

Home (1917) Department.

Miscellaneous

Ordinary SERIES.

G.O. No. 470

DATED 18.5.17

INDEXED

[Despatch Abstract.]

Emigration-Assam.

Recording Endorsement No.4590 Spl. dated the 28th April 1917 forwarding copy of a notification publishing for the information of persons likely to be affected thereby a revised draft rule 24 of the Assam Labour Board Rules which it is proposed to issue.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (= S.C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department

Papers of other departments.

Department.	Number	Date.	Original (= O.) or spare copy (= S. C.).	Initials with date of (1) Referencer acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to the department concerned.

Simla, the 28th April 1917.

NOTIFICATION

-7-MAY-1917

The following draft of a rule which it is proposed, in exercise of the powers conferred by section 116-F of the Assam Labour and Emigration Act, 1901, (VI of 1901), as subsequently amended, to substitute for rule 24 of the Assam Labour Board Rules published with the notification of the Government of India in the Department of Commerce and Industry No.295-132-C, dated the 20th November, 1915, is published, as required by the said section, for the information of persons likely to be affected thereby. Any objection or suggestion which may be received before the 4th June 1917, will be duly considered:-

Draft rule

"24 (1) The cess shall be payable in the following manner:-
(a) The cess payable on a garden-sardar shall be deposited by the employer in the local treasury in Assam prior to the counter-signature of the certificate of such garden-sardar by the Inspector of Labourers or Magistrate under the provisions of section 59 of the Act, and when the cess has been realised, the said Inspector or Magistrate shall cause an endorsement to be made on the certificate to that effect. The total amount of the cess so deposited in each month shall be remitted by the Deputy Commissioner within the first week of the succeeding month by Remittance Transfer Receipt Recovery of cess to the Chairman of the Board. When the cess at the prescribed rate has been deposited in the Treasury in respect of all the garden-sardars whose certificates have been countersigned under section 59 of the Act during the month covered by the remittance, the Deputy Commissioner shall, when making the remittance, furnish the said Chairman with a certificate to that effect. When the cess has not been so deposited in respect of all or any of such garden-sardars, the Deputy Commissioner shall, within the first seven days of the succeeding month, furnish the said

Chairman

full cess has not been deposited. The names and addresses of the employers of the said Sardars shall also be entered in the said list.

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(b) The cess payable on every person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 of the Act shall be payable within the month following that in which such person has been despatched to the labour district from the recruiting district in which he is registered. Where an employer has appointed a local agent, the cess shall be remitted through such local agent to the Chairman of the Board, and where a local agent has not been so appointed, the employer shall remit the sum due as cess direct to the said Chairman.

(2) If default in payment of the cess be made, the Chairman of the Board may:-

(a) in the case of a garden-sardar referred to in clause 1 (a) of this rule, on receipt of the list of garden sardars in respect of whom cess has not been paid,

(b) in the case of a person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 of the Act, on the expiry of the month following that in which such person was despatched to the labour district from the recruiting district in which he had been registered, send a demand by registered letter to the defaulting employer for the amount due, and if, within a period of a month after the postal receipt for the registered letter has reached the Chairman, payment is still in arrears, the Chairman, may proceed to recover the amount due by making application under section 215 of the Act to the Magistrate of the District in which the defaulter resides.

(3) In each recruiting district the Superintendent of Emigration shall furnish the Chairman of the Board with a monthly statement showing, in respect of each employer who has not appointed a local agent, the total number of persons recruited or engaged as labourers or assisted to emigrate by such employer during the month to which the return relates, and the number of persons as aforesaid despatched to each estate in the labour districts by each such

employer

(4) It shall be the duty of the Supervisors appointed by the Board, in the course of their inspections of the local agencies within their respective charges, to check the payment of the cess, leviable by local agents in respect of the persons recruited or engaged as labourers or assisted to emigrate by garden-sardars working under the supervision of such local agents, and to report the result of such check to the Chairman.

H. F. Howard, -

Secretary to the Government of India.

No.4590-Spl.

Copy, with copy of the letter from the Assam Labour Board No. 1171, dated the 24th March 1917, forwarded to the Governments of Bengal, Bihar and Orissa, the United Provinces and Madras and to the Honourable the Chief Commissioners of the Central Provinces and Assam for information.

Copy also forwarded to the Chairman, Assam Labour Board with reference to his letter No.1171, dated the 24th March 1917.

By order, etc.,

S. H. M. L. S.

for Secretary to the Government of India.

Copy of a letter from Lieutenant-Colonel W.M. Kennedy, C.I.E., I.A., Chairman, Assam Labour Board, to the Secretary to the Government of India, Department of Commerce and Industry, Delhi, No. 1171, dated the 24th March 1917. 5

In accordance with a resolution passed at the Meeting of this Board held on the 20th March 1917, and with reference to the remarks made in paras. 9 and 13 of the Report of the working of this Board for the year ending the 30th June 1916, I have the honour to submit for the consideration and orders of the Government of India the enclosed draft rule, which we propose should be substituted for Rule 24 of the rules for the working of the Board published in Gazette of India Notification No. 295-132 (Emigration) dated 20th November 1916, and to append the following explanatory remarks:-

Rule 24 (1) (a) - In lines 4 and 8 respectively the words "certificate" and "Certificates" have been substituted for the words "license" and "licenses", as being legally more correct.

Under the orders of the Assam Administration officers countersigning the certificates of garden sardars are required to state on the certificates the fact that the cess due has been paid. Some confusion has been caused owing to the fact that these orders have not, in all cases, been observed. It seems desirable, therefore, that this provision should be added to the rule, as it will then be less liable to be overlooked.

Rule 24 (1) (a) - First Proviso - This may now be deleted as it referred to the period prior to the rule taking effect. All cess due for that period has now been realised.

Rule 24 (1) (a) - Second Proviso - This related to former conditions in the United Kingdom provinces, the Government of which in Notification No. 1305/XVIII-179 dated 24th June 1915, relaxed the provisions of sections 58 and 59, Act VI of 1901, relating to the countersignature of the certificates of garden sardars in the labour districts. The provisions of these sections have, however, since been restored to operation vide United Provinces Gazette Notification No. 103/XVIII-179, dated 11th January 1917. The proviso is, therefore, no longer required.

Rule 24 (2) ^(b) & (c) - Sub clauses (b) and (c) may be deleted with the first and second provisos to rule 24 (1) (a).

Rule 24 (3) - The intention of this rule was that the returns of Superintendents of Emigration should afford an independent check on the levy of the cess on emigrants. In practice they have not done so because, firstly, the returns have not

not ~~xxx~~ in all cases been regularly furnished; secondly, they have in some cases included both labouring emigrants and dependants, and, thirdly, the figures have in most cases been obtained directly from the local agents ^{themselves} and have not been extracted from the returns submitted by the latter. Now that the Board have appointed Supervisors, we are of opinion that the responsibility for checking the payments of ~~xxx~~ account of cess by local agents should be placed ^{upon} the former, Superintendents of Emigration being required to furnish only returns relating to emigrants recruited by garden-sardars not working under a local agent, who are required to have their recruits registered before a government Officer. In practice, this would relieve Superintendents of Emigration of the duty of furnishing the return as no sardars are now working independently of a local agent, the Board having discouraged this form of recruitment. In order to enable the Supervisors to make the check, they will be supplied monthly by the Board with details of the emigrants in respect of whom cess has been paid by local agents. We would explain that while we think that there should be an adequate check on the realisation of cess by local agents, we do not wish it to be ~~inferred~~ ^{inferred} that the cess has not been correctly levied in the past by the latter, to whom we are much indebted for the trouble which they have taken.

24. (1) The cess shall be payable in the following manner:-

(a) The cess payable on a garden-sardar shall be deposited by the employer in the Local treasury in Assam prior to the countersignatures of the certificate of such garden-sardar by the Inspector of Labourers or Magistrate under the provisions of section 59 of the Act, and the said Inspector or Magistrate shall cause an endorsement to be made on the certificate to that effect that the cess due has been realised. The total amount of the cess so deposited in each month shall be remitted by the Deputy Commissioner within the first week of the succeeding recovery of cess. Both by remittance transfer Receipt to the chairman of the Board. When the cess at the prescribed rate has been deposited in the treasury in respect of all the garden-sardars whose certificates have been countersigned under section 59 of the Act during the month covered by the ~~remittance~~ remittance, the Deputy Commissioner shall, when making the remittance, furnish the said chairman with a certificate to that effect. When the cess has not been so deposited in respect of all or any ^{of} such garden-sardars, the Deputy Commissioner shall within the first seven days of the succeeding month furnish the said Chairman with a list of the garden-sardars in respect of whom the full cess has not been deposited. The names and addresses ~~of the employers of the~~ said sardars shall also be entered in the said list.

(b) The cess payable on every person

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assisted to emigrate under Chapter IV or section 91 of the Act shall be payable within the month following that in which such person has been despatched to the labour district from the recruiting district in which he is registered. where an employer has appointed a local agent, the cess shall be remitted through such local agent to the Chairman of the Board, and where employer has appointed a local agent, has not been as appointed, the employer shall remit the sum due as cess direct to the said Chairman.

- (2) If ~~the~~ default in payment of the cess be made, the Chairman of the Board may
- (a) in the case of a garden-sardar referred to in clause 1 (a) of this rule, on receipt of the list of garden sardars in respect of whom cess has not been paid,
 - (b) ~~in~~ in the case of a person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 of the Act, on the expiry of the month following that in which such person was despatched to the labour district ^{from the recruiting district} in which he has been registered,

send a demand by registered letter to the defaulting employer for the amount due, and if, within a period of a month after the postal receipt for the registered letter has reached the Chairman, payment is still in arrears, the Chairman, may proceed to recover the amount due by making application under section 215 of the Act to the Magistrate of the District in which the defaulter resides.

- (3) In each recruiting district the Superintendent of ~~Emigration~~ ^{in respect of each employer who has not appointed a local agent,} shall furnish the Chairman of the Board with a monthly statement showing the total number of persons recruited or engaged as labourers or assisted to emigrate by such employer during the month to which the return relates, and the number of persons as aforesaid despatched to each estate in the labour districts by such employer. It shall be duty of the Supervisors appointed by the Board, in the course of thier inspections of the local agencies within their respective charges, to check the payment of the cess leviable by local agents in respect of the persons recruited or engaged as labourers or assisted to emigrate by garden-sardars working under the supervision of such local agents, and to report the result of such check to the Chairman.

True copy,

H. C. Allen

Superintendent, Department of Commerce and Industry.

Home dept
(His)

Emigration - Assam

(CL 1542) From the Secy, Dept of Commerce and
Industry, No 4590-Spl, Dtd 28.4.17For the W.S.

The letter from the Chairman,
Assam Labour Board at pp 4-5 C.F
explains the reasons for the revision
of rule 24. The remarks of this Govt.
have not been called for on the
alterations proposed in the rule.
No action is therefore necessary. A
draft order is submitted for approval.

Fz

14.5.17

P.H.R.

17.5.17

E.A.H.
18.5.17

Sectt. 11.10 (b)—1-17.

Emigration - Accus.

Home DEPARTMENT.

(Mis)

Emigration

Recording end No 4590 - Spt, 1917
the 28.4.17 forwarding copy of a notification publishing
for the information of persons likely to be affected thereby a
revised ^{draft} rule 24 of the Steam Labour Board Rules
~~page~~ which it is proposed to issue.

READ AGAIN G.O. No. 1748 Pub, dated the 6. 12. 1915.

191

READ ALSO:—

C, No. 1542, From the Gizl, Dept of, No., dated 191
Commerce and Industry, No 4590-Spl,

[illegible]

ORDER.

No. 470, dated 18.5. 1917

Plus

Resis

Recorded

$\frac{14.5.17}{17.5.17}$

DEPARTMENT

When given for copying
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When examined
When signed

191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

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