

Public (1896) Department. 1-14

ORDINARY MS.

G.O., No. 292

Dated 26th Feb. 1896.

INDEXED.

[Despatch Abstract.]

STRAITS EMIGRATION.

Forwarding to the Government of India the opinion of this Government on the proposal that emigration from this Presidency to the Straits Settlements might be placed on the same footing as emigration to Ceylon, and that the existing law of recruiting in India labour for that Colony be relaxed.

for 8907/19-896
 No 2977 of 96
 1245 of 97

சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி
 சென்னைப் பொதுப் பணி

292
 2

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From F. G. SLY, Esq., C.S., Under Secretary to the Government of India, Department of Revenue and Agriculture (Emigration), to the Secretary to the Government of Madras, dated Calcutta, the 16th December 1895, No. 1838/26-8.

In continuation of the correspondence ending with your letter No. 936, dated the 14th November last, I am directed to forward a copy of a letter from the Government of the Straits Settlements containing a proposal that emigration to the Straits should be placed on the same footing as emigration to Ceylon; and that the existing system of recruiting labour in the Madras Presidency should be modified.

2. I am to ask that the Government of India may be favoured with the opinion of the Governor in Council on the subject, together with such remarks as the Local Government may have to offer.

ENCLOSURES.

From the Colonial Secretary, Singapore, to the Government of India, Revenue and Agricultural Department, dated 21st November 1895, No. 9189/95.

Referring to your letter, No. 1569/26-5 of the 5th October 1895, I am directed to enclose, for the information of the Government of India and of Madras, the annexed correspondence between this Government and the Planters' Association of Selangor, one of the Protected States in the Malay Peninsula.

2. The plantation of coffee in this State has lately developed extensively, and the enterprise is extending in the other Protected States of Negri, Sembilan and Perak, so that the matter of obtaining a large supply of labour is assuming very great importance.

3. The chief planters come from Ceylon where they have been accustomed to deal with free labour; the Governments of the Protected States are willing to grant to immigrants all the protection they obtain in Ceylon, and it is very desirable, as Sir C. Mitchell has already suggested to the Government of India, that this Colony and the Protected States should be placed on the same footing with regard to immigrant labour from India as Ceylon.

4. The Governor of the Straits Settlements, Sir C. Mitchell, hopes that the Government of India, whose letter of 15th September 1893 to Madras seems to indicate that it favours a liberal policy in this matter, will secure for the congested districts of the Presidency of Madras and the newly developed territory of the Protected States of the Malay Peninsula the great boon of a free interchange of labour, which will be highly beneficial to both countries.

5. If this step is likely to entail any long delay, then the Governor hopes that the request of the Selangor Planters' Association for the relaxation in the present law of recruiting in India labour for the Straits Settlements, may receive the early attention of the Madras Government.

From the Selangor Planters' Association, to the Acting Government Secretary, Kuala Lumpur,
dated 30th October 1895.

I have the honour to acknowledge the receipt of your letter of the 19th September, No. 4153/35, which has been laid before the Selangor Planters' Association, and to invite your attention to the following points which appear to bear upon the question of recruiting Indian labour for the Malay Peninsula.

1. Although licenses are granted to firms for recruiting purposes, it is obvious that no business can result as long as planters are precluded from paying such firms for their services, and as the rules under notice expressly state that no commission may be paid to recruiters of other than indentured labour, the possession of a license on the part of the firms (for whom it is now asked that they may be exempted from the operation of these rules) is of little use to employers of free labour.

2. The arguments which our Association adduce in support of their request that unrestricted emigration to Malay may be sanctioned, are—

- (i) That the Tamil coolie can command the high wage of from Rs. 15 to Rs. 20 per mensem, taking the rate of exchange at Rs. 2 to the dollar.
- (ii) That the country is rapidly developing and, in consequence, wages are not likely to fall.
- (iii) That there is already a considerable settled Tamil community whose prosperity and contentment are amply evidenced by the fact that large numbers of the friends and relations of the settlers are coming over from India to join them.
- (iv) That the climate is salubrious and closely resembles that of Southern India.
- (v) That the immigrants will enjoy, under the proposed new Labour Code, abundant legal protection as well as elaborate attention to their requirements, in case of sickness, at the hands of all employers.

Further than this, it is only necessary to add that our Association hails with the utmost satisfaction the proposal that one or more of the officers of the Indian Government should visit the Native states with a view to ascertaining the exact position of the Tamil immigrant. It is felt that ocular evidence of this nature is all that is required to satisfy the Madras authorities as to the desirability of the Native states as a field of labour for the surplus population of Southern India.

3. Referring to paragraph 4 of your letter under reply, I would remind you that at the time evidence was taken regarding the respective merits of free and indentured labour, the coffee enterprise was in its earliest infancy and the bulk of opinion emanated from the sugar planters who have always preferred statute immigrants to free recruits. Our Association, which is composed largely of coffee planters, desire to say nothing whatever against the system of recruiting labourers under indentures, beyond that for our work we prefer free labour and are of the most decided opinion that the coolies we employ are entirely with us upon this point.

4. In conclusion, I am to point out to you that the class of men actually employed in recruiting free coolies would be in no sense inferior to those now recruiting indentured labour; for if the payment of commission to agents in India is sanctioned, the firms and recruiters then employed by us would, by virtue of the fact they have acquired considerable experience in the business, be probably the same individuals as those who now supply statute immigrants.

From the Colonial Secretary, Singapore, to the Acting British Resident, Selangor, dated 11th September 1895, No. 6965/95.

In reply to your letter No. 578 of the 30th August, enclosing a letter from the Selangor Planters' Association inquiring whether certain rules in the Circular, dated Penang, 5th November 1887, are still in force, I am directed to reply that these rules were framed after considerable discussion with the Madras Government in order to carry out the views of that Government; they must be regarded as being still in force and vigour.

2. In reply to the request of the Planters' Association that exception to the rules be made in favour of mercantile firms of standing and other recruiting agents of accepted respectability, I am directed to request you to explain to the Association that firms can already take out licenses under the rules if they please to do so, and that any proposal to go further and exempt them from the rules must be laid before the Government of Madras for acceptance.

3. The Straits Government is anxious to promote the flow of Indian labour to the Colony and the Protected States, and it will be glad to lay before the Madras Government whatever arguments the Planters' Association desire to adduce in support of their request.

4. To enable the Association to know what is the case they have to meet, I enclose an extract from an order of the Madras Government, dated 5th May 1887.

5. The Association would do well to bear in mind that, however respectable may be the firm on the Coast which may be employed by Planters, the actual work of going into the villages and inducing labourers to emigrate must necessarily be left to a lower class, for whose morality no substantial guarantee exists, and that the greatest success in recruiting has in time past attended the least scrupulous of such agents. On this subject I enclose extracts from a letter addressed by its Pondicherry agent to the Government of Madras, 10th January 1888.

6. The Government of the Straits has invited the Government of India to send one or more of its officers to this country in order that the condition of the Indian labourer here may be ascertained, and the question of throwing open the Peninsula to unrestricted emigration from India reconsidered.

LETTER—to the Secretary to the Government of India, Revenue and Agricultural Department, No. 292, Public, dated 26th February 1896.

I have the honour to reply to Mr. Sly's letter, No. 1838/26-8, dated 16th December last, in which the opinion of this Government is requested on a proposal that emigration from this Presidency to the Straits Settlements should be placed on the same footing as emigration to Ceylon, and that the existing law of recruiting in India labour for the colony may be relaxed.

2. With regard to the latter request, I am directed to point out that recruitment in this Presidency for the Settlements is not under any legal regulation. Any person is at liberty to recruit labourers. The only recruiters who require a license are those who engage labourers whom it is proposed to place on the Emigration Agent's register of indentured labour (Register A). This is an executive arrangement made for the benefit of the colony and has no operation in respect of free emigrants who proceed to the Straits not under engagement.

3. With regard to the placing of emigration from this Presidency on the same footing as emigration to Ceylon, I am to say that Lord Wenlock's Government fully recognises that the Government of the Straits Settlements is equally a British Government actuated by the same solicitous and humane desire as His Excellency in Council for the well-being of the immigrants who come under its protection. His Excellency in Council is therefore prepared to assent to the abolition in the Straits Settlements of legislative interference with the labour contract of Indian immigrants so long as some law is retained providing—

- (a) for the official inspection of the estates and for ensuring the proper treatment of the labourer in the matter of health, accommodation, sanitation and medical attendance;
- (b) for the reservation to the Colonial Government of the right to intervene and close an estate to labour on which the death-rate is abnormally high, and after due enquiry to declare an estate to be unfit for the residence of labourers;
- (c) for the maintenance in some form of the "Certificate System" in so far as it empowers the Government to prevent any labourer from leaving the Straits Settlements or India, or to the class ordinarily employed in the Straits Settlements, from departing from the Straits, except by the permission of the Government or State to which Indian immigration is authorised.

The first two conditions are mere regulations of a police character, while the last is a security against the loss of labour to the Straits Settlements and is a check for the emigration of natives of Southern India to the Straits Settlements. The stipulation is as advantageous to the Government as it is to the labourer, and it is necessary for the protection of the labourer against nefarious practices.

No. 2 PUBLIC, 26TH FEBRUARY 1896.

5. Before, however, coming to any final arrangement, this Government desires to be furnished with full and precise particulars as to the laws and regulations under which the immigrant would place himself on entering into a direct contract with his employer, in the event of the Government of Madras agreeing to immigration being freed from legal restriction in the Settlements. In particular it should be ascertained whether the removal of "legal restriction" would include the "Straits Labour Ordinance" of 1892.

G. S. FORBES,
for *Chief Secretary*.

1792
7

PUBLIC DEPARTMENT.

(Miscellaneous.)

Letter, No. 292, 26th February 1896.

Emigration to the Straits Settlements.—Replying to a letter from the Government of India in which the opinion of this Government is requested on a proposal that -- from this Presidency should be placed on the same footing as emigration to Ceylon, and that the existing law of recruiting in India labour for the colony may be relaxed.

4299.
No. 1838
26-8

FROM

F. G. SLY, Esq., C.S.,

Under-Secretary to the Government of India,

TO

The Secretary to the
Government of Madras.

Calcutta, the 16th December 1895.

Department of Revenue
and Agriculture.

(Emigration)

SIR,

In continuation of the correspondence ending with your letter No. 936 dated the 14th November last, I am directed to forward a copy of a letter from the Government of the Straits Settlements containing a proposal that emigration to the Straits should be placed on the same footing as emigration to Ceylon, and that the existing system of recruiting labour in the Madras Presidency should be modified.

2. I am to ask that the Government of India may be favoured with the opinion of the Governor in Council on the subject, together with such remarks as the Local Government may have to offer.

I have the honour to be,

Sir,

Your most obedient servant,

F. G. SLY.

Under-Secretary.

From
The G. of India
Rev and Agriculture
(Immigration)

No 1838
26.8

Dated 16 Dec 1895
Recd. 20 Dec 1895

Subject

Forwarding copy of a letter
from the Govt of the Straits
Settlements containing a proposal
regarding immigration to the
Straits and asking to be
favoured with the opinion of
the Government in Council
on the subject together with
the recommendations of the local Govt.

Letter from the Colonial Secretary, Singapore, to
the Government of India, Revenue and Agricultural Depart-
ment, No. 9189/95 dated 21st November 1895.

Referring to your letter No. 1569/26-5 of the 5th
October 1895, I am directed to enclose for the informa-
tion of the Government of India and of Madras, the an-
nexed correspondence between this Government and the
Planters Association of Selangor, one of the Protected
States in the Malay Peninsula.

2. The plantation of coffee in this State has lately
developed extensively, and the enterprise is extending
in the other Protected States of Negri Sembilan and
Perak, so that the matter of obtaining a large supply
of labour is assuming very great importance.

3. The chief planters come from Ceylon where they have
been accustomed to deal with free labour; the Governments
of the Protected States are willing to grant to immigrants
all the protection they obtain in Ceylon and it is very
desirable, as Sir C. Mitchell has already suggested to
the Government of India, that this Colony and the Protect-
ed States should be placed on the same footing with re-
gard to immigrant labour from India as Ceylon.

4. The Governor of the Straits Settlements, Sir C.
Mitchell, hopes that the Government of India, whose let-
ter of 15th September 1893 to Madras seems to indicate
that it favours a liberal policy in this matter, will
secure for the congested districts of the Presidency of
Madras and the newly developed territory of the Protected
States of the Malay Peninsula the great boon of a free
interchange of labour, which will be highly beneficial
to both countries.

1 m 8/11
(ii) That the country is rapidly developing and in consequence wages are not likely to fall.

(iii) That there is already a considerable settled Tamil community whose prosperity and contentment are amply evidenced by the fact that large numbers of the friends and relations of the settlers are coming over from India to join them.

(iv) That the climate is salubrious and closely resembles that of Southern India.

(v) That the immigrants will enjoy, under the proposed new Labour Code, abundant legal protection as well as elaborate attention to their requirements, in case of sickness, at the hands of all employers.

Further than this, it is only necessary to add that our Association hails with the utmost satisfaction the proposal that one or more of the officers of the Indian Government should visit the Native States with a view to ascertaining the exact position of the Tamil immigrant here. It is felt that ocular evidence of this nature is all that is required to satisfy the Madras authorities as to the desirability of the Native States as a field of labour for the surplus population of Southern India.

3. Referring to paragraph 4 of your letter under reply, I would remind you that at the time evidence was taken regarding the respective merits of free and indentured labour, the coffee enterprise was in its earliest infancy and the bulk of opinion emanated from the sugar planters who have always preferred statute immigrants to free recruits. Our Association, which is composed largely of coffee planters, desire to say nothing whatever against the system of recruiting labourers under indentures, beyond that for our work we prefer free labour and are of the most decided opinion that the coolies we employ

Sugar 13/10/11

3. The Straits Government is anxious to promote the flow of Indian labour to the Colony and the Protected States and it will be glad to lay before the Madras Government whatever arguments the Planters Association desire to adduce in support of their request.

4. To enable the Association to know what is the case No. 635, Sections 11, 14, 16 and 18. they have to meet I enclose an extract from an order of the Madras Government dated 5th May 1887.

5. The Association would do well to bear in mind that however respectable may be the firm on the Coast which may be employed by Planters the actual work of going into the villages and inducing labourers to emigrate must necessarily be left to a lower class, for whose morality no substantial guarantee exists, and that the greatest success in recruiting has in time past attended the least scrupulous of such agents. On this subject I enclose extracts from a letter addressed by its Pondicherry Agent to the Government of Madras, 10th January 1888.

6. The Government of the Straits has invited the Government of India to send one or more of its officers to this country in order that the condition of the Indian labourer here may be ascertained, and the question of throwing open the Peninsula to unrestricted emigration from India reconsidered.

(True copies)

Anticler

Registrar,

Department of Revenue and Agriculture.

Paras.
1 & 3.

*Sub. O. No. 510-12
15-5-88*

G. No. 4890.

This current was received just before the holidays but could not be attended to till after the end of the month. It has not been completely referenced till just now.

The Govt. of India has now taken the further step of asking for the opinion of this Government on a proposal made by that of the Straits Settlements that emigration to the Straits should be placed on the same footing as emigration to Ceylon, or failing that that the existing system should be modified so as to permit employers of labour to give commission to recruiters on this side of ^{for getting} emigrants.

The rules under which recruiting is now carried on will be found in G.O. No. 510 dated 5-5-27, 510, dated 15-5-28 & 27, dated 16-1-30. The Circular dated Penang 8th November 1927, embodying the rules ^{and} referred to in the Colonial Secretary's letter, dated 11-2-28, will be found at page 4 of G.O. No. 510-12 Pub. dated 15-5-28.

I don't see the object of paras 3-5 of the draft letter. They point to indentured labour, whereas what we are now considering is free labour. This is rightly pointed out that as the law stands, there is no impediment in the way of recruiting free labourers. That is, labourers like, once arrived in the Straits, will be free to make their own arrangements with their employers and will not be bound to serve for any specified term. What more can we do? Nothing, as far as I know, except allow the planters in the Straits to employ paid agents to recruit free labourers. Apparently that is at present prohibited, though how and by whom I don't know. But I think it should be allowed that it is right that paid agents should be employed to recruit men who are bound down to serve for specified periods and whose families by being so bound are prevented if they have the means to do so from visiting their families. I don't see why it is wrong to employ paid agents to recruit men who will not be bound to any such disadvantage. I brought my attention to paras 3-5 of the draft letter. I do not see -

13/2/96

I am - kind to Miss Jones
3 6 5 5 4 Two or three

...the planters are ready and willing
to open a market, open to
the public, the Mill... his
... might without any serious ob-
... for the... of the... of the
... which regular... of
... labour". In his... a...
... para. 3 of the... from
... the... Association
... 30th October last (with the
... from which it will be seen
... the present motion for free
... migration emanates entirely from

...the planters are ready and willing
to open a market, open to
the public, the Mill... his
... might without any serious ob-
... for the... of the... of the
... which regular... of
... labour". In his... a...
... para. 3 of the... from
... the... Association
... 30th October last (with the
... from which it will be seen
... the present motion for free
... migration emanates entirely from

...the planters are ready and willing
to open a market, open to
the public, the Mill... his
... might without any serious ob-
... for the... of the... of the
... which regular... of
... labour". In his... a...
... para. 3 of the... from
... the... Association
... 30th October last (with the
... from which it will be seen
... the present motion for free
... migration emanates entirely from

...the planters are ready and willing
to open a market, open to
the public, the Mill... his
... might without any serious ob-
... for the... of the... of the
... which regular... of
... labour". In his... a...
... para. 3 of the... from
... the... Association
... 30th October last (with the
... from which it will be seen
... the present motion for free
... migration emanates entirely from

10 292/10
these interested in the office enter-
prise which is still in its reach,
whereas the sugar planters have always
preferred statutory enactments to free ex-
ports. In para. 18 of his note Mr.
Forbes mentioned certain provisions
which he would attach to assent to the
abolition of legislative interference
with the contract and in para. 22 he
raised the question whether when refer-
ring to the removal of all legal re-
strictions the Straits Govt. should pass
the Straits Labour Ordinance of 1885.
(copy of the Ordinance is now in the
file). For the penalties provided by
this Ordinance for offences connected
with the contract please see para. 24-
25. In his para. 28 Mr. Forbes wrote
"but I believe we may rest assured
that this last thing in the world
the Straits planters desire is free
emigration labour". It is submitted that
the expressions of the Singapore
Planters' Association, except in accept-
ed as indicative of the feelings of
the majority of the employers of Indian
labour in the Straits Settlements and
that the Govt. of India should be told
we are informed that in the absence of
particulars of the exact state of
affairs which the Govt. of the Straits
Settlements contemplate should exist
on their side in the event of this Govt.
advising to free emigration His Excel-
lency in Council is not prepared to
offer a decided opinion on the subject.
Full particulars should be asked for

of the law or regulations...
the... the... who...
... in...
... eye.

... the...
... will be...
... of the...

... the...
... the...
... the...

... the...
... the...
... the...
... the...

... the...
... the...
... the...
... the...

... the...
... the...
... the...
... the...

... the...
... the...
... the...
... the...

... the...
... the...
... the...
... the...

*Free emigration to the
British Settlements*

Full and free

292
11

in the way of legal...
on this side of the water...
to secure the objects indicated.

8/2/96

These are the...
the...
the...

8/2/96

... the...
... the...
... the...
... the...

8/2/96

292
11
Please draft for his approval
On the lines of para. 18 of my note of 17/10/95
make the... in para. 20. He sh. know exactly...
... the... who are the...

[G. 11.]
20-1-1905

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 4299

of 189 , dated , from

" "

" 189 , " , "

" "

" 189 , " , "

12
50
292
12

Pica

ORDER.

Letter No 192 d/26 Feb 96

To

The Secretary to the Government
of India,

Secy. Agri. Department.

W
19 Feb

Sir,

I have the honor to reply to
Mr. Siv's letter No 1838/S-3 dated 18th
December last, in which the opinion of
this Government is requested on a propo-
sal that emigration from this Presidency
to the Straits Settlements should be
placed on the same footing as emigration
to Ceylon, and that the existing law of
recruiting in India labour for the colony
may be relaxed.

2. With regard to the latter request
I am directed to point out that recruit-
ment in this Presidency for the Settle-
ments is not under any legal regulation.
Any person is at liberty to recruit labor-
ers. The only recruiters who require a li-
cense are those who engage labourers, to
be placed by the Emigration Agent ^{whom it is proposed} in the
register of indentured labour (Register A

292
13

enquiry to declare an estate to be unfit for the residence of labourers;
(c) for the maintenance in some form of the "certificate system" in so far as it empowers the Government to prevent any Asiatic native of British India "belonging to the class ordinarily employed in agricultural work" from departing from the Straits except back to India or to a country or State to which Indian migration is authorized.

4. The first two conditions are mere regulations of migration and health while the last is advisable as a security against the free traffic to the Straits being used as a cloak for the emigration of natives of Southern India to a country to which it is forbidden. The stipulation is as advantageous to the employers of labour in the Settlements as it is necessary for the protection of the immigrants against nefarious practices.

5. Before ^{any} coming to any final arrangement this Government desires to be furnished with full and precise particulars as to the laws and regulations under which the immigrant would place himself on entering into a direct contract with his employer, in the event of the Government of Madras agreeing to immigration being freed from legal restriction on the Settlements. In particular ^{it should be ascertained} ~~it should be ascertained~~ whether the removal of "legal restriction" would include the "Straits Labour Ordinance" of 1902.

P. R. 10/2/16
for C.S.

My dear Sir,

As to the present arrangements
for recruiting indentured labour,
there is nothing illegal on this side in em-
ploying paid agents, or any agents licensed
or unlicensed. It is the Sharks port that
refuse to put on the registers of indentured
labour any ^{coolies} ~~imported~~ brought otherwise than
by agents recognized by ^{these people} ~~their~~ Government. That
action they can remove a number of their
licensees.

Of course, no account to the proceeding of
treatment was made on the understanding that
a Col. post war satisfactory legal arrangements
would be for the supervision of the criminal.

10 2nd Draft before issue

I repeat I did not explain to
him fully before I bring him
this letter. The point is that
all labour may, so far as he
concerned, be free i.e. that the
~~State~~^{Government} not interfere in the
bet. the cooly & the employer,
it is desirable that the Co
provide for the sanitary we
of the coolies & close the line
they are housed, & also to
to close an estate to labour
the mortality on it is so excess
make employment on it a well
it is not in the State's pro
equally with indentured ports
the existing law which provide
workers. In Assam we have
provisions. The Shaito fort. &
how far they are prepared to
do it.