Native Passenger Ships.*

WHEREAS it is expedient to consolidate and amend the law relating to native passenger ships; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. This Act may be called the Native Passenger Ships Act, 1886.

Extent and application.

2. (1) It extends to the whole of British India, and applies—

- (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;
- (b) to all native Indian subjects of Her Majesty without and beyond British India; and,

(c) subject to the exceptions mentioned in sub-section (2), to vessels carrying more than thirty passengers being natives of Asia or Africa.

(2) But it does not apply—

- (i) to any ship-of-war or transport belonging to, or in the service of, Her Majesty, or
- (ii) to any ship-of-war belonging to any Foreign Prince or State, or
- (iii) to any sailing-vessel not carrying as passengers more than thirty natives of Asia or Africa, or
- (iv) to any steamer not carrying as passengers more than sixty such natives, or
- (v) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India:

Provided, with respect to clauses (iii) and (iv) of this sub-section, that the Local Government may, with the previous sanction of the Governor-General in Council, declare all or any of the provisions of this Act to apply to sailing vessels, or any class of sailing-vessels, carrying as passengers more than fifteen natives of Asia or Africa, and to steamers, or any class of steamers, carrying as passengers more than 13 such natives. [New.]

3. This Act shall come into force on such day as the Governor-General in Council, by notification in the *Gazette of India* appoints. [Act VIII, 1876, s. 3.]

## Commencement.

in the *Gazette of India* appoints.

4. (1) On and from that day the enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column thereof. [Act VIII, 1876, s. 4.]

## Repeal.

to this Act shall be repealed to the extent specified in the third column thereof.

(2) But all ports, places and officers appointed, rules, declarations and exemptions made, bonds executed, directions given and certificates granted under any of those enactments shall, so far as may be, be deemed to be respectively appointed, made, executed, given and granted under this Act; and

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof. [Act VIII, 1876, s. 5.]

5. In this Act, unless there is something repugnant in the subject or context,—

## Definitions.

(1) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace and, at the Port of Aden, the Resident or an Assistant Resident:

(2) "ship" includes every description of vessel used in navigation not propelled by oars:

(3) "master" includes every person (other than a pilot) having command or charge of a ship:

(4) "passenger" means a person above the age of 12 years, or two persons between the ages of one year and twelve years; but it does not include either a person in attendance on another person who is not a native of Asia or Africa, or a child under one year of age:

*The Native Passenger Ships Bill, 1886.*  
(Chapter II.—Rules for all Voyages.—Sections 6-13).

(5) "voyage" means the whole distance between the ship's port of departure and her final port of arrival :

(6) "long voyage" means any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port :

(7) "short voyage" means any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port :

*Illustration.*

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days : but she is to touch at four intermediate ports, no one of which is in ordinary circumstances more than five days from the next one. This is a short voyage.

(8) "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

## CHAPTER II.

### RULES FOR ALL VOYAGES.

[Act VIII, 1876, s. 6.] 6. (1) A ship carrying passengers shall not depart or proceed from, or discharge passengers at, any port or place within British India other than a port or place appointed in this behalf by the Local Government.

(2) After a ship has departed or proceeded upon a voyage from a port or place so appointed, a person shall not be received on board as a passenger except at some other port or place so appointed.

[Act VIII, 1876, s. 7.] 7. (1) The master, owner or agent of a ship so departing or proceeding shall give notice to an officer authorised in this behalf by the Local Government that the ship is to carry native passengers, and of her destination, and of the proposed time of sailing.

(2) The notice shall be given not less than twenty-four hours before that time.

[Act VIII, 1876, s. 8.] 8. After receiving the notice, the officer aforesaid, or a person authorised by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

[Act VIII, 1876, s. 9.] 9. (1) A ship intended to carry passengers shall not commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(2) The officer of the Government whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

10. The first of the certificates (hereinafter [Act VIII, 1876, s. 10.] called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of passengers which she is capable of carrying.

11. The second of the certificates (hereinafter [Act VIII, 1876, s. 11.] called "certificate B") shall state—

(a) the voyage which the ship is to make and the intermediate ports, if any, at which she is to touch ;

(b) that she has the proper complement of officers and seamen ;

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules ;

(d) that the master holds certificate A ;

(e) if the ship is to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

(f) if she is to sail to any port in the Red Sea, [Act XVII, 1883, s. 2.] that she is propelled principally by steam and, if she is to carry more than one hundred passengers being natives of Asia or Africa, that she has on board a medical officer licensed in accordance with the rules under this Act ; and

(g) such other particulars, if any, as may be prescribed by those rules.

12. The person by whom certificate A and certificate B are to be granted [Act VIII, 1876, s. 12.] shall be the officer referred to in section 7.

13. Where the master of a ship produces to [Act VIII, 1876, s. 13.] that officer either of the following certificates, namely—

(a) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(b) a certificate granted under the authority of a British Indian Government on a date not more than one year before the proposed day of sailing and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed,

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

[New.]

[Act VII, 1884, s. 41.]

*The Native Passenger Ships Bill, 1886.*  
 (Chapter II.—Rules for all Voyages.—Sections 14-17—Chapter III.—Rules for short Voyages—Sections 18-19.)

[Act VIII, 1876, s. 14.]

**14. (1)** After receiving the notice required by section 7, the officer aforesaid may, if he thinks fit, Survey of ship. cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the voyage which she is to make :

Provided that he shall not cause a ship holding a certificate mentioned in section 13, clause (a) or clause (b), to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the voyage.

(2) If the officer aforesaid causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted and ventilated for the voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted, or ventilated for the voyage, the expense of the survey shall be paid by the Local Government.

[Act VIII, 1876, s. 15.]

**15. (1)** The officer authorized to grant a certificate under this Act in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the passengers.

(2) but save as aforesaid, and subject to the provisions of sub-section (3), it shall be in the discretion of the officer aforesaid to grant or withhold a certificate under this Act.

(3) In the exercise of that discretion that officer shall be subject to the control of the Local Government, and of any intermediate authority which that Government appoints in this behalf.

[Act VIII, 1876, s. 16.]

**16.** The master or owner shall post up in a conspicuous part of the ship, Copy of certificates to be exhibited. so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Act in respect of the ship, and shall keep those copies so posted up in that part during the voyage.

[Act VIII, 1876, s. 18, amended.]

**17.** If an officer appointed in this behalf by the Local Government is satisfied that a passenger has brought on board a ship for his own use provisions of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, apply so far as regards the supply of provisions for that passenger.

CHAPTER III.

RULES FOR SHORT VOYAGES.

**18. (1)** For seasons of fair weather, a ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger, and six superficial feet available for each upper-deck passenger.

(2) For seasons of foul weather, a ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each passenger and twelve superficial feet available for each upper-deck passenger.

(3) For seasons of foul weather, a ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

(4) But in seasons of foul weather a ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

**19.** If a ship performing a short voyage takes additional passengers on board at an intermediate port or place, the master shall obtain a supplementary certificate from the proper officer at that port, stating—

(a) the number of passengers so taken on board; and

(b) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules :

Provided that, if the certificate B held by the master of the ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply

*The Native Passenger Ships Bill, 1886.*  
(Chapter III.—Rules for short Voyages—Section 20.—Chapter IV.—Rules for long Voyages—Sections 21-29.)

the full number of passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate.

[Act VIII, 1876, s. 21.] 20. When the ship reaches her final port of arrival, the master shall notify, to such officer as the Governor-General in Council appoints in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

#### CHAPTER IV.

##### RULES FOR LONG VOYAGES.

[Act VIII, 1876, s. 22.] 21. (1) A ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

(2) A ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

[Act VIII, 1876, s. 23.] 22. The master of a ship departing or proceeding on a long voyage from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the passengers and the number of the crew, and shall deliver them to the officer appointed under section 20, who shall thereupon, after having first satisfied himself that the numbers are correct countersign and return to the master one of the statements.

[Act VIII, 1876, s. 24.] 23. The master shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it is a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

[Act VIII, 1876, s. 25.] 24. (1) In either of the following cases, namely,—

- (a) if, after the ship has departed or proceeded on a long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers, or
- (b) If the ship upon her voyage touches or arrives at any such port, having previously received on board additional passengers at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the proper officer at that port, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

(2) All the foregoing provisions of this Act in that behalf shall be applicable to any certificate granted or statement made under this section.

25. In the case of a ship sailing from any port in British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant the clearance unless and until the master, owner or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of Rs. 5,000, conditioned—

- (a) that the ship shall touch at Aden on the outward voyage and their obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers; and
- (b) that the master and medical officer (if any) of the ship shall comply with on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships sailing between ports in British India and ports in the Red Sea as the Governor-General in Council may make under this Act.

26. A ship carrying more than sixty passengers being natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea, or from any port in the Red Sea to any port in British India, shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

27. The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board the ship.

28. A ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers being natives of Asia or Africa shall have on board a medical officer licensed in accordance with the rules under this Act.

29. A ship sailing from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

*The Native Passenger Ships Bill, 1886.*  
(Chapter IV.—Rules for long Voyages—Section 30.—Chapter V.—  
Penalties—Sections 31-38.)

[Act XVII,  
1883, s. 6.]

**30.** (1) The Local Government may direct that no passenger shall be received on board any ship or any ship of a specified class sailing from any port in British India to any port in the Red Sea unless and until the passenger has been inspected, at such time and place as the Local Government may fix in this behalf, by a medical officer to be appointed by the Government for the purpose.

(2) If, in the opinion of the officer making an inspection under this section a passenger is suffering from any dangerously infectious or contagious disease, the passenger shall not be permitted to embark.

CHAPTER V.  
PENALTIES.

Act VIII,  
1876, s. 29.]

**31.** If a ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 6, sub-section (1), or section 9, or if a person is received as a passenger on board a ship in contravention of the provisions of section 6, sub-section (2), the master or owner shall, for every passenger conveyed in the ship, or for every passenger so discharged or received on board, be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

[Act VIII,  
1876, s. 30.]

**32.** If a person impedes or refuses to allow the entry or inspection authorized under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

[Act VIII,  
1876, s. 31.]

**33.** If a master or owner wilfully fails to comply with the requirements of section 16 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

[Act VIII,  
1876, s. 32.]

**34.** If a master fails to comply with any of the requirements of section 22 or section 23, as to the statement of passengers, or wilfully makes any false entry or note in or on any such statement, or wilfully fails to obtain any such supplementary certificate as is mention-

ed in section 19, or to report deaths as required by section 20, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

**35.** If a master, after having obtained any of the certificates mentioned in section 9, section 19 or section 24, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

**36.** If a master wilfully, and without satisfactory excuse, omits to supply to any passenger the allowance of food, fuel and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

**37.** If the master of a ship to which section 26 applies wilfully fails to touch at Aden, or leaves that port without having obtained a bill of health under that section, he shall for every such offence, be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

**38.** (1) If a ship has on board a number of passengers which, regard being had to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, on arriving from a port where a certificate could not be procured, has on board a number of passengers exceeding the number allowed by this Act for the ship, the master and owner shall, for every passenger over and above the number allowed by the certificate or by this Act, as the case may be, be each punished with fine which may extend to twenty rupees, and the master shall further be liable for each of the passengers over and above that number to imprisonment for a term which may extend to one week:

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(2) Any officer authorized in this behalf by the Local Government may cause all passengers over and above the number allowed by the certificate or by this Act, as the case may be, to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the master or owner of the ship as if the cost was a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

[Act VIII,  
1876, s. 33.]

[Act VIII,  
1876, s. 34.]

[Act VIII,  
1876, s. 35.]

*The Native Passenger Ships Bill, 1886.*  
(Chapter V.—Penalties—Sections 39-50).

[Act VIII,  
1876, s. 37.]

39. If a ship bringing native passengers from any port or place beyond British India, into any port or place in British India, has on board a number of passengers greater either than in the proportion prescribed by section 18 or section 21 or under section 57 (as the case may be) or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every passenger in excess of that proportion or of that number, be each punished with fine which may extend to twenty rupees.

Act VIII,  
1876, s. 38.]

40. If the master of a ship to which this Act applies lands any passenger at a place other than that at which he has contracted to land, the passenger may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

[New.]

41. If a ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers, or assurance to them, with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract, engagement or assurance was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

[Act XVII,  
1883, s. 7.]

42. If the master or medical officer of any such ship as is referred to in section 26 wilfully breaks, or omits or neglects to obey, any rule under this Act applicable to the ship, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

[Act XVII,  
1883, s. 7.]

43. If a ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers has not on board a medical officer as required by section 28, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

[Act XVII,  
1883, s. 7.]

44. If a ship sailing from or to any port in British India to or from any port in the Red Sea is not principally propelled

led by steam, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

45. If the master of a ship to which a direction under section 30 applies knowingly receives on board the ship any person in contravention of that section, he shall be punished with fine which may extend to five hundred rupees for each person so received, or with imprisonment which may extend to three months, or with both.

*Procedure.*

46. (1) Offences against this Act shall be punishable by a Magistrate.

(2) If the person on whom a fine is imposed under this Act is the master or owner of a ship and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

47. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

48. The penalties to which masters and owners of ships are made liable by this Act shall be enforced only on information laid at the instance of the officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

49. A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed or in or towards payment of the expenses of the proceedings.

50. (1) Whenever, in the course of any legal proceeding under this Act, the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

*The Native Passenger Ships Bill, 1886.**(Chapter VI.—Supplemental Provisions—Sections 51-55.)*

Provided that the deposition shall not be admissible unless—

- (a) it is authenticated by the signature of the Justice, Magistrate or consular officer ;
- (b) it was made in the presence of the person accused ; and
- (c) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(2) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

## CHAPTER VI.

## SUPPLEMENTAL PROVISIONS.

[Act VIII, 1876, s. 44.] **51.** (1) The Chief Officer of Customs, or the officer, if any, appointed to ports of embarkation, under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting the ship and the passengers conveyed therein to the officer at the port from which the ship commenced her voyage, and to the officer at any other port within British India where the passengers or any of them embarked.

(2) Any officer appointed under this Act may, at any port or place in British India at which a ship to which this Act applies touches, board the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and other matters have been complied with.

[Act VIII, 1876, s. 45.] **52.** In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as aforesaid or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

[Act VIII, 1876, s. 46.] **53.** (1) The Governor-General in Council may make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters :—

- (a) the scale on which provisions, fuel and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the provisions fuel and water ;
- (b) the medical stores and other appliances and fittings to be provided on board for

maintaining health, cleanliness and decency ;

- (c) the licensing and appointment of medical officers in cases where they are required under this Act to be carried ; [Act XVII, 1883, s. 3.]
- (d) the boats, anchors and cables to be provided on board ;
- (e) the instruments for purposes of navigation to be supplied ;
- (f) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires ;
- (g) the provision of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys ; [New. cf. 39 & 40 Vic., c. 80, s. 21.]
- (h) the functions of the master, medical officer (if any) and other officers of the ship during the voyage ; [Act XVII, 1883, s. 3.]
- (i) the excess of between-decks passengers to the upper deck ; and [Act XVII, 1883, s. 3.]
- (j) generally, to carry out the purposes of this Act.

(2) The Local Government may make rules consistent with this Act to regulate, in the case of any ship or class of ships to which this Act applies, the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Act in that behalf.

(3) In making a rule under this section, the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

**54.** (1) An authority making rules under the last foregoing section shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the Governor-General in Council, by notification in the *Gazette of India*, prescribes.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under the last foregoing section shall not take effect if it is made by the Governor-General in Council until it has been published in the *Gazette of India*, and if it is made by the Local Government until it has been published in the local official Gazette.

(6) The publication in the *Gazette* of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

**55.** The Local Government shall appoint such persons as it thinks fit to exercise and perform [Act VIII, 1876, s. 47.]



*The Native Passenger Ships Bill, 1866.**(Chapter VI.—Supplemental Provisions—Sections 56-59.  
Schedule—Enactments repealed.)*

the powers and duties conferred on and imposed by this Act.

[Act VIII, 1876, s. 48.] **56.** The Governor-General in Council may declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "long voyages," "seasons of fair weather" and "seasons of foul weather," and, for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

[Act VII, 1876, s. 49.] **57.** The Governor-General in Council may by order prescribe, in the case of any ship or class of ships and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be available for passengers; and the order shall override the provisions of sections 18 and 21 so far as they apply to that ship or class of ships.

[Act XVII, 1883, s. 9.] **58.** The Local Government may, with the previous sanction of the Governor-General in Council, for any special reason and

subject to such conditions as it thinks fit, exempt any ship or class of ships from any provision of this Act.

**59.** All powers conferred by this Act may be exercised from time to time as occasion requires.

[New.]

## SCHEDULE.

## ENACTMENTS REPEALED.

(See Section 4.)

Number and year.	Title.	Extent of repeal.
VIII of 1876 ...	Native Passenger Ships Act, 1876.	The whole.
XVIII of 1883 ...	Native Passenger Ships Act, 1883.	The whole.
VII of 1884 ...	Indian Steamships Act, 1884.	Section 41.

## STATEMENTS OF OBJECTS AND REASONS.

The law relating to native passenger ships is contained in three enactments, namely, the Native Passenger Ships Act, VIII of 1876, and the amending Acts, XVII of 1883 and VII of 1884. Further amendments having now become necessary, the opportunity has been taken to consolidate the law in a single measure.

2. The amendments are not numerous and will be noticed in the order in which they occur in the Bill.

- (a) *Section 2.*—The primary object of the proviso to sub-section (2) of this section is to confer on the Government of Bombay the power of having certain small vessels engaged in the pilgrim-trade between Western India and the Hedjaz examined with a view to ascertaining whether or not they are seaworthy.
- (b) *Section 11, clause (c).*—The corresponding section of the Act of 1876 requires certificate B to state that provisions, fuel and pure water sufficient for the voyage have been placed on board. It is now proposed to require the certificate to state that the supply is sufficient not only for the voyage but for any probable period of detention in quarantine. On one occasion at least the Government has had to undertake the maintenance of a shipload of pilgrims whose private stock of provisions had become exhausted.
- (c) *Section 41.*—Cases have occurred in which pilgrims who had engaged their passages on the understanding that they would proceed direct to the Hedjaz have been taken on long coasting voyages. The deception thus practised has caused great hardship, pilgrims very frequently taking their own provisions with them (section 18, Act VIII, 1876) and very rarely taking more than is absolutely necessary for their support on the voyage which they believe themselves to have undertaken.
- (d) *Section 53, sub-section (1), clause (g).*—It is proposed, following section 21 of the English Merchant Shipping Act, 1876, to empower the Governor-General in Council to require native passenger ships to be provided with means for making signals of distress and with life-saving apparatus.
- (e) *Section 53, sub-section (2).*—This sub-section is designed to meet a suggestion made by Mr. T. M. Cook, of the firm of Messrs. Thomas Cook & Son, that the embarkation of pilgrims in the "Roads" at Bombay during the monsoon should be forbidden, and that pilgrim-carrying ships should be required to go into dock for the purpose of receiving their passengers during that season.
- (f) *Section 54.*—This section requires drafts of any rules which it is proposed to make under the Act to be published for the information of the public before the rules are made.

The 25th August 1886.

(Signed) A. COLVIN.

S. HARVEY JAMES,  
Offg. Secretary to the Government of India.