

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 12-2-91
No. 115

INDEXED

When given for copying

[Despatch Abstract.]

Regarding emigra-
tion from India to
Labuan on the
same conditions as
those to Borneo.

107
F. 55/12-2-91
No. 207 E.
5-5

C No 310.
35

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

Post copy of Service Message.

(Emigration)

Dayd Calcutta the 23rd January 1891.

FROM Calcutta,

FROM Revenue & Agricultural Dept.

To Singapore.

To The Honble the Colonial Secretary,
Straits Settlements.

"My Telegram of 24th ultimo. Government
agree to emigration from India to Labuan
on the conditions for Borneo."

N^o

24P

No. 221 E.
5-5

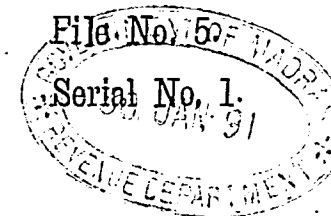
Dated 24th Jan'y. 1891.

Copy, with copy of letter to the Govern-
ment of British North Borneo, No. 34 E.
5-1 dated 5th January 1891, forwarded to
the Government of Madras for information
with reference to its telegram of the
19th instant and previous correspondence.

By order, &c.

J. M. Mackenzie

Under Secy. to the Govt. of India.
W. S.



1891.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

EMIGRATION.

To

THE SECRETARY TO THE GOVERNMENT OF BRITISH NORTH
BORNEO, SANDAKAN.

No. 34 E.
5-1

Dated Calcutta, the 5th January 1891.

SUBJECT.

EMIGRATION to British North Borneo.

502

Encl.

No. $\frac{34}{5-1}$ E.

FROM

SIR E. C. BUCK, Kt.,
Secretary to the Government of India.

TO

THE SECY. TO THE GOVT. OF BRITISH NORTH BORNEO,
SANDAKAN.

Revenue & Agricultural Dept.
Emigration.

CALCUTTA, the 5th January 1891.

SIR,

The draft Proclamation for the protection of Indian immigrants in British North Borneo, received with your letter No. 234, dated 10th April 1890, has been carefully considered by His Excellency the Governor General in Council in consultation with the Government of Madras, and, with the exception of a few verbal alterations, has met with His Excellency's approval. Before proceeding to indicate the modifications which an examination of the Proclamation has suggested, I am directed to convey the following remarks on the executive arrangements affecting recruitment and transport of labourers prior to their arrival in the colony, when they will come under the provisions of the proposed law.

2. A preference has been expressed, in past correspondence, for recruits drawn from the Mussulman population of Northern India; but it is believed that the intention now is to obtain labour entirely from the Madras Presidency. Apart from the difficulty of procuring suitable agricultural emigrants from the Mussulman classes of the Northern provinces, the Government of India foresee serious objections to recruitment on the Straits system being extended beyond the limits of the Madras Presidency. The people of that Presidency alone are in the habit of emigrating to the Malayan region, and are familiar to the officials of the Straits Settlements, under whose general supervision recruits will be obtained. Emigration from other provinces of India to countries beyond the sea proceeds exclusively under Act XXI of 1883, the introduction into them of free recruitment would be objectionable; and the transport of labourers from the Punjab or the North-Western Provinces through Madras Ports to Borneo would be attended by practical difficulties. His Excellency the Governor General in Council desires,

therefore, that labour emigration to Borneo should, at any rate for the present, be confined to the Madras Presidency, and conducted exclusively from the Port of Negapatam, from which emigration to the Straits Settlements proceeds.

3. In regard to the system of recruitment in India the Government of India agree with the suggestion made in paragraph 2 of the letter of the Colonial Secretary, Singapore, No. 12045, dated 27th November 1889, that recruiters should be approved by the Straits Government and coolies subjected at Negapatam to exactly the same rules as coolies for the Straits. Previous to embarkation emigrants will be mustered before an official appointed by the Madras Government, in order to ascertain whether they are willing to emigrate and understand what is expected of them. The Government of Madras have suggested, and the Government of India concur in the suggestion, that the Government of Borneo should arrange for a thorough medical examination of recruits at the Negapatam depôt before they are embarked. It seems probable that, if no medical examination is made until the emigrants arrive in Borneo, much unnecessary expense may be incurred in medicines and return passages for those who are found physically unfit for the work for which they have been engaged.

4. From paragraphs 13 to 17 of your letter to the Colonial Secretary, Singapore, No. 627, dated the 17th October 1889, it is understood that your Government contemplates the transport of labourers either direct to Borneo by specially chartered steamers or after transshipment at Singapore. I am, however, to point out that under section 101 (2) of the Colonial Emigration Act of 1883 as recently amended, emigration to Borneo under the system now proposed has been legalised on the express proviso that labourers shall be recruited exclusively through the agency of the Government of the Straits Settlements, a condition which seems to make it imperative that no steamers should convey emigrants to Borneo without calling at Singapore. Your Government will no doubt be able to arrange with the Government of the Straits Settlements that due precautions are taken against any attempts to entice away labourers during their stay at Singapore.

5. His Excellency the Governor General in Council presumes that an Immigration Agent or Protector will be appointed as soon as the recruitment of labour is commenced. The Government of Madras have expressed a strong opinion on the necessity for the immediate appointment of a suitable Protector easily accessible to all Indian immigrants. The Government of India entirely concur with that Government in the belief that the success of the experiment will depend on the character and qualifications of the Immigration Agent, whose appointment they consider to be an essential condition of the scheme. The Immigration Agent should be an officer in whom the Government of Madras can place implicit confidence, possessed of a knowledge of Tamil and Telugu, or at all events of the former language, and, if possible, a duly qualified Medical officer. The Governor General in Council trusts that the Government of British North Borneo will be able, in consultation with the Government of Madras, to obtain the services of such an officer.

6. Another matter to which the Government of India attach great importance is the frequent and careful examination by medical officers of immigrants in order to guard against their employment while physically unfit, and to study the effects of climate and diet in Borneo on the Madras native. The neglect of this precaution may, as elsewhere, result in an excessive death-rate, which would compel the stoppage of emigration. At the close of each year

the Government of India will expect to be favoured with a copy of the report which the Immigration Agent will no doubt furnish to the Colonial Government on the health and general condition of the Indian labourer, the relations between them and their employers, and on the working of the immigration laws and system generally.

7. Turning now to the Proclamation, I am to convey the following observations communicated by the Government of Madras for the consideration of the Government of British North Borneo:—

Section 16 (c).—For “this port” read “this part”.

Section 18.—For “be notified” read “be prescribed”; and insert “the” before “Government Gazette”.

Section 20.—In the last line insert “Government of the” before “Straits Settlements”.

Section 22.—It is not stated who is to be the authority to decide whether it is necessary for an emigrant to be examined by a Medical officer.

Section 23.—The proposed addition in the second line does not appear to be correct, for, if the immigrant has already entered into a contract at Singapore, there seems to be no reason why he should be detained in the depôt “until he shall have entered into such contract * * * or repaid such advances.” The proviso to this section apparently requires modification with reference to the note, in which it is said that it is “occasionally necessary to detain coolies for two or three weeks.”

Section 26 (d), Section 49, Proviso to Section 81, and Section 92 (last clause).—The words “he may be sent back to the place where he was engaged” might be misunderstood in the case of a man who entered into his contract at Singapore. The insertion of the words “in India” or “in the Madras Presidency” between “place” and “where” seems advisable.

Section 31.—Insert “been” between “has” and “specially”; and insert “Government” between “the” and “Gazette”.

Section 33 (last clause).—Insert “Government” between “the” and “Gazette”.

Section 35 (a).—It is not stated by whom the notice is to be sent.

Section 36.—The insertion of the words “or attested” in lieu of “by whom it is executed” is not understood.

Section 37.—Between “Agent” and “English” insert “of this State the”. In place of the proposed addition to line 3, insert “contracts that are to be attested shall be delivered in duplicate by the employer to the Immigration Agent of the State who, after comparing the two copies, shall attest both and return one to the employer and deliver the other to the immigrant concerned.”

Section 38.—Under this section and the definition of the term advances, an immigrant might be charged for detention at a depôt for which he was not to blame. It seems equitable that an immigrant should not be made to pay for maintenance when his detention and enforced idleness at depôts are due to causes beyond his control, or that in the event of the demand being made he should be allowed pay from the date his contract is signed or attested as the case may be. A clause should, it is suggested, be added to this effect. The necessity for special precautionary measures for testing the correctness of alleged cash advances to immigrants has also been pointed out by the Port Officer at Negapatam, within whose experience it has frequently happened that such advances have been falsely recorded by recruiting agents.

Section 44 (Proviso).—For “coolie” read “immigrant”. It is understood that the meaning of the proviso is that the immigrant will be credited with the increased pay, but that the increment will be retained to pay off any outstanding balance of advances. Otherwise it might operate unjustly in the case of labourers who were absent from duty through illness and unable to repay advances in full by the second year.

Section 47.—This section refers solely to a contract for a definite term which, by section 41, is limited to three years. The words “third year” should, therefore, be substituted for “subsequent years” at the end of the section.

Section 49 (last line).—For “section 24” read “section 26”.

Section 78 (a).—This section is incomplete.

8. In conclusion, I am to say that the Government of India will issue a notification under the Indian law, which has been amended for the purpose of legalizing emigration to British North Borneo, on receiving intimation that the Proclamation has been promulgated and the necessary arrangements made

for the recruitment, transport, and disposal of emigrants. In the meantime I am to enquire, for the information of the Government of Madras, whether the Government of British North Borneo will permit free or uncertificated immigrants who pay their own way to the State to land there. A large number of free immigrants, chiefly Muhammadans, go to the Straits Settlements from the Madras Presidency.

9. In regard to the proposal made in your letter No. 6 of the 9th February 1890, that the emigration scheme should be extended to the Settlement of Labuan, a separate communication will be addressed to you.

I have the honour to be,

SIR,

Your most obedient Servant,

E. C. BUCK,

Secretary to the Government of India.

No. $\frac{35}{5-1}$ E.

Copy forwarded to the Government of the Straits Settlements for information, in continuation of Sir E. Buck's letter No. $\frac{139}{13-5}$ E., dated the 23rd August 1889.

By order,

J. W. P. MUIR-MACKENZIE,

Under-Secretary to the Government of India.

In Public No 310/91.

CURRENT No. 310.

[9]

Public DEPARTMENT.

17/1/91 No. 49 Dms. Dms.
28/9/90 No. 651/2-4

Han
mis

Order 12 Feb 91/12/15

Recorded.

From

The Govt. of India

Rev. & Agn. Dept.

No. 221
5-5 E

No.

Dated 24-1-91

Received 30-1-91

Enclosures /.

SUBJECT.

Commencing
Copy of telegram to the Govt. of
Straits Settlements agreeing to
immigration from India to Labuan
on the same conditions as for
Borneo.

C. 10/2
C. 12/2

200.

BACK PAPER, No.

OF 15

FURTHER PAPER, No. 1109

OF 1891

1335

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.