

Legislative (1899) Department.

ORDINARY PRINTED.

G.O., No. 90-91

DATED 2-8-99

INDEXED.

[Despatch Abstract.]

Bill to amend the Madras Coffee Stealing Prevention Act, 1878.

Directing that the — be forwarded to the Govt of India for the sanction of the penal clause contained therein.

Letter to Forwarding a copy of a — together with the Statement of Objects & Reasons, & requesting the sanction of the Govt of India for the penal clause contained therein.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1899} of Madras. LEGISLATIVE.

Recd.

Regd.

} 1899.

Enclosures

Spare copies

G.O., &c., Nos. 90, 91, 2nd August 1899.

AUGUST.

Bill to amend the Madras Coffee-stealing Prevention Act, 1878.

Directing that the — be forwarded to the Government of India for sanction to the penal clause contained therein.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following paper:—

G.O., No. 1083, Judicial, dated 10th July 1899.

Read—the following papers:—

From the Government of India, Revenue and Agricultural Department (Emigration), No. 3/36-17, dated 21st January 1899, forwarding review on the report of the South of India Planters' Enquiry Committee.

From the Government of India, Revenue and Agricultural Department (Emigration), No. 849/28-3, dated 1st May 1899.

With reference to the resolution of the Government of India, in the Department of Revenue and Agriculture, No. 3/36-17, dated 21st January 1899, on the subject of the regulation of labour on the tea and coffee estates in Southern India, I am directed to forward, for the information of His Excellency the Governor, the accompanying copy of correspondence with the Secretary of State. In accordance with the sanction conveyed in paragraph 3 of His Lordship's despatch of the 9th March last, a Bill to amend Madras Act VIII of 1878 may now be prepared for introduction in the local Legislative Council. If the Bill contains penal clauses, the sanction of the Government of India thereto in the Legislative Department should under standing instructions be applied for before introduction.

ENCLOSURES.

Copy of despatch from the Government of India, Department of Revenue and Agriculture (Emigration), to the Right Honourable the Secretary of State for India, No. 6, dated 26th January 1899.

With our Emigration despatch No. 14, dated 17th March 1897, we forwarded for Your Lordship's information the report of the South of India Planters' Enquiry Committee.

We now submit copies of the opinions received by us on the recommendations of the Committee from the Governments of Madras and Bombay and the Resident in Mysore and a copy of the resolution which we have recorded on the subject.

2. Your Lordship will perceive from the resolution that we have informed the Government of Madras that the recommendations of the Committee for the amendment of Madras Act V of 1866 which have the support of the Madras Government may be put in the form of a Bill for our further consideration. The proposals of the Committee with respect to the amendment of the Act are not in a sufficiently precise form for us to fully apprehend their effect or to submit Your Lordship our conclusions on the legislation which is contemplated. We shall address Your Lordship again on the subject when the Government of Madras have complied with our suggestion.

3. In paragraphs 172 to 175 of the report the Committee recommend the amendment of section 9 of Madras Act VIII of 1878 with the object of extending to "parchment" and "cherry dried" coffee the protection given to "green" coffee: also sections 5, 6 and 7 with the object of extending their provisions to sellers of coffee within the local areas in which the Act is in force. They recommend further that power be taken to prescribe forms of books and accounts for recording sales of coffee, to require returns of produce, and to verify them by entry and inspection. The Government of Madras support these recommendations and we agree with that Government in considering that the necessity for amending the present Act has been established. With Your Lordship's concurrence we propose to authorise the Government of Madras to introduce a Bill for the purpose in the local Legislative Council.

No. 161-163/36-18.

Copy of correspondence forwarded to the ^{Home} ^{Legislative} ^{Foreign} Department for information in continuation of this office Resolution No. 3/36-17 (Emigration), dated the 21st January 1899.

DESPATCH from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council, No. 34, Public (Emigration), dated India Office, London, 9th March 1899.

I have considered in Council the letter from Your Excellency's Government, No. 6 (Emigration), dated the 26th January 1899, with which you forward your conclusions on the report of the Committee which, in 1896, made an enquiry into the conditions, as regards the enforcement of labour contracts and other matters, of the planting industry in Southern India, including the Madras Presidency and the Native States of Mysore, Travancore, and Cochin.

2. On the important question whether a penal contract law, as recommended by the Committee, should be enacted for plantation labour in Southern India, you have reserved your final opinion until the measure is formulated by the Government of Madras in a more precise shape: but you have indicated in paragraphs 8 and 9 of your resolution of the 21st January, the general lines which such legislation, if held to be required, should follow. It is not necessary at this stage that I should express any opinion on this part of the subject. Your Excellency in Council has indicated in these paragraphs of your resolution the right principle of a penal contract law governing plantation labour, namely, that it can be justified only if the advantage thereby secured to the employer is balanced by adequate protection afforded to the labourer. There are some passages* in the report of Sir Macworth Young's Committee which appear to show that

in some parts of the area occupied by coffee estates the treatment of coolies is not altogether satisfactory. In the absence of statistics of sickness and mortality among labourers on estates, or on their way to or from the labour districts, it is not possible to say how far the necessity for detailed legislation on this subject exists. But Your Excellency and the Government of Madras will no doubt bear the matter in mind in any proposals for legislation that may be formulated.

3. I see no objection to the introduction in the Legislative Council of the Governor of Madras of a Bill to amend Madras Act VIII of 1878, as recommended by the Committee, in the manner explained in the third paragraph of your letter.

Order—No. 1083, Judicial, dated 10th July 1899.

Recorded.

2. The draft Bill to amend Madras Act VIII of 1878 (Coffee-stealing), prepared in the Judicial Department, will be transferred to the Legislative Department in which the further necessary action will be taken.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Legislative Department, with copy of the draft Bill
and Statement of Objects and Reasons.

Copy to the United Planters' Association of Southern India.

*A Bill to Amend Madras Act VIII of 1878
(Coffee-stealing.)*

WHEREAS it is expedient to amend Act VIII of 1878 (coffee-stealing); It is hereby enacted as follows:—

1. This Act may be called the Coffee-stealing Act Amendment Act.

2. It shall come into force at once.

3. After section 5 of the Act the following section shall be inserted:—

5-A. Every person in occupation and enjoyment of a coffee estate who sells barter or gives in exchange, any coffee shall at the time enter or cause to be entered in a book to be kept by him a true record of such transaction specifying

(a) The name, residence and occupation of the person to whom such coffee was so sold, bartered or given in exchange,

(b) The date of the transaction, and

(c) The quantity and description of the coffee so sold, bartered or given in exchange.

4. In section 6 of the Act for the words "Section 5" the words "Sections 5 and 5-A" shall be substituted, and after the word "purchasing" the words "or selling" shall be added.

5. In section 8 of the Act after the figure 5 the figure and letter 5-A shall be inserted.

6. In section 9 of the Act after the words "green gathered" the words "parchment or cherry dried" shall be added.

7. After section 14 of the Act the following sections shall be added, namely:—

(15) It shall be the duty of every person in occupation and enjoyment of a coffee estate situated within the local area to which this Act applies to submit such returns as may be prescribed by the Governor of Fort St. George in Council and to afford to Karnams, or other officers duly empowered by the Collector of the district in that behalf all reasonable facilities for verifying the correctness of such returns, and for obtaining such other information as may be required for the preparation of any books, entries, statistics or accounts, which the Governor of Fort St. George in Council may direct to be prepared.

(16) The Governor of Fort St. George in Council may from time to time make rules (a) for prescribing forms for such books, entries, statistics and accounts as he may think necessary to be kept, made or compiled in public offices, or submitted to any authority for the purposes of this Act, (b) for regulating the manner of compilation and preparation of such books, entries, statistics and accounts, (c) for regulating the time for and the person to whom such books, entries, statistics and accounts are to be submitted, (d) for regulating the inspections and examinations of such books, entries, statistics and accounts, and (e) generally for carrying out the purposes of this Act.

(17) Any person failing to comply with the provisions of section 15 of this Act shall be liable on conviction by a Magistrate to pay a fine not exceeding Rs. 100.

STATEMENT OF OBJECTS AND REASONS.

This Bill, which embodies the recommendations of the Committee appointed in 1896 to enquire into the grievances of coffee planters in the Madras Presidency, provides for rendering more efficacious the protective provisions of section 5 of Act VIII of 1878, by imposing on possessors of coffee estates who are sellers of coffee the duty of keeping registers of their transactions. It aims at protecting from theft by labourers on coffee estates "parchment" and "cherry dried" coffee which, like "green gathered coffee," are not articles of retail sale, and can only rightfully be possessed by growers, carriers, curers or *bona fide* dealers. The Bill also gives power to Government to provide forms of books and accounts, and to compel owners of estates to afford the information necessary for the inspection and examination of such books and accounts.

ORDER—No. 90, Legislative, dated 2nd August 1899.

As the Bill contains a penal clause it will be forwarded to the Government of India for sanction.

2. The Bill will also be forwarded to the Advocate-General for his remarks.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To the Judicial Department.

" Honourable the Advocate-General.

LETTER—No. 91, Legislative, dated Ootacamund, 2nd August 1899, to the Secretary to the Government of India, Legislative Department.

I am directed to forward a copy of a Bill to amend the Madras Coffee-stealing Prevention Act, 1878, which it is proposed to introduce into the local Legislative Council, together with the Statement of Objects and Reasons, and to request that the sanction of the Government of India may be accorded to the penal clause contained therein (section 7).

2. From the correspondence recorded in the Proceedings of this Government, No. 1083, Judicial, dated 10th July 1899, a copy of which accompanies this letter, it will be seen that the Government of India and the Secretary of State have already approved of the principle of the proposed legislation; and I am to state that this Government has accordingly decided to proceed with the measure under instruction No. 5 of the revised instructions to Local Governments forwarded with Mr. Macpherson's letter, No. 1481, dated 6th October 1898.

M. HAMMICK,
Ag. Secretary to Government.

STATEMENT OF OBJECTS AND REASONS.

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[Poll.]

500-19-4-55

Legislative

Political (1899) Department.

CURRENT No. 196

17.18.19 + papers
13/2/96

Regd for the
orig 18/10/89
19/7/89

From

Order

Judicial Dep.

No. 1083

Dated 10th July, 99.

Received 15 JUL 1899 - Saturday

Registered 17-7-99

Enclosures 2

Spare copies

SUBJECT.

Transferring for further
necessary action the
draft bill to amend
Madras Act VIII of 1878

21/15/11

BACK PAPERS.

G.O.	No.	Department.	Date.
72	35-11-88		
1083	Jul 8 10-7-88		
843	22-6-84		
17, 18+19	7/13-2-84		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Leve DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. , dated 189 .
Again G.O., No. , dated 189 .
Current No. 196 of 1899, dated 10 July, from the Judicial Dept
" " " 189 " "
" " " 189 " "

Bill to amend the Madras Coffee-Stealing Prevention Act, 1878.

To be deep 2
from 08h

ORDER. No 90 of 28.88
PS.

As the Bill contains a penal clause it will be forwarded to the Government of India for sanction.

2. The Bill will also be forwarded to the Advocate General for his remarks.

To the Judl Dept
" For the Hon. Genl
Para 2 only
7/8
are
24/99
28/12/89
Letter to -

No 91 of 28.88.

The sanction to the Government of India
Legislative Dept.

I am directed to forward a copy of a bill to amend the Madras Coffee-Stealing Prevention Act, 1878, which it is proposed to introduce into the local Legislative Council, together with the Statement of Objects and Reasons, and to request the sanction of the Government of

with fair -
25 sc each of letter
Prov. & Bill also
12/18/89

* Act VIII of 1878. Printed on pages 339-343 of the Madras Code.

India may be accorded to the penal clause contained in the Bill viz Sec 17 of the Act proposed by (Section 7).

From the correspondence recorded in the proceedings of ^{this} Government No 1083 Judicial dated 10 July 1898, it will be seen that the Government of India & the Secretary of State have already approved of the principle of the proposed legislation; & I am to state that this Government has accordingly decided to proceed with the measure under instruction No 5 of the revised instructions to local governments forwarded with Mr Macpherson's letter no 1487 of 6 October 1898.

ale
21/7/99
28/7/99
11/8/99

This is the current
half

A

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Letter only. — 40
Order complete with Letter. 20

READ AGAIN G.O. No. 189 DATED

CURRENT No. 196 — a

ENCLOSURE TO G. No. 196 — 3- a. [bill in half margin]

ORDER OF GOVERNMENT. — A

LETTER OF GOVERNMENT. — A

STATEMENT WITH DITTO.

PAPER NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B. —
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.