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<i>Public</i> DEPARTMENT.	
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[Despatch Abstract.]

Recording and re-
-ut of the Govt of
his for sending
copy of Straits Ordinance
xvi of 1892 to amend
the Indian Immu-
nities Ordinance
v of 1884—

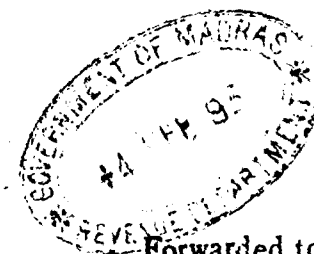
No. 239 .

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

(Emigration)

at
Calcutta, dated the 3/ January 1893 .



Forwarded to the Government of Madras for information, in continuation of this Department's endorsement No. 3070 dated 29th December 1892.

By order,

[Signature]
Under-Secretary to the Government of India.

List of Papers Forwarded.

Straits Ordinance XVI of 1892 to amend the Indian Immigration Ordinance V of 1884.



Straits Settlements.

ORDINANCE NO. XVI OF 1892.

An Ordinance to amend "The Indian Immigration Ordinance 1884."

[22nd December, 1892.]

[L. S.] CECIL C. SMITH,
Governor and Commander-in-Chief.

It is hereby enacted by the Governor of the Straits Settlements with the advice and consent of the Legislative Council thereof as follows:—

1. (1)—This Ordinance may be cited as "The Indian Immigration Ordinance Amendment Ordinance 1892" and shall be read Ord. 5 as one with "The Indian Immigration Ordinance 1884" herein- of 1884 after called the principal Ordinance and shall come into force either as to the whole or any section or sections thereof on a day or days to be fixed by order or orders of the Governor in Council. Short title.
Commence-
ment.

If the whole Ordinance is not brought into operation on one day every such order shall specify the sections which are to be brought into operation thereby.

(2)—Any copy of the principal Ordinance printed after the commencement of this Ordinance may be printed with the additions omissions substitutions and other amendments required and made by this Ordinance.

(3)—Nothing in this Ordinance shall apply to any contract entered into before the commencement of this Ordinance.

2. Section one of the principal Ordinance shall be amended by the omission of the second clause thereof. Amendment
of section 1 of
principal
Ordinance.

3. Section two of the principal Ordinance shall be amended— Amendment
of section 2 of
principal
Ordinance.

(a) by the omission of the definitions of the terms "Magistrate" "Master" and "Ship" respectively; and

(b) by the insertion of the words following:—

"The expression 'a day's work' means either work
"for a day of nine hours or a task which is approved by
"the Indian Immigration Agent under section forty-five
"for the estate on which the labourer is for the time
"being working as being equivalent to such work and a
"Statute Immigrant shall be deemed to have done 'a
"day's work' who has laboured for nine hours in a day
"or has performed such a task as aforesaid."

"The expressions 'India' and 'British India' mean
"the territories which are or may become vested in Her
"Majesty by the Imperial Statute 21 and 22 Vic. c. 106
"intituled 'An Act for the better Government of In-
"dia' and includes the Native Indian States which are
"for the time being under the protection of the British
"Indian Government."

(c) by substituting for the definition of "Immigrant" the following definition:—

"'Immigrant' means an Asiatic native of British India and for the purposes of this Ordinance every Asiatic of Indian descent shall be deemed to be a native of British India until the contrary be proved."

(d) by substituting for the definition of "advances" the following:—

"'Advances' means any sum or sums not exceeding five dollars in all advanced in cash to the labourer before he enters into a contract under this Ordinance by an Officer of the Indian Immigration Department and entered in the contract."

Amendment
of section 3
of principal
Ordinance.

4. For section three of the principal Ordinance shall be substituted the following:—

"3. The enactments in schedule C shall be repealed to the extent therein specified."

Amendment
of section 5 of
principal
Ordinance.

5. Section five of the principal Ordinance shall be amended by the omission of all that follows the word "purpose".

Amendment
of section 6 of
principal
Ordinance.

6. Section six of the principal Ordinance shall be amended by inserting before the words "an Assistant Indian Immigration Agent" the words "a Deputy Indian Immigration Agent or".

Amendment
of section 7 of
principal
Ordinance.

7. Section seven of the principal Ordinance shall be amended by inserting before the words "Assistant Agent" the words "Deputy or".

Amendment
of section 18
of principal
Ordinance.

8. Section eighteen of the principal Ordinance shall be amended by substituting for the words "the Indian Immigration Agent" the words "an Officer of the Indian Immigration Agent's Department".

Amendment
of section 20
of principal
Ordinance.

9. Section twenty of the principal Ordinance shall be amended by omitting the words "cargo or".

Amendment
of section 21
of principal
Ordinance.

10. Section twenty-one of the principal Ordinance shall be amended by omitting all that follows the words "proceed on board".

Repeal of sec-
tion 22 of
principal
Ordinance.

11. Section twenty-two of the principal Ordinance shall be repealed.

Amendment
of section 24
of principal
Ordinance.

12. Section twenty-four of the principal Ordinance shall be amended by substituting for the words "received advances" the words "received a free passage from India under a promise to enter into a contract under this Ordinance".

Amendment
of section 25
of principal
Ordinance.

13. For section twenty-five of the principal Ordinance shall be substituted the following:—

"25. (1)—Any Immigrant who has received a free passage from India under a promise to enter into a contract under this Ordinance may be detained under the care of the Indian Immigration Agent in a depôt until he shall have entered into such contract or shall have paid to the Indian Immigration Agent the sum of twenty-four dollars provided that no Immigrant shall be detained in a depôt against his will for more than one week.

"(2)—Any Immigrant who has received a free passage from India under a promise to labour in a foreign country or State to which Indian Immigration is authorised by the Indian Government may be detained in a depôt until he can be forwarded to his destination."

14. Section twenty-six of the principal Ordinance shall be amended by—

(a) omitting the words "or if he be a Statute Immigrant to his employer".

(b) substituting for the words "employer by whom or on whose behalf the advances have been made" the word "Government".

(c) omitting the second paragraph.

15. Section twenty-eight of the principal Ordinance shall be amended by—

(a) substituting for the words "repay his advances with such smart-money" the words "pay such sum of twenty-four dollars".

(b) substituting for the words in the last paragraph "by whom or on whose behalf such advances have been made" the words "on whose behalf the passage of the Immigrant has been paid".

(c) substituting for the words "twenty dollars" the words "twenty-four dollars".

16. Section thirty of the principal Ordinance shall be amended by substituting for the words "whose advances and smart-money shall not have been repaid" the words "who has received a free passage from India under a promise to enter into a contract under this Ordinance and who has not paid the said sum of twenty-four dollars".

17. Section thirty-three of the principal Ordinance shall be amended by inserting after the words "fifty dollars" the words "or to imprisonment of either description not exceeding seven days".

18. Section thirty-four of the principal Ordinance shall be repealed.

19. Section thirty-seven of the principal Ordinance shall be amended by adding after the words "Indian Immigration Agent" wherever they occur in the said section the words "Deputy Indian Immigration Agent or Assistant Indian Immigration Agent."

Amendment
of section 39
of principal
Ordinance.

20. Section thirty-nine of the principal Ordinance shall be amended by—

- (a) substituting for the words "the form" the words "one of the forms";
- (b) substituting for the second paragraph thereof the following words:—"every such contract shall be exempt from Stamp duty."

Repeal of
sections 41, 42
and 43 of
principal
Ordinance.

21. Sections forty-one forty-two and forty-three of the principal Ordinance shall be repealed.

Amendment
of section 44
of principal
Ordinance.

22. For section forty-four of the principal Ordinance shall be substituted the following section:—

"44. (1)—The contract to be entered into by an Immigrant may be for an indefinite period determinable by either the employer or the Statute Immigrant on a month's notice either oral or in writing or may be for a definite term not exceeding three years and in the case of an Immigrant who has received a free passage from India under a promise to enter into a contract under this Ordinance shall be for the term of three years but any such definite term shall be exclusive of—

- "(a) every day spent by the Statute Immigrant in prison or in going to or returning from prison;
- "(b) every day spent by the Statute Immigrant in going to attending before or returning from a Court in or about a case in which he is convicted of an offence;
- "(c) every day during which the Statute Immigrant has been absent from the estate as a deserter and in respect of which absence he has been convicted by a Magistrate;
- "(d) every day in respect of which the Statute Immigrant has been convicted by a Magistrate of neglect to labour under section seventy-one.
- "(e) every day in respect of which an endorsement is made on the contract by the Indian Immigration Agent or a Medical Officer under sections fifty-eight and ninety-five.

"(2)—For the purposes of clauses (a) and (b) any part of a day shall be counted as one day.

"(3)—No day shall be excluded under clauses (b) (c) and (d) in calculating the term unless it be endorsed on the contract by the Judge or Magistrate by whom the case is tried or under clause (a) unless it be endorsed on the contract by the Indian Immigration Agent.

"(4)—If the contract is for the term of three years it shall be determined whenever the Statute Immigrant has done seven hundred and twenty days' work.

Amendment
of section 45
of principal
Ordinance.

23. For section forty-five of the principal Ordinance shall be substituted the following section:—

"45. (1)—The Indian Immigration Agent may approve for any estate a schedule of tasks equivalent to work for a day of nine hours. Such schedule shall be written in English and Tamil and signed by the Indian Immigration Agent and copies thereof shall be fixed up in conspicuous places in or about the estate and in the coolie lines so that the same may be made known to the Statute Immigrants labouring on the estate.

"(2)—The employer may whenever he thinks fit direct the Statute Immigrant to perform a task instead of working by the day and the performance of such task shall for the purposes of this Ordinance or of any contract thereunder be equivalent to working for a day but so that no Statute Immigrant shall be compelled to work for more than nine hours in any one day."

"(3)—The employer shall within the first seven days of each month post up in a conspicuous place on the estate a list of the number of days' work which have been performed by each Statute Immigrant on the estate in the preceding month together with the total number of days' work which have been performed by such Statute Immigrant under his contract up to date. An employer neglecting to comply with the provisions of this subsection shall be liable to a fine of twenty-five dollars."

24. (1)—For section forty-six of the principal Ordinance shall be substituted the following section:—

"46. It shall not be lawful to contract with a Statute Immigrant for wages at less than the rates following:—

- "For a male fourteen cents a day.
- "For a female ten cents a day.

"(2)—The wages of a Statute Immigrant shall be payable monthly on or before the fifteenth day of the month next following."

25. Section forty-seven of the principal Ordinance shall be amended by—

- (a) the omission of the clause beginning with the words "He shall" and ending with the words "in the week" and of the clause beginning with the words "If he works" and ending with the words "contract rate";
- (b) the insertion after the word "employer" in the third paragraph of the words "at work other than factory work";
- (c) the substitution in the said third paragraph for the words "two cents" of the words "one cent for each half hour's work"; and
- (d) the omission of the words "hereinbefore mentioned" at the end of the section.

26. Section fifty of the principal Ordinance shall be amended by substituting for the second clause thereof the clauses following:—

Amendment
of section 46
of principal
Ordinance.

Amendment
of section 47
of principal
Ordinance.

Amendment
of section 50
of principal
Ordinance.

"The value of the unexpired portion of a contract under this Ordinance shall be calculated in the following manner:—

"The number of days' work which the Statute Immigrant has done will be deducted from the number of days' work which are required by the contract as provided by section forty-four and the remainder shall be deemed to be the unexpired portion of the contract and shall be valued at the rate of one dollar for every thirty of such days during the first year and at the rate of two dollars for every thirty of such days during the second and subsequent years.

"If the value of the unexpired portion of the contract calculated as above does not amount to twelve dollars the sum of twelve dollars shall be deemed to be such value for the purposes of this section. In no case shall such value exceed twenty-four dollars."

27. There shall be inserted after section fifty of the principal Ordinance the following section to be numbered 50A:—

Contract
determinable
by consent.

"50A. Any contract under this Ordinance with a Statute Immigrant may be determined with the consent of such Immigrant and of his employer and with the approval of the Indian Immigration Agent but such determination shall not operate to relieve the employer from any liability under this Ordinance for the space of three calendar months from the date of the determination of the contract. Every such consent and approval shall be endorsed on the contract by the person giving such consent or approval."

Amendment
of section 52
of principal
Ordinance.

28. Section fifty-two of the principal Ordinance shall be amended by substituting for the word and letters "and (c)" the word and letters "(c) and (d)".

Amendment
of section 58
of principal
Ordinance.

29. Section fifty-eight of the principal Ordinance shall be amended by—

- (a) inserting after the words "any Statute Immigrant" the words "whose contract is for a term of three years";
- (b) substituting for the words "thirty days in any one year" the words "sixty days during the continuance of the contract";
- (c) substituting for the words "in excess of thirty" the words "in excess of sixty".

Amendment
of section 64
of principal
Ordinance.

30. Section sixty-four of the principal Ordinance shall be amended by—

- (a) inserting after the word "year" the words "and at such other times as the Governor may prescribe";
- (b) inserting after the words "six months" the words "or other period which has elapsed since the last previous return".
- (c) inserting after the word "deaths" the word "discharges".

31. The following new section shall be inserted after section sixty-nine of the principal Ordinance and numbered 69A:—

"69A. The Indian Immigration Agent may whenever he thinks fit enter upon and inspect any plantation estate or other place on which Immigrants are employed or reside to the number of twenty or upwards for the purpose of enquiring into the condition of such Immigrants and may inspect any house hospital tent camp or building in any way used by Immigrants and investigate the books of account of their wages and for such purpose may require the employer of any Immigrants to produce before him all or any of them together with all contracts with such Immigrants and books of account of their wages and to answer such questions relating thereto as the Indian Immigration Agent thinks proper to ask."

Other
inspections of
estates.

32. For section seventy-one of the principal Ordinance shall be substituted the following:—

Amendment
of section 71
of principal
Ordinance.

"71. Any Statute Immigrant who shall without reasonable excuse neglect or refuse to do as required by his employer twenty days' work in any one calendar month such work being reasonable and proper shall on conviction before a Magistrate be liable to imprisonment of either description not exceeding seven days and the Magistrate may endorse on the contract the number of days' work short of twenty that the Statute Immigrant has so neglected or failed to do."

33. Section seventy-five of the principal Ordinance shall be amended by adding at the end of the first paragraph thereof the following words:—

Amendment
of section 75
of principal
Ordinance.

"The Magistrate by whom any Statute Immigrant is convicted of desertion may in addition to any imprisonment which he may impose order the Statute Immigrant to pay to his employer such reasonable sum not exceeding two dollars as may be proved to the satisfaction of such Magistrate to have been expended by the employer in effecting the Statute Immigrant's arrest."

34. Section eighty-six of the principal Ordinance shall be amended by substituting for the words "Municipal Commissioners of the Settlement" the words "Municipal Commissioners of the chief town of the Settlement".

Amendment
of section 86
of principal
Ordinance.

35. Section ninety-five of the principal Ordinance shall be amended by inserting after the word "fine" the words "equivalent to the wages of the Statute Immigrant for such days but in the aggregate".

Amendment
of section 95
of principal
Ordinance.

36. Section ninety-nine of the principal Ordinance shall be repealed.

Repeal
of section 99
of principal
Ordinance.

37. The following section to be numbered one hundred and three shall be added to the principal Ordinance:—

"103. The Governor in Council may from time to time make rules providing generally for the carrying into effect the provisions of the said Ordinance and in particular prescribing:—

Rules.

- (a) the manner in which and the officers to whom applications are to be made by persons who wish to engage Immigrants to labour;
- (b) the payments to be made by the applicants in respect of such applications and how and to whom and at what times the same are to be made.

Substitution
of new Schedule
for
Schedule B.

38. For Schedule B the following schedule shall be substituted:—

"SCHEDULE B.

Form of Contract for Immigrant who has received a free Passage from India under a promise to enter into a contract under this Ordinance.

A Contract made the _____ day of _____ 18____ under "The Indian Immigration Ordinance 1884" BETWEEN A. B. hereunder described and hereinafter called "the Labourer" of the one part and C. D. of _____ hereinafter called "the Employer" (which term shall include his executors administrators and assigns) of the other part.

[*WHEREAS the Labourer has received by way of advance the sum of Rupees _____ equivalent to the sum of Dollars _____ (as the Labourer hereby acknowledges).] Now THESE PRESENTS WITNESS that it is hereby mutually agreed as follows:—

1. The Labourer will labour for the Employer as in the Settlement of _____ from the date hereof for the term of three years or until he shall have done seven hundred and twenty days' work whichever period shall be the shorter provided always that if at the expiration of the said term of three years the Labourer has not done seven hundred and twenty days' work the said term of three years may be extended by—

- (a) every day spent in prison or in going to or returning from prison;
- (b) every day spent in going to and attending before or returning from a Court in or about a case in which he is convicted of an offence;
- (c) every day during which he is absent from the estate as a deserter and in respect of which absence he is convicted by a Magistrate;
- (d) every day in respect of which he is convicted by a Magistrate of neglect to labour under section seventy-one of the Ordinance; and

* This Clause in brackets to be omitted where no advances.

(e) every day over sixty days during the continuance of the contract in which he is absent from work on account of sickness and which is endorsed on the contract by the Indian Immigration Agent under section fifty-eight of the Ordinance.

(f) every day during which he is absent from work on account of an enquiry into any untrue or frivolous complaint made by him to the Indian Immigration Agent and which is endorsed on the contract by the Indian Immigration Agent under section ninety-five of the Ordinance.

2. The Employer will pay to the Labourer wages payable monthly at the rate of* fourteen cents for each day's work [†provided always that the Employer may deduct from such wages a sum not exceeding fifty cents a month until the said sum of dollars has been thereby repaid.]

3. The Labourer shall not be bound to labour for more than six days in any week or for more than twenty days in any month nor for more than six consecutive hours or except as hereinafter mentioned for more than nine hours in all in any one day, but if the Labourer at the request of the Employer works more than nine hours in any day the Employer will pay to the Labourer two cents for every hour over nine during which he shall labour in any one day. Provided that the Labourer when employed exclusively in factory work shall be bound when required by the Employer in case of need to work for any time not exceeding three hours in any one day over and above the nine hours above-mentioned and shall receive for such extra work the extra pay of two cents. And provided that the Employer may require from the Labourer without pay over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for the care of animals the cleaning and maintenance of machinery and the observance of usual sanitary regulations.

4. The Labourer may at any time redeem himself from this Contract by paying to the Employer the value of the unexpired portion thereof calculated at the rate of one dollar for every thirty days' work which the Labourer is at the time bound to do during the first year under the Contract and at the rate of two dollars for every thirty days' work which the Labourer is at the time bound to do during the second and subsequent years under the Contract or the sum of twelve dollars whichever sum shall be the greater [†and in addition so much (if any) of the said sum of _____ dollars as shall not have been repaid under clause two hereof.] In no case shall the value of the unexpired portion of the Contract exceed twenty-four dollars.

* Where a higher rate is agreed on, substitute such higher rate. Where the Labourer is a female, substitute for the word "fourteen" the word "ten" or a higher rate if agreed on.

† Where no advances are due, the words following in brackets are to be omitted.

5. The expression "a day's work" means either work for a day of nine hours or (at the option of the Employer) a task which is approved by the Indian Immigration Agent for the estate on which the Labourer is for the time being working as being equivalent to such work.

In Witness &c.

DESCRIPTION OF LABOURER.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.

Endorsement to be made by Indian Immigration Agent:—

I hereby certify that I have with my own mouth explained this contract to the said _____ and have ascertained that he is fully aware of the terms thereof.

Signed _____
Indian Immigration Agent,
or Assistant Immigration Agent,
Settlement of _____

Form of Contract for Free Labourer.

This Contract made the _____ day of _____ 18 _____ under "The Indian Immigration Ordinance 1884" BETWEEN A. B. hereunder described and hereinafter called "the Labourer" of the one part and C. D. of _____ hereinafter called "the Employer" (which term shall include his executors administrators and assigns) of the other part WITNESSETH that it is hereby mutually agreed as follows:—

1. The Labourer will labour for the Employer as _____ in the Settlement of _____ from the date hereof for the term of _____ [or until this Contract is determined by one calendar month's notice either oral or in writing on either side.]

2. The Employer will pay to the Labourer wages payable monthly at the rate of (a) _____ for every day's work.

(a) i.e., not less than fourteen cents for a male and ten cents for a female.

3. The Labourer shall not be bound to labour for more than six days in any week or for more than twenty days in any month nor for more than six consecutive hours or except as hereinafter mentioned for more than nine hours in all in any one day but if the Labourer at the request of the Employer works more than nine hours in any day the Employer will pay to the Labourer two cents for every hour over nine during which he shall labour in any one day. Provided that the Labourer when employed exclusively in factory work shall be bound when required by the Employer in case of need to work for any time not exceeding

three hours in any one day over and above the nine hours above-mentioned and shall receive for such extra work the extra pay of two cents. And provided that the Employer may require from the Labourer without pay over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for the care of animals the cleaning and maintenance of machinery and the observance of usual sanitary regulations.

4. The expression "a day's work" means either work for a day of nine hours or (at the option of the Employer) a task which is approved by the Indian Immigration Agent for the estate on which the Labourer is for the time being working as being equivalent to such work. Interpretation.

In Witness &c.

DESCRIPTION OF LABOURER.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.

Endorsement to be made by Indian Immigration Agent:—

I hereby certify that I have with my own mouth explained this contract to the said _____ and have ascertained that he is fully aware of the terms thereof.

Signed _____
Indian Immigration Agent,
or Assistant Immigration Agent,
Settlement of _____

Passed this 22nd day of December, 1892.

A. P. TALBOT,
Clerk of Councils.

Current No. 556

Public DEPARTMENT.

From

Govt of India
Secy to Govt Dept

No. $\frac{239}{11}$

Dated 31st Jan }
Received 4th Feb } 1893.

Enclosures one

SUBJECT.

Forwarding Straits Ordinance
No. VI of 1892 to amend the Indian
Immigration Ordinance I of 1884.

²¹
order 7 Feb 93 K 98.

Recorded in contn:

of 13
14.1.93 & 56.
27.1.93.

J.D.B.
for C.S.
6/2.

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