

Rev (Spt) Dept
Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 949, 19th December 1918

Emigration—Assam

Communicating to the District Magistrates and Political officers concerned letter from the Government of India, Commerce and Industry Department, No. 11811, dated 25th October 1918, on the subject of the recruitment of coolies from Native States for employment in Assam.

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Order.



Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 949, 19th December 1918

Emigration—Assam

Communicating to the District Magistrates and Political officers concerned letter from the Government of India, Commerce and Industry Department, No. 11811, dated 25th October 1918, on the subject of the recruitment of coolies from Native States for employment in Assam.

READ—the following papers :—

I

G.O. Nos. 1264-65, Public, dated 27th August 1915.

II

Letter—from the Hon'ble Mr. C. E. Low, C.I.E., I.C.S., Secretary to the Government of India, Department of Commerce and Industry.

To—the Chief Secretary to the Government of Madras.

Dated—Simla, the 25th October 1918.

No.—11811.

I am directed to acknowledge the receipt of your letter No. 1265, dated the 27th August 1915, on the subject of the recruitment of coolies from Native States.

2. The Government of Madras are correct in saying that the amendment of section 2 (e) of Act VI of 1901 has the effect of bringing Native States coolies, who may pass through British territory, within the scope of the Act. The maintenance of a policy of non-intervention in respect of recruitment in Native States does not by any means connote the extension of such a policy to coolies recruited in Native States, when proceeding through British India on their way to Assam. It will for obvious reasons be desirable that coolies from Native States, unless proceeding to the labour districts unassisted by recruiters, should be subjected to the provisions of the Act. That is to say, no other form of recruitment than that by garden sardars should be recognized in their case, as in that of British subjects. The sardars should go through the whole procedure laid down by the amended Act, with such relaxations in respect of renewal and countersignature of certificates, headquarter registration, and so forth as have been made by notification in favour of sardars working under the control of recognized local agents. Persons found assisting coolies, wherever and however recruited, to emigrate from British India, otherwise than in accordance with this procedure, should be deemed to have committed an offence under the Act and dealt with accordingly.

3. I am, however, to add that, except to the extent indicated above, there should be no interference with the emigration of coolies from the Native States to the tea gardens in Assam, and that, as hitherto, the State concerned should be left to take such internal action as may be necessary to put down any practice which it may consider objectionable.

4. Briefly the policy of non-intervention, which the Government of India desire to be maintained, is that, while Government will not in any way assist or encourage recruitment in States where such recruitment is prohibited, they will at the same time do nothing to prevent or assist the Chiefs to prevent recruiters from carrying on their operations within the States at their own risk. There would, however, be no objection to the Chief of a Native State being supplied at his request with any information which might be available and which would assist him to enforce his own regulations.

5. I am also to enclose for information copy of a letter from the Government of Bihar and Orissa, No. 12891-M., dated the 18th September 1918, forwarding a set of model rules framed to regulate recruitment in some of the Feudatory States in that

province. Rules 2 and 6 of the rules involve a certain degree of co-operation on the part of the Assam Administration. The Government of India, however, do not consider this to be inconsistent with the policy of non-intervention outlined above.

ENCLOSURE

Letter—from the Hon'ble Mr. J. D. SIFTON, I.C.S., Secretary to the Government of Bihar and Orissa, Municipal Department, Commercial Branch.

To—the Secretary to the Government of India, Department of Commerce and Industry.

Dated—Ranchi, the 18th September 1918.

No.—12891-M.

With reference to Mr. Green's letter No. 8921, dated the 30th August 1918, I am directed to submit, for the information of the Government of India, a copy of the model rules framed in consultation with the tea industry and some of the leading Chiefs of the Feudatory States in this province for the regularization of the recruitment of coolies from these States to the labour districts of Assam.

2. The Feudatory Chiefs are being invited to adopt these rules and the names of the States which adopt them will be communicated to the Government of India in due course. The rules are only model rules which have the recommendation of the Local Government and it is open to the Chiefs in adopting them to make such modifications as may be necessary to suit any peculiar conditions prevailing in their respective States.

Sub-Enclosure.

Rules for the Regulation of Emigration from the Feudatory States in Bihar and Orissa.

1. (a) All terms and expressions used in these rules shall, unless otherwise explained, have the same meaning as in the Assam Labour and Emigration Act, 1901.

(b) The expression 'State authority' means the Superintendent in the case of States, under the direct management of Government and, in other cases, the Feudatory Chief or any responsible officer of the State appointed by the Feudatory Chief with the sanction of the Political Agent for the purpose of these rules.

2. (a) All persons are hereby prohibited from recruiting, engaging, inducing or assisting any native of the State or any other person for the time being residing in the same State to emigrate to any labour district otherwise than in accordance with these rules and unless and until they are provided with a certificate duly countersigned by an Inspector of Labourers or Magistrate, and sections 56 to 60 inclusive of the Assam Labour and Emigration Act, 1901, shall, so far as may be possible, apply to the granting and countersignature of such certificates.

(b) Whoever within the State knowingly recruits, engages, induces or assists or attempts to recruit, engage, induce or assist any native of the State or any other person for the time being residing in the same State to emigrate in contravention of these rules shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

3. (a) No person shall be allowed to recruit emigrants unless he works under the control of a local agent approved by the State.

(b) No local agent will be approved by the State authority unless he already holds a licence as a local agent in British India and the approval of the State authority will be withdrawn when the local agent ceases to hold a licence in British India.

(c) The State authority will entertain no application from any one for approval as a local agent unless the application is received through the Assam Labour Board and the Political Agent. Such application must contain full particulars of the local agent whose approval by the State is sought.

4. A separate register shall be maintained by the local agent for each State in the form appended to these rules and at the end of each month two copies of all entries in each such register relating to the month shall be forwarded by him to the Political Agent who will send one copy to such State concerned and keep the other for record in his office.

5. For every adult emigrant registered by a local agent a fee of Rs. 5 shall be paid by the local agent to the State from which the emigrant was recruited.

6. The Inspector of Labourers or Magistrate in Assam countersigning the garden sardar's certificate under rule 2 of these rules will send a copy of the certificate to the State concerned through the Political Agent for that State. No certificate shall be valid unless the name of the particular State in which the sardar will recruit is specified on the certificate.

7. A fee of Rs. 15 shall be paid to the State concerned for every certificate countersigned under rule 2 above.

8. No certificate under rule 2 shall be granted for a longer period than one year from the date thereof, and if the certificate-holder fails to comply with any of these rules or is guilty of any other misconduct or is found by the State authority to be for any other reason unfit to recruit emigrants, his certificate may be cancelled by the State authority. Whenever a certificate

is cancelled, the authority cancelling it will inform the Inspector or Magistrate who countersigned the certificate and the local agent under whom the holder of the certificate was working. The information will be sent through the Political Agent.

9. The fees prescribed for countersignature of a garden sardar's certificate under rule 2 and for recruitment of each adult emigrant under rule 5 shall be collected by the local agent and remitted to the Political Agent quarterly, who will then remit the amounts to the State concerned. Any expenses incurred by the Political Agent in remitting the fees to the States shall be met by the local agent on the demand of the Political Agent.

10. In any case when a State has permitted recruitment within its territory in accordance with these rules, this permission may be withdrawn by the State authority on giving six months' notice of the date on which recruitment will no longer be allowed. The notice will be given through the Political Agent, who will inform the Assam Labour Board. The six months will begin from the date on which the notice is received by the Assam Labour Board. After receipt of such notice, no certificate under rule 2 shall be granted in respect of emigration from the State which has given notice terminating recruitment.

11. Every local agent under whom garden sardars are working in the State and the chap-rasis and other servants of such local agent shall be allowed to enter the State at all times for the purpose of inspecting and supervising the work of such garden sardars.

Form of register of persons and their dependants engaged by garden sardars working under the control of, _____ local agent, at _____ during the month of 191 _____

[illegible]

I hereby certify that I have duly examined the above named persons, who have one and all acknowledged in my presence their readiness to proceed to the labour districts on terms which have been fully explained to them ; and I have further satisfied myself that none of them has been induced to proceed there by any coercion, undue influence, fraud, misrepresentation or mistake.

The 191 .
To the Political Agent of

Local Agent.

Order—No. 949, Home (Miscellaneous), dated 19th December 1918.

Communicated to the District Magistrates of Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr and Nellore, the Resident in Travancore and Cochin and the Political Agents of Pudukkōttai, Banganapalle and Sāndūr.

(True extract)

L. D. SWAMIKANNU,
Acting Secretary to Government.

- To the District Magistrates of Ganjam, Vizagapatam, Godavari, Kistna, Guntur and Nellore.
 „ Resident in Travancore and Cochin.
 „ Political Agents of Fudukkottai, Banganapalle and Sandur.
 Copy to other District Magistrates.
 „ Public (Political) Department.

NOTES CONNECTED WITH G.O. No. 949, HOME (MISCELLANEOUS),
DATED 19TH DECEMBER 1918.

[SUBJECT.—*Emigration—Assam.*]

I

Previous papers :

G.O.	862,	Public,	7th	Aug.	1911	G.O.	13,	Public,	4th Jan. 1916
"	904	"	19th	July	1913	"	368,	Home (Miscellaneous)	29th Nov. "
"	1585	"	10th	Dec.	1914	"	462	"	16th May 1917
"	221	"	13th	Feb.	1915	"	628	"	23rd June "
"	1179	"	9th	Aug.	"	"	1222	"	3rd Dec. "
"	1264	"	27th	"	"	"	775	"	14th Nov. 1918

II

*From the Government of India, Department of Commerce and Industry, No. 11811,
dated 25th October 1918.*

The Assam Labour and Emigration Amendment Act, 1915, came into force with effect from the 1st July 1915. Since then we have had three annual reports on the working of the Act. From a perusal of the reports it is observed that the District Magistrate, Vizagapatam, has reported all these three years that recruitment to Assam from Kalahandi and the neighbouring Native States does exist, but that the statements of the emigrants are verified before they are permitted to be sent to Assam. It is not clear if the District Magistrate, Vizagapatam, is enforcing in their cases, the provisions laid down by the Amended Act in regard to recruitment by Sardars working under the control of recognized local agents. There is no reference to free recruitment in the reports of the other District Magistrates during these three years.

2. The Native States under the political control of this Government are situated adjacent to districts to which the Assam Labour and Emigration Act has been extended, but recruitment from which has been prohibited (vide notifications XXIV and XXV). It will therefore be illegal if coolies recruited in those States are escorted through the adjacent districts. Further there appears to be no recruitment to Assam from these Native States. It is therefore doubtful if the Darbars concerned will have any use for the model rules forwarded with the letter from the Government of India. But there is perhaps no harm in communicating the correspondence to the Political officers concerned.

3. The instructions of the Government of India are more intended for the District Magistrates of the six northern districts, from which recruitment to Assam is permitted.

4. A draft order communicating it to the District Magistrates and Political officers concerned is submitted for approval which may issue with the concurrence of the Political Department.

A.V.S.—25-11-18.

P.D.R.—5-12-18.

L. D. SWAMIKANNU—9-12-18.

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25.11.18

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9/12/18

Feb
5.11.18

3912

3/1/19 4/1/19

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A.V.S.—25-11-18.

P.D.R.—5-11-18.

L. D. SWAMIKANNU—9-12-18.

PUBLIC (POLITICAL) DEPARTMENT.

Submitted that the draft order may be accepted in Political and the file returned to Home (Miscellaneous).

V.P.E.M.—10-12-18.

A.S.M.—11-12-18.

E. M. GAWNE—12-12-18.

C. G. TODHUNTER—13-12-18.

HOME (MISCELLANEOUS) DEPARTMENT.

submitted for orders as to issue.

A.V.S.—18-12-18.

P.D.R.—18-12-18.

C. H. BROWN—19-12-18.

[G.O. No. 949, Home (Miscellaneous), dated 19th December 1918.]

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Brief subject Immigration - Assam

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(b¹) For rules regarding printing of notes, see rule 315 of the office Manual.

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(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

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Clerk.

Supdt.

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Referencer.
Clerk.

Supdt.

C
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Type may be released after usual interval.

Referencer.
Clerk.

Supdt.

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