

(Chapter I.—Preliminary.)

ACT NO. VI OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th
February, 1884.)

An Act to amend the law relating to the Survey, and the Examination and Grant of Certificates to Engineers, of Inland Steam-vessels, and to provide for certain other matters relating to those vessels.

WHEREAS it is expedient to amend the law relating to the survey of inland steam-vessels and the examination and grant of certificates to engineers of those vessels ;

And whereas it is also expedient to provide for the grant of certificates to the masters of inland steam-vessels, and for investigations into casualties affecting, and into charges against masters and engineers of, those vessels, and for the protection of passengers and goods carried thereon from danger by fire and for the regulation of the carriage of passengers therein ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Inland Steam-vessels Act, 1884. Short title
and extent.

(2) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort St. George in Council.

(3) But the Governor of Fort St. George in Council may, at any time, by notification in the local official

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official Gazette, extend this Act or any part thereof to the whole or any part of the territories under his administration.

Commence-
ment.

2. (1) This Act shall come into force in the whole of British India, except the territories administered by the Governor of Fort St. George in Council, on such day as the Governor General in Council, by notification in the *Gazette of India*, directs.

(2) If the Governor of Fort St. George in Council extends this Act or any part thereof to the whole or any part of the territories under his administration, the Act or part so extended shall come into force in the local area to which it is so extended on such day as the Governor in Council, by the notification extending the Act or part, directs.

(3) Provided that any notification, rule or appointment may be made under this Act at any time after the passing thereof, but, except in the case of a notification under section sixty-nine, sub-section (2), shall not take effect until the Act or part thereof, under which the notification, rule or appointment is made, comes into force.

Repeal of
enactments.

3. (1) On and from the day on which this Act comes into force, elsewhere than in the territories administered by the Governor of Fort St. George in Council, the Acts mentioned in the first column of the first schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof.

(2) But all proceedings commenced, investigations held, and certificates granted, cancelled or suspended under any of the said Acts shall be deemed to have been respectively commenced, held, granted, cancelled or suspended under this Act or under the Indian Steam-ships Act, 1884, as the case may be.

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(3) For the purposes of the last foregoing sub-section, a certificate granted to the commander of an inland steam-vessel under Bengal Act VII of 1879 (*to provide for the proper management of certain inland steam-vessels*) shall be deemed to be a first-class master's

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master's certificate granted under this Act; and an engineer's certificate, whether of competency or service, granted under any other of the Acts repealed by this Act shall be deemed to be an engineer's certificate granted under this Act or a first-class engineer's certificate granted under the Indian Steam-ships Act, 1884, as the case may be.

4. When in any Act, Regulation or Notification passed or issued before this Act comes into force, reference is made to any Act repealed by this Act, the reference shall, so far as may be practicable, be read as applying to this Act or the Indian Steam-ships Act, 1884, or the corresponding part of this Act or that Act, as the case may be.

Reference to repealed Acts in other Acts, Regulations and Notifications.

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

Definitions.

(1) "vessel" includes anything made for the conveyance by water of human beings or of property:

(2) "steam-vessel" means every description of vessel propelled wholly or in part by the agency of steam:

(3) "inland water" means any canal, river, navigable lake or water in British India:

(4) "inland steam-vessel" means a steam-vessel which ordinarily plies on inland water:

(5) "voyage" includes also the plying of a vessel at or about any place;

(6) "master" means any person (except a pilot or harbour-master) having for the time being the charge or control of a vessel:

(7) "passenger" includes any person carried in a steam-vessel other than the master and crew and the owner, his family and servants: and

(8) "prescribed" means prescribed by a rule made by the Local Government under this Act.

CHAPTER II.

(Chapter II.—Survey of Inland Steam-vessels.)

CHAPTER II.

SURVEY OF INLAND STEAM-VESSELS.

Inland steam-vessel not to proceed on voyage without a certificate of survey.

6. (1) An inland steam-vessel shall not proceed on any voyage unless she has a certificate of survey under this Act in force and applicable to the voyage on which she is about to proceed or the service on which she is about to be employed.

(2) Nothing in this section shall apply to any steam-vessel proceeding on a voyage during the interval between the time at which her certificate under this Act expires and the time at which it is first practicable to have the certificate renewed.

Appointment of surveyors and places of survey.

7. (1) The Local Government may, from time to time, appoint so many persons as it thinks fit to be surveyors for the purposes of this Act at such places within the territories under its administration as it, from time to time, appoints to be places of survey.

(2) Every surveyor appointed under this Act may be suspended or removed by the Local Government which appointed him.

(3) Every surveyor appointed under this Act shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code.

Powers of surveyors.

8. (1) For the purposes of a survey under this Act, any surveyor appointed under this Act may, at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel and every part thereof, and the machinery, equipments or articles on board thereof:

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Provided that he does not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the steam-vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-vessel, and her machinery and equipments,

or

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or any part thereof, respectively, as he reasonably requires.

9. When a survey under this Act is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-vessel surveyed a declaration in the prescribed form containing the following particulars, namely :—

Declaration
of surveyor.

- (a) that the hull and machinery of the steam-vessel are sufficient for the service intended and in good condition ;
- (b) that the equipments of the steam-vessel and the certificates of the master and engineer or engine-driver are such and in such condition as are required by any law for the time being in force and applicable to the steam-vessel ;
- (c) the time (if less than one year) for which the hull, machinery and equipments of the steam-vessel will be sufficient ;
- (d) the limit (if any) beyond which, as regards the hull, machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply ;
- (e) the number of passengers (if any) which the steam-vessel is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins ; the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances as the case requires ; and
- (f) any other prescribed particulars.

10. (1) The owner or master to whom a declaration is given under the last foregoing section shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government, from time to time, appoints in this behalf.

Sending of
declaration
by owner or
master to
Local Gov-
ernment.

(2) If

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(2) If he fails to do so, he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(3) The owner or master shall pay the sum so forfeited on the delivery of the certificate of survey in addition to the fee payable for the certificate.

Grant of
certificate of
survey by
Local Gov-
ernment.

11. (1) Upon receipt of a declaration by the officer appointed in this behalf under the last foregoing section, the Local Government shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and delivered, through such officer at the place at which the steam-vessel was surveyed as the Local Government, from time to time, appoints in this behalf, to the owner or master of the steam-vessel surveyed, on his applying and paying the fees and other sums (if any) in this Act mentioned as payable on delivery of a certificate.

(2) A certificate granted under this section shall be in such form as the Governor General in Council, from time to time, directs; shall contain a statement to the effect that the provisions of this Act with respect to the survey of the steam-vessel and the transmission of the declaration in respect thereof have been complied with; and shall set forth—

(a) the particulars concerning the steam-vessel which clauses (c), (d) and (e) of section nine require the declaration by the surveyor to contain, and

(b) any other prescribed particulars.

(3) When a certificate is ready for delivery under this section, the Local Government shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

Fees for cer-
tificates of
survey.

12. For every certificate of survey granted by the Local Government under this Act the owner or master
of

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of the steam-vessel surveyed shall pay to the officer through whom the certificate is delivered to him—

- (a) a fee calculated on the tonnage of the steam-vessel according to the rates in the second schedule hereto annexed, or according to any other prescribed rates; and
- (b) when the survey is made in any place of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee, in respect of the expense (if any) of the journey of the surveyor to the place, as the Local Government, from time to time, by notification in the official Gazette, directs.

13. The owner or master of every steam-vessel for which a certificate of survey has been granted under this Act shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board thereof.

Certificate of survey to be affixed in conspicuous part of steam-vessel.

14. A certificate of survey granted under this Act shall not be in force—

Term of certificates of survey.

- (a) after the expiration of one year from the date thereof; or
- (b) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient; or
- (c) after notice has been given by the Local Government, to the owner or master of the steam-vessel to which the certificate relates, that the Local Government has cancelled or suspended it.

15. Any certificate of survey granted under this Act may be cancelled or suspended by a Local Government if it has reason to believe—

Cancellation or suspension of certificate of survey by Local Government.

- (a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers,

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boilers, engines or any of the equipments of the steam-vessel has been fraudulently or erroneously made; or

- (b) that the certificate has otherwise been granted upon false or erroneous information; or
- (c) that, since the making of the declaration, the hull, boilers, engines or any of the equipments of the steam-vessel have sustained any injury, or have otherwise become insufficient.

Power to require delivery of expired or cancelled certificate.

16. The Local Government may require any certificate of survey which has expired or has been cancelled or suspended to be delivered up to such person as it, from time to time, directs.

Report of cancellation or suspension of certain certificates.

17. If the Local Government which cancels or suspends a certificate of survey granted under this Act is not the Local Government which granted the certificate, the Local Government cancelling or suspending the certificate shall report the fact of cancellation or suspension, together with the reasons therefor, to the Local Government which granted the certificate.

Power for Local Government to direct that two surveyors be employed.

18. A survey under this Act shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, so directs, either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

Power for Local Government to order a second survey.

19. (1) If the surveyor or surveyors making a survey under this Act refuses or refuse to give a declaration under section nine with regard to any steam-vessel, or gives or give a declaration with which the owner or master of the steam-vessel surveyed is dissatisfied, the Local Government may, on the application of the owner or master, direct two other surveyors appointed under this Act to survey the steam-vessel.

(2) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse

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refuse to give a declaration or give such declaration as under the circumstances seems to them proper; and their decision shall be final.

20. When a survey is made under either of the last two foregoing sections by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Act or the rules made under this Act to a surveyor making a survey.

Division of duties when two surveyors employed.

21. (1) The Local Government may make rules to regulate the making of surveys under this Act.

Power for Local Government to make rules as to surveys.

(2) Rules under this section may, among other matters,—

- (a) declare the times and places at which, and the manner in which, surveys are to be made;
- (b) regulate the duties of the surveyor making a survey, and, where two surveyors are employed, assign the respective duties of each of the surveyors employed;
- (c) declare the form in which the declarations of surveyors and certificates of survey granted under this Act are to be framed, and the nature of the particulars which are to be stated therein, respectively;
- (d) fix the rates according to which the fees payable for certificates of survey are to be calculated in the case of all or any of the places of survey within the territories under its administration; and
- (e) define the cases in, and the extent to, which under ordinary circumstances a survey may be dispensed with before the grant of a new certificate.

CHAPTER III.

MASTERS AND ENGINEERS OF INLAND STEAM-VESSELS.

22. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications

Appointment of examiners.

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qualifications of persons desirous of obtaining certificates of competency as masters or as engineers or engine-drivers of inland steam-vessels.

Grant of masters' certificates of competency.

23. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class master or as a second-class master of an inland steam-vessel, as the case may be.

(2) Every certificate granted under this section shall be in the prescribed form.

Grant of engineers' and engine-drivers' certificates of competency.

24. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as an engineer or as an engine-driver of an inland steam-vessel, as the case may be.

(2) Every certificate granted under this section shall be in the prescribed form.

Power for Local Government to require re-examination or further inquiry.

25. Before granting a certificate under either of the last two foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

Certificates to be made in duplicate.

26. Every certificate of competency granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

Copy of certificate to be granted in certain cases.

27. Whenever a master or an engineer or an engine-driver proves, to the satisfaction of the Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

28. (1) An

(Chapter III.—Masters and Engineers of Inland Steam-vessels.

28. (1) An inland steam-vessel having engines of eighty nominal horse-power or upwards shall not proceed on any voyage unless she has—

Number of engineers and nature of certificates necessary in case of different steam-vessels.

(a) as her master a person possessing a first-class master's certificate granted under this Act or a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1883, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869; and

(b) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1883, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

(2) An inland steam-vessel having engines of under eighty nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a second-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1); and

(b) as her engineer a person possessing an engine-driver's certificate granted under this Act or the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (b) of sub-section (1):

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and an engine-driver's certificate granted under this Act.

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Power for
Local Gov-
ernment to
make rules
as to grant of
certificates of
competency.

29. The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

- (a) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters, engineers or engine-drivers under this Act;
- (b) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class masters' certificates, second-class masters' certificates, engineers' certificates and engine-drivers' certificates, respectively;
- (c) fix the fees to be paid by all applicants for examination; and
- (d) prescribe the form in which certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

CHAPTER IV.

INVESTIGATIONS INTO CASUALTIES.

Report of
casualties to
be made to
Local Gov-
ernment.

30. (1) Whenever—

- (a) any inland steam-vessel has been wrecked, abandoned or materially damaged, or
- (b) by reason of any casualty happening to or on board of any inland steam-vessel, loss of life has ensued, or
- (c) any inland steam-vessel has caused loss or material damage to any other vessel,

the master of the steam-vessel shall forthwith give notice of the wreck, abandonment, damage, casualty or loss to the officer in charge of the nearest police-station.

Power for
Local Gov-
ernment to
appoint spe-
cial Court
of Investi-
gation.

31. (1) If in any case a formal investigation into the facts referred to in the last foregoing section appears to the Local Government to be requisite or expedient,

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expedient, the Local Government may appoint a special Court, consisting of not less than two nor more than four persons, and direct the Court to make the investigation, and may fix the place for making the same.

(2) One of the members of the Court shall be a Magistrate; another shall be some person conversant with maritime affairs or the navigation of inland steam-vessels; and the other or others (if any) shall be conversant with either maritime or mercantile affairs or with the navigation of inland steam-vessels.

32. Any principal Court of ordinary criminal jurisdiction and the Court of any District Magistrate may, when so directed by the Local Government, make the investigation referred to in the last foregoing section.

Power for principal Court of ordinary criminal jurisdiction to hold investigations into casualties when so directed.

33. (1) Any Court making an investigation under either of the last two foregoing sections may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty or loss referred to in section thirty.

Power for Court of Investigation to inquire into charges against masters, engineers and engine-drivers.

(2) In every case in which any such charge, whether of incompetency or misconduct, or of a wrongful act or default as aforesaid, arises against any master, engineer or engine-driver in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or statement of the case upon which the investigation has been directed.

34. (1) If the Local Government has reason to believe that there are grounds for charging any master, engineer or engine-driver of an inland steam-vessel with incompetency or misconduct, otherwise

Local Government to direct investigation into charges of incompetency or misconduct.

than

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than in the course of an investigation under section thirty-one or section thirty-two, it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(2) Before commencing the investigation, the Court shall cause the master or engineer or engine-driver so charged to be furnished with a copy of the statement sent by the Local Government.

Person
accused to
be heard.

35. For the purpose of an investigation under this chapter into any charge against a master, engineer or engine-driver the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

Assessors.

36. (1) When any investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, the Court making the investigation shall constitute as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland steam-vessels; and in every other investigation the Court making it may, if it thinks fit, constitute as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of inland steam-vessels and willing to act as assessor.

(2) Every person appointed under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act shall rest with the Court.

Power of
Court as to
evidence
and regula-
tion of pro-
ceedings.

37. For the purpose of any investigation under this chapter, the Court making the investigation, so far as relates to compelling the attendance and examination
of

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... of an investigation under section thirty-two, it may send a statement to the principal Court of ordinary jurisdiction, or the Court of the District nearest to the place at which it is held, the parties and witnesses to attend the Court to make an investigation...

... commencing the investigation, the master or engineer or engineer in charge against a master, engineer or other person may be furnished with a copy of the report of the Local Government. The person whose name is mentioned in the report of an investigation under this section may summon him to appear at the Court on or otherwise.

... if an investigation involves, or appears to involve, any question as to the cancellation of a certificate of a master, engineer or other person making the investigation, the Court, for the purposes of this section, may call upon any persons having experience in the navigation of inland waterways, or any other persons who it thinks fit, constitute as assessors of the investigation, any persons who are engaged in maritime affairs or the navigation of inland waterways and willing to act as assessors.

... a copy of the report of an investigation under this section shall be sent to the Court of ordinary jurisdiction and delivered to the Court of ordinary jurisdiction on the proceedings. The Court may confer on the Court of ordinary jurisdiction the powers conferred on the Court of ordinary jurisdiction.

... investigation under this section, so far as respects the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have—

... witnesses and the production of documents and the regulation of the proceedings, shall have—

- (a) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;
- (b) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

38. (1) If any Court making an investigation under this chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting the arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

Power to arrest witnesses and cause entry and detention of vessels.

(2) Any officer so authorized may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(3) No person shall be detained by virtue of this section for more than forty-eight hours.

39. (1) Whenever, in the course of any investigation, it appears that any person has committed, within the jurisdiction of any Court in British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at the trial, and may, for

Power to commit for trial and bind over witnesses.

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for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate.

(2) For the purposes of this section the Recorder of Rangoon shall, within the local limits of the territories for the time being administered by the Chief Commissioner of British Burma, be deemed to be the High Court.

Depositions.

40. (1) Whenever, in the course of any such trial, the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this chapter shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(b) that it was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(2) A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused and that he had that opportunity shall, unless the contrary be proved, be sufficient evidence that it was so made and that he had that opportunity.

41. The Court shall, in the case of every investigation under this chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence.

42. (1) Whenever any explosion occurs on board any inland steam-vessel, the Local Government may, if it thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as it thinks fit.

(2) The person or persons so directed may enter into and upon the steam-vessel, with all necessary workmen

Report by
Court to
Local Gov-
ernment.

Power to in-
vestigate
causes of ex-
plosions on
board inland
steam-ves-
sels.

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workmen and labourers, and remove any portion of the steam-vessel, or of the machinery thereof, for the purpose of the investigation, and shall report to the Local Government what in his or their opinion was the cause of the explosion.

(3) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

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CHAPTER V.

SUSPENSION AND CANCELLATION OF MASTERS' AND ENGINEERS' CERTIFICATES.

43. Any certificate granted under this Act to any master, engineer or engine-driver may be suspended or cancelled by the Local Government which granted it, or by any other Local Government, in the following cases, that is to say:—

Power for Local Government to suspend or cancel certificates in certain cases.

- (a) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any inland steam-vessel, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct; or
- (b) if he is proved to have been convicted of any non-bailable offence; or
- (c) if, in the case of a second-class master or an engine-driver, the master or engine-driver is or has become, in the opinion of the Local Government, unfit to act as a second-class master or engine-driver:

Provided that, in any case in which an investigation has been made into a charge against any master, engineer or engine-driver, a certificate shall not be suspended or cancelled under clause (a) of this section unless the Local Government is satisfied that the holder

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holder of the certificate has been furnished before the commencement of the investigation with the copy of the report or statement required by section thirty-three or section thirty-four, as the case may be.

Obligation to deliver up cancelled or suspended certificate.

44. Every master, engineer or engine-driver whose certificate is cancelled or suspended under the last foregoing section shall deliver it to such person as the Local Government which cancelled or suspended it from time to time directs.

Report to other Local Governments.

45. If the Local Government which cancels or suspends a certificate under section forty-three is not the Local Government which granted the certificate, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancellation or suspension, to the Local Government which granted the certificate.

Power to revoke cancellation or suspension and to grant new certificate.

46. (1) Any Local Government may at any time revoke any order of cancellation or suspension which it may have made under section forty-three, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate.

(2) A certificate so granted shall have the same effect as if it had been granted after examination.

CHAPTER VI.

PROTECTION OF INLAND STEAM-VESSELS FROM DANGER BY FIRE.

Power for Governor General in Council to declare dangerous goods.

47. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare what shall be deemed to be, for the purposes of this Act, dangerous goods.

Carriage of dangerous goods.

48. (1) A person shall not take with him on board an inland steam-vessel, and a person shall not deliver or tender for carriage on an inland steam-vessel, any dangerous goods without giving notice of their

(Chapter VI.—Protection of Inland Steam-vessels from Danger by Fire.)

their nature to the owner or master of the steam-vessel, or, in the case of goods delivered or tendered for carriage, without distinctly marking their nature on the outside of the package containing the goods.

(2) The owner or master of an inland steam-vessel may refuse to carry upon an inland steam-vessel any luggage or parcel which he suspects to contain dangerous goods, and may require the luggage or parcel to be opened to ascertain the fact previously to carrying the same; and, in case any such luggage or parcel is received for the purpose of being carried in any inland steam-vessel, the owner or master of the vessel may stop the transit thereof until he is satisfied as to the nature of its contents.

49. Where any dangerous goods have been sent or brought on board any inland steam-vessel in contravention of the last foregoing section, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so thrown the goods overboard, be subject to any liability, civil or criminal, in any Court.

Power to throw overboard dangerous goods.

50. (1) The Local Government may make rules for the protection of inland steam-vessels from danger by explosion or fire.

Power for Local Government to make rules for protection of inland steam-vessels from danger by explosion or fire.

(2) Rules under this section may provide for the following among other matters, that is to say:—

- (a) the conditions on, and subject to, which dangerous goods may be carried on board inland steam-vessels;
- (b) the precautions to be taken to prevent explosions or fires on board inland steam-vessels; and
- (c) the apparatus for the purpose of extinguishing fires which is to be kept on board inland steam-vessels.

(3) Any

(Chapter VII.—Carriage of Passengers in Inland Steam-vessels.)

(3) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VII.

CARRIAGE OF PASSENGERS IN INLAND STEAM-VESSELS.

Power for Local Government to make rules for the regulation of the carriage of passengers in inland steam-vessels.

51. (1) The Local Government may make rules to regulate the carriage of passengers in inland steam-vessels.

(2) Rules under this section may provide for the following among other matters, that is to say:—

(a) the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels;

(b) the payment of fares and the exhibition of tickets or receipts (if any) showing the payment of their fares by passengers in inland steam-vessels; and

(c) the regulation generally of the conduct of passengers in inland steam-vessels.

(3) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with fine which may extend to twenty rupees.

(4) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section, and whose name and address are unknown to the master or other officer.

(5) The procedure prescribed by section 59 of the Code of Criminal Procedure in the case of arrest by x of private

(Chapter VIII.—Penalties and Legal Proceedings.)

private persons shall apply to every arrest under this section.

CHAPTER VIII.

PENALTIES AND LEGAL PROCEEDINGS.

52. (1) If any inland steam-vessel proceeds on a voyage in contravention of section six, the owner and master of the steam-vessel shall each be liable to a fine which may extend to one thousand rupees.

Penalty for inland steam-vessel making a voyage without certificate of survey.

(2) If the master or any other officer on board of an inland steam-vessel which proceeds on a voyage in contravention of section six is a licensed pilot, he shall be liable to have his license as a pilot cancelled, or suspended for any period, by the Local Government, as the Local Government sees fit to order.

53. If the certificate of survey granted under this Act is not kept affixed in an inland steam-vessel in the manner provided by this Act, the owner and master of the steam-vessel shall each be liable to a fine which may extend to one hundred rupees.

Penalty for neglect to affix certificate of survey in inland steam-vessel.

54. If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under this Act to do so, he shall be punished with fine which may extend to one hundred rupees.

Penalty for neglect or refusal to deliver up certificate of survey.

55. (a) If any person who has been engaged to serve as master, engineer or engine-driver of an inland steam-vessel proceeds on any voyage in that steam-vessel as master, engineer or engine-driver, as the case may be, without being at the time entitled to, and possessed of, the certificate required under this Act, and

Penalty for serving, or engaging a person to serve, as master, engineer or engine-driver without certificate.

(b) if any person employs any person as a master, engineer or engine-driver of an inland steam-vessel without ascertaining that he is at the time entitled to, and possessed of, the master's, engineer's or engine-driver's certificate, as the case may be, required under this Act,

he

(Chapter VIII.—Penalties and Legal Proceedings.)

he shall be punished with fine which may extend to five hundred rupees.

Penalty for master failing to give notice of wreck or casualty.

56. If any master wilfully fails to give notice, as required by section thirty, of any wreck, abandonment, damage, casualty or loss, he shall be punished with fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

Penalty for master, engineer or engine-driver failing to deliver up cancelled or suspended certificate.

57. If any master, engineer or engine-driver whose certificate is cancelled or suspended under this Act fails to deliver the certificate to such person as the Local Government which cancelled or suspended it directs, he shall be punished with fine which may extend to five hundred rupees.

Penalty for taking dangerous goods on board inland steam-vessels without notice.

58. If any person, in contravention of section forty-eight, takes with him on board any inland steam-vessel any dangerous goods, or delivers or tenders any such goods for the purpose of being carried on any inland steam-vessel, he shall be punished with fine which may extend to two hundred rupees, and the goods shall be forfeited to Her Majesty.

Penalty for misconduct endangering inland steam-vessel or life or limb.

59. If any person employed or engaged in any capacity on board an inland steam-vessel by wilful breach of duty, or by neglect of duty, or by reason of drunkenness—

(a) does any act tending to the immediate wreck, destruction or material damage of the vessel, or tending immediately to endanger the life or limb of any person belonging to or on board the vessel, or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any person belonging to or on board of the vessel from immediate danger to life or limb,

he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

60. Where

(Chapter IX.—Supplemental.)

60. Where the owner or master of an inland steam-vessel is convicted of an offence under this Act or the rules made under this Act committed on board of, or in relation to, that steam-vessel, and sentenced to pay a fine, the Magistrate may, in addition to any other power he may have for the purpose of compelling payment of the fine, direct the amount thereof to be levied by distress and sale of the vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Distress of inland steam-vessel.

61. Except in the case of offences under rules made under section fifty-one, no Magistrate shall try an offence under this Act, or the rules under it, unless he is a Presidency Magistrate, or a Magistrate whose powers are not less than those of a Magistrate of the first class.

Jurisdiction of Magistrates.

62. If any person commits an offence against this Act or the rules made under this Act, he shall be triable for the offence in any place in which he may be found or which the Local Government, from time to time, by notification in the official Gazette, directs in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

Place of trial.

63. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under this Act:

Saving of prosecutions under other Acts.

Provided that a person shall not be punished twice for the same offence.

CHAPTER IX.

SUPPLEMENTAL.

64. The Local Government may, from time to time, with the previous sanction of the Governor

Power for Local Government to exempt General

(Chapter IX.—Supplemental.)

certain inland steam-vessels from Chapters II and III.

General in Council, by notification in the local official Gazette, declare that all or any of the provisions of Chapters II and III of this Act shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as the Local Government prescribes.

Power for Local Government to define tidal water.

65. The Local Government may, from time to time, by notification in the official Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act.

Fees recoverable as fines.

66. All fees payable under this Act may be recovered as fines under this Act.

Exemption of Government vessels.

67. Nothing in this Act or in any rule made under this Act shall apply to any steam-vessel belonging to, or in the service of, Her Majesty or the Government of India.

Certificated masters of inland steam-vessels to be deemed pilots under Act XII of 1875.

68. Every master of an inland steam-vessel who possesses a master's certificate duly granted under this Act and then in force shall, in ports to which section 38 of the Indian Ports Act, 1875, has been extended, be deemed, for the purposes of that section, to be the pilot of the steam-vessel of which he is in charge. XII of 1875

(2) Nothing in this section shall be deemed to affect the provisions of Bombay Act I of 1863, which require persons in charge of vessels passing through any of the channels or tidal channels at the mouths of the River Indus to pay fees for pilotage.

Procedure for making, publication and confirmation of rules.

69. (1) A Local Government making rules under this Act shall, before making the rules, 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, from time to time, 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

(First Schedule.—Acts repealed.)

(4) The Local Government 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 this Act shall not take effect until it has been sanctioned by the Governor General in Council and published in the local official Gazette.

(6) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made and sanctioned.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ACTS REPEALED.

*(See Section 3.)**(a) Act of the Governor General in Council.*

| Number and year. | Subject or short title. | Extent of repeal. |
|------------------|------------------------------------|-------------------|
| XVI of 1871 ... | The Burmese Steamer Survey Act ... | The whole. |

(b) Acts of the Governor of Bombay in Council.

| Number and year. | Subject or short title. | Extent of repeal. |
|------------------|---|-------------------------------|
| II of 1864 ... | To provide for the periodical survey of steam-vessels in the ports, harbours, rivers or waters of the presidency of Bombay. | The whole, except section 15. |
| IV of 1873 ... | To amend Bombay Act II of 1864, providing for the periodical survey of steam-vessels, and to provide for the examination of engineers of steam-vessels. | The whole. |

(c) Acts

D

(Second Schedule.—Rates of Fees.)

(c) Acts of the Lieutenant-Governor of Bengal in Council.

| Number and year. | Subject or short title. | Extent of repeal. |
|------------------|--|-----------------------------------|
| V of 1862 ... | To provide for the periodical survey of steam-vessels in the port of Calcutta. | The whole. |
| I of 1868 ... | The Steam-boat Survey Amendment Act, 1868. | So much as has not been repealed. |
| III of 1871 ... | To increase the fees for the survey of steam-vessels. | The whole. |
| VII of 1879 ... | To provide for the proper management of certain inland steam-vessels. | The whole. |

THE SECOND SCHEDULE.

(See Section 12.)

RATES OF FEES.

| | Tons. | Rs. |
|--------------------------------|-------|-----|
| For steam-vessels of less than | 100 | 25 |
| " " 100 tons and up to | 200 | 40 |
| " " 200 " " " | 350 | 50 |
| " " 350 " " " | 700 | 60 |
| " " 700 " " " | 1,000 | 80 |
| " " 1,000 " " " | 1,500 | 100 |
| " " 1,500 " and upwards | ... | 120 |