

Go. no. 516-517

PUBLIC. Dt. 8-7-1882

11) 813

(18)

No. 64E.

FROM

E. C. BUCK, Esq.,

Offg. Secretary to the Government of India,

TO

THE CHIEF COMMISSIONER, BRITISH BURMA.

Revenue, & Agricultural Dept.

Emigration.

CALCUTTA, 8th March 1882

SIR,

I AM directed to forward the enclosed papers* received from the Government of Madras, relative to certain rulings of the High Court of that Presidency, which declare all recruitment of labour in India for British Burma, except under license, to be illegal and in contravention of the Labour Law (Act III of 1876).

The Government of Madras considers these decisions to be opposed to the intention of the Act upon which they are based, and I am to request that you will favour the Government of India with your opinion on the question raised in the correspondence.

2. Act III of 1876 was, as you are aware, introduced to promote a system of State emigration from India to British Burma; and when, upon a failure of that system as against the competition of unassisted voluntary emigration, the operations under the Government scheme were abandoned in 1878, there was no further necessity for the maintenance of Act III of 1876.

If you concur in this view, it seems to the Government of India that the best course would be to repeal the Act which, as long as it remains in force, will operate under the judgment recorded by the High Court of Madras to put a check upon free emigration to Burma, a result which would be extremely prejudicial to the interests of that Province.

I have the honor to be,

SIR,

Your most obedient Servant,

E. C. BUCK,

Offg. Secretary to the Government of India.

Enclosures.

Copy of letter No. 1768 (Public—Emigration), dated 22nd December 1881, from the Government of Madras and of its enclosures.

செப்பனெடுபவர் பெயர் 9-ம். 6-வது

செப்பனெடுவதற்காக எடுத்த 3/20/2

கொள்ளப்பட்ட நாள்

செப்பனெடு முடிந்த நாள் 3/20/2

சரிபார்க்கும்

மு. ந. பா. என்

கையொப்பம்

1882.
GOVERNMENT OF INDIA.
REVENUE AND AGRICULTURAL
DEPARTMENT.

EMIGRATION.

To
THE CHIEF COMMISSIONER,
BRITISH BURMA.

No. 64E.
Calcutta, the 8th March 1882.

SUBJECT.

FORWARDING for expression of opinion papers received from the Government of Madras relative to a ruling by the High Court of that Presidency, which declares unlicensed recruiting of labourers for Burma to be illegal under Act III of 1876.

British Burma.

REVENUE DEPARTMENT.—No. 484-3E.I.
(Emigration.)

FROM

G. D. BURGESS, Esq., C.S.,
SECRETARY TO THE CHIEF COMMISSIONER, BRITISH BURMA,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

Dated Rangoon, the 16th May 1882.

SIR,

I AM directed to acknowledge the receipt of your letter No. 64E., dated the 8th March last, forwarding papers concerning the operation and effect of the British Burma Labour Law of 1876.

2. In reply I am to express the view of the intention of the Act which has been taken by the Government of Madras. It would seem that the Act is meant to apply only to the special kind of emigration described in the Act, so far as Burma is concerned, the Act has been for the last four years a dead letter. Sections 4 and 43 of the Act impose on the Chief Commissioner the duty of preventing Emigration and Immigration Agents at every port of embarkation and disembarkation. These provisions of the law have never been entirely fulfilled, and since 1878 they have been totally neglected.

3. The Chief Commissioner has no regular recruitment of Madras labourers for employment in the Straits. Madras coolies do not regularly go to and come from the Straits take place, in Burma. Madras coolies do not regularly export of Madras coolies for their own profit or pleasure. But if the law remain in force, the requirements of the Act of 1876, and, as suggested by the Government of India, the best course would be to repeal it completely.

4. It is undesirable that a law which are systematically disobeyed, the Commissioner hopes that repeal may be granted at an early date, because the law of free immigrants is going on and will, it may be hoped, increase in value and honour to be,

I am, Sir,

most obedient servant,

G. D. BURGESS,

Secretary.

8TH JULY 1882; No. 617, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From T. W. HOLDERNESS, Esq., Of-
ficer of India, Revenue and
to the Chief Secretary to Govt.
No. 131 E—18-4.

Adverting to your letter, No. 1768, d

To the Chief Commissioner of British Burma,
No. 64, dated 8th March 1882.
From the Chief Commissioner of British
Burma, No. 484, dated 16th May 1882.

2. It will be observed from the correspondence
has proposed and the Chief Commissioner
Labor Law of 1876 should be repealed.
the Governor in Council has any objection
cally inoperative for years, and under the
is no longer required. It will apparently
to guard against the revival of the provisions
superseded so far as they applied to emigration.
Government of India desires to have the
Madras.

Exc

From E. C. BUCK, Esq., Officiating Secretary,
Agricultural Department (Emigration),
Calcutta, 8th March 1882, No. 64 E.

I am directed to forward the enclosed paper

* Letter No. 1768 (Public—Emigration), dated 22nd December 1881, and enclosures.

except under license, to be illegal and in contravention
The Government of Madras considers the
Act upon which they are based, and I am to
with your opinion on the question raised in the

2. Act III of 1876 was, as you are aware,
tion from India to British Burma; and when
competition of unassisted voluntary emigration
were abandoned in 1878, there was no further

If you concur in this view, it seems to me
be to repeal the Act which, as long as it remains
recorded by the High Court of Madras to put a
which would be extremely prejudicial to the interests

Under Secretary to the Govern-
mental Department (Emigration),
dated Simla, 21st June 1882,

and December 1881, relative to a
ruling by the Supreme Court of
which, in effect, declares all un-
recruiting of coolies for British
to be illegal, I am directed to
copy of the correspondence noted
margin.

be that the Government of India
Burma agreed that the Burma
inquire whether His Excellency
bourse. The law has been practi-
conditions of emigration to Burma
ary in repealing Act III of 1876
Madras Act V of 1866 which it
British Burma. On this point the
His Excellency the Governor of

Government of India, Revenue and
Commissioner, British Burma, dated

from the Government of Madras,
to certain rulings of the High Court
residency, which declare all recruit-
labor in India for British Burma,
the Labor Law (Act III of 1876).

be opposed to the intention of the
will favor the Government of India

to promote a system of State emigra-
culture of that system as against the
tions under the Government scheme
the maintenance of Act III of 1876.
of India that the best course would
will operate under the judgment
upon free emigration to Burma, a result
of that province.

8th JULY 1882. 516, 517, PUBLIC.

From G. D. BURGESS, Esq., C.S., Secretary to the Government of the Chief Commissioner, British Burma, Rangoon, 16th May 1882, No. 484.

I am directed to acknowledge the receipt of your letter, No. 64 E., dated the 8th Mar of 1876, forwarding papers concerning the effect of the British Burma Labor Law.

2. In reply, I am to express the Chief Commissioner's concurrence in the view of the intention of the Act which has been taken by the Government of Madras. It would seem that the Act was meant to apply only to the special kind of emigration described in the Act itself. As far as Burma is concerned, the Act has been for the last four years a dead letter. Sections 4 and 43 of the Act impose on the Chief Commissioner the duty of appointing Emigration and Immigration Agents at every port of embarkation and at each port of debarkation. These provisions of the law have never been entirely fulfilled, and since 1878 they have been totally neglected.

3. The Chief Commissioner believes that no regular recruitment of Madras laborers for employment in the Straits takes place, or is present likely to take place, in Burma. Madras laborers undoubtedly go to and come from the Straits for their own profit or pleasure; but there is no regular export of Madras coolies from Burma ports to Penang or Singapore.

4. It is undesirable that a law should remain in force, the requirements of which are systematically disobeyed. There no longer exists any necessity for the Act of 1876, and, as suggested by the Government of India, the course would be to repeal it completely.

5. I am to add that the Chief Commissioner hopes that repeal may be granted at an early date, because the influx of free immigrants is going on and will, it may be hoped, increase in volume.

ORDER—dated 8th July 1882, No. 517, Public.

Ordered that the following be patched to the Government of India.

(Extract.)

C. G. MASTER,
Chief Secretary.

LETTER—to the Secretary to the Government of India, Revenue and Agricultural Department, (Emigration), dated 8th July 1882, No. 517, Public.

I am directed to acknowledge the receipt of your letter, dated the 21st June 1882, No. 131 E—18-4, and the enclosed proposed repeal of the Burma Labor Act has now fallen into desuetude, retaining it longer.

2. With reference to the question of reviving the provisions of Madras Act V of 1866, so far as they applied to British Burma, I am directed to express the opinion of this Government that, as the second clause of Section 18, which renders liable to punishment any one who "by means of intoxication, violence, or false pretences induces any native inhabitant of India to enter into any contract within the town of Madras or any district subject to the Government of Madras for labor to be performed in any place in India beyond the territorial limits of the Presidency of Madras." That portion of Section 20, which requires "provisions to be instituted by the Protector of Laborers might also be usefully retained in the interests of the aggrieved person, whose case would thus be brought to the attention, and as affording some safeguard against vexatious proceedings.

C. G. MASTER,
Chief Secretary.

Exd. T. O'Connor.

1P No 131 E. 18-4
 From Read. The following papers:-
 J. N. Holderness, Esq.,

Offg. Under Secretary to the Govt of India

To
 The Chief Secretary to the Govt of Madras

Revenue and
 Agricultural Dept
 (Emigration)

Sindia, the 21st June 1887

Sir,

Adverting to your letter No 1768 dated
 22nd December 1887 relative to a recent ruling
 by the Supreme Court of Madras which, in
 effect, declares all unlicensed recruiting of
 coolies for British Burma to be illegal, I am

To the Chief Commissioner of British
 Burma No 64 dated 1st March 1882.
 From the Chief Commissioner of British
 Burma No 484 dated 1st May 1882. —
 directed to enclose
 copy of the corre-
 spondence noted
 on the margin. —

2. It will be observed from the corre-
 spondence that the Government of India had
 proposed and the Chief Commissioner of
 British Burma agreed that the Burma Labo.

772
 280

Law of 1876 should be repealed. I am to
enquire whether His Excellency the Governor
in Council has any objection to this course.

11/12/81
(11/12/81)

The law has been practically inoperative for
years and under the present conditions of
emigration to Burma is no longer required.

It will apparently be necessary in repealing
Act III of 1876 to guard against the revival
of the provisions of Madras Act V of 1866

which it superseded, so far as they applied
to emigration to British Burma. On this
point the Government of India desires to have

the opinion of His Excellency the Governor
of Madras.

CURRENT NO. 1

I have the honour to be,

Your most obedient servant,

W. H. D. S. S.

Offs. Secy to the Govt of India

Public DEPARTMENT.

No. 1503

From

The Govt of India, Revenue & Agr. Deptt.

FOR ORDERS.

For the
Engr. Secy to the Govt of India

11/12/81

G.O. 22 Dec 81 no 1767

It will be remembered that
the High Court put an inter-
pretation on the Burma
Labour Act (1876) which
the Govt. agreed, was not
within the intention of the
Legislature.

The Burma Law
enactments declared permit
given under colour of
the Act, or under fraudulent
pretences or to be illegal
& punishable

The H. Comb. Committee held
all unlicensed recruitment
whether under colour of the
Act or not, to be illegal.
Perhaps they had not have
fallen into the error, had
Council appeared for the
Crown & explained the
circumstances.

On this, we write to India
pointing out the necessity
of an explanatory enactment,
if they considered the intention
of the Legislature to be expressed
without sufficient clearness
in the enactment as
questioned.

They now reply forwarding
correspondence with the Chief
Commissioner D. Narayan (who was
with us), and expressly
supporting the repeal of the
Act of 17th August, 1876,
as has ^{now} fallen into disrepute.

As the Act is imperfect
there seems no reason to
maintain it longer.

But the question arises as
to the necessity of revising Madras
Act V of 1866 qua Burma;
which the Imperial Act of 1876
repealed "as to engagements
hereafter made in the P^{ce} of
Madras for labour to be
performed in Br. Burma, or
as to the emigration of Natives
of India from one P^{ce} to B. B."

Submitted that no portion of
Act V of 1866 (or) ^{qua} Burma be repealed,
except the second clause of
sec. 18 which ^{renders liable to} ~~makes punishable~~
any one who "by means of
intimidation, violence, fraud or
false pretences induces any Native
inhabit^t. of India to enter into
any contract or for labour
to be performed beyond the
territorial limits of the P^{ce}."

Perhaps to sec. 20 might
be revised: but this is
not absolutely necessary.

- it requires prosecutions to be
 instituted by the Prot. of
labourers for the district;
 this might be a useful
 safeguard against vexatious
 prosecutions, & (2) in the
 interests of the complainant,
 whose case w^d have the ad-
 vantage of being better con-
 ducted.
 The rest of action 20 regarding
 levy of fines is now quite
 unnecessary.

FOR ORDERS.

Hon. J. C. ...
 ...

Put up ...
 ...
 Put up ...
 ...

...
 ...

M. 3/9. M. 5/9.
 M. 5/9 M. 7/9

Public DEPARTMENT.

No. 517.

To

The Secretary to the Government

of India,

Rev. Agri. DEPARTMENT.

(Emigration)

Sir,

Order 8th July 1882 No 516.
 Ordered that the following
 be despatched to the Govt
 of India

Despatched 25th
 26/7/82

I am directed to
 acknowledge the
 receipt of your letter
 of the 21st June 1882
 No. 131.E and the cor.
 18.44.
 response therewith
 forwarded, regarding
 the proposed repeal of
 the Burma Labour Law
 of 1876, and to state,
 in reply, that, the
 Act has now fallen
 into desuetude and
 is practically inoperative,
 the Madras Govt. see

no reason for main-
taining it longer.

2. With reference to
the question of reviving
the provisions of Madras
Act V of 1866 so far
as they applied to
British Burma, I
am directed to express
the opinion of this Govt.
that no portion of it
need be revived ~~in~~
Burma, except the
second clause of sec.
78 which renders
liable to punishment
any one who by
means of intoxication,
violence, fraud, or
false pretences induces

2P any native inhabitant^{or}
of India to enter into
any contract within the
town of Madras or any
district subject to the
Govt. of Fort St. George
for labor to be per-
formed 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.~~ This
Govt. also considers
^{that portion}
~~the second~~ of sec. 70,
^{which}
~~so far as it~~ requires
prosecutions to be
instituted by the
Protector of Laborers
for

might also be usefully revised,
~~for the District Officer~~
both in the interests of the applicant person, whose case w^d thus seem
~~to be~~ as affording ~~an~~ adequate attention; and

~~useful~~ safeguard

~~against vexatious~~
~~prosecutions.~~ & (2) as

~~being in the interests~~

~~of the complainant~~

~~whose case would~~

~~have the advantage~~

~~of being better~~

~~conducted.~~

(from order)

Set
7/7
equ

Not recommended
8th July 1882

To
The Secretary to the
Government of
Department.
187
DEPARTMENT.
187

Reg. No.

1882.

REV. & AGRI. DEPT.

From

THE CHIEF COMMISSIONER, BRITISH BURMA.

D. 16th May } 1882. { No. 484-3E.I.
R. } { Enclosures,
{ Spare copies,

D. No. Progs.

L. No. No.

Operation and effect of the British Burma Labour
Law of 1876.

ACKNOWLEDGES receipt of letter No. 64E., dated the
8th March last, forwarding papers concerning the
operation and effect of the British Burma Labour
Law of 1876, and expresses the Chief Commissioner's
concurrence in the view of the intention of the Act.

7/7

10
Govt. of (1882) Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., &c., 8th July 1882,
Nos. 516, 517.

JULY.

Emigration.

Addressing on the subject of the repeal of the
Burma Labor Law of 1876.

BACK PAPER, No.

11 of 1852.

[Despatch.]

READ AGAIN Order of Government, dated
188 , No. Miscellaneous.

OTHER PAPER, No.

of 1852.

ENCLOSURES.

2-*

CURRENT o.

1503-*

STATEMENT WITH DITTO.

ORDER, &C. OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged.)

No. OF COPIES TO BE PRINTED.

Order 50
Letter 50
Collection 30

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

11
PRESS.

Public DEPARTMENT.
G.O. DATED *8 July 82*
No. *516/517*

24/75 RS
3526/25
8476 RS
3257/24

10 1/2002 R.H

First copy sent to Press.

Returned for signature.

Despatched in print.



[Despatch Abstract.]

*Enlighten. Addressing
the folk of India
on the subject of the
repeal of the ~~Burrows~~
Labour Law Law
of 1876.*

*290 2002
RU*