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Sub-DEPARTMENT.
G.O., DATED 29th Oct 1894.
No. 807

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[Despatch Abstract.]

Emigration

Comd to certain
offices. Correspondence
forwarded by the Govt.
the subject of the
movement of Nepalese
subjects as emigrants for
the colonies.

b5c

18
No. $\frac{2771}{55}$.

FROM

DENZIL IBBETSON, Esq., C.S.,
Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT
OF THE NORTH-WESTERN PROVINCES AND OUDH.

Dept. of Rev. & Agri.
Emigration.

Simla, the 16th October 1894.

SIR,

WITH reference to your letter No. 629, dated the 12th March 1894, to the address of the Foreign Department, on the subject of the recruitment of Nepalese subjects as emigrants for the colonies, I am directed to inform you that in the opinion of the Government of India, a native of Nepal is a native of India within the meaning of the Emigration Act XXI of 1883, and that the order of the Magistrate of Gorakhpur was therefore not justified in law.

2. The Government of India have, however, ascertained that the Nepal Darbar would prefer that its subjects should not be recruited for colonial emigration and they are accordingly desirous of discouraging the recruitment of Nepalese subjects. This will best be done by directing the Protectors of Emigrants to license no recruiter for the district of Gorakhpur (or such specified areas as it may be necessary to include in the direction in order to attain the end in view), who does not pledge himself to abstain from recruiting natives of Nepal as emigrants for the colonies. In the opinion of the Governor General in Council the Protector would be in a position to act upon this direction and to cancel the license of any recruiter in the case of a breach of such pledge.

3. A copy of the correspondence will be forwarded to the Governments of Madras and Bengal for communication to the Protectors of Emigrants; and I am to request that those Governments may be informed of the district or districts to which the above procedure should be applied.

I have the honour to be,

SIR,

Your most obedient Servant,

DENZIL IBBETSON,

Offg. Secretary to the Govt. of India.

No. 2772
55

* Letter from Government, North-Western Provinces and Oudh, No. 629, dated the 12th March 1894, and enclosures.

Letter to Resident, Nepal, No. 1247-E., dated the 23rd July 1894.

Letter from Resident, Nepal, No. 57-P., dated the 31st July 1894.

Letter to Government, North-Western Provinces and Oudh, No. 2771
55, dated the 16th October 1894.

COPY of the correspondence* forwarded to the Government of Madras for information and favour of communication to the Protector of Emigrants, Madras, for guidance.

By order,

M. M. M. M.
Under-Secy. to the Govt. of India.

No. 629, dated Allahabad, the 12th March 1894.

From—The Chief Secretary to the Government of the North-Western Provinces and Oudh,

To—The Secretary to the Government of India, Foreign Department.

I am directed to submit a copy of a letter No. 2374—XII-49, dated 6th ultimo, and of its enclosure, from the Commissioner, Gorakhpur Division, on the subject of the recruitment for Colonial emigration of Nepalese subjects in the Gorakhpur district.

2. The Magistrate of Gorakhpur has forbidden recruitment of Nepalese subjects for Colonial emigration on the ground that they are not natives of India within the meaning of Act XXI of 1883. The definition of emigrate in that Act—the departure by sea out of British India of a native of India—obviously implies that "India" is more comprehensive than "British India." It is doubtful if the territory of Nepal can properly be considered as part of "India," a term which is not defined in the Emigration Act.

3. I am to submit the question therefore for the orders of the Government of India, and to ask whether Nepal should be considered to be part of India, and whether the Government of India and the Nepalese Government desire that Colonial emigration of Nepalese subjects should continue.

No. 2374—XII-49, dated the 6th February 1894.

From—The Commissioner, Gorakhpur Division,

To—The Chief Secretary to the Government of the North-Western Provinces and Oudh.

At the request of the District Magistrate of Gorakhpur, I have the honour to submit copy of ~~Ms~~ No. 128, dated 31st January 1894, with enclosure, concerning the enlisting by recruiting agents in that district of natives of Nepal. This enlistment the Magistrate considers unlawful, the Act extending only to British India, and consequently the phrase "native of India" meaning a native of British India, just as the similar phrase in the Act "Government of India" can mean only the Government of British India.

2. I am not aware of the question having been raised before or whether, in other districts, any Nepalese have been recruited for emigration, or whether, as in the case of army recruits, the Nepal Darbar may have agreed to the recruiting of emigrants by us.

3. Nor do I know whether French Indian subjects have been so recruited in Lower Bengal, or Portuguese Indian subjects in Bombay.

4. There would probably be no objection to such recruitment for inland emigration, and probably there are Nepalese and Sikkhimese coolies thus recruited for the Assam and Darjeeling Tea gardens.

5. I agree with the Magistrate in his reading of the law; but as the point raised is a new one, I would ask for the orders of Government on the subject. If such recruiting is done with the knowledge, or the approbation of the Nepal Darbar, there could be no objection to it.

No. 128, dated the 31st January 1894.

From—The District Magistrate of Gorakhpur,

To—The Commissioner, Gorakhpur Division.

I have the honour to report for your information that four years ago it was brought to the notice of Mr. Roberts, then Magistrate of the district, that hillmen, Gurkhas and others, were being recruited for Colonial emigration in the Gorakhpur district, and some of these men were of the class required

152 pages copied by packet

for military service. Mr. Roberts then ordered that all such proposing emigrants should be put before the District Recruiting Officer at the Gurkha Recruiting Depot that he might pick out those suited for service in the Gurkha Brigade.

2. I have found that this system of recruiting emigrants is still in force and Captain Eden Vansittart has called my attention to it. The terms offered for emigrants are more tempting than military service in the police force, for which hillmen are recruited at Gorakhpur. The Emigration Agency recruiters practice their business secretly, and take men out of the district without registration, and defeat thereby the efforts of our Government to obtain the proper class of men for military and police service. This is a danger to us as concerns our army; but it is also a very serious political danger, for the Nepal Government may some day call us to account for enticing their subjects beyond the limits of British India.

3. On reading carefully the Indian Emigration Act XXI of 1883, I find that the word India means British India. The words "Government of India" necessarily convey by India, "British India" and "native of India" must mean a native of "British India." The license of a recruiter is to recruit emigrants, and emigrants being defined as a "native of India, etc.," means a native of British India. I therefore hold it to be unlawful for a recruiter to recruit any one who is not a native of British India, and his license cannot be held to authorize him to recruit natives of Nepal, or any other territory not a part of British India.

4. Under the above circumstances, I issued an order as Magistrate of this district, which has been published as a notice posted at thanas and at the Gurkha Depot, of which I enclose a copy, prohibiting recruitment or registration of any native of Nepalese territory in the Gorakhpur district.

5. As this question is one of State importance, I venture to suggest that you might forward this to the Local Government.

EMIGRATION DEPARTMENT.

Order.

Whereas it is illegal to recruit for emigration beyond the limits of British India natives of Nepalese territory, inasmuch as they are not natives of India within the meaning of Act XXI of 1883, I hereby prohibit the recruitment or registration for emigration of any native of Nepalese territory within the Gorakhpur district.

(Sd.) W. HOEY,

The 31st December 1893.

Magistrate of District.

No. 1247-E, dated Simla, the 23rd July 1894.

From—CAPTAIN H. DALY, Assistant Secretary to the Government of India, Foreign Department,

To—The Resident in Nepal.

I am directed to forward a copy of a letter* from the Chief Secretary to the Government of the North-Western Provinces and Oudh on the subject of the recruitment for colonial emigration of Nepalese subjects in the Gorakhpur district.

2. The Government of India are advised that a native of Nepal is a native of India within the meaning of the Emigration Act (XXI of 1883), but before disposing of the question raised by the Government of the North-Western

Provinces and Oudh the Governor General in Council wishes to be in possession of the views of the Nepal Darbar in regard to the recruitment of its subjects as emigrants. I am accordingly to request that you will explain the matter to the Darbar, by whose wishes the action of the Government of India will be guided.

3. I am to add, for your own information only, that from a military point of view it is considered desirable to prevent the emigration of Nepalese subjects

No. ^{52-P}₂₋₄₀₅₂, dated Residency, Nepal, the 31st July 1894.

File No. 55.

From—LIEUTENANT-COLONEL H. WYLIE, C.S.I., Resident in Nepal,
To—The Secretary to the Government of India, Foreign Department.

SERIAL No. 3.

In reply to your letter No. 1247-E, dated the 23rd instant, I have the honour to report for the information of the Government of India, that I have brought the question of the recruitment of Nepalese for colonial emigration to the notice of the Minister. His Excellency stated in reply, that, taking all the circumstances of the matter into consideration, he thinks it best that Nepalese subjects should not be recruited for the above purpose, and that the Darbar will, therefore, feel obliged if the Government of India will kindly take such steps as they may deem advisable to prevent the enlistment of any Nepalese subjects as emigrants.

No. 1430-E, dated 20th August 1894.

Endorsed by the Government of India, Foreign Department.

A copy of the foregoing is forwarded to the Revenue and Agricultural Department for information, with reference to the endorsement from the Foreign Department No. 1248-E, dated the 23rd July 1894.

2. The Foreign Department will be glad if the wishes of the Nepal Darbar can be complied with.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From DENZIL IBBETSON, Esq., C.S., Officiating Secretary to the Government of India, Department of Revenue and Agriculture (Emigration), to the Chief Secretary to the Government of the North-Western Provinces and Oudh, dated Simla, the 16th October 1894, No. 2771-55.

With reference to your letter, No. 629, dated the 12th March 1894, to the address of the Foreign Department, on the subject of the recruitment of Nepalese subjects as emigrants for the colonies, I am directed to inform you that, in the opinion of the Government of India, a native of Nepal is a native of India, within the meaning of the Emigration Act XXI of 1883, and that the order of the Magistrate of Gorakhpur was therefore not justified in law.

2. The Government of India have, however, ascertained that the Nepal Darbar would prefer that its subjects should not be recruited for colonial emigration and they are accordingly desirous of discouraging the recruitment of Nepalese subjects. This will best be done by directing the Protectors of Emigrants to license no recruiter for the district of Gorakhpur (or such specified areas as it may be necessary to include in the direction in order to attain the end in view) who does not pledge himself to abstain from recruiting natives of Nepal as emigrants for the colonies. In the opinion of the Governor-General in Council the Protector would be in a position to act upon this direction and to cancel the license of any recruiter in the case of a breach of such pledge.

3. A copy of the correspondence will be forwarded to the Governments of Madras and Bengal for communication to the Protectors of Emigrants; and I am to request that those Governments may be informed of the district or districts to which the above procedure should be applied.

No. 2772-55.

* Letter from Government, North-Western Provinces and Oudh, No. 629, dated the 12th March 1894, and enclosures.
Letter to Resident, Nepal, No. 1247-E., dated the 23rd July 1894.
Letter from Resident, Nepal, No. 57-P., dated the 31st July 1894.
Letter to Government, North-Western Provinces and Oudh, No. 2771-55, dated the 16th October 1894.

Copy of the correspondence * forwarded to the Government of Madras for information and favour of communication to the Protector of Emigrants, Madras, for guidance.

(By Order.)

(Signed) E. D. MACLAGAN,
Under Secy. to the Govt. of India.

ENCLOSURES.

From the Chief Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India, Foreign Department, dated Allahabad, the 12th March 1894, No. 629.

I am directed to submit a copy of a letter, No. 2374—XII-49, dated 6th ultimo, and of its enclosure, from the Commissioner, Gorakhpur Division, on the subject of the recruitment for colonial emigration of Nepalese subjects in the Gorakhpur district.

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I am to submit the question therefore for the orders of the Government of India, and to ask whether Nepal should be considered to be part of India, and whether the Government of India and the Nepalese Government desire that colonial emigration of Nepalese subjects should continue.

From the Commissioner, Gorakhpur Division, to the Chief Secretary to the Government of the North-Western Provinces and Oudh, dated the 6th February 1894, No. 2374—XII-49.

At the request of the District Magistrate of Gorakhpur, I have the honour to submit copy of his No. 128, dated 31st January 1894, with enclosure, concerning the enlisting by recruiting agents in that district of natives of Nepal. This enlistment the Magistrate considers unlawful, the Act extending only to British India, and consequently the phrase "native of India" meaning a native of British India, just as the similar phrase in the Act "Government of India" can mean only the Government of British India.

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From the District Magistrate of Gorakhpur, to the Commissioner, Gorakhpur Division, dated the 31st January 1894, No. 128.

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2. I have found that this system of recruiting emigrants is still in force and Captain Eden Vansittart has called my attention to it. The terms offered for emigrants are more tempting than military service in the police force, for which hillmen are recruited at Gorakhpur. The Emigration Agency recruiters practice their business secretly, and take men out of the district without registration, and defeat thereby the efforts of our Government to obtain the proper class of men for military and police service. This is a danger to us as concerns our army; but it is also a very serious political danger, for the Nepal Government may some day call us to account for enticing their subjects beyond the limits of British India.

3. On reading carefully the Indian Emigration Act XXI of 1883, I find that the word "India" means British India. The words "Government of India" necessarily convey by "India" "British India" and "native of India" must mean a native of "British India." The license of a recruiter is to recruit emigrants, and emigrants being defined as a "native of India, &c.," means a native of British India. I therefore hold it to be unlawful for a recruiter to recruit any one who is not a native of British India, and his license cannot be held to authorize him to recruit natives of Nepal or any other territory not a part of British India.

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(Signed) W. HOEY,
Magistrate of District.

31st December 1893.

From Captain H. DALY, Assistant Secretary to the Government of India, Foreign Department, to the Resident in Nepal, dated Simla, the 23rd July 1894, No. 1247-E.

I am directed to forward a copy of a letter * from the Chief Secretary to the Government of the North-Western Provinces and Oudh on the subject of the recruitment for colonial emigration of Nepalese subjects in the Gorakhpur district.

* No. 629, dated the 12th March 1894 (with enclosures).

2. The Government of India are advised that a native of Nepal is a native of India within the meaning of the Emigration Act (XXI of 1883), but before disposing of the question raised by the Government of the North-Western Provinces and Oudh the Governor-General in Council wishes to be in possession of the views of the Nepal Darbar in regard to the recruitment of its subjects as emigrants. I am accordingly to request that you will explain the matter to the Darbar, by whose wishes the action of the Government of India will be guided.

3. I am to add, for your own information only, that from a military point of view it is considered desirable to prevent the emigration of Nepalese subjects.

From Lieutenant-Colonel H. WYLIE, C.S.I., Resident in Nepal, to the Secretary to the Government of India, Foreign Department, dated Residency, Nepal, the 31st July 1894, No. 57-P.—2-4052.

In reply to your letter, No. 1247-E, dated the 23rd instant, I have the honour to report, for the information of the Government of India, that I have brought the question of the recruitment of Nepalese for colonial emigration to the notice of the Minister. His Excellency stated in reply that, taking all the circumstances of the matter into consideration, he thinks it best that Nepalese subjects should not be recruited for the above purpose, and that the Darbar will, therefore, feel obliged if the Government of India will kindly take such steps as they may deem advisable to prevent the enlistment of any Nepalese subjects as emigrants.

Endorsement by the Government of India, Foreign Department, dated 20th August 1894, No. 1430-E.

A copy of the foregoing is forwarded to the Revenue and Agricultural Department for information, with reference to the endorsement from the Foreign Department, No. 1248-E, dated the 23rd July 1894.

2. The Foreign Department will be glad if the wishes of the Nepal Darbar can be complied with.

ORDER—dated 29th October 1894, No. 807, Public.

Communicated to the Protector of Emigrants, Madras, and the District Magistrate, Tanjore, for information and guidance.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Protector of Emigrants, Madras.
„ District Magistrate, Tanjore.

Gobt. of {1894} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 29th October 1894, No. 807.

OCTOBER.

Emigration.

Communicating to certain officers correspondence forwarded by the Government of India on the subject of the recruitment of Nepalese subjects as emigrants for the colonies.

REAR AGAIN ORDER OF GOVERNMENT, DATED
18. No.

FURTHER PAPER, No. 3613

2377 of 96

ENCLOSURE.

CURRENT No.

3109

STATEMENT WITH SUTTO.

ORDER, &c., OF GOVERNMENT—A.

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

NUMBER OF COPIES
REQUIRED.

Order complete. 35
Letter only.
Order complete with Letter.

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.