

(1) பக்கங்களின் எண்ணிக்கை 8-11.

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரம் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெருகு துறை

அரசாணை எண். 71	அச்சகம்
மு. கோப்புத் தாள் எண்.	பல்வகை
நாள் : 29-1-1891	1891.

மடிக்கலோ துன்பாடி கையாளலோ கூடாது.

ஆவண. கா. 1-18,006-69-90.

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 29-1-92
No. 71.

INDEXED.

When given for copying

[Despatch Abstract.]

Copy of the ^{and instructions} ~~Particulars~~ of ~~Immigrants~~ ^{letters} for the port of India
proceeding under the
the Natal Indian
Immigration Law
No. 25 of 1891—

I 1/2

6-12-10

13/11/01

1-11-06 ✓

14-2-08 ✓

15/3/09 ✓

19-9-22 B IV ✓

28-5-29 B III ✓

1-8-24 NS 2

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

With 4 original
enclosed to be
returned

N.B.—

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

No. 28 OF 1890.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

EMIGRATION.

To

THE RIGHT HONOURABLE

VISCOUNT CROSS, G.C.B.,

Her Majesty's Secretary of State for India.

Simla, the 5th August 1890.

MY LORD,

WE have the honor to acknowledge the receipt of Your Lordship's Despatch No. 142 (Public—Emigration) of the 12th December last, forwarding, with connected correspondence, the Report of the Natal Indian Immigrants Commission, 1885-87, and a draft Bill to amend and consolidate the law relating to the introduction of Indian immigrants into that Colony and to their regulation and government. These documents have received our careful consideration and we now desire to communicate the following observations on them.

2. We have not thought it necessary to avail ourselves of the offer of the Governor of Natal to depute a competent person to India to assist our Government in the discussion of the draft Ordinance, many of its provisions having already been considered and reported on in our despatch No. 19 (Emigration) of the 19th July 1884.

3. The population of Natal appears to consist, roughly, of 370,000 Kaffirs, 36,000 Whites and 30,000 Indians. Of the latter about 9,000 are under indenture, while the remainder are free and earn their livelihood as agriculturists, fishermen, petty shop-keepers and servants. The condition of all seems to be fairly satisfactory, but the free Indians are exceptionally prosperous, and their intelligence and frugality make them formidable competitors with certain sections of the white community. The result has been to excite, in some quarters, a decided opposition to their importation into the colony. Indian labourers appear to be indispensable only to the owners of sugar plantations, who are a small fraction of the population; and the Commission recommends, with a view to putting some check on immigration in the future, that the State contribution of £10,000 per annum should be discontinued and that a bonus should be offered for Kaffir labour; as well as other minor measures, having the same object.

We gather from the Report that public opinion in Natal would support more vigorous steps against the free Indians than the Commission thinks it desirable to recommend; and we recognize that difficulties of this kind are not unlikely to arise in any colony where Indian and White labour are brought into competition on equal terms.

4. We can hardly doubt that the introduction of the measures to which we have referred would prejudicially affect emigration to Natal, and it is a matter of satisfaction that they do not appear so far to have been adopted by the Colonial Government or Legislature. While, however, the continuance of emigration to Natal is not perhaps a matter of so much concern to India as to induce us to press labour upon a colony not fully prepared to welcome it, we nevertheless consider ourselves bound to insist upon the importance of securing that labourers who have been or may in future be sent there in compliance with its demands shall continue to receive just and considerate treatment, and we desire to represent that some of the omissions and amendments in the draft Bill, as compared with the old law, will have the effect of relaxing, to a certain extent, the undoubtedly scrupulous protection hitherto extended to the Indian immigrants. In particular we have had our attention attracted by the proposal to abolish the judicial powers of the Protector of Immigrants. It is true that Her Majesty's Secretary of State for the Colonies has urged that the recommendations of the Commission on this point should be given early effect, but we have also noted that, as pointed out by Sir H. Havelock in his despatch, No. 181 of the 26th August 1888, the Indian Immigration Trust Board does not fully concur in them, and we gather from Sir M. Gallwey's Report of the 28th June 1888 that the exercise of the Protector's jurisdiction in the past has not been unsuccessful. We are in some doubt what duties and powers the proposed Act will leave to the Protector in relation to disputes between employers and immigrants. Apparently, under section 43 of the draft Bill, he is to enquire into complaints and may report the result to the Government. Seeing, however, as pointed out by Sir M. Gallwey, that the Governor has no power to offer redress, we are unable to regard this as constituting a sufficient safeguard to the interests of the labourers. We would therefore urge that, even if the Colonial Legislature insists on withdrawing the Protector's magisterial powers, he should at any rate be recognized, in section 29 and other similar provisions of the draft Bill, as an authority to whom an immigrant may resort in case of ill-treatment, or when his wages have been unjustly detained, without being liable to punishment as a deserter. And we would also press for the maintenance, as recommended by the Indian Immigration Trust Board, of section 11 of Law 19 of 1874, which empowers the Protector to call for any case decided by a Resident Magistrate in which an Indian Immigrant may be concerned, and to submit such case to the Governor, who may thereupon amend the order in such manner as he may think fit. We desire, moreover, to support the Attorney General's objection regarding interpreters, as we deem it of the greatest consequence that disputes in which Indians are concerned should not be decided without their having a fair hearing. The objection most frequently urged to the maintenance of the Protector's powers is that, owing to ignorance of Indian languages, recent Protectors have been unfit to exercise them properly. This however, which, with the liberal salary attached to the office, there should be no difficulty in overcoming.

5. The remaining provisions appear to us to be free from objection, and we desire to express our opinion that the enhanced scale of

punishments to which we took exception in our Despatch No. 19 of the 19th July 1884, has been abandoned. We also observe with satisfaction the provisions of Chapters XVII and XVIII, relating to medical care and hospitals.

6. We no longer think it necessary to press our objection to the provision of section 105, reducing from three years to one the term within which a time-expired immigrant may claim a free return passage to India; but we consider that this amendment should not apply to immigrants who may be already in the colony or are recruited prior to the passing of the ordinance.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

LANSDOWNE.

F. S. ROBERTS.

G. CHESNEY.

A. R. SCOBLE.

C. A. ELLIOTT.

P. P. HUTCHINS.

D. BARBOUR.

FILE NO. 13.
SERIAL NO. 3.

No.

1890.

GOVERNMENT OF INDIA.
REVENUE AND AGRICULTURAL
DEPARTMENT.

EMIGRATION.

No. 28, DATED SIMLA, THE 5TH AUGUST 1890.

(Copy.)

*Letter to Her Majesty's Secretary of State
for India.*

SUBJECT.

Communicates remarks on the draft Bill to
amend and consolidate the laws relating to the
introduction of Indian Immigrants into Natal.

[C H. L.]

G. C. Press, Simla.—No. 414 R. & A. D.—1-8-90.—104.

No. 125 Public (Emigration), dated India Office, London, the 19th November 1891.

*From—THE RIGHT HON'BLE VISCOUNT CROSS, G.C.B., Her Majesty's Secretary of
State for India,*

To—The Government of India.

WITH reference to your Emigration letter No. 28, dated the 5th of August 1890, I transmit, for the consideration of Your Excellency in Council, copy of correspondence with the Colonial Office respecting the passing of the Natal Indian

Immigration Law, No. 25 of 1891.

2. A material alteration in the position of immigrants appears to be made by the provisions of sections 91 and 92. To the alteration contained in section 110 your Government has already assented.

Dated Colonial Office, Downing Street, the 20th October 1891.

From—J. BRAMSTON, Esq., Under-Secretary of State for the Colonies,

To—The Under-Secretary of State for India.

WITH reference to the letter from your Department of 19th September 1890, J. and P. 1476, I am directed by Lord Knutsford to transmit to you, for the information of the Secretary of State for India in Council, a copy of Natal Law, 25 of 1891, to amend and consolidate the laws relating to the introduction of Indian immigrants.

Lord Knutsford proposes to advise Her Majesty not to disallow the law, but to instruct the Governor with reference to sections 91, 92, and 110 to introduce an amending Bill providing that any Indian immigrant recruited before the passing of this law may obtain a license to leave the Colony after completing five years' industrial service, and may obtain a return passage if claimed within three years after he becomes entitled to it.

No. 193, dated Pietermaritzburg, Natal, the 12th September 1891.

From—SIR C. B. H. N. CHELL,

To—The Secretary of State for the Colonies.

I HAVE the honour to submit to Your Lordship, for the signification of the Queen's pleasure thereon, a transcript in duplicate of the following Law which was passed during the recent session of the Legislative Council, and to which I have assented, namely—

Law No. 25, 1891, a Law "to amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal and to the regulation and government of such Indian Immigrants."

The usual statement by the Attorney General is attached to the law.

2. It will be observed that the Attorney General points out that the Bill which has become Law No. 25, a draft of which I submitted to Your Lordship in my Despatch No. 202 of the 2nd September 1889, and which received the consideration of the Government of India, and the provisions of which met generally with approval, was passed in the Legislative Council with certain amendments of detail rather than of principle.

3. Regarding the question of the restriction, or the abolition of the judicial powers of the Protector of Immigrants, to which Your Lordship referred in your Despatches, marked Emigration, of the 19th October 1888 and the 30th September 1890, and from which extracts are quoted in the Attorney General's statement, I would call attention to page 4 of this statement which relates to the introduction into the law of section 46, under which the Governor may confer magisterial powers in master and servants' cases upon the Protector of Immigrants, the Assistant Protector, and the Deputy Protector, to be exercised by him or them when visiting estates and places where Indians are employed.

Statement upon Bill No. 8, 1891, to amend and consolidate the laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants.

THIS measure of consolidation is one of the outcomes of the Indian Immigrants Commission, 1885—87, which was presided over by Sir Walter Wragg. The draft Bill was transmit-

Public 231/92
2
Public 407/92

ted to the Secretary of State for the Colonies and by him submitted for the consideration of Her Majesty's Indian Government; its provisions generally met with approval. The Bill was introduced into the Legislative Council, and, with certain amendments of detail rather than of principle, passed the Council.

The Secretary of State in his Despatch of 19th October 1888 said "I am still of opinion that it is desirable to abolish the judicial functions of the Protector of Immigrants, or at all events that they should be very considerably limited and confined perhaps to minor labour questions, but I am quite willing that the question should be considered with other points in which the immigration laws may be thought to require amendment."

The Government of India was strongly in favour of the retention of all the judicial powers conferred upon the Protector of Indian Immigrants by former legislation, but the Secretary of State in his Despatch of 30th September 1890 said "I still adhere to my opinion that the judicial powers of the Protector of Immigrants should be abolished."

During the passage of the Bill through the Legislative Council strong representations were made to me, as the member in charge of the Bill, as to the advisability of conferring upon the Protector of Immigrants certain judicial powers in master and servants' cases when visiting estates in the discharge of the duties of his office; the draft Bill had the effect of depriving the Protector of all judicial powers.

To meet the representations so made section 46 has been introduced, under which the Governor may confer magisterial powers in master and servants' cases upon the Protector, to be exercised by him when visiting estates and places where Indians are employed. This provision, which is discretionary, will, if given effect to, confer upon the Protector powers as a visiting justice, which, if wanting, would materially diminish the benefits of his visits to estates. The amendment is also covered by the Secretary of State's expression of opinion of 19th October 1888.

The position of Indian immigrant women has been improved by the introduction of section 53.

The interest on overdue instalments has been reduced from 10 to 8 per cent. per annum. The penalty on the harbouring of an indentured Indian has been reduced from 8 to 4 per diem and a definition given of "proper diligence." The holidays have been fixed in terms of the existing law, the practical working of which is well known to the Indian population. Authority has been given to the Protector to cancel and determine contracts of service on the application of either the master or the servant.

These are the most important of the changes which have been made in the draft Bill which met with the approval of the Government of India and of the Secretary of State for the Colonies.

I am of opinion that this Bill may properly receive the royal assent.

NATAL;
The 10th August 1891.

W. MORCOM,
H. M.'s Attorney General.

No. 1755 J. and P., dated India Office, London, the 17th November 1891.

From—SIR HORACE WALPOLE, Under-Secretary of State for India,

To—The Under-Secretary of State for the Colonies.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Bramston's letter of the 20th ultimo, transmitting a copy of the Natal Law, 25 of 1891, to amend and consolidate the laws relating to the introduction of Indian immigrants.

In reply I am desired to say that Viscount Cross has forwarded the correspondence to the Government of India and has called attention to the material alteration in the position of Indian immigrants which the new provisions of sections 91 and 92 seem to make.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

EMIGRATION.

To

THE RIGHT HONOURABLE VISCOUNT CROSS, G.C.B.,
Her Majesty's Secretary of State for India.

CALCUTTA, the 20th January 1892.

MY LORD,

WE have the honour to acknowledge the receipt of Your Lordship's Despatch No. 125 Public (Emigration) of the 19th November 1891, with which was forwarded correspondence between Your Lordship and the Colonial Office regarding the Natal Indian Immigration Law, No. 25 of 1891.

2. We agree with Your Lordship that a material alteration has been made in the condition of the Indian immigrant by the provisions of sections 91 and 92, which affect his claim to be allowed to leave the country on the expiration of his five years' indenture without abandoning his right to a free return passage. We consider, however, that, subject to a slight modification which we shall presently indicate, the case will be sufficiently met by the enactment of an amending law as proposed by the letter from the Colonial Office of the 20th October last, providing that any Indian immigrant recruited before the passing of this law may obtain a license to leave the colony after completing five years' industrial service, and shall receive a return passage if claimed within three years after he becomes entitled to it.

3. We think it necessary that application of the new law should be extended not only to immigrants recruited before the passing of the law, No. 25 of 1891, but to all who may have been recruited before it is made known in this country. We have in the meantime desired the Governments of Madras and Bengal to instruct the Protectors of Emigrants to communicate the change to all intending emigrants and to report the dates from which these instructions will be carried out. Your Lordship shall be informed of those dates in due course.

4. We understand that the Governor of the Colony will not fail to take action, as occasion requires, under section 46, which has been enacted, in deference to our objections to the proposed total abolition of the Protector's judicial powers, with the object of enabling him to exercise some judicial authority when engaged in the inspection of estates upon which Indians are employed.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

LANSDOWNE.

P. P. HUTCHINS.

D. BARBOUR.

A. E. MILLER.

H. BRACKENBURY.

R. C. B. PEMBERTON.

3
Public 221/92
3
Pw: 407/92

File No. 231
Serial No. 3

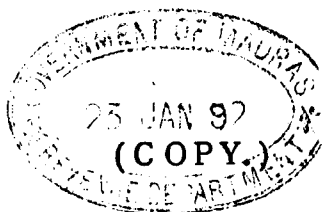
No.

1892.

Revenue and Agricultural Department.

EMIGRATION.

No. 7, DATED CALCUTTA, THE 20TH JANUARY 1892.



(Letter to Her Majesty's Secretary of State for India.)

SUBJECT.

COMMUNICATES remarks on certain provisions of Natal Indian Immigration Law, No. 25 of 1891.

CURRENT No. 231

[9]

Public DEPARTMENT.

From

The Govt. of India.

Rev. & Agric. Dept.

No. 96/10

Dated 19th

25th Jan 1892

Received 23rd

25th

Enclosures 4

(15 40. 40. of the three enclosures)

SUBJECT.

Natal Indian Immigration

and.

WITH ORDER

Hu.

Order 29 Jan 92 No 71

Conud: - and the

Enclosures forwarded in original (return requested) - to the Protector of Emigrants, Madras for guidance and for early report with reference to para 2.

28 Jan 92

27/11

DESPATCHED

Protector of Emigrants

29 JAN 92

with enclosure to be returned.