

1. Number of ... 16
2. Date ... 3-10-36
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M.R.O. 1-82 400-22-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	<i>1206</i>	Press ~~Mis~~
Dated	<i>22-11-</i>	<i>1866.</i>

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Department,

22nd November 1866.

No. 151. Read the following Proceedings of Government in the Legislative Department.

Requesting that the necessary steps may }
be taken for bringing the Labor Con- } (Dated 26th October 1866, No. 362.)
tracts Act into operation.

No. 152. ORDER THEREON, 22nd November 1866, No. 1206.

The Labor Contracts Act having received the assent of the Governor General, the Governor in Council is pleased to appoint the several Magistrates in this Presidency, and, in their absence, their Senior Assistants, to be Protectors of Laborers, to carry out the purposes of the Act within their respective Districts.

2. He is pleased, further, to appoint the Protector of Emigrants to be Protector of Laborers within the town of Madras.

3. All license and registration fees received by the several Protectors shall be paid into the Treasury of the District in which such fees were exacted; those received by the Protector for Madras being paid into the Bank of Madras.

(True Extract).

Chief Secretary.

To the Magistrate of
„ Protector of Emigrants.
„ Accountant General.

Exd. J. H. Burns.

LABOR CONTRACTS ACT.

ARRANGEMENT OF SECTIONS.

SECTIONS.

1. Interpretation Clause.
2. Contracts for labor in any part of India beyond territorial limits of Madras
Presidency unlawful, except under this Act.
3. Appointment of Protectors of Laborers.
Protectors of Laborers to be deemed Public Servants.
4. General duties of Protectors of Laborers.
5. Protectors of Laborers to license Contractors or Recruiters.
6. Duration of license, and its cancelment in case of misconduct.
7. Form of license to a Contractor, and fee to be paid.
8. Form of license to a Recruiter, and fee to be paid.
9. Recruiters to wear badge.
10. Natives engaging to labor not to leave their Districts without appearing
before the Protector of Laborers.
Examination and registration of Laborers.
11. Fee for registration.
12. Laborers refusing to proceed to place of labor, not to be compelled to do so
Proviso.
13. Contractors or Recruiters to establish Depots, and receive and maintain la-
borers therein.
14. Duty of Protector of Laborers prior to embarkation of laborers.
Penalty for embarking without authority, and for receiving passengers or
cargo tending to incommode the laborers on board.
15. Fees received to be accounted for to Government.
16. Penalty for making unlawful contract for labor.
17. Penalty for recruiting without being licensed.
18. Penalty for Contractor or Recruiter failing to take laborers before Protector
of Laborers, and for inducing laborers to contract by fraud.
19. Penalty for forwarding laborers, or allowing them to go without being duly
registered.
20. Prosecutions under this Act where and how to be instituted.
Levy of fines.
21. Commencement of Act.

MADRAS
ACT No. V of 1866.

An Act to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Fort Saint George, for labor to be performed in any part of India beyond the territorial limits of the Presidency of Madras.

Preamble. WHEREAS it is expedient to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Fort Saint George, for labor to be performed in any part of India beyond the territorial limits of the Presidency of Madras; It is enacted as follows :—

Interpretation. 1. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say :—

“ Contractor.” The word “ Contractor” in this Act shall be taken to mean, as well a person who contracts for the supply of laborers to others, as a person who employs Recruiters to engage and supply laborers for the purpose of serving such person himself.

“ India.” The word “ India” shall denote the territories vested in Her Majesty by the Statute 21 and 22 Vic. Cap. 106, entitled “ an Act for the better Government of India,” and also all Native States and Foreign Dependencies within such territories.

2. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native inhabitant of India within the Town of Madras or any of the Districts subject to the Government of Fort Saint George for labor to be performed in any part of India beyond the territorial limits of the Presidency of Madras ; provided that nothing in this Act shall apply to any contract of any Native Seaman or other person who of his own free will shall contract to navigate or serve on board any vessel or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a menial servant only, and who shall embark as such menial servant.

Appointment of Protectors of Laborers. 3. It shall be lawful for the Government of Fort Saint George from time to time to appoint such persons as they shall deem fit to act as Protectors of Laborers under this Act within such limits as the said Government may declare; and every Protector of Laborers shall be held to be a Public Servant within the meaning of the Indian Penal Code.

General duties of the Protector of Laborers. 4. The Protector of Laborers, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid, with his advice or otherwise, all laborers under contract in pursuance of this Act.

5. The Protector of Laborers shall license so many fit persons as shall seem to him to be necessary as Contractors or Recruiters of laborers within his jurisdiction, and shall assign to each such Contractor or Recruiter a District or Districts wherein he may engage laborers; and no person shall act or be employed as a Contractor or Recruiter of laborers except under a license from the Protector of Laborers.

6. Every license shall be in force for a period of one year; but in case of misconduct on the part of any Contractor or Recruiter, the Protector of Laborers may cancel his license before the expiration of the period for which it is granted.

7. Every license to a Contractor shall be in the form set forth in the Schedule A to this Act annexed. For every such license there shall be paid to the Protector of Laborers a fee of one hundred Rupees.

8. Every license to a Recruiter shall be in the form set forth in the Schedule B to this Act annexed. For every such license there shall be paid to the Protector of Laborers a fee of ten Rupees.

9. Every person holding a license as a Recruiter of laborers shall wear conspicuously a badge bearing the inscription of Recruiter of Laborers in the vernacular language of the Town, District or Districts in which he is licensed to engage laborers.

10. Every Native inhabitant of India, who shall in the Town of Madras or in any District within the Presidency of Madras enter into any engagement with a Contractor or Recruiter of laborers, shall, prior to leaving the Town of Madras or the District within which the engagement was entered into, appear with the Contractor or Recruiter before the Protector of Laborers of the Town of Madras or of such District; and no Contractor or Recruiter shall remove such laborer from the said Town of Madras or District until he shall have so appeared. Upon so appearing, the Protector of Laborers shall examine the laborer with reference to his engagement; and if it appears that he comprehends the nature of the engagement he has entered into and that he is willing to fulfil the same, and if it appears that the Contractor or Recruiter has authority to enter into the engagement, the Protector of Laborers shall register, in a book to be kept for the purpose in such form as the Government of Fort Saint George shall prescribe, the name, name of the father, and the age of such laborer, and the name of the village or place of which such laborer is a resident, the name of the District to which it is intended he shall proceed, and the rate of wages and period of service, if any, agreed upon between the laborer and the Contractor or Recruiter. If the Protector of Laborers shall be of opinion that the laborer does not comprehend the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, or if the Protector of Laborers shall be of opinion that the laborer is in a state of health which makes him unfit to undertake the journey which he is about to commence, he shall refuse to register his name. A copy of every registration under this Section, on substantial paper which shall not require a stamp, shall be furnished by the Protector of Laborers to the laborer registered.

Protector of Laborers to license Contractors or Recruiters.

Duration of license and cancelment in case of misconduct.

Form of License to a Contractor, and fee to be paid.

Form of License to a Recruiter, and fee to be paid.

Recruiters to wear badge.

Natives engaging to labor not to leave their Districts without appearing before the Protector of Laborers.

Examination and registration.

11. For the registration of every laborer, the Contractor or Recruiter shall pay to the Protector of Laborers a fee of one Rupee.

Fee for registration.

12. If any laborer shall without good and sufficient cause, refuse or neglect to proceed to the place at which the contract is to be performed, it shall not be lawful to compel him to proceed to, or detain him at, any place against his will; but nothing in this Section shall be taken to diminish or affect in any way the legal liabilities, Civil or Criminal, of such laborer, incurred by him by reason, or in respect, of his refusal or neglect aforesaid.

Every case in which a laborer is charged before a Magistrate of the Town of Madras with refusing or neglecting to proceed as aforesaid shall be heard and determined by such Magistrate in a summary manner; and every such laborer shall, on conviction, be punished in the manner provided in Section 492 of the Indian Penal Code for the punishment of offences under that Section.

13. Every Contractor or Recruiter licensed under this Act shall, if called on to do so by the Protector of Laborers by whom he is licensed, or by any Protector of Laborers within whose jurisdiction laborers recruited under the provisions of this Act may be detained previous to being conveyed to the place at which the Contract is to be performed, establish a depot in a place to be approved of by such Protector of Laborers. Every such depot shall be kept up by the Contractor or Recruiter for the reception of laborers to be supplied or forwarded by or through him. All such laborers shall, on their arrival at or in the neighbourhood of the depot so established by the Contractor or Recruiter by, through, or for, whom they have been engaged or forwarded, be at once taken to, and received into it, and shall be entitled to receive in such depot, at the expense of such Contractor or Recruiter, suitable lodging, food, clothing, and medical attendance, until such laborers shall be declared by the Protector of Laborers to be no longer entitled thereto. Every such depot as aforesaid shall be under the supervision of the Protector of Laborers, and shall be open to his inspection at all times, and shall be managed and regulated by the Contractor or Recruiter in accordance with such rules as the Protector of Laborers may, with the sanction of the Government of Fort Saint George, from time to time lay down in that behalf. Every laborer recruited under the provisions of this Act shall be conveyed with all convenient despatch to the place at which the Contract for labor is to be performed.

14. Whenever laborers hired under this Act are about to embark on board of any vessel, it shall be the duty of the Protector of Laborers who may be stationed at the port of embarkation, to satisfy himself that the vessel has sufficient accommodation for the number of laborers who are about to be embarked, and that reasonable provision has been made for their maintenance and comfort on the voyage; and thereupon he shall sign a written authority to the Master of the Vessel to proceed upon such voyage, with the number of laborers specified therein. Any Contractor or Recruiter of Laborers who shall embark any laborers hired under this Act, and any Master of any vessel who shall receive any such laborers until such written authority has been obtained or in excess of such authority, or who shall afterwards receive on board such passengers or cargo as shall unreasonably diminish the space

Duty of Protector of Laborers prior to embarkation of laborers.

Penalty for embarking without authority, and for receiving passengers or cargo tending to incommode the laborers on board.

necessary for the comfort or accommodation of such laborers, shall be liable to a fine not exceeding five hundred Rupees.

15. All fees received by any Protector of Laborers shall be accounted for to Government in such manner as the Governor of Fort Saint George in Council may direct.

16. Whoever shall, except under and in conformity with the provisions of this Act, make any contract with any Native inhabitant of India for labor to be performed in any place in India beyond the territorial limits of the Presidency of Madras shall be deemed to have committed the offence specified in Section 363 of the Indian Penal Code; and whoever shall aid in or abet the making of any such contract shall be deemed to have abetted the commission of that offence.

17. Whoever not being a Contractor or Recruiter licensed under this Act, shall act or be employed as a Contractor or Recruiter of laborers, or shall, contrary to the provisions of this Act, within the Town of Madras or within any District subject to the Government of Fort Saint George, enter into any contract with a Native inhabitant of India for labor to be performed in any place in India beyond the territorial limits of the Presidency of Madras, shall be liable to a fine not exceeding five hundred Rupees.

18. Whoever being a licensed Contractor or Recruiter under this Act, shall remove any laborer whom he may engage in the Town of Madras or in any District or place from such Town, District or place, without such laborer having appeared with the Contractor or Recruiter before the Protector of Laborers in order that such person might be examined and registered; and whoever shall, by means of intoxication, violence, fraud, or false pretences, induce any Native inhabitant of India to enter into any contract within the Town of Madras or any District subject to the Government of Fort Saint George for labor to be performed in any place in India beyond the territorial limits of the Presidency of Madras, or to proceed to any such place without having entered into any contract, shall be liable to a fine not exceeding five hundred Rupees.

19. Whoever being a duly licensed Contractor or Recruiter, shall forward or send any laborer from the town of Madras or from any District in which he has entered into any engagement, without such laborer having been duly registered in accordance with Section XI of this Act; and whoever, being a duly licensed Contractor or Recruiter, shall induce or knowingly permit any such laborer to leave the Town of Madras or any District in which he has entered into any engagement, without the laborer being duly registered as aforesaid, shall be liable to a fine not exceeding five hundred Rupees.

20. All prosecutions under this Act shall be instituted, on information laid at the instance of the Protector of Laborers before a Magistrate of Police or before a Magistrate of the District, according as they shall be instituted for offences committed within, or for

offences committed beyond the limits of the Town of Madras. All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Officer imposing the fine. When a warrant of distress is issued, the said Officer may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before such Officer on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Officer imposing the fine, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Officer whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Officer imposing the fine, he shall, by warrant, commit the offender to jail, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, or for any term not exceeding six months in any other case; the commitment to be determinable, in each of the cases aforesaid, on payment of the amount. The fine or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the order imposing it; and the death of the offender does not discharge from the liability any property which would after his death be legally liable for his debts.

21. This Act shall come into operation on the 1st day of November 1866.

Commencement of Act.

SCHEDULE A.

Office of the Protector of Laborers at

A. B. is hereby licensed, under (Madras) Act V of 1866, to be a Contractor for engaging persons in the District (or Districts) of to proceed to any part of India beyond the territorial limits of the Presidency of Madras, for the purpose of laboring for hire.

This license will be in force for one year only from this date.

Dated the day of 18 .

(Signed) E. F.
Protector of Laborers.

SCHEDULE B.

Office of the Protector of Laborers at

C. D. is hereby licensed under (Madras) Act V of 1866, to be a Recruiter for engaging persons in the District (or Districts) of to proceed to any part of

India beyond the territorial limits of the Presidency of Madras, for the purpose of laboring for hire.

This license will be in force for one year only from this date.

Dated the day of 18 .

(Signed) *E. F.*

Protector of Laborers.

*Proceedings of the Madras Government, Legislative Department,
26th October 1866.*

No. 10. Read the following letter from the Secretary to the Government of India, to the Acting Assistant Secretary to Government, Fort Saint George; dated Simla, 11th October 1866, No. 5337.

Home Department.

I have the honor to return, with the assent of the Governor General signified thereon, the authentic copy of the Law received with your letter, No. 326, dated the 31st of August last.

No. 11. ORDER THEREON, 26th October 1866, No. 362.

Ordered that a copy of the Act assented to by the Governor General, be forwarded to the Superintendent of the Government Printing Establishment, for publication in the "Fort Saint George Gazette."

2. The assent of the Governor General to this Act will be communicated to the Council for the purpose of making Laws and Regulations, as prescribed in Rule 39 of the Council Rules.

3. The necessary steps will be taken in the Public Department for bringing the Act into operation.

(True Extract).

[Signature]
Acting Asst. Secy. to Govt.,
Legislative Department.

To the Superintendent, Government Printing Establishment.

„ Public Department. *N, with a copy of the Labor Contracts Act.*

Exd. J. H. Burns.

with 5 spec. copies

For Public No 1389/1866
Nov 27, 1866

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

the following Pro-
ceedings of Government, Legislative
Department.

Order under 26th October 1866. N: 367

Order 22nd Nov: 1866 N: 1206.

The Labor Contract
Act having received the assent
of the Governor General, the
Governor in Council is pleased
to appoint the several Ma-
gistrates in this Presidency, and
in their absence, their Assistants,
to be protectors of Laborers
to carry out the purposes
of the Act within their
respective Districts.

2 He is pleased, further,
to appoint the Protector of
Emigrants to be Protector of
Laborers within the limits
of Madras.

5 All license and

Resolutions

11th July 1866 No: 744795
30th Aug: 1866 No: 1532166
22nd Nov: 1866 No: 1206

Public, 888

Secy of Govt.

Legislative Department

no 362.

Order 22nd Nov: 1866

Order 22nd Nov: 1866

Resolutions that the
necessary steps be
taken in the
Department in bringing
the Labor Contract
Act into operation.

W. J.

W. J.

29/11/66

11th July 1866

registration fees received by
the several Protectors shall
be paid into the Treasury of
the District in which such
fees were exacted, those received
by the Protector for Madras
being paid into the Bank
of Madras.

To the Magistrate of all the Districts
Protector of Immigrants
Accountant General
123 she 27/11
112

1911/12
22-11-1911

File 186/1 Department.

No. 1276

PROCEEDINGS OF GOVERNMENT.

195 of 1867-
Dated. 22 November 1911.