

Public (1895) Department.

ORDINARY MS.

G.O., No.

566

Dated

19-4-88

[Despatch Abstract.]

Recording letter from
the Colonial secy, Singapore,
forwarding, for information,
a copy of the straits settlement
Admance No VII of '97 (The Indian
Immigration Admance)

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Pub.
20.
3,600-4-3-97.

Public (1897) Department.

CURRENT No. 4947

From The Col. Secretary
Singapore.

Order

No. 4113-97

Dated 14
Received 23
Registered 24 } Decr - 1897

Enclosures two

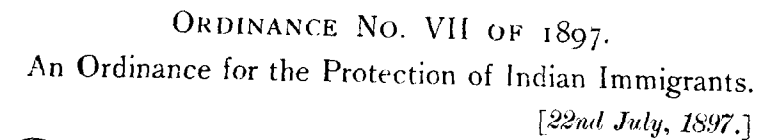
Spare copies

SUBJECT.

Forwarding for information copy of
Memorial from Certain Singaporean
to the Immigration Department

G.O.	No.	Department.	Date.
1491-92	716-11-97		
1616	8-12-97		
1587	2-12-97		

G. O.	No.	Department.	Date.



PRELIMINARY.

- "Ship" includes every kind of vessel used for the conveyance "Ship." of passengers by water whether propelled by oars or otherwise.

"Statute Immigrant" means an Immigrant who is bound by the provisions of a written contract under this Ordinance.

"Protector" means the Protector of Immigrants.

3. "The Indian Immigration Ordinance 1884" and "The Indian Immigration Ordinance 1892" are hereby repealed.

Repeal.
Ordinance divided into Parts.

4. This Ordinance is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—Protector.
- Part III.—Arrival and Departure of Immigrants.
- Part IV.—Contracts of Immigrants.
- Part V.—Treatment of Immigrants on Estates.
- Part VI.—Localities unfit for Residence and Employment of Immigrants.
- Part VII.—Inspection and Report.
- Part VIII.—Offences committed by Immigrants.
- Part IX.—Offences committed against Immigrants.
- Part X.—General.

Ord. v
of 1884
and xv
of 1892.

PART II.

PROTECTOR.

5. It shall be lawful for the Governor to appoint an Officer to be styled the Protector and such other Officers with such powers as may be necessary for carrying into effect the provisions of this Ordinance and to incur such expense as may be necessary for the purpose but all Officers who on the coming into operation of this Ordinance shall be in office under "The Indian Immigration Ordinance 1884" shall continue to hold their offices as if appointed under this Ordinance.

Appointment of Officers.
Present holders of office.

Ord. v
of 1884.

6. The Protector shall have the powers of a Magistrate so far as may be necessary to enable him to perform the several duties imposed on him by this Ordinance. In his absence from any Settlement his duties shall be performed in that Settlement by a Deputy Protector or an Assistant Protector who shall for that purpose have all the powers hereby conferred on the Protector.

Protector to have Magisterial power.
Deputy or Assistant Protector.

7. The Protector and every Deputy or Assistant Protector Medical or other Officer appointed or acting under this Ordinance is hereby declared to be a public servant within the meaning of the Penal Code.

Immigration Officers to be "public servants."

Ord. iv
of 1891.

8. The Governor in Council may from time to time frame Rules and Orders for the conduct of the duties of the Officers under this Ordinance.

Rules and Orders.

PART III.

ARRIVAL AND DEPARTURE OF IMMIGRANTS.

9. Nothing in this Part shall apply to—

- (a) First class cabin passengers.
- (b) Second class cabin passengers arriving or departing in a ship in respect of which the Governor has made such declaration as next hereinafter mentioned.
- (c) Menial servants in actual service.
- (d) Seamen firemen and other persons serving on board a ship.

Exemption.

The Governor may declare from time to time by notification in the *Gazette* that the second class cabin passengers of certain ships or lines of ships shall be exempted from the operation of this Part.

10. No Immigrant shall land in the Colony except at the ports of Penang Malacca and Singapore as defined under "The Harbours Ordinance 1872" or at such ports until authorised by an Officer of the Protector's Department and any Master causing or permitting any Immigrant to land contrary to the provisions of this section shall be liable to a fine not exceeding fifty dollars for each Immigrant so landing. A Master from whose ship an Immigrant shall land contrary to the provisions of this section shall in the absence of proof to the contrary be deemed to have caused or permitted him so to land.

Ord. viii
of 1872.

Ports at which Immigrants may be landed.

11. Ships having any Immigrants on board embarked at a port in India shall on arrival within signalling distance of any of the ports named in the preceding section hoist the signal "D K W" or such other signal as may signify that there are passengers on board together with a flag or flags denoting the number of Immigrants on board other than those exempted under section nine hereof and shall keep the same flying until the arrival on board of an Officer of the Immigration Department. A Master omitting to comply with the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars.

Arrival of ships to be signalled.

12. It shall not be lawful for any person other than the Health Officer Master Attendant Harbour Master Protector or the Officers of any of them or the owner agent or consignee of the ship to communicate with any such ship as in the last preceding section mentioned on its arrival in port except for the purpose of landing passengers or disembarking Immigrants under the provisions of this Ordinance until after the Immigrants on board thereof have been disembarked; and no Immigrant shall disembark or land or attempt to disembark or land from any such ship except as provided by this Ordinance or by Rules made thereunder.

No communication with ship till after Immigrants landed except by certain Officers.

Nothing in this section shall be held to prevent the Consul-General Consul Vice-Consul or Consular Agent of any Foreign Power from boarding any ship of the nationality represented by him.

Proviso.

Any person communicating or attempting to communicate with any such ship contrary to the provisions of this section and any Immigrant disembarking or attempting to disembark contrary to the provisions of this Ordinance and any person aiding or abetting any Immigrant to disembark from any such ship contrary to the provisions of this Ordinance shall be liable to a fine not exceeding five hundred dollars and in default of payment to imprisonment of either description for a period not exceeding six months.

Protector to receive notice of arrival and go on board.

13. On the arrival of the ship the Harbour Master shall give immediate notice to the Protector who shall forthwith proceed on board.

Immigrants unfit for labour.

14. Any Immigrant found on arrival in the Colony to be unfit for labour from disease or physical debility shall be sent to an hospital for medical treatment and shall be detained there till declared by the Medical Officer in charge of the hospital to be fit for labour and if the Immigrant is declared to be incurable or permanently unfit for labour under a contract under this Ordinance he may be sent back by the Government to the place at which he was recruited in India and it shall be lawful for the Government to recover all expense so incurred from the employer for whom he was recruited.

Contract law to be explained to Immigrants.

15. The Protector shall explain as far as possible to every Immigrant arriving in the Colony that no contract in writing by an Immigrant for such labour as in section twenty-one hereof is mentioned or referred to is valid unless made in accordance with Part IV of this Ordinance. Such explanation may be given either verbally or by handing to the Immigrant a paper containing the necessary information in Tamil.

Immigrant not to leave a Settlement.

16. No Immigrant shall depart from any Settlement in the Colony except to go—

- (a) to another Settlement in the Colony; or
- (b) to another part of the same Settlement; or
- (c) to a country or State to which Indian emigration is authorised by the Governor with the consent of the Government of India; or
- (d) to British India or Ceylon;
- (e) to any place in the Malay Peninsula under British protection or to Johore

without a written permit under the hand of the Protector proof whereof shall be on the Immigrant.

To what countries or States Indian Emigration lawful.

17. The Governor may from time to time with the consent of the Government of India declare by notification in the *Gazette* to what countries or States Indian emigration is authorised.

Penalty for assisting Immigrant to leave Settlement.

18. Any Immigrant unlawfully departing or attempting to depart from a Settlement in breach of the provisions of section sixteen hereof shall be liable to a fine not exceeding twenty dollars and may be arrested without warrant by any Police Officer or Officer of the Department of the Protector and any person

Ovd. iv
of 1871.

abetting within the meaning of the Penal Code an offence under this section shall be liable to a fine not exceeding fifty dollars or to imprisonment of either description not exceeding seven days for each Immigrant whose offence he has abetted. The Master of a ship in which an Immigrant shall embark in order to depart unlawfully from a Settlement shall until the contrary be proved be deemed to have abetted such offence.

PART IV.

CONTRACTS OF IMMIGRANTS.

19. Any Immigrant of the age of sixteen years or upwards may enter into a contract under this Ordinance and may sue and be sued thereon as though he were of full age.

Immigrant of 16 years may contract.

20. (1)—No engagement by an Immigrant to work for a period exceeding one calendar month or for more than thirty days' work as the case may be shall be valid unless made under this Ordinance.

(2)—Parol agreements with or without advances entered into by an Immigrant for the performance of agricultural work shall in the absence of any special arrangement to the contrary be deemed to be agreement to do thirty days' work.

Contracts for periods exceeding one month to be in writing.

(3)—Every such Immigrant who shall have performed thirty days' work under such agreement shall be held to have completed the same notwithstanding any debt which may be due from him to any person.

(4)—In the event of any Immigrant who has completed such agreement continuing to work under the same employer it shall be deemed that a new agreement to work for thirty days has been entered into between the parties.

(5)—Every Immigrant under a parol agreement shall be discharged from such agreement whenever wages for more than thirty days shall be due to him notwithstanding any set-off claimed by his employer.

21. Every contract or engagement in writing made or entered into after the coming into operation of this Ordinance by an Immigrant to labour on an estate where agricultural operations are carried on or to labour elsewhere at such work or labour as next hereinafter mentioned shall be void and of no effect unless it shall have been made under this Ordinance.

Contract must conform with this Ordinance.

The Governor may from time to time by Order in Council declare with respect to any particular kind of work or labour that no contract shall be made with an Immigrant to labour thereat except in accordance with the provisions of this Ordinance.

22. Except as hereinafter mentioned in section twenty-three hereof every written contract made by an Immigrant under this Ordinance must be executed before the Protector. If the employer is unable to attend the contract must be executed on his behalf by a duly authorised agent. Before the Immigrant executes the contract the Protector shall personally explain it to him and satisfy

First contract to be executed before Protector.

himself that the Immigrant understands the contract and assents to the terms thereof and shall after the same has been executed by all parties certify at the foot thereof that he has personally explained it to the Immigrant.

Subsequent contracts may be executed before a Magistrate.

23. Any contract under this Ordinance with an Immigrant other than one made on his first arrival in the Colony may be executed before a Magistrate provided that it be sent to and confirmed within three months of its execution by the Protector who before such confirmation shall personally ascertain that the Immigrant is fully aware of the terms to which he has agreed and shall certify at the foot thereof accordingly.

Form and contents.

24. Every contract under this Ordinance shall be in writing or in print or partly in writing and partly in print and shall be executed in duplicate in English and in the vernacular language of the Immigrant by whom it is executed and shall be in one of the forms provided by the Schedule hereto or in such other form not inconsistent with the provisions of this Ordinance as may from time to time be sanctioned by the Governor in Council and shall be free from stamp duty.

Custody of contract.

25. One copy of the contract shall be given to the employer or to his agent and the other to the Immigrant. An entry of the terms of the contract shall at the same time be made in the register to be kept in the office of the Protector and shall be initialled as correct by him.

Period of contract.

26. (1)—The contract to be entered into by an Immigrant may be for an indefinite period determinable by either the employer or the Immigrant on a month's notice either oral or in writing or may be for a definite term not exceeding two 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 two 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 fifty-four;
- (e) every day in respect of which an endorsement is made on the contract by the Protector under sections forty-one and seventy-eight.

(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 Protector.

(4)—If the contract is for the term of two years it shall be determined whenever the Statute Immigrant has done six hundred days' work.

27. (1)—The Protector 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 Protector 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 Immigrants labouring on the estate.

(2)—After performing his task for the day the Immigrant shall be at liberty if he pleases to commence and carry on a fresh task.

(3)—The employer may whenever he thinks fit direct the 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 Immigrant shall be compelled to work for more than nine hours in any one day.

(4)—The employer shall within the first seven days of each month post up and keep posted up for at least twenty-four hours in a conspicuous place on the estate a list of the number of days' task work which have been performed by each Immigrant on the estate in the preceding month together with the total number of days' work which have been performed by such Immigrant under his contract up to date. An employer neglecting to comply with the provisions of this sub-section shall be liable to a fine of twenty-five dollars.

(5)—Nothing in this Ordinance contained shall prevent any employer from agreeing with any Immigrant in his employ that the wages of such Immigrant shall be paid at an agreed rate in accordance with the amount of work done and not by the day.

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

For an adult male	16 cents per day during the first 300 days of Statute labour.
	18 cents per day of Statute labour subsequently.
For a female or for a boy under 21	13 cents per day for the first 300 days of Statute labour.
	15 cents per day of Statute labour subsequently.

Provided that every Statute Immigrant who has worked for six hundred days under this Ordinance shall be deemed to have paid all sums due from him in respect of passage money and advances.

The wages of an Immigrant shall be payable monthly on or before the fifteenth day of the month next following.

29. No Immigrant shall be bound to work on more than six days in one week or more than six consecutive hours or (subject as

Task work.

Piece work.

Rate of wages.

Time of payment of wages.

Days and hours of labour.

Unchanged. See comments of Madras Govt. on draft.

altered from seventy-eight in draft ordinance.

hereinafter mentioned) more than nine hours a day of actual labour. If he works for and at the request of his employer more than nine hours in any one day he shall be paid for such extra work the sum of one cent for each half-hour's work.

Provided that it shall at all times be lawful for the employer to require from an Immigrant over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for—

- (a) The care of animals.
- (b) The cleaning of machinery.
- (c) The maintenance of machinery in an efficient condition.
- (d) The observance of usual sanitary regulations.

Provided also that any Immigrant who is employed exclusively in factory work may be lawfully 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 hereinbefore mentioned and shall be entitled to receive for such extra work the extra pay of one cent per half hour.

Where contract to be performed.

30. The Immigrant shall not be bound to labour outside the limits of the Settlement for which the contract is made but his contract may with his own consent and the approval of the Protector be transferred to any other employer in the Colony or Federated Malay States.

Rules may be made for Emigration.

31. The Governor in Council may from time to time make Rules subject to which Immigrants may be engaged in the Colony for service in a country or State to which Indian emigration is authorised.

Redemption of contract.

32. If a Statute Immigrant whose contract is for a definite term shall be able and desirous to redeem the unexpired portion of such contract such Immigrant may request his employer to take him or allow him to go before the Protector who upon receiving from such Immigrant a sum equal to the value of the unexpired portion of his contract together with any sum which may be due from him to his employer under such contract shall forthwith give notice of such receipt to the employer of such Immigrant and unless such employer shall within one week from the date of such notice satisfy the Protector that there is some sufficient reason why such Immigrant should not be allowed to redeem such portion as aforesaid the Protector shall determine as from the date of such receipt. The Protector shall endorse a memorandum of such determination on the contract which shall be given up to him for that purpose and shall pay the amount so received by him as aforesaid to the employer.

Value of unexpired term.

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 twenty-six 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 year.

Provided that the value of the unexpired portion of the contract shall not exceed thirty dollars nor be less than twenty dollars in cases when such value calculated as above would amount to more than thirty dollars or be less than twenty dollars.

33. Any contract made under this Ordinance with a Statute Immigrant may be determined by the mutual consent of such Immigrant and of his employer with the approval of the Protector 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.

Dissolution of contract.

34. Every Statute Immigrant who has completed his contract shall be entitled to appear forthwith before the Protector in order that the completion of the contract may be registered and all wages due to the Statute Immigrant shall be paid within forty-eight hours of such completion. Any employer who in any way obstructs such Statute Immigrant in appearing before the Protector or fails or neglects to pay such wages within the time hereinbefore mentioned shall be liable to a fine not exceeding one hundred dollars.

Completion of contract.

PART V.

TREATMENT OF IMMIGRANTS ON ESTATE.

35. The employer of an Immigrant shall so long as the contract is in force provide for him subject to the provisions of this and the following sections:—

Provision to be made by employer.

- (a) Sufficient and proper house accommodation.
- (b) A sufficient supply of wholesome water.
- (c) Sufficient and proper sanitary arrangements.
- (d) Uncooked rations at wholesale current market prices.
- (e) Cooked rations when lawfully required.
- (f) Hospital accommodation.
- (g) Medical attendance.
- (h) A sufficient quantity of medicines of good quality.

The provision to be made in accordance with clauses (a) (b) (c) and (d) of this section shall be such as shall be considered sufficient and proper by the Protector for the time being.

36. The Governor shall from time to time by notification in the *Gazette* prescribe:—

In accordance with Governor's direction.

- (a) The kinds of rations to be provided in accordance with sub-section (d) of the preceding section.
- (b) The kind of hospital accommodation to be provided in accordance with sub-section (f) of the preceding section having regard to the number of Immigrants employed on the estate and its distance from the nearest Government Hospital.

(c) The description of medical attendance to be provided in accordance with sub-section (g) of the preceding section.

(d) The kinds and quantities of medicines to be kept on the estate by the employer.

Powers of Protector.

The Protector may with the sanction of the Governor from time to time prescribe :—

(e) The times and manner of the issue of rations to be provided under sub-section (d) of the preceding section.

(f) The quantity of any kind of rations which an Immigrant may purchase at one time.

(g) The price to be accepted as the wholesale current market price.

(h) The price of cooked rations to be provided under sub-section (e) of the preceding section.

Cooked rations.

37. A Medical Officer or the Protector may at any time require the employer of an Immigrant to provide for him in lieu of uncooked rations cooked rations which shall be in accordance as to quantity and quality with the scale for native patients for the time being in force in Government Hospitals.

Immigrant in hospital.

38. If an Immigrant be received for medical treatment in a Government Hospital the expenses attending the feeding and medical care of such Immigrant shall be paid for by his employer at such rate as the Governor may from time to time prescribe by notification in the *Gazette*. Such expenses whatever the amount shall be recoverable from the employer in a Court of Requests at the suit of the Protector and the certificate of the Protector shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer.

Provided that where the Immigrant is serving under parole agreement no more than thirty days' expenses in Hospital shall be recoverable from his employer.

Medical examination of Immigrants.

39. If it shall at any time appear to a Medical Officer or the Protector that an Immigrant is suffering from a contagious or infectious disease or that it is otherwise proper for his health that he should be attended to in hospital such Immigrant shall forthwith be placed in such hospital as such Medical Officer may direct and shall be detained therein for treatment until discharged by order in writing under the hand of the Medical Officer.

Temporary incapacity.

40. Any Immigrant who is declared by a Medical Officer to be incapacitated for work by sickness pregnancy or other sufficient cause shall be entitled to be received into and kept in hospital where he or she shall be fed and clothed at the expense of the employer during such incapacity but shall not be entitled to any wages for such period.

Absence from sickness.

41. If any Statute Immigrant whose contract is for a term of two years is compelled to absent himself from work on account of sickness for a period or periods exceeding the total number of sixty days during the continuance of the contract and the employer as

soon as such number is exceeded gives such Statute Immigrant a notice in writing to that effect the Protector shall from time to time endorse on the contract of such Statute Immigrant after such enquiry as may be necessary the number of days of absence in excess of sixty.

If the absence from work of a Statute Immigrant for any period is certified by a Medical Officer to be the direct result of the Statute Immigrant's intemperance immorality or wilful misconduct the Protector may endorse on the contract of such Statute Immigrant after such enquiry as may be necessary the period of such absence.

When result of immorality.

PART VI.

LOCALITIES UNFIT FOR RESIDENCE AND EMPLOYMENT OF IMMIGRANTS.

42. If the Protector shall at any time have reason to believe that any estate or portion of an estate on which Immigrants are living or employed is from any cause unfit for their residence or employment he shall report his opinion in writing to the Colonial Secretary or the Resident Councillor of the Settlement as the case may be who shall forthwith summon a Committee of Inquiry.

Committee of Inquiry.

Such Committee shall consist of a Magistrate a Medical Officer and one or more employers of Immigrants when such persons are available.

If the Colonial Secretary or Resident Councillor is unable to procure the service on such Committee of any employer of Immigrants he may appoint one or more persons whom he may deem qualified.

43. Such Committee shall proceed with as little delay as possible to inquire into the condition of the estate or portion of estate to which the order appointing the Committee has reference and shall hear such evidence on the subject as the Protector and the owner of the estate or portion of estate or the employer may desire to place before it and if such Committee or the major part in number thereof is of opinion that such estate or portion of estate is unfit for the residence or employment of Immigrants it shall report accordingly and from and after the publication in the *Gazette* of a notification that such report has been confirmed by the Governor it shall be unlawful to employ or permit to reside any Immigrant on such estate or portion of estate.

Committee to hold inquiry.

44. The Governor may by notification in the *Gazette* declare any estate or portion of estate unfit for the residence or employment of Immigrants without the appointment of any such Committee or notwithstanding any report of such Committee to the contrary if the whole number of Immigrants who have died on such estate or portion of estate during the preceding twelve months bears a larger proportion to the whole number of Immigrants residing or employed thereon during such period than seven per centum or

Governor may declare an estate unfit for residence or employment of Immigrants.

if the average annual number of Immigrants who have died on such estate or portion of estate during the preceding three years bears a larger proportion to the whole number of Immigrants residing or employed thereon during such period than five per centum.

A notification under this section shall have the same effect as a notification under the preceding section.

Governor
may cancel
Notification.

45. On subsequent proof being made to the satisfaction of the Governor that an estate or portion of estate found or declared unfit under either of the two last preceding sections has been improved in its sanitary condition and has again become fit for the residence or employment of Immigrants the Governor may publish a declaration to that effect whereupon the estate or portion of estate may be used again for the residence or employment of Immigrants.

Epidemics not
to be taken
into account.

46. In cases of exceptional mortality arising from epidemic diseases not attributable to circumstances peculiar to the locality the ratio of deaths shall for the purposes of this Part be calculated as far as possible exclusively of such exceptional mortality.

PART VII.

PROTECTOR'S INSPECTIONS AND REPORT.

Inspections.

Half-yearly
report of
labourers
their state of
health and
mortality.

47. Every employer shall in the months of January and July in each year and at such other times as the Governor shall prescribe make out in writing and deliver to the Protector in such forms as the Governor may from time to time prescribe a return of the number of Immigrants employed by such employer distinguishing between Statute Immigrants and other Immigrants during the preceding six months or such other period as has elapsed since the last previous return and a return of the sickness births deaths unlawful absences desertions and arrests among them during the same period.

Penalty for
omission to
furnish re-
turn or for
incorrect re-
turn.

48. If any employer shall omit duly to send in any such return or shall send in an incorrect return he shall in the absence of proof that such omission or incorrectness was occasioned by accident or a *bond fide* mistake be liable to a fine not exceeding two hundred and fifty dollars and a certificate under the hand of the Protector stating that such return has not been sent or is incorrect shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

Periodical in-
spection of
labourers to
be made by
Protector.

49. The Protector accompanied by a Medical Officer unless he be himself a Medical Officer shall once within each of such periods as may be fixed for such purpose by the Governor and may whenever he thinks fit visit all estates on which any Immigrants shall reside or be employed and inspect every house hospital tent camp or building in any way used by any Immigrants and inquire into the condition of such Immigrants and investigate the books of account of their wages; and

for such purpose the Protector may require the employer to produce before him all or any of the Immigrants then under contract or parol agreement with him together with all contracts and books of account of wages written in English and to answer such questions relating thereto as the Protector may think proper to ask.

Books, &c.
to be pro-
duced.

50. The Officer from time to time deputed with the concurrence of the Governor by the Government of Madras to examine and report to that Government the condition of Immigrants in the Colony may exercise under this Ordinance all or any of the powers of entry inspection inquiry and investigation which are hereby conferred on the Protector.

Inspector of
Madras
Government
to have
powers of
inspection
&c.

51. If any employer or other person wilfully obstructs or impedes any entry inspection inquiry or investigation made under this Ordinance or commits any offence described in Chapter X of the Penal Code relating to such entry inspection inquiry or investigation he shall be punished as provided in Chapter X of the Penal Code.

Penalty for
obstructing
inspection or
inquiry.

52. The Protector 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 inquiring 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 Protector thinks proper to ask.

Other
inspections of
estates.

Reports.

53. The Protector shall make such reports to the Governor relative to the conduct of the duties of his office in such form and with such particulars as the Governor may from time to time direct.

Reports by
Protector.

So much of every such report as relates to the Immigrants under any particular employer shall at all reasonable times be open to the inspection of such employer or any person by him appointed in writing in that behalf and the person so inspecting shall be entitled to take a copy of the report so far as it relates to such Immigrants and the Protector shall send to any employer mentioned in any such report a copy of so much of the report as relates to such employer.

Such report
open to in-
spection by
employer.

PART VIII.

OFFENCES COMMITTED BY IMMIGRANTS.

Neglect to Labour and Disobedience.

Neglect to labour.

54. Any 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 if any written contract exists the Magistrate shall endorse on the contract the number of days' work short of twenty that the Immigrant has so neglected or failed to do.

Disobedience of orders and refusal to work.

55. Any Immigrant who without reasonable excuse disobeys any lawful order given by his employer or wilfully and knowingly omits to do any duty necessary to be done by him for the management discipline and good order of the estate shall be liable to a fine not exceeding fifty cents for a first offence and for a second or subsequent offence shall be liable to imprisonment of either description for a period not exceeding one month.

Unlawful Absence of Statute Immigrants.

Unlawful absence.

56. A Statute Immigrant who is unlawfully absent from the estate of his employer shall be liable to a fine not exceeding fifty cents.

Defined.

A Statute Immigrant is unlawfully absent from the estate of his employer who without reasonable excuse goes or is beyond the boundaries of the estate during working hours.

Deductions from wages.

57. Provided that upon the commission by a Statute Immigrant of any of the offences described in the three last preceding sections the employer may instead of proceeding against him before a Magistrate make deductions from the wages next coming due to such Statute Immigrant in manner following that is to say:—

In cases of neglect to labour or unlawful absence one day's wages may be deducted for every day or portion of a day on or during which such neglect or absence may occur or continue.

In case of disobedience to a lawful order half a day's wages may be deducted.

Every such deduction shall be subject to the confirmation of the Protector upon his next visit and unless then attested by his signature shall be deemed to be unlawful and of no effect.

Desertion.

Desertion.

58. Every Statute Immigrant who deserts or attempts to desert from his employer's service shall be liable to imprisonment of either description for a period not exceeding one month; and every Statute Immigrant who after having been convicted of desertion shall again desert from his employer's service shall be liable to imprisonment of

either description for a period not exceeding two months and every Statute Immigrant who after having been twice convicted of desertion shall again desert shall be liable to imprisonment of either description for a period not exceeding three months.

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.

A Statute Immigrant deserts from his employer's service when he is continuously absent from his employer's estate for more than twenty-four hours exclusive of any Sunday or authorised holiday without leave from his employer or without reasonable excuse or when he is absent from the estate under such circumstances as shew that he does not intend to return to perform his contract. Defined.

A Statute Immigrant shall be deemed to attempt to desert from his employer's service if he is found either on or off the estate under circumstances from which it may be reasonably inferred that he intends to desert.

59. Ill-treatment of an Immigrant by his employer or the neglect of the employer to fulfil any condition of the contract may be deemed a reasonable excuse under this Part. Proviso in case of ill-treatment or breach of contract.

Arrest and Charge of Deserters and Absentees.

60. If any Statute Immigrant deserts or attempts to desert from his employer's service or is unlawfully absent from the estate or leaves or attempts to leave a Hospital in which he has been ordered to remain for medical treatment under section thirty-nine hereof without leave from the Officer in charge of such Hospital his employer or any other person acting in his behalf or any Officer of the Department of the Protector may without warrant and without the assistance of any Police Officer (who nevertheless shall be bound to give such assistance if called upon to do so) apprehend such Immigrant wherever he may be found and take him back to the estate or to the Hospital or to a Police Station at once provided that— Deserters and absentees.

If such Immigrant be found in the service of another employer he shall not be arrested without a warrant. When in other service.

61. Such employer or other person as aforesaid shall with the least practicable delay after apprehending any such deserter or absentee prefer a charge against him under this Part at the nearest Police Station and shall also enter the charge in a book to be kept for that purpose on the estate for the inspection of the Protector to whom on his next visit to the estate the entry shall be shewn by the employer and who shall initial the same. Notice and charge.

Any Immigrant so charged may be conveyed before a Magistrate who shall adjudicate upon such charge. But the employer instead of proceeding before a Magistrate may release the accused To be taken to nearest Police Station.

and withdraw the charge in which case it shall not be necessary for the accused to be taken before a Magistrate.

Malingering.

Immigrant disabling himself.

62. Any Statute Immigrant who wilfully inflicts on himself any injury or wilfully does any act by which he may be made unable to work and any person abetting within the meaning of the Penal Code the infliction of such injury or the doing of such act the injury or act being of such a character as to prevent the Statute Immigrant from labouring according to the terms of his contract shall be liable to imprisonment of either description for a period not exceeding one month.

Selling Rations.

Penalty for Immigrant selling food.

63. Any Immigrant who without the consent of his employer sells barbers or disposes of for profit any ration cooked or uncooked purchased by him from his employer or provided by his employer under the provisions of Part V hereof shall be liable to imprisonment of either description for a period not exceeding seven days; and

Ditto for receivers.

any person who without such consent as aforesaid knowingly buys takes in exchange or otherwise receives any such ration shall be liable to a fine not exceeding twenty-five dollars or to imprisonment of either description for a period not exceeding one month.

Disobedience to sanitary regulations.

64. Any Immigrant guilty of wilfully disregarding any sanitary regulation which has been approved by the Protector and publicly notified for observance on the estate on which such Immigrant is employed shall be liable to a fine not exceeding five dollars or to imprisonment for a period not exceeding one week.

Estate deemed a public place.

65. For the purposes of section forty of "The Summary Criminal Jurisdiction Ordinance 1872" an estate shall be deemed to be a public place.

Imprisonment of Statute Immigrants.

Portion of sentence may be cancelled on application of employer.

66. On the application of the employer or of any person authorised to act for the employer of any Statute Immigrant imprisoned for any offence under this Ordinance a Magistrate may at any time previous to the expiration of such imprisonment if he see good cause order such Statute Immigrant to be released and given up to his employer and in that case the Magistrate shall endorse on the contract a memorandum signed by him of such order and send a copy thereof to the Protector.

Conviction to be endorsed on contract.

67. Whenever a Statute Immigrant is convicted of any offence the Judge or Magistrate before whom such conviction is had shall endorse on the contract a memorandum of the conviction and shall send to the Protector a copy thereof.

68. On the determination of any imprisonment to which a Statute Immigrant may have been sentenced it shall be the duty of the Gaoler to make him over to any person appointed by his employer to receive charge of him or at the expense of the employer to return him to the estate under charge of the Police.

Disposal of Statute Immigrant after release.

Cancellation and Transfer of Contract.

69. Whenever any Statute Immigrant shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service the Protector shall at the written request of the employer cancel the contract of such Statute Immigrant.

Contract may be cancelled for repeated desertions on request of the employer.

Every such cancellation shall be certified by the Protector on the back of the contract and such Statute Immigrant shall be liable to work during the remainder of the term of the cancelled contract on such public works for the Government or the Municipal Commissioners of the chief town of the Settlement as the Governor may direct at the same rate of wages as named in such contract.

Immigrant to labour on public works.

If the services of any such Immigrant shall not be required by the Government or the Municipal Commissioners the Protector shall take such steps as may be proper subject to the provisions of Part IV hereof for securing employment for him if applied to by him for that purpose.

70. Whenever any Statute Immigrant shall have been twice convicted for offences under this Part the Protector on the application of the employer or of his own accord may with the approval of the Governor transfer the contract of such Statute Immigrant to some other employer willing to accept the same upon such terms and conditions as between the old and new employers as shall appear to him reasonable.

Protector may transfer contracts.

PART IX.

OFFENCES COMMITTED AGAINST IMMIGRANTS.

Separating Families.

71. Any person separating or abetting within the meaning of the Penal Code the separation of a Statute Immigrant from his wife or from his children under the age of sixteen years or from any person dependent on him without in any of the above cases his or their consent (proof of which consent shall lie on the accused) shall be liable to a fine not exceeding one hundred dollars and any contract involving such separation shall be void and such wife children or dependent shall be forthwith restored to the Statute Immigrant by the Protector.

Penalty for separating families.

72. Any employer who shall cause or permit any Immigrant to reside or labour upon any such estate or portion of an estate as under the provisions of Part VI hereof has been found or declared to be unfit for the residence or employment of Immigrants with knowledge of such finding or declaration

Penalty for permitting Immigrant to reside in unhealthy locality.

and whilst such finding or declaration remains in force shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a period not exceeding six months.

Penalty for non-compliance with secs. 32 and 35.

73. Any employer who omits to comply with such request as is mentioned in section thirty-two hereof or with any of the provisions of section thirty-five hereof shall in the absence of proof that such omission was accidental be liable to a fine not exceeding two hundred dollars and to an additional fine of fifty dollars for each day during which such omission is continued.

Penalty for molesting Immigrant.

74. Any person who whether alone or in combination with others hinders or molests by word gesture or act any Immigrant in the performance of his contract shall be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for a period not exceeding six months.

Complaints by Immigrants.

Employer to give notice to Protector if Immigrant wishes to complain.

75. If any Immigrant states to his employer or to any person acting for such employer in the conduct of the business of the estate that he desires to make a complaint to the Protector of personal ill-usage or breach of any provision of this Ordinance on the part of such employer or any other person the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Protector and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars.

Procedure by Protector.

Protector how to proceed on receipt of notice.

76. Whenever the Protector receives such notice in writing as last aforesaid or whenever any complaint of personal ill-usage or breach of any provision of this Ordinance is made to him by any Immigrant against his employer or any person acting for such employer or when the Protector has other reasonable grounds for believing that any personal ill-usage or breach of any provision of this Ordinance has been suffered by an Immigrant he shall so soon as conveniently may be proceed to the estate and make full inquiry into the matter.

Procedure.

77. For the purposes of such inquiry the Protector may summon before him such Immigrant and any witnesses.

Penalty for obstructing service of or disobedience to summons.

Any person who in any way wilfully obstructs the service of or obedience to such summons and any person summoned who neglects to attend as required in such summons and any person who commits any offence described in Chapter X of the Penal Code relating to any such complaint or inquiry shall be punished as provided in Chapter X of the Penal Code.

If complaint is untrue or frivolous.

78. If upon any such inquiry made on the complaint of an Immigrant the Protector is of opinion that the complaint is untrue or frivolous he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion

respecting it and in such case he shall endorse on the contract (if any) of such complainant the number of days during which such complainant has been absent from work in consequence of such inquiry and may impose on the complainant a fine equivalent to the wages of the Statute Immigrant for such days but in the aggregate not exceeding fifty cents which may be deducted from the Immigrant's wages and retained by his employer.

Invented as suggested by the Madras Govt.

79. If upon inquiry as aforesaid the Protector is of opinion that the complaint is well founded he shall institute such proceedings civil or criminal for and in the name of the Immigrant as he shall deem necessary under the circumstances.

If complaint is well founded.

The Protector shall have a right to appear in and be heard before all inferior Courts Civil or Criminal in any proceeding under this Ordinance.

Right of hearing.

Cancellation of Contract.

80. If any employer or any person placed in authority over any Immigrant by such employer is convicted before a Judge of the Supreme Court of any offence against the person or property of such Immigrant; or

Contract cancelled if employer is convicted.

if any such employer or other person as aforesaid is a second time convicted before a Magistrate of any such offence; or

if a Magistrate shall on the report of the Protector and after due inquiry upon oath in the presence of the parties be satisfied that any Immigrant has been compelled to perform any labour while he was unfit for it or has been subjected to ill-usage by such employer or any other person placed by him in authority over such Immigrant;

Ill-usage or forced labour.

the Judge or Magistrate may on the application of such Immigrant cancel his contract (if any) and award to him compensation not exceeding fifteen dollars.

Cancellation of contract.

Such cancellation shall be certified by the Court to the Protector who shall make an entry thereof in the books of his department.

How certified.

Court Fees.

81. No Court fees shall be chargeable in the first instance on any proceeding commenced by an Immigrant or by the Protector on his behalf against his employer under this Ordinance but in case a conviction shall be had or judgment given against the employer the same shall be paid by the employer together with the general costs of the proceeding.

Costs of proceedings.

PART X.

GENERAL.

Notices of Deaths, &c.

82. The notices required by "The Registration Ordinance 1897" or any other Ordinance passed on that behalf of deaths of Immigrants and births of children of Immigrants shall in the case of deaths be given by the person in whose service the Immigrant may have been at the time of his death or in whose premises he may

Notices of births and deaths for registration.

have died or by the person in charge for the time being of such premises and in case of births by the person in whose employment the mother may have been at the time of the birth or by the person in charge for the time being of the house or place in which the birth occurred and copies of such notices shall be given to the Protector. Copies of such notices shall be sent by the employer to the Protector.

Delegation of powers. 83. It shall be lawful for the Governor to delegate all or any of the powers vested in him by this Ordinance to the Colonial Secretary at Singapore and the Resident Councillors of Penang and Malacca in his absence from the several Settlements respectively.

Convictions. 84. All convictions and penalties for offences under this Ordinance may be had and recovered before a Magistrate or a Court of two Magistrates on complaint by any person aggrieved or by the Protector or any person authorised by him in that behalf.

Rules. 85. The Governor in Council may from time to time make Rules providing generally for the carrying into effect the provisions of this Ordinance.

All Rules made under this section shall be laid before the Legislative Council as soon as may be after they are made and shall be subject to disallowance by resolution of the said Council.

Penalty for breach of any Rule. 86. Every person who acts in contravention of any Rule made under the last preceding section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars.

Existing contracts to continue valid. 87. Nothing in this Ordinance contained shall affect the validity of any written contract subsisting at the commencement thereof.

Commencement of Ordinance. 88. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Passed this 22nd day of July, 1897.

R. J. WILKINSON,
Acting Clerk of Councils.

SCHEDULE.

FORM I.

CONTRACT OF IMMIGRANT FOR FIXED TERM OF TWO YEARS.

A contract made the _____ day of _____ A.D. 18 _____ under "The Indian Immigration Ordinance 1897" between hereunder described and hereinafter called "the Labourer" of the one part and _____ 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 mutually agreed by the parties hereto as follows:—

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

- (a) spent in prison or in going to or returning from prison;
 - (b) 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) during which he is absent from the estate as a deserter and in respect of which absence he is convicted by a Magistrate;
 - (d) in respect of which he is convicted by a Magistrate of neglect to labour under section fifty-four of the Ordinance;
 - (e) over sixty days during the continuance of the contract in which he is absent from work on account of sickness;
 - (f) during which he is absent from work on account of an inquiry into any untrue or frivolous complaint made by him to the Protector
- which has been duly endorsed on this contract under the provisions of the said Ordinance.

2. The Employer will pay to the Labourer wages payable monthly at the rate of ‡ sixteen cents for each day's work during the first three hundred days of Statute labour and eighteen cents per day of Statute labour subsequently.

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

† "Agricultural labourer" or as the case may be.

‡ Where a higher rate is agreed on substitute such higher rate. Where the Labourer is a female substitute for the word "sixteen" the word "thirteen" or a higher rate if agreed on and for the word "eighteen" substitute the words "fifteen or a higher rate if agreed on".

altered from 'two cents
for every hour, as
suggested by Madras Govt.

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 one cent for every half-hour over nine hours 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 one cent for each half-hour. 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 year under the Contract or the sum of twenty 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.] In no case shall the value of the unexpired portion of the Contract exceed thirty dollars.

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 Protector 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.

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

Endorsement to be made by the Protector:—

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 _____

Protector, ^

Settlement of _____

NOTE.—In the case of a contract for a definite term of less than two years, the above form must be varied accordingly.

FORM II.

CONTRACT FOR INDEFINITE PERIOD TERMINABLE ON A MONTH'S NOTICE.

This Contract made the _____ day of _____ 18 _____ under "The Indian Immigration Ordinance 1897" 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 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 sixteen cents for a male and thirteen 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 one cent for every half-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 one cent for every half-hour. 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 _____ Interpretation.

(or Assistant Protector, omitted at suggestion of Madras Govt.)

which is approved by the Protector 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 Protector:—

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

Protector,
or Assistant Protector,
Settlement of _____

To

The Right Honourable JOSEPH CHAMBERLAIN,

Her Majesty's Principal Secretary of State for the Colonies.

The humble petition of the undersigned
Planters, Merchants, and other persons
interested in Agricultural Industry in
the Straits Settlements.

Showeth,

THAT Your Petitioners desire to invite your attention to the facts and arguments hereinafter set forth relating to the question of the supply of Indian labour to this Colony, with a view to obtaining your disapproval of a Bill intituled "An Ordinance for the Protection of Indian Immigrants" which has passed the Committee stage and will have been read a third time in the Legislative Council of this Colony before this petition reaches England.

2. That this question is one of vital importance to the Colony, and also one which is not on a satisfactory footing are facts which have been fully recognized of late years; and the appointment by Government of two Commissions, one in 1890, and the other last year, to enquire into the state of Labour in this Colony and the Protected Native States clearly shows that such is admittedly the case.

3. The large European-owned Estates in Province Wellesley and the Protected Native State of Perak are to a very large extent dependent for their labour upon Tamils imported from India, and for many years past the planters on these Estates have been almost exclusively the sole importers of this class of labour in this Colony.

4. Local ordinances have from time to time been passed for the protection of planters against desertions and crimping of the coolies imported by them, and also for enabling them to compel the coolie imported by them to enter upon and fulfil his contract to serve, in consideration of the expense incurred in bringing him to the Straits.

5. That the practical results of these Ordinances have not been satisfactory is testified, as has been said, by the appointment by Government of two Commissions to enquire into the subject.

6. Each Commission was presided over by a high Government Official, and included among its members not only planters of long practical experience, but also Government Officials and others thoroughly conversant with the details of the question involved and eminently qualified to report thereon. The Reports of both Commissions, so far as Indian labour is concerned, were unanimous.

7. Notwithstanding this fact the local Government has thought fit in each case to ignore the recommendations as a whole made in the two reports, and to produce an Ordinance, the provisions of which find little if any justification in either of such reports.

8. As an outcome of the report of the 1890 Commission an Ordinance (No. XVI of 1892) was passed by the Legislative Council, but its provisions were so objectionable and the opposition thereto so strong that it has never come into force.

9. The present Bill is stated to be based partly on the recommendations of the Labour Commission which reported on Indian Immigration in 1892 (1891?), and is being forced through the Council, notwithstanding the strong opposition of the employers of Indian labour and in the face of the protests of a large and influential meeting of those interested in the culture held in Penang recently, and a petition against the proposed Bill presented to the Excellency ~~entirely, your Petitioners submit that the present Bill is directly opposed to them.~~

10. In support of these statements Your Petitioners would beg to refer you to the reports of the said Commissions generally, and more particularly to the extracts therefrom which are herein reproduced.

11. Before referring in detail to these reports it may here be mentioned that the gravest defect in the present Bill is the omission from its provisions of the penal clauses by which coolies who have been imported from, and have received advances in, India can be compelled to enter into and carry out the contract for which they have been brought to the Straits.

12. Your Petitioners would first point out that the object of the 1890 Commission as stated in the preamble to the Instrument appointing the same was "that a diligent and full enquiry should forthwith be made into the question of the state of labour in the Straits Settlements and the Protected Native States with a view to devising a scheme for encouraging immigration and thereby supplying the demand for labour."

13. The Report of the 1890 Commission dealt with the whole question of the labour supply of the Colony, and treated separately of Chinese, Javanese, and other Native and Indian Immigration.

14. Your Petitioners desire to refer you to the recommendations of that Commission on the last of these three points.

15. After reviewing generally the question of Indian Immigration, and the present Indenture System, that report declared the three main defects in the supply of Indian labour to be insufficient quantity, defective quality, and heavy cost of importation; and, after referring to the general treatment of coolies on estates, and discussing the terms of contract with Indian Immigrants, went on to make certain recommendations regarding Indian labour.

16. In paragraph 377 of the Report the defects of the system were summarized as follows:—

"First.—Want of a proper agency in India, in consequence of which the recruiting area is limited. Emigrants are misled as to their prospects, prices are exorbitant, and to some extent also unsuitable men are recruited, though this is much less the case than formerly."

"Second.—Insufficient attractions as compared with other countries, and those attractions advertised too little."

17. Two main remedies were then suggested: "first, to set the machinery of recruiting in India on a footing satisfactory in every respect; and then to render the condition of service in the Straits so attractive as to compete successfully with other countries. The former can be carried out by Government, the latter can be to a limited extent enforced by Government by legislation and inspection, but must always rest mainly in the hands of the employers themselves."

18. It is not the intention of your Petitioners to set out the main features of the scheme proposed by the 1890 Commissioners to effect improvements in recruiting in India. They will be found in the 19th chapter of the report to which your petitioners beg respectfully to refer you. They do not desire to uphold the scheme then proposed, or to suggest any alternative scheme, their sole object in thus referring to the subject being to emphasize the fact that, notwithstanding this very clear and unqualified expression of opinion, the local Government persists in disregarding its obligations in the matter.

19. The machinery of recruiting being thus admittedly on an unsatisfactory footing, and the planters on the European-owned Estates in Province Wellesley and Perak being, as has already been said, the chief importers of labour from India in this Colony, they are naturally the persons principally aggrieved by this want of action on the part of the Government.

20. An aggravation of this grievance is to be found in the fact that, owing to the poor supply of Indian labour, contractors for public works and others resort to these estates as a recruiting ground, and, having incurred no initial expense in the importation of coolies, they are naturally in a position to offer a higher wage than the importer, and thus entice the cooly away from the employ of the latter.

21. The 1890 Commissioners in touching upon this point stated that the evidence before them showed that "estates are often suddenly drained of men when any large work is started in their vicinity," and advocated the adoption of a remedy which had been suggested to them, viz., that Government should make it a condition of all large contracts that the contractor should import a proportion of his labour. Your Petitioners have been unable to discover one single contract in which the Government has made this a condition.

22. In short your Petitioners submit that there was and still is ample justification for the comment of the 1890 Commissioners (to be found in paragraph 465 of their Report:—)

"Beyond the payment of the subsidy" (to the Negapatam steamers) "and expense of the Indian Immigration Department, nothing has been done to encourage immigration."

23. That these facts were fully corroborated by the witnesses examined before the 1896 Commissioners will be found on reference to their Report, (paragraph 50) which is to the following effect:—

"We cannot help recognizing the fact that hitherto planters have been almost the only importers of labour, and that their labourers, acclimatized at their expense, have ultimately drifted into the gang of the Public Works Departments and Government Contractors both in the Straits and Native States; who, not having had to pay for importing and acclimatizing them can afford to offer, and usually do offer, higher wages."

24. That the Colonial Government is doing still less at the present day than it was in 1890 to encourage immigration is evidenced by the fact that the subsidy which it then paid

to the Negapatam steamers ceased in 1892, and no other expenditure in this direction has been substituted therefor.

25. Your Petitioners respectfully submit that this state of things should not be tolerated in the face of the statement by the 1896 Commissioners that "as regards the moral obligation of Government to provide its own labour opinion now seems to be unanimous."

26. These Commissioners, in addition to adopting the suggestion of the 1890 Commissioners as to the appointment of an Agent in India, recommended the taking of a vote in the Annual Budget of the Colony for the next few years to provide free steamship passages for all *bona fide* agricultural labourers, including their families, claims to such assistance being decided by the proposed Agent.

27. They further pointed out that the cost of such a scheme would not be likely to exceed the former subsidy and would be proportionately far less than the public assistance allowed in other less promising Colonies.

28. In urging the prompt adoption of this proposal the Commissioners go on to say: "The opportunities must not be missed and prompt action presses in the matter of recruiting. The circumstances of the past, and the close and peculiar Government interference hitherto throw a responsibility on Government in the matter. It is easy to condemn the present system but what is now wanted is to start a better one. Much as we prefer free labour and spontaneous immigration, we cannot see how this is to be established unless Government take the initiative in the matter and get things out of the present impasse. This is no case in which to apply general doctrines of political economy, or to count on private enterprise making the first move."

29. This report likewise included recommendations which, in the opinion of the Commissioners, would have the effect of encouraging "free labour," such as a reduction of the contract term of service, an increase of the minimum rate of wages, and the omission of the whole of Part V of Ordinance V of 1884 (the Indian Immigration Ordinance at present in force) which deals with the contract of the Immigrant and its supervision by the Protector.

30. The Commissioners were of opinion that it is to the non-contract system the Colony must ultimately look to improve and extend the flow of immigration to the Straits, but nevertheless expressed themselves to the following effect:—"At the same time we are satisfied that, for the present, the valuable interests of sugar estates must be safeguarded by having a considerable part of their Indian labour secured by long term contracts. These estates have for a number of years past been in a very great measure dependent on indentured labour, and we think it would be unwise to introduce any sudden change discontinuing this supply until such time as fresh arrangements have secured a large and continuous stream of 'free labour.'"

31. In the face of this expression of opinion the Colonial Government has introduced the present Bill which, from its avowed objects and apparent scope, would seem to most unwarrantably assume that a large and continuous stream of "free labour" has been secured to the Colony—a state of things which both Commissions have reported in the clearest and most unqualified terms does not exist.

32. The principal points aimed at by the Bill appear from the Objects and Reasons to be:—

- (a). The landing of coolies in the Colony as far as possible free from debt.
- (b). The increase of the minimum rate of wages.
- (c). The shortening of the period of service for which contract Immigrants are bound.

No provision of any description is made for improving the machinery of recruiting in India, and the existing penal clauses for compelling an Immigrant, who has received advances from, and had his passage to the Straits paid by his importer, to enter into a contract to serve the latter are omitted.

33. Such is the Bill which claims to be based partly upon the recommendations of the Labour Commission which reported on Indian Immigration in 1892 (1891?), and partly on experience gained since that time both in India and the Colony.

34. Your Petitioners are confident that the hollowness of the pretence of the first portion of this claim is sufficiently clearly demonstrated from the extracts of the report quoted, but they are at a loss to conjecture in what manner the experience

35. Your Petitioners have already informed His Excellency the Governor of this Colony, and here repeat, that they are entirely in accord with the principles involved in the three points aimed at by the Bill.

36. They have also already stated, and again repeat, that on none of the large European-owned Estates in Province Wellesley or Perak is it the practice to consider the immigrant in any sense indebted to the employer upon his arrival in the Straits, or to make him repay any of the initial expense incurred in his importation or advances made to him in India. The Immigrants therefore imported by these estates are on landing to the fullest extent possible free from debt.

37. The Planters in Province Wellesley and Perak have for some time past paid their coolies at a higher rate than the present minimum rate of wage, and they have expressed themselves as willing to accept the higher rate of wage and the shortened period of service provided for by the Bill.

38. But your Petitioners would ask why, so long as a large and a continuous stream of "free labour" has not been secured to the Colony, so long as the Colonial Government declines to recognize its responsibilities in the matter of importing its own labour, or of putting the machinery of recruiting upon a satisfactory footing, and so long as planters must continue to bear alone the initial cost of importation, these importers of labour should be deprived of their solitary safeguard against absolutely unprofitable outlay?

39. Your Petitioners respectfully submit that the omission of the penal clauses is, in fact, the introduction of the "sudden change" tending to discontinue the supply of "indentured labour" deprecated by the 1896 Commissioners.

40. They further submit that the grievances complained of by planters, and referred to in paragraph 20 of this petition, will be increased tenfold if the present Bill is permitted to become law.

41. If corroboration of the foregoing views be necessary, your Petitioners submit it will be found in the report of the Planters Enquiry Committee appointed by His Excellency the Viceroy of India in 1895, in response to a Memorial presented to him by the Planters Association of Southern India, to which Report your Petitioners beg respectfully to refer you.

42. That Committee consisted of three representatives, one nominated by the Government of India, another by the Madras Government, and a third by the Planters' Association.

43. The particular object aimed at in the said Memorial was, increased protection against "loss from wilful breach of contract and dishonesty with regard to advances" made to coolies.

44. In dealing with this branch of its enquiry the Committee express the opinion that "the system of advances is at once the backbone of the planting industry and the cause of the principal difficulties attending it," and in referring to the consensus of opinion among planters as to the necessity of advances, they fully recognize the weight of this opinion by pointing out the pecuniary inducement on the part of planters to desire the change which they feel impracticable, for, as they say, "No one would give advances if he could get the labour he required without them."

45. The Committee also fully realize that there is ample justification for the view that the Southern India planting industry needs the protection of a penal labour law, and in pointing out that Indian Act XIII of 1859 does not adequately meet the planters' case, hold that rights of property cannot be efficiently protected unless advances are secured by special enactment, and they consider that "the time has not yet come when legislation controlling the relations between employers of labour and labourers, giving adequate protection to the employers against fraud and wilful breaches of contract amounting to fraud, and at the same time safeguarding labourers against oppression can be dispensed with;" and they "venture to think that the time when special legislation on labour contracts can be abandoned will be indefinitely postponed in Southern India unless the necessary measures are now taken by the Government."

46. Your Petitioners submit that if the Committee's remarks correctly represent the existing state of things in India and the wants of planters there, the need of protection to planters in the Straits must be much greater.

47. If planters in Southern India cannot dispense with advances, it may well be asked how can planters in the Straits induce labourers to come here without them? Yet the present Bill aims at stopping all advances.

48. Your Petitioners would however desire to be clearly understood as not complaining of the necessity to make these advances; what they do complain of, and what they most respectfully yet firmly protest against, is, after having made advances to a labourer upon a distinct contract, being deprived of the means of compelling such labourer to carry out that contract.

49. Your Petitioners cannot, in their opinion, too strongly urge upon your attention the injustice which must inevitably result to the importers of labour if, after incurring all the initial expense of importation, they are to be compelled to pay the labourer a premium for labour, securing the services of labourers brought to the Colony, and they respectfully submit that the present Bill by the omission of the penal clauses puts a premium on, and is a direct incentive to, dishonesty.

50. Your Petitioners do not know whether the omission of these penal clauses has been suggested by the Madras Government, but if such suggestion has emanated from India, they submit that no grounds exist, so far as the welfare of Tamil Immigrants in the Straits is concerned, which necessitate or even warrant such a suggestion.

51. In certain correspondence forwarded to the 1896 Commission, the Madras Government fully recognized that "the large number of people who pass annually between the Straits and Southern India, doubtless tend to a general acquaintance here with the excellent manner in which the Indian Emigrant is cared for in the Straits." And in the Indian Statis-

tical Abstract for 1895 it is stated:—"Indian labourers emigrate to the Straits Settlements where their welfare is provided for by local legislation, and also to certain of the neighbouring Native States which have given similar guarantees for their well-being; * * * * * "the Colonial emigration is so far beneficial that it affects some of the most densely populated tracts of India. The total numbers of emigrants is however insignificant, the average for the last three years being 16,500 only. Of these many return to their homes, and as a rule the returning emigrants bring considerable savings with them, and the wealth thus introduced into the country exceeds Rs. 800,000 per annum. It is obvious this form of emigration—whether it be regarded as a means of reducing the population of congested areas, or as a means of adding to the capital of the country—is one which deserves encouragement, and it is also clear that it has much scope for further development."

52. The future of this Colony and of the Native States must be chiefly agricultural, and their ultimate prosperity must depend upon agricultural development, but your Petitioners respectfully submit that the policy of the present Bill, if persisted in, must tend, in the present state of the local labour market, to retard rather than to develop agriculture.

53. Until such time then as there is in reality an "open market" for labour in the Colony, and until the supply of labour is equal to the demand (the only conditions under which such an Ordinance as the present Bill could be practicable) your Petitioners respectfully submit that the penal clauses at present in force for compelling an imported immigrant to carry out his agreement with his importer should be retained.

Your Petitioners therefore pray that you will be graciously pleased to take into your favourable consideration the facts and arguments above set forth, and to advise Her Gracious Majesty to refuse her sanction to the said Bill, and to instruct His Excellency the Governor of this Colony to presently lay before the Legislative Council a Bill dealing with the question of Indian Immigration, and embodying to such extent as you may deem advisable the recommendations of the two Labour Commissions regarding the matter of recruiting in India.

And Your Petitioners will ever pray,



It is requested that the following number be quoted in the reply to this letter.

Colonial Secretary's Office,

SINGAPORE, 14th December, 1897.

India 9113-97.



Sir,

I am directed by Governor Sir C.B.H. Mitchell, G.C.M.G., to forward, for the information of the Government of Madras, a copy of a Memorial which was addressed to the Secretary of State for the Colonies by certain sugar planters and others regarding the Indian Immigration Ordinance which was passed by this Government in July last.

2. A copy of the Ordinance is also annexed for convenience of reference.

3. His Excellency has received a letter from His Excellency the Viceroy, stating that he has communicated with the Government of Madras on the subject of the Governor's visit to India in connection with emigration to the Straits.

I have the honour to be,

Sir,

Your obedient servant,

The Chief Secretary to the

Government of

MADRAS.

Acting Colonial Secretary, S.S.

With C. No. 4947 the Colonial ~~Secretary~~
Secretary forwards the New Ordinance
for the information of the Government
of Madras. Attention is invited to the
draft ordinance forwarded for approval
to this Government in 1896 (at N.)
~~that the~~ The letter of the Col-
-onial Secretary forwarding it is at O.
This draft ordinance was approved
by this Government in G.O. 1156 of
1896. Attention is invited to the
Note for orders at O. 1, in that G.O.
The points noticed by the Madras Govt.
in their letter to the Government of
Indi-a No. 1157 (at P.) ^{all} have been consid-
-ered by the Colonial Government in
their new Ordinance. In each case the
alterations made have been noted in ink
in the copy of the new ordinance. The
only point on which the Colonial Govt.
have not adopted the suggestion of this
Government is in regard to the defin-
-ition of Protector contained in para.
section 2. part 1. of the ordinance.
An omission has, however, been made of
the words " or Assistant Protector "
at the end of the schedule.

K
The grievances of the
Planters embodied in a petition to
the Secretary of State for the Colo-
-nies are mainly the affair of the
Colonial Government. They seem to have
a real cause for complaint in the action

of the Colonial Government in taking away the imported labour from the estates for public works by not inserting any proviso in their contracts ~~limiting~~ ^{aiming} to protect the planters. (paras 20 to 23 incl.)

The other want of the planters is some penal provision to protect them against defaulting coolies (and presumably maistries) who receive advances and fail to carry out their engagements.

Under section 20 of the ordinance parole agreements with or without advances hold good only for 30 days; and no written agreements are valid (sect. 21) unless made under this Ordinance, that is to say, unless executed before the Colonial Protector. Thus a cooly who took an advance in India might defraud his employer in two ways;

(1) Not come over to the Straits at all, in which case there is no law by which they can ^{be} effectively reached. The S. India planters are in the same case.

(2) He might come over to the S. and decline to be recorded.

*the S. of India
Inquiry Committee
for reference.*

78

*I don't know how the papers are kept
List.*

MRC

stands ~~or~~ falls with that of the Indian
planters. *It cannot be considered by itself.*

And as for (2), it is a matter which
exclusively concerns the Colonial Govt.

The position of the
planters seems to be that ~~And~~ they
cannot get a ^{sufficient} supply of "free"
labour, and to improve this state ~~of~~ of
things wish for ^a subsidy to the
steam-ship company, and for an improved
State-aided immigration Dept. to adver-
-tize the advantages of emigration to
the S. B. among the classes of the
Indian population who would be likely
to come; on the other hand they
deprecate Government interference with
the cooly when he has landed in the
Colony. They seem to overlook the ~~fact~~
fact that the advantageous terms
secured to the cooly by the new ordin-
-ance are mainly designed to render
immigration more popular, and so to
obviate the necessity for subsidies to
steamers and State Agencies in India.

No action, therefore, seems
appears to be required on ~~a~~ the part
of the Madras Government in regard to
the new Ordinance, as it has already
been approved by this Government, and it
may be recorded.

*The paper may be recorded for the present,
but they should be circulated to Hon. Members
for discussion, pending Sir C. Mitchell's
arrival. He will be here on the 24th.*

Not.

9.44

18.1.98

*I don't know how the papers ~~will~~ be
first.*

MA 14.1.98

These files had better
be kept unbroken so
long as Mr. Sir C. Mitchell
remains in the Presidency
(i.e. until the 9th or 10th
next) so as to be available
for immediate refs, if required.

In the meantime please
send me soon a spare copy
of G.O. 936 Public with
14.11.95
the attached printed note.

W

27/1/98

C. 22
R 29
C. 20
R. 21

in Sir H.W.B. link h.c.I.E.

in W. ~~Spence~~ C.E.

W
20/1/98

W
25/1/98

Public
Top file C. 1947
bottom " 2268 + 2468

For ~~Adams~~ Perused in order.

Submitted
to the Honble Member
with ref to H.E.
the Governor's notes
of 18. 1. 98.

M.E.
19 8
C.O.
19.1.98
P.S.
22/19.1.98

With reference to H.M.'s notes
on this and on the linked
file, it is explained that
the files were sent to H.B.
the Governor in the first
~~inst~~ instance instead of to the
H.M. in accordance with
H.M.'s instructions at Z in
linked file, and note by the
P.S. at the ~~top~~ below H.M.
note at the same place.

M.E.
22 8
1

C. R. 251

in no. 1
C. R. 251
28/1/58

with R. R.
S.

NOTE FOR THE Hon. Mr. W. Mitchell

A copy of J.O.
936 Public with attached
14.11.98
printed note is
submitted with
ref to the Hon. Mr.
Member's note
(on files regarding
Emigration of the
Shants) of 27.1.98.

C.R.
27.1.98

M.R.
28 8
1

note. The two files will be
kept intact as long as Sir Charles
Hutchins remains in the Presidency.

M.R.
28 8
1

AS

~~Signature~~

C.R.
28/1/98

A.
keep for reference
in connection with
J.O. 936.

with A.S. Rev. now.

M.R.
31 8
1

M.R.
29 8
1

Papers to be read in Proceedings:—

Again G.O., No.	, dated	189 .
Again G.O., No.	, dated	189 .
Current No. 4547	of 189 δ , dated 14/12	, from the Council
" "	" 189 , "	" " Secy. Singapore
" "	" 189 , "	" "

ORDER. No. 566,219th April 1898.

Recorded

(from orders)

AK 18.4.98
16/4/98

copying

189

G.O., No.

DATED

Ag

No.

GOVERNMENT

A A A A A A A

GOVERNMENT

WITH DITTO.

FILED UP, BEING MEANT FOR DESPATCH
ORIGINAL.

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