

MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No.	701	Press
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Dated	11-7-18	

Not to be folded or roughly handled

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Proceedings of the Madras Government, Public Department,

11th July 1866.

No. 74. Read the following Proceedings of Government in the Legislative Department, dated 30th June 1866, No. 204.

Directing the introduction into the Council of the Bill to regulate the recruitment and transport of laborers from any part of this Presidency to any other part of India. } (Vide Proceedings, Legislative Department, dated 30th June 1866, Nos. 9—11.)

No. 75. ORDER THEREON, 11th July 1866, No. 701.

To be recorded.

(Signed) J. D. SIM,
Acting Chief Secretary.

Exd. J. Tulloch.

Proceedings of the Madras Government, Legislative Department,
30th June 1866.

Read the following papers :—

No. 9. Proceedings of Government in the Public Department.

Directing the Assistant Secretary in the
Legislative Department to draft a Bill
to regulate the recruitment and trans-
port of laborers from any part of this
Presidency to any other part of India. } (Dated 30th May 1866, No. 542).

No. 10. Draft Bill prepared by the Acting Assistant Secretary.

A
BILL
TO

*Regulate the recruiting of Native Laborers within any of the Districts subject to the
Government of Fort Saint George, upon contracts for labor to be performed in
any part of British India beyond the territorial limits of the Presidency of
Madras.*

WHEREAS it is expedient to regulate the recruiting of Native Laborers within
any of the Districts subject to the Government of Fort Saint
George, upon contracts for labor to be performed in any part
of British India beyond the territorial limits of the Presidency
of Madras; It is enacted as follows :—

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 :—

The words “the Magistrate of the District” shall denote the Chief Officer
charged with the Executive Administration of a District and
exercising the powers of a Magistrate, by whatever designation
the Chief Officer charged with such Executive Administration
is styled, or, in the absence of such Officer from the station at which his Court is
ordinarily held, the Senior Officer at the station exercising the powers of a Magistrate
as defined in the Code of Criminal Procedure.

The words “British 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,” except the Settlement of
Prince of Wales’ Island, Singapore, and Malacca.

2. Except under and in conformity with the provisions of this Act, it shall
not be lawful to make any contract with any Native of India
within any of the Districts subject to the Government of Fort
Saint George for labor to be performed in any part of British
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.

3. The Protector of Emigrants at the Port of Madras nominated in pursuance of Section 13 of Act XIII of 1864, shall perform the duties assigned by this Act to the Protector of Laborers, and shall be subject to removal by the Government of Fort Saint George.
4. The Protector of Laborers at the Port of Madras shall be held to be a Public Servant within the meaning of the Indian Penal Code.
5. 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.
6. The Protector of Laborers, or the Magistrate of a District, shall license so many fit persons as shall seem to him to be necessary as Recruiters of laborers within such District, and shall assign to each such Recruiter a District or Districts wherein he may engage laborers; and no person shall act or be employed as a Recruiter of laborers except under a license from the Protector of Laborers or the Magistrate of a District.
7. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of laborers, or the Magistrate of the District, may cancel his license before the expiration of the period for which it is granted.
8. Every license shall be in the form set forth in the Schedule A to this Act annexed. For every license there shall be paid to the Protector of Laborers, or to a Magistrate of a District, a fee of ten Rupees.
9. Every person holding a license as a Recruiter of laborers shall wear a badge bearing the inscription of *Recruiter of Laborers* in English and in the vernacular languages of the District or Districts in which he is licensed to engage laborers.
10. No Recruiter shall engage or attempt to engage laborers in any District without having first exhibited his license to the Magistrate of such District and obtained the countersignature of such Magistrate thereupon. Such countersignature shall be given, provided that the license is in force at the time.
11. Every Native of India, who shall, in any place within the Presidency of Madras, other than the Town of Madras, enter into any engagement with a Recruiter of laborers, shall, prior to leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District; and no Recruiter shall remove such laborer from the said District until he shall have so appeared. Upon so appearing, the Magistrate 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

Protector of Emigrants at Madras to be Protector of Laborers.

Protector of Laborers to be deemed a Public Servant.

General duties of the Protector of Laborers.

Protector of Laborers and Magistrate of the District to license Recruiters.

Duration of license and cancellation in case of misconduct.

Form of License and fee to be paid.

Recruiters to wear badge.

Recruiter to have his license countersigned by a Magistrate where he is recruiting.

Natives engaging to labor not to leave their Districts without appearing before Magistrate.

Examination and registration.

- the Recruiter has authority to enter into the engagement, the Magistrate 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 Recruiter. If the Magistrate 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 Magistrate 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, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the laborer registered.
12. For the registration of every laborer, the Recruiter shall pay to the Magistrate a fee of one Rupee.
13. Every Native of India, who shall in the Town of Madras enter into any engagement with a Recruiter to labor, shall within forty-eight hours of making such engagement appear with the Recruiter before the Protector of Laborers; and no Recruiter shall remove such laborer from the said Town until he shall have so appeared. Upon his 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 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 Recruiter and laborer. 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, written on substantial paper which shall not require a stamp, shall be furnished by the Protector of Laborers to the laborer registered.
14. For the registration of every laborer under the last preceding Section, the Recruiter shall pay to the Protector of Laborers a fee of one Rupee.
15. 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 local liabilities, Civil or Criminal, of such laborer, incurred by

Fee for registration.

Registration of laborers recruited in the Town of Madras.

Fee for registration by Protector.

Laborers refusing to proceed to place of labor, not to be compelled to do so.

Proviso.

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.

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

17. Whoever shall, except under and in conformity with the provisions of this Act, make any contract with any Native of India for labor to be performed in any place in British 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.

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

19. Whoever being a licensed Recruiter under this Act, shall remove any laborer whom he may engage in any District or place other than the Town of Madras from such District or place, without such laborer having appeared along with the Recruiter before the Magistrate of the District in order that such person might be examined and registered; and whoever being such licensed Recruiter as aforesaid, shall remove any laborer whom he may engage in the Town of Madras from such Town, without such laborer having appeared with the 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 of India to enter into any contract within any District subject to the Government of Fort Saint George for labor to be performed in any place in British 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.

20. Whoever being a duly licensed 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 Sections XI and XIII of this Act; and whoever, being a duly licensed Recruit-

er, 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.

21. All prosecutions under this Act shall be instituted, on information laid at the instance of the Protector of Laborers or of an Officer appointed for the purpose by the Government of Fort Saint George, before a Magistrate of Police or before the 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 such recognizance can be obtained 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.

22. It shall be lawful for the Government of Fort Saint George from time to time to authorize any person invested with the powers of a Magistrate as in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District; and every person so authorized shall, in all respects for the purposes of this Act, be deemed to be included in the words "the Magistrate of the District."

23. This Act shall come into operation on the day

Proceedings of the Madras Government, Legislative Department,
30th June 1866.

SCHEDULE A.

Office of the Protector of Laborers at the Port of Madras (or Office of the Magistrate of the District of).

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

Protector of Laborers:
(or Magistrate of

No. 11. ORDER THEREON, 30th June 1866, No. 204.

The Right Honorable the Governor in Council directs that steps be taken for introducing the foregoing Bill into the Council of the Governor for making Laws and Regulations. The Honorable R. S. Ellis will take charge of it.

(True Extract).

[Signature]
Ag. Asst. Secretary to Government,
Legislative Department.

To the Honorable R. S. Ellis, C. B.
,, Public Department. ✓

with 2 spare copies

Exd. J. H. Ellis

1/30 June 1866
196 June 1866
196 June 1866

For the Legislative Department

Public 1866