

THE
CENTRAL PROVINCES
INLAND EMIGRATION MANUAL

CONTAINING

The Assam Labour and Emigration Act, VI of 1901
amended by the Assam Labour and Emigration
Acts, XI of 1908 and VIII of 1915

AND

Rules and Orders issued thereunder.

(CORRECTED UP TO 1ST NOVEMBER 1917).



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THE
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INLAND EMIGRATION MANUAL

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PART I.
THE
ASSAM LABOUR AND EMIGRATION
ACT.

No. VI OF 1901.

[AS AMENDED BY ACTS XI OF 1908 AND VIII
OF 1915.]

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN
COUNCIL.

*(Received the assent of the Governor-General on the 9th
March 1901.)*

An Act to consolidate and amend the law
relating to Emigration to the Labour-
districts of Assam.

WHEREAS it is expedient to consolidate and amend
the law relating to emigration to the labour-districts
of Assam; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Assam Labour
and Emigration Act, 1901.

Short title,
extent and
commence-
ment.

(2) It extends—

(a) to the Provinces of Bengal (including the
Santhál Parganas), the North-Western
Provinces, Oudh and Assam, the Central
Provinces and the District of Ganjam in
the Province of Madras; and

(b) to such other parts of British India as the
Local Government may, ~~with the previous~~
~~sanction~~ of the Governor-General in Coun-
cil, by notification in the local official
Gazette, direct.

Subject to the Central

(3) It shall come into force—

- (i) in the territories mentioned in clause (a) of sub-section (2), at once ; and,
- (ii) in any territories to which it may be extended by a notification under clause (b) of the said sub-section, on such day as may be specified in that behalf in the notification.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “agent” means a garden-sardar or other person engaging or assisting any native of India to emigrate under Chapter V :

(b) “Assistant Inspector” means an Assistant Inspector of Labourers appointed under this Act :

(c) * * * * *

(cc) “Board” means the Assam Labour Board constituted under Chapter VI-A.

(d) “dependant” includes any woman (not being a labourer), any child and any aged or incapacitated relative or friend accompanying any labourer with the consent of a * * * * * local agent or garden-sardar, or accompanying any emigrant with the consent of an agent :

(e) “emigrate” denotes the departure of any native of India (not being a native of a labour-district) of the age of sixteen years or upwards from any part of the territories in which this Act may for the time being be in force, for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant :

Explanation.—If any such native of India, having proceeded from a Native State into such territories, departs therefrom for the purpose aforesaid, he shall be deemed to emigrate within the meaning of this definition.

- (f) "employer" means the chief person for the time being in charge of any estate upon which labourers or more than fifty other persons are employed :
- (g) "estate" means the land upon which any labourers or more than fifty other persons have been engaged to labour :
- (h) "garden-sardar" means a person employed on an estate and deputed by his employer to engage labourers :
- (i) "Inspector" means an Inspector of Labourers appointed under this Act :
- (j) "labour-contract" means a contract, penally enforceable under this Act, to labour for hire in a labour-district otherwise than as a domestic servant :
- (k) "labour-district" means any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam :
- (l) "labourer" means any person bound by a labour-contract, and includes any person registered as such under * * * section 69 :
- (m) "local agent" means a local agent licensed under this Act :
- (n) "magistrate" means a District Magistrate, Sub-divisional Magistrate or other person appointed by the Local Government to perform the functions of a Magistrate under this Act :
- (nn) "native district" in the case of a person who, having proceeded from a Native State into territories in which this Act is in force, emigrates therefrom, includes such Native State.
- (o) * * *
- (p) "recruiting district" means a district in which this Act is for the time being in force, other than a labour-district :
- (q) "Registering-officer" means a Registering-officer appointed under this Act :

(r) "sign" and "signature" include, in the case of persons unable to write, finger-impressions :

(s)

(t) "Superintendent" means a Superintendent of Emigration appointed under this Act : and

(u) "Supervisor" means a supervisor appointed under this Act.

(2) All words defined in the Indian Contract Act, 1872, and used in this Act shall be deemed to have the meanings respectively assigned to them by that Act.

IX of
1872.

Local Government may prohibit recruitment, etc., for emigration to any labour-district or part thereof either absolutely or otherwise than under certain provisions of Act.

3. The Local Government may, with the previous sanction of the Governor-General in Council, by notification in the local official Gazette, prohibit all persons from recruiting, engaging, inducing or assisting any native of India, or any specified class of natives of India, to emigrate from the whole or any specified part of the Province, to any labour-district or any specified portion of any labour-district, either absolutely or otherwise than in accordance with such of the provisions of this Act as may be specified in the notification :

Provided that a notification under this section shall not take effect until the expiry of six months from the date of its publication in the Gazette, unless for any special reason the Local Government thinks it necessary to direct that the notification is to take effect at an earlier date.

Appointment of officers.

4. (1) The Local Government may appoint so many persons as it thinks necessary to be Superintendents of Emigration, Registering-officers, Embarkation Agents, Debarkation Agents, Inspectors of Labourers, Assistant Inspectors of Labourers and Medical Inspectors, under this Act respectively, and, with respect to any such officer, may, subject to the control of the Governor-General in Council, declare the local area situate in the Province within which he shall exercise the powers and perform the duties conferred and imposed upon him by this Act or any rule thereunder.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of
1860.

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

5. (1) Every labour-contract shall be in writing in the form set forth in the first schedule, and shall be executed as hereinafter provided in duplicate on substantial paper. Essentials of labour-contracts.

(2) Every labour-contract shall specify—

- (a) the names of the labourer and his employer;
- (b) the term for which the labourer is to labour;
- (c) the monthly wages in money of the labourer and the price at which rice is to be supplied to him;
- (d) the labour-district in which, and, if the labourer so requests, the estate on which the labourer is to labour.

(3) No labour-contract shall be made for a term exceeding four years or, if the contract is entered into under the provisions of section 118, for a term exceeding one year, commencing from the date of its execution.

(4) No labour-contract shall stipulate for a less rate of monthly wages than—

for the first year, five rupees in the case of a man and four rupees in the case of a woman:

for the second and third years, five rupees eight annas in the case of a man and four rupees eight annas in the case of a woman: and

for the fourth year, six rupees in the case of a man and five rupees in the case of a woman:

Provided that the payment of wages under a labour-contract at the stipulated rate shall, during the first six months, after the arrival of the labourer in the labour-district where he is first employed, be contingent on the completion of half the daily task regulated in accordance with the provisions of this Act, unless an Inspector has certified that the labourer is physically fit to perform the whole of such task:

Provided also that in all other cases the payment of wages at the stipulated rate shall be contingent on the completion of such daily task:

Provided further that any labour-contract made before the first day of April, 1903, may stipulate for a rate of a monthly wages of not less than five rupees in the case of a man and four rupees in the case of a woman for the second and third years of the term of such contract.

Contracts not enforceable as labour-contracts unless made in accordance with section 5.

6. No contract made otherwise than in accordance with the provisions of section 5 shall be enforceable under this Act as a labour-contract against the labourer entering into it.

In absence of specific obligation, underground labour not obligatory.

7. Unless his labour-contract contains a specific obligation to that effect, no labourer shall be bound by it to undertake any work involving underground labour in mines.

Where contract does not specify estate, labourer to be deemed to have contracted to labour on any estate in charge of employer and situate in labour-district.

8. Unless his labour-contract specifies the particular estate on which he is to labour, a labourer shall be deemed to have contracted to labour on any estate in charge of the employer for whom he has contracted to labour, and situate in the labour-district specified in the contract :

Provided that no labourer shall, without his consent, be separated from his dependants (if any) or from any other labourer, being his or her, wife husband, son or daughter.

Persons who may enter into labour-contracts.

9. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, any person of the age of sixteen years or upwards may enter into a labour-contract :

IX of 1872.

Provided that no woman shall be capable of binding herself by a labour-contract if her husband or lawful guardian (if any) objects.

Power of Local Government to cancel contract in case of wrongful recruitment.

10. (1) Where the Local Government, after such inquiry as it thinks sufficient, is of opinion that any labourer was recruited or conveyed to a labour-district or compelled or induced to enter into a labour-district, by any coercion, undue influence, fraud or misrepresentation, or that any such irregularity has occurred in con-

nection with his recruitment or the execution of his contract as makes it just to rescind his contract, the Local Government may, by order in writing, direct the labour-contract of the labourer to be cancelled.

(2) On receipt of an order made under sub-section (1), the Superintendent, Inspector or Magistrate shall cancel the labour-contract referred to in the order, and shall thereupon make endorsement that it has been so cancelled on the labourer's copy of the labour-contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

11. Where the labour-contract of a labourer is or has been cancelled under section 10, the Local Government may, in its discretion and on the application of the labourer concerned, cancel the labour-contract of any labourer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been cancelled, who may have entered into a labour-contract at the same place with the same employer or, in the case of a labour-contract cancelled in the labour-districts, may be employed on any estate belonging to the same owner or under charge of the same employer.

Power to cancel contract of labourer related to labourer whose contract is cancelled.

12. (1) Subject to any orders which the Local Government may make in this behalf, the Superintendent, Inspector or Magistrate may detain and send back to his native district any labourer, together with his dependants (if any), whose labour-contract has been cancelled under section 10 or section 11, and may recover the whole or any part of the expenses incurred during such detention or in so sending him back as follows, namely:—

Repatriation of labourers whose contracts are cancelled.

(a)

(b) in the case of a labourer in a recruiting district, if the labourer has been recruited under Chapter IV, from the employer by whom the certificate of the garden-sardar concerned was granted or from the local agent of the employer; and,

(c) in the case of a labourer in a labour-district, from the employer on whose estate the labourer is under contract to labour, * * *

- (2) * * * *
- (3) * * * *

Escort for repatriated labourer.

13. (1) Where a labourer is sent back to his native district under section 12, the Superintendent, Inspector or Magistrate may provide an escort or make such other arrangements as he may think necessary for ensuring that the labourer is actually conveyed to his native district.

(2) Any expenditure incurred in providing such escort or making such arrangements as aforesaid may be recovered as part of the amount expended in sending the labourer back to his native district.

CHAPTER III.

The whole of Chapter III, which included sections 14—55 and dealt with recruitment by Contractors, Sub-contractors and Recruiters was repealed by section 7 (1) of the Assam Labour and Emigration Amendment Act, VIII of 1915.

CHAPTER IV.

RECRUITMENT BY GARDEN-SARDARS AND LOCAL AGENTS.

Garden-sardars.

Employer may grant certificate to garden-sardar.

56. (1) An employer may grant to any garden-sardar a certificate authorizing him, in such local area within the limits of a single recruiting district as may be specified in the certificate, to enter into labour-contracts with persons desirous of becoming labourers upon any estate of which the employer is in charge, and may cancel such certificate at any time.

(2) Where any labourer bound by a labour-contract is granted a certificate under sub-section (1), his employment under the certificate shall be deemed to be employment under his labour-contract.

57. (1) Every certificate granted to a garden-sardar under section 56, sub-section (1), shall be in such form and shall contain such particulars as the Chief Commissioner of Assam may prescribe in this behalf.

Form and particulars to be contained in such certificate.

(2) Any employer granting a certificate to a garden-sardar under section 56, sub-section (1), may, before the certificate is accepted and signed as hereinafter provided, specify therein the name of the local agent (if any) to whom the garden-sardar is to report himself for orders, the time within which he is to return to his employer, and such other instructions for his guidance as he may think fit.

58. Every certificate granted to a garden-sardar under section 56, sub-section (1), shall be accepted and signed by the garden-sardar in the presence of the Inspector or of a Magistrate having jurisdiction over the place where the employer granting the certificate resides.

Certificate to be accepted and signed in presence of Inspector or Magistrate.

59. The Inspector or Magistrate shall inquire into the facts stated in the certificate, and upon being satisfied of the truth of the facts so stated, shall, unless it appears to him that the person so accepting and signing the certificate is not employed on an estate of which the person granting the certificate is in charge or is, by character or from any other cause, unfitted to be a garden-sardar, countersign and date the certificate.

Inspector's or Magistrate's countersignature of certificate.

60. (1) On the application of the employer by whom any certificate so countersigned has been granted to a garden-sardar, the Inspector or Magistrate may, without requiring the appearance of the garden-sardar, or making the inquiry prescribed by section 59, countersign a fresh certificate to be granted by the employer to the garden-sardar in renewal of any existing certificate.

Provision for grant of fresh certificate.

(2) Every fresh certificate granted under sub-section (1) shall be forwarded by the Inspector or Magistrate countersigning it to the District Magistrate of the district in which the garden-sardar to whom it is granted is employed; and the garden-sardar shall, on receiving notice from such District Magistrate as aforesaid, appear before him or any Magistrate specified in the notice and accept and sign the fresh certificate in his presence.

Certificate when to come into force, and duration thereof.

61. No certificate granted to a garden-sardar under this Chapter shall come into force unless and until it has been accepted and signed by the garden-sardar and countersigned by the Inspector or Magistrate having jurisdiction over the place where the employer granting the certificate resides, and also by the District Magistrate of the district in which the garden-sardar is authorized by the certificate to enter into labour-contracts, and no certificate so granted shall continue in force for a longer period than one year from the date of its countersignature by the said Inspector or Magistrate.

Accommodation to be provided by garden-sardar.

62. (1) Every garden-sardar shall provide sufficient and proper accommodation in a suitable place for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district.

(2) The District or Sub-divisional Magistrate shall visit and inspect the accommodation so provided; and every garden-sardar or other person in charge of a place in which accommodation is so provided shall afford to such Magistrate every facility for visiting and inspecting it.

(3) The District or Sub-divisional Magistrate may delegate the duty imposed on him by sub-section (2) to a Subordinate Magistrate or to an officer of police above the rank of Sub-Inspector.

(4) In every such place as aforesaid the garden-sardar providing the accommodation shall make such sanitary arrangements as the Local Government may prescribe.

Cancellation of certificate in certain cases.

63. (1) Where a garden-sardar commits a breach of any of the provisions of this Act or the rules thereunder, the Inspector or Magistrate who countersigned his certificate, or the District Magistrate who countersigned the certificate under section 61, or the Superintendent within whose jurisdiction the garden-sardar is employed, may cancel the certificate.

(2) -Whenever one of the officers aforesaid cancels a certificate, he shall give notice of the fact to the other officers mentioned in sub-section (1) and to the employer of the garden-sardar; and, whenever such a certificate is cancelled by the employer, notice of the fact shall be given by him to the officers aforesaid.

(3) When the certificate of a garden-sardar is cancelled under this section, any labourers or other persons of whom he is in charge may be forwarded to their destination under the care of any person appointed by the employer for that purpose and approved by the Superintendent.

64. (1) The Local Government may authorize any Superintendent to grant licenses to suitable persons to be Local Agents, for the purpose of representing employers within a specified area and for a specified period, in all matters connected with the supervision of garden-sardars under this Act. Licensing and duties of local agents.

(2) Any employer, or on behalf of an employer, any association or firm duly authorized by general or special order of the ~~Governor General in Council~~ *Local Government* for the purpose of this clause, may apply for a license as aforesaid to be granted to a specified person.

(3) Every such application shall be made to the Board, and the Board shall forward it with its recommendation to the Superintendent, who may thereupon, if he thinks fit, grant a license to such person.

(4) A local agent shall furnish such information and make such returns as the Local Government may, by rules, prescribe.

65. * * * * *

66. Where any garden-sardar to whom a certificate has been granted under this Chapter by an employer commits any offence punishable under this Act, any local agent of the employer may prosecute the garden-sardar for that offence. Prosecution of garden-sardars by local agents.

67. (1) The District Magistrate of any district within which a local agent acts as such may, by order in writing, cancel the license of the local agent if his employer or the association or firm which has applied in respect of such local agent under section 64, subsection (2), so requires, or if the District Magistrate is satisfied that the conduct of the local agent has been such as to render him unsuitable to hold a license. Cancellation of licenses of local agents,

(2) A local agent may, within three months next after the date of any order of a District Magistrate cancelling his license under sub-section (1), appeal against the order to the Local Government, and the decision of the Local Government thereon shall be final.

Procedure to be followed by Garden-sardars.

Garden-sardar and labourer to appear before Registering-officer for registration.

68. Every garden-sardar who desires to engage any person as a labourer shall appear with the person, together with any others about to proceed to a labour-district as his dependants, before the Registering-officer having jurisdiction within the local area specified in the certificate of the garden-sardar or before such other Registering-officer as the Local Government may appoint for that local area.

Examination and registration of persons engaged by garden-sardar.

69. (1) The Registering-officer shall thereupon inspect the certificate of the garden-sardar, and, if he finds that the certificate is in force, shall examine, with reference to the intended labour-contract, the person brought before him under section 68 whom it is desired to engage as a labourer, and explain the intended labour-contract to him.

(2) Where it appears that the person so brought before the Registering-officer is competent to enter into the intended labour-contract and understands the nature of the same as regards the locality, period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering-officer shall register, in a book to be kept for the purpose, such particulars regarding him and his dependants (if any) as the Local Government may, by rule, prescribe; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.

Medical examination.

70. (1) Where it appears to the Registering-officer that any person brought before him under section 68 is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, or, in the case of a labourer, that he is incapacitated, by

reason of any obvious bodily defect or infirmity, for labour in the labour-districts, the Registering-officer may, before registering him under section 69, sub-section (2), if himself a medical man, medically examine him, or, if not himself a medical man, send him to a medical man for medical examination.

(2) If upon medical examination any person so brought before a Registering-officer is declared unfit to undertake the journey to the labour-district or, in the case of a labourer, incapacitated, by reason of any obvious bodily defect or infirmity for labour in the labour-districts, the Registering-officer may refuse to register him.

71. For every person brought before a Registering-officer under section 68 for the purpose of being registered as a labourer, the garden-sardar who appears with him shall pay to the Registering-officer such fee, not exceeding one rupee, as the Local Government may direct.

Fee to be paid for every labourer produced for registration.

72. (1) Where a person has been registered under section 69, sub-section (2), he shall, within fifteen days after the date on which he was so registered, execute a labour-contract with the employer with whom he intends to contract.

Labour-contract to be executed.

(2) The labour-contract shall be signed in the presence of the Registering-officer by the person so registered and, on behalf of the employer, by the garden-sardar who appears with him before the Registering-officer. The Registering-officer shall satisfy himself that the labour-contract is in accordance with any instructions specified in the certificate of the garden-sardar; and, if he is so satisfied, shall, before the labourer signs the labour-contract, personally explain it to him and, after it has been executed as aforesaid, attest it, and certify at the foot thereof that he has personally explained it to the labourer.

(3) An abstract of every labour-contract executed under this section shall be entered in a register to be kept for the purpose by the Registering-officer, and a copy thereof shall then be given to the labourer and a copy to the garden-sardar or local agent.

(4) Where any garden-sardar, without reasonable cause, refuses or neglects to execute a labour-contract with a labourer as required by sub-section (2) within fifteen days after the date on which the labourer was registered under section 69, sub-section (2), the Registering-officer may order the garden-sardar to pay to the labourer such reasonable compensation, not exceeding twenty rupees, as the Registering-officer may think fit.

Procedure when employer requires medical examination previous to registration.

73. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that every labourer engaged by him shall before registration be examined by a competent medical man and certified by him to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, and physically and constitutionally fit for labour in the labour-districts, no Registering-officer shall register as a labourer any person appearing before him with the garden-sardar until such medical certificate as aforesaid has been produced and shown to him.

Fee of medical officer when in Government service for examination under section 73.

74. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that the examination referred to in section 73 shall be made by a medical officer in the service of the Government, such officer as aforesaid making the examination shall be entitled to receive from the local agent or garden-sardar such fee, for each labourer so examined, as may be agreed upon, and, if no agreement has been entered into, such fee as the Local Government, by general or special order, may direct.

Garden-sardar when to remove labourer to labour-district.

75. Unless and until a person whom it is desired to engage as a labourer under this Chapter has executed a labour-contract under section 72, no garden-sardar shall remove or attempt to remove him to a labour-district, or induce or attempt to induce him to go to a labour-district, or to leave the local area, or aid or attempt to aid him in proceeding to a labour-district.

76. (1) A garden-sardar shall either himself accompany labourers engaged by him throughout their journey from the place in which the labour-contract was entered into, to the labour-district wherein they have contracted to labour, or shall send with them some competent person appointed by him with the approval of the local agent of his employer, or, if his employer has no local agent, with the approval of the officer by whom the labourers were registered.

Garden-sardar to accompany labourers or send competent person with them.

(2) When the number of labourers (exclusive of dependants) proceeding on their journey to a labour-district is more than twenty, for every twenty labourers so in excess, or for any number of labourers less than twenty so in excess, one additional garden-sardar or person so appointed by him shall accompany the labourers so proceeding.

77. A garden-sardar may, subject to the instructions specified in his certificate, engage any number of persons as labourers; and, subject to the provisions of section 76, any number of labourers may be despatched at the same time to the labour-districts.

No restriction on number of persons engaged by garden-sardar.

78. A garden-sardar may, with the previous consent in writing of the local agent of the employer by whom his certificate was granted, or, if the employer has no local agent, with the previous consent in writing of the employer, be appointed under section 76 as a competent person to accompany labourers other than those engaged by him.

Appointment in certain cases of garden-sardar to accompany labourers not engaged by him.

79. (1) Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall present to the officer before whom the labourers have executed a contract under section 72 a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe.

Provision for way-bill.

(2) Every such garden-sardar or other person as aforesaid shall also present the way-bill at all such places and to all such officers as may be thereupon indicated, and shall carry out all instructions therein contained for his guidance.

Garden-sardar to provide food and lodging for labourers and dependants on journey.

80. Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall provide the labourers and their dependants (if any) with proper and sufficient food and lodging throughout the journey.

Power for Magistrate in certain cases to award compensation or cancel contract.

81. Where it appears to any Magistrate, on the complaint of a labourer at any place on the journey, that the labourer or any person registered as his dependant has suffered ill-treatment during the journey at the hands of the garden-sardar or person appointed by the garden-sardar accompanying the labourer, or that the garden-sardar or person so appointed has failed to provide the labourer or any of his dependants with proper and sufficient food and lodging, or has wilfully abandoned the labourer or any of his dependants, the Magistrate may either order the garden-sardar or person so appointed to pay to the labourer a reasonable sum by way of compensation, or may cancel the labour-contract entered into by the labourer and order the garden-sardar or person so appointed to pay to the labourer such reasonable sum as the Magistrate may think necessary to enable him with his dependants (if any) to return to the place at which he was registered, or to his native district, as to the Magistrate may seem fit.

Procedure on failure of garden-sardar to comply with order.

82. On the failure for the space of twenty-four hours of any garden-sardar or person appointed by him as aforesaid to comply with an order made under section 81 to pay any sum, the Magistrate may pay the same to or on behalf of the labourer concerned, and may recover it from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

Medical inspection of labourers en route.

83. Any Magistrate or Embarkation Agent may, if himself a medical man, medically examine, and, if not himself a medical man, send for medical examination by a medical man, any labourer or dependant who, while on the journey to the district to which he intends to proceed, appears to the Magistrate or Embarkation Agent, as the case may be, not to be in a fit state of health to proceed thereto.

84. (1) Where any labourer or dependant is, on examination under section 83, declared not to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the Magistrate or Embarkation Agent may order the labourer or dependant to be detained at such place as he may think proper until in a fit state of health to undertake the journey.

Detention
and return of
labourer
declared
when en
route to be
unfit to
travel.

(2) In any such case as is provided for by sub-section (1), the labourer or dependant, when in a fit state of health to undertake the journey, shall, if the garden-sardar or person appointed by the garden-sardar accompanying him, or the employer by whom the certificate of the garden-sardar was granted, or his local agent, so wishes, be forwarded to the labour-district, or, if otherwise, to his native district or the place where he was registered as to the Magistrate or Embarkation Agent may seem fit.

(3) While any labourer or dependant is detained under sub-section (1), he shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the expense of the employer with whom the labourer, or the labourer to whom the dependant is attached, has contracted to labour.

85. (1) Where an order under section 84 has been made with reference to any labourer, any person registered as his dependant, and any other labourer being his or her wife or husband, shall be entitled,—

Dependants
of labourer
when to be
fed, etc.

(a) until the labourer is in a fit state of health to undertake the journey, to be fed, lodged, clothed and (if necessary) medically treated at the place where the labourer is detained, and at the cost of the employer with whom the labourer has contracted to labour, and

(b) to be sent back to the same place (if any) as the labourer.

(2) Where an order has been made under sub-section (1) with reference to any dependant, the labourer to whom the dependant is attached shall thereupon, until the dependant is in a fit state of health to undertake the journey to the labour-district,

be entitled, if the labourer so wishes and if he or she is the husband, wife, son or daughter, of the dependant to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained and at the cost of the employer with whom the labourer has contracted to labour; and the labourer shall, if he or she so wishes and if he or she is the husband, wife, son or daughter of the dependant, be sent back to the same place (if any) as the dependant.

(3) Where a labourer is entitled and claims to be so fed, lodged, clothed and (if necessary) medically treated, or to be so sent back, any person registered as his or her dependant, and any other labourer, being the wife or husband of the labourer, shall be entitled, as the case may be,—

(a) to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained, and at the cost of the employer, until the dependant is in a fit state of health to undertake the journey to the labour-district, or

(b) to be sent back to the same place as the labourer.

Payment of expenses of detention and return-journey of labourer.

86. Where a garden-sardar or person appointed by a garden-sardar accompanying any labourer or dependant fails to provide the labourer or dependant with food, lodging, clothing and medical treatment, or to send him back as required by section 84 or section 85, the Magistrate or Embarkation Agent may order the garden-sardar or person so appointed to pay such sum as the Magistrate or Embarkation Agent, as the case may be, may think necessary to provide food, lodging, clothing and medical treatment, or to defray the cost of the return-journey of the labourer or dependant; and, on failure for the space of twenty-four hours of the garden-sardar or person so appointed to comply with the order, the Magistrate or Embarkation Agent, as the case may be, may pay the sum specified in the order to or on behalf of the labourer or dependant concerned, and may recover it from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

87. (1) Where a labour-contract has been executed by a garden-sardar on behalf of his employer, any local agent or other representative of the employer may require the labourer to appear before the Superintendent for the cancellation of his labour-contract.

Representative of employer may procure order from Superintendent cancelling the labour-contract on payment of expense of return.

(2) If, when the labourer appears under sub-section (1), such reasonable sum as the Superintendent may think necessary to enable the labourer and his dependants (if any) to return to the native district of the labourer or to the place at which he was registered, as to the Superintendent may seem fit, and such further sum (if any) by way of compensation as the Superintendent may think reasonable, are paid to the labourer in his presence, the Superintendent may declare the labour-contract cancelled, and, in that event, shall make an endorsement to the like effect on the labourer's copy of the labour-contract, and attest the endorsement with his signature.

88. (1) Where the Superintendent declares the labour-contract of any labourer to be cancelled, any other labourer who is the wife, husband, father, mother, son or daughter of the labourer and has entered into a labour-contract at the same place with the same employer, may claim to have her or his labour-contract cancelled at the same time.

Cancellation of contracts of relatives.

(2) Where a claim is made under sub-section (1), the Superintendent shall declare the labour-contract of the claimant to be cancelled, and shall order the local agent or representative of the claimant's employer to pay to the claimant such reasonable sum as the Superintendent may think necessary to enable him and his dependants (if any) to return to the same place as the labourer.

(3) On the failure for the space of twenty-four hours of the local agent or representative to comply with an order made under sub-section (2), the Superintendent may pay the sum specified in the order to or on behalf of the claimant concerned, and may recover the same from the employer by whom the certificate of the garden-sardar was granted, or from the local agent or representative who appears on behalf of the employer.

Cost of escort
for repaired
labourer.

89. When an order is made under section 81, 86 or 88 for payment of the costs of the return journey of any labourer or other person, the Magistrate may order the garden-sardar or other person liable in respect of such costs to pay also the cost of providing such escort to accompany the labourer or other person during his return journey as the Magistrate may think necessary.

CHAPTER V.

ENGAGEMENT OF EMIGRANTS OTHERWISE THAN UNDER CHAPTER * * * IV.

90. * * * * *

Power to
Local Gov-
ernment to
relax certain
provisions of
Act.

91. * * * * * The Local Government may, by notification in the local official Gazette, declare that—

(a) * * * * *

(b) in the case of garden-sardars holding certificates granted under Chapter IV * * *, any of the requirements of that Chapter * * *

may be dispensed with or relaxed on such conditions as may be prescribed in the notification.

Saving of
engagement
of emigrants
otherwise
than under
foregoing
provisions of
Act.

92. Subject to the provisions of Section 3 and of any notification issued thereunder, nothing in this Act shall be deemed to prohibit any person from engaging or assisting natives of India to emigrate to a labour-district otherwise than in accordance with the provisions of Chapter * * * IV and of section * * 91.

Application
of Act to
persons
engaged
under this
Chapter.

93. (1) The following provisions of this Act shall apply to the transport and employment of persons engaged or assisted to emigrate under this Chapter and not bound by labour-contracts, namely:—

(a) in CHAPTER VI (Transport) :—

- (i) sections 94 and 95 (routes and transport by sea) ;
- (ii) sections 96 to 99 (passenger licenses) ;
- (iii) sections 100 and 101 (Embarkation Agent's powers and returns by master) ;
- (iv) section 103 (medical officer) ;
- (v) section 104 (delay in departure) ;
- (vi) sections 107 to 110 (Magistrates' powers) ;
- (vii) section 112 (disinfection) ;
- (viii) section 113 (excess passengers) ;
- (ix) section 114 (breaches of Act and rules) ; and
- (x) section 116 (delegation of magisterial powers) ;

(b) in CHAPTER VII (Labour-districts) :—

- (i) section 122 (registers and returns) ;
- (ii) section 123 (inspection) ; and
- (iii) sections 159, 161 and 162 (repatriation) ;

(c) in CHAPTER VIII (Rules) :—

all powers conferred by section 163, except in so far as the same relate exclusively to labourers and their dependants ;

(d) in CHAPTER IX (Penalties and Procedure) :—

- (i) sections 176, 177, 181, 182 and 183 (offences connected with transport by river) ; and
- (ii) sections 185 and 186 (offences by employers) ; and

(e) in CHAPTER X (Miscellaneous) :—

- (i) section 215 (recovery of sums due) ; and
- (ii) sections 218 to 223 (fines, etc., Assistant Inspector, officers' powers, exemption, prior notifications, and repeal).

(2) Except as indicated in sub-section (1), nothing in Chapters II or IV * * * or in Chapters VI (except Chapter VI-A) to X inclusive shall apply to persons engaged or assisted to emigrate under this Chapter and not bound by labour-contracts.

CHAPTER VI.

TRANSPORT.

Routes, etc.

Routes to be followed and rules observed.

94. Every person who forwards or accompanies labourers or emigrants under Chapter V or their dependants to a labour-district shall forward or take them by the prescribed route, or one of the prescribed routes, and shall conform to the rules made under this Act, in so far as the said rules apply to himself and to the persons emigrating under his charge.

Transport by River.

Transport by sea to labour-districts.

95. Nothing in this chapter shall apply to the transport by sea of natives of India to the labour-districts.

Vessels to carry more than twenty passengers to be ordinarily licensed.

96. (1) No master shall receive more than twenty passengers, being natives of India, on board his vessel for the purpose of transporting them to a labour-district, unless a license to carry passengers in his vessel has been granted to him under this Chapter by an Embarkation Agent duly empowered in that behalf by the Local Government.

(2) The Local Government may, by notification in the local official Gazette, exempt from the provisions of this section any vessel or class of vessels.

Application for license.

97. (1) The master or owner of any vessel who desires to obtain a license under this Chapter to carry passengers in his vessel shall make a written application for a license to an Embarkation Agent empowered as aforesaid.

(2) Every application made under sub-section (1) shall state such particulars respecting the vessel as the Local Government may, by rule, prescribe.

Grant of license.

98. Where the Embarkation Agent to whom an application is made under section 97, sub-section (1), is of opinion that the vessel is in all respects suitable for carrying passengers being natives of India to a labour-district, he shall give to the master of the vessel a license to carry passengers therein, specifying the number of passengers, being natives of India, who may be received on board.

99. Such fee, not exceeding sixteen rupees, as the Local Government may, with reference to the size of the vessel, by rule, direct, shall be paid for every license granted under section 98, and no license so granted shall be in force for more than one voyage :

Fee for license.

Provided that a license may, with the previous sanction of the Local Government, be granted under the said section to the master of any vessel for any term not exceeding one year, on payment of such fee, not exceeding one hundred rupees, and on such conditions, as the Local Government may, by rule, prescribe.

100. (1) Any Embarkation Agent may, in accordance with such rules as the Local Government may make in this behalf, direct, by order in writing, that, on any particular voyage or part of a voyage, any master licensed under this Chapter shall not receive on board his vessel more than a specified number of passengers, being natives of India, which number shall be less than the number specified in the license granted to the master.

Embarkation Agent may limit number to be received on board on any particular voyage.

(2) In computing the number of persons on board a vessel, two children under the age of ten years shall, for the purposes of this Chapter, be reckoned as one person only.

101. Every master licensed under this Chapter shall keep such lists, submit such returns, and make such reports in regard to the passengers carried in his vessel, as the Local Government may, by rule, prescribe.

Master to make returns.

102. Every master licensed under this Chapter shall have on board his vessel carrying labourers and their dependants such supplies of provisions and clothing, and such medical and other officers, cooks and attendants, as the Local Government may, by rule, prescribe.

Provisions, clothing, medical and other officers, cooks, etc.

103. No medical officer shall be appointed to any vessel in respect of which a license is granted under this Chapter, unless he holds a license granted by such authority as the Local Government may appoint in that behalf; and any medical officer so licensed shall be forthwith removed from his appointment on the requisition of any officer empowered by the Local Government to make such a requisition.

Medical officer to be licensed.

Departure of Passenger-vessels and Procedure during voyage.

Embarkation Agent may order departure of vessel if delay occurs.

104. Where it appears to an Embarkation Agent that the departure of a vessel in respect of which a license is granted under this Chapter is unduly delayed beyond the date fixed by the order of a Superintendent or of the Local Government, or notified by advertisement in the public press, for such departure, he may order the master of the vessel to proceed on his voyage at once.

Master to receive way-bills from Embarkation Agent.

105. (1) No master licensed under this Chapter shall proceed on a voyage with his vessel carrying labourers until he has received from the Embarkation Agent the way-bills relating to all labourers on board in respect of whom way-bills are required by this Act or by the rules made thereunder.

(2) The Embarkation Agent and the master of the vessel shall together personally ascertain that the number of such labourers on board corresponds with the number entered in the way-bill.

(3) The Embarkation Agent shall send a copy of every way-bill granted under sub-section (1) to the Magistrate of the labour-district to which such labourers are proceeding.

Labourers not finally to leave vessel at any place other than that mentioned in way-bill.

106. No master licensed under this Chapter shall cause or permit any labourer entered in any such way-bill finally to leave his vessel at any place other than that named in the way-bill as the destination of the labourer:

Provided that nothing in this section shall be deemed to prevent the master of a vessel from permitting such labourers to disembark at any place on the voyage so long as the disembarkation is not intended, or known to be likely, to be final, nor to prevent the final disembarkation of any such labourers or the transfer of such labourers with their dependants to another vessel in case of accident or unavoidable necessity:

Provided also that every such accident or necessity as aforesaid shall forthwith be reported by the master to the Embarkation Agent by whom he was licensed, and to the nearest Magistrate in the district within which the accident has occurred or the necessity has arisen.

107. (1) Every master licensed under this Chapter shall stop his vessel carrying passengers, being natives of India, at such places, being places where a Magistrate is stationed, and shall, unless the Magistrate permits him to depart earlier, remain at each such place for such time, not exceeding six hours of daylight, as the Local Government may direct.

Master to stop his vessel at certain places where there is a Magistrate.

(2) The master shall, on arriving at such a place as aforesaid, immediately report to the Magistrate the number of the crew and other persons on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on board his vessel.

108. (1) Any Magistrate may, while a vessel in respect of which a license is granted under this Chapter is within the local limits of his jurisdiction, go on board the vessel and inspect it and all persons, being natives of India, on board.

Power for Magistrates to inspect vessels.

(2) The master and officers of any such vessel as aforesaid shall afford to the Magistrate every facility for inspection, and give him all such information as he may reasonably require respecting the labourers or other persons on board, the deaths (if any) which have occurred on board, and any other facts affecting the health of the passengers.

109. Any Magistrate may, while a vessel in respect of which a license is granted under this Chapter is within the local limits of his jurisdiction, regulate the communication between the vessel and the land, and prohibit all persons from leaving the vessel, and all persons on land from proceeding on board.

Power for Magistrates to regulate communication between vessels and land.

110. (1) Any Magistrate may, if he has reason to believe that any passengers, being natives of India, on board a vessel within the local limits of his jurisdiction, in respect of which a license is granted under this Chapter, are, or are likely to be, affected with any dangerously infectious or contagious disease, detain the vessel and depute the civil medical officer of the district or any other qualified medical officer to inspect such passengers as aforesaid and to report on their health, stating whether any or what measures

Power for Magistrates to detain vessels for inspection and to detain sick native passengers.

are requisite for the removal or prevention of the dangerously infectious or contagious disease.

(2) On receiving the report of the medical officer so deputed, the Magistrate may order any such passenger as aforesaid who is suffering from any dangerously infectious or contagious disease to be disembarked and detained for medical treatment.

Detention of
sick labourers
by Magis-
trate.

III. (1) Where, on receiving the report of a medical officer deputed under section 110, sub-section (1), it appears to a Magistrate that a labourer or any dependant of any such labourer, though not suffering from a dangerously infectious or contagious disease, is not in a fit state of health to proceed to the labour-district in which the labourer has contracted to labour, he may order the labourer or dependant to be detained, and shall cause all necessary arrangements to be made for his accommodation, support and medical treatment.

(2) Any expenditure incurred under sub-section (1) may be recovered from the employer of the labourer concerned.

Power for
Magistrate
to detain
vessel to be
cleansed and
disinfected.

II2. (1) Where, in the opinion of a medical officer deputed under section 110, sub-section (1), it is dangerous to the health of the general body of the passengers to allow the vessel to proceed until measures have been taken to cleanse and disinfect her, the Magistrate may detain the vessel for a further period, not exceeding three days, for the purpose of carrying out those measures.

(2) Any expenditure incurred under sub-section (1) may be recovered from the master or owner of the vessel.

Measures to
be taken if
excess
number of
native pas-
sengers is
found on
board.

II3. (1) Where it appears to a Magistrate making an inspection of a vessel, in respect of which a license is granted under this Chapter, that the number of passengers on board, being natives of India, is larger than the number specified in the license or than the number specified in an order of an Embarkation Agent made under section 100, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found.

(2) Any expenditure incurred in maintaining passengers detained under sub-section (1) and in forwarding them to their destination may be recovered from the master or owner of the vessel.

114. Where it appears to a Magistrate making an inspection of a vessel in respect of which a license is granted under this Chapter, that any of the provisions of this Act or of any rule thereunder have not been complied with in respect of the vessel, he shall report the fact to the Embarkation Agent by whom the license was granted; and, if he considers it necessary to do so, he may detain the vessel until such provisions as aforesaid have been so complied with as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

Infraction of the Act and rules to be reported.

115. (1) The Local Government may make rules to regulate—

Power to make rules regulating disembarkation and other matters.

- (a) the disembarkation of labourers and their dependants, and their inspection and accommodation on arrival at their destinations;
- (b) the detention of labourers and their dependants at debarkation-depôts;
- (c) the forwarding of labourers to their destinations and the closing and return of way-bills by employers.

(2) Any expenditure incurred in pursuance of any rules made under sub-section (1) may be recovered from the employers of the labourers concerned.

116. The District or Sub-divisional Magistrate may authorize any Subordinate Magistrate, medical officer or officer of police above the rank of Sub-Inspector to exercise the powers and authorities conferred, and to perform the duties imposed, on a Magistrate under sections 107 to 114.

Deputation of other officer to discharge the functions of a Magistrate under sections 107 to 114.

CHAPTER VI-A.

ASSAM LABOUR BOARD.

116-A. (1) There shall be a Board, to be called the Assam Labour Board, for the supervision of

Constitution of Assam Labour Board;

Agents, and of the recruitment, engagement and emigration to labour districts of natives of India under this Act.

(2) The Assam Labour Board shall be a body corporate, and have perpetual succession and a common seal, and may by that name sue and be sued.

(3) The Assam Labour Board (hereinafter called the Board) shall consist of sixteen members, including the Chairman, who shall be an officer in the service of Government, to be appointed by the Governor General in Council by notification in the Gazette of India. The remaining members shall be elected by the following bodies, namely:—

(a) eight by the Indian Tea Association, Calcutta, as representatives of that Association and of the Indian Tea Association, London;

(b) four by the Assam Branch, Indian Tea Association; and

(c) three by the Surma Valley Branch, Indian Tea Association.

(4) The election shall be made in such manner as may be determined by the electing bodies, subject to the approval of the Governor General in Council, and the name of every person so elected shall be published in the Gazette of India.

(5) If within the period prescribed by rules made under this Chapter any of the aforesaid bodies fails to elect representatives or to elect the full number of representatives to which it is entitled, the Governor General in Council may nominate persons to be members of the Board as representatives of the said bodies.

(6) There shall be an Executive Committee of the Board, with such powers and duties as may be conferred on it by rules made under this Chapter. It shall consist of five members, of whom one shall be the Chairman of the Board, and the remaining four shall be elected in the manner prescribed by such rules, as representatives of the following bodies, namely:—

(a) one of the Indian Tea Association, Calcutta;

(b) one of the Indian Tea Association, London;

(c) one of the Assam Branch, Indian Tea Association; and

(d) one of the Surma Valley Branch, Indian Tea Association.

(7) No act done by the Board or by the Executive Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board or of the Executive Committee, as the case may be.

116-B. (1) The Governor General in Council may fix the salary of the Chairman of the Board. Salary of Chairman.

(2) Such salary shall be paid in such proportions by the Governor General in Council and the Board, as the Governor General in Council may from time to time determine.

116-C. (1) The Board may appoint so many persons as it thinks necessary to be Supervisors, with such powers and duties in respect of the supervision of Local Agents and the other matters mentioned in Section 116-A (1) as may be conferred and imposed on them by rules made under this Chapter. Appointment and functions of Supervisors.

(2) Subject to the control of the Governor-General in Council, the Board may fix the salary to be paid to Supervisors.

(3) The Local Government may, subject to the control of the Governor-General in Council, declare the local area in the Province within which Supervisors shall exercise the powers and perform the duties conferred and imposed upon them by rule under this Chapter.

XLV of 1860. (4) Every Supervisor shall be deemed to be a public servant within the meaning of the Indian Penal Code.

116-D. (1) Whenever the Board has reason to believe that the conduct of a Local Agent has been such as to detract from his suitability to hold a license it may call on him to produce his license, and after hearing any cause that he may have to show to the contrary, may make such endorsement thereon as it thinks fit. A copy of every such endorsement shall be sent to the Superintendent of Emigration in the district for which the Local Agent holds a license, and a copy shall also be sent to the employer or association or firm on whose application the Local Agent's license was granted. Endorsement of Local Agents' licenses.

(2) If the Local Agent fails to produce his license when called upon under sub-section (1), he shall be

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of 1927.

(2) Such cess shall be payable on every person deputed by an employer to engage or assist persons to emigrate and on every person assisted to emigrate to a labour district:

Provided that the rates at which the cess is levied shall not exceed the following rates, namely:-

Five rupees a year on each person so deputed; and

Five rupees on each person assisted to emigrate.

punishable with fine which may extend to two hundred rupees.

Cess.

116-E. (1) Subject to the provisions of rules made under this chapter, the Board may levy a cess on employers for the purpose of meeting expenditure incurred in carrying out its functions under this Act, and in particular for the payment of the salary of the Supervisors and of such proportion of the salary of the Chairman as may be determined under Section 116-B.

(2) Such cess shall be payable on every garden-sardar deputed by his employer to engage labourers and on every person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 :

Provided that the rates at which the cess is levied shall not exceed the following, namely :—

Five rupees a year on each garden-sardar so deputed, and

Five rupees on each person so recruited, engaged, or assisted to emigrate.

(3) On the failure of an employer for the space of one month after the receipt of a notice in such form and served in such manner as the Governor General in Council may, by rule under this chapter, prescribe to pay any sum due, under sub-section (1), the same shall be recoverable from him.

Rules.

116-F. (1) The Governor General in Council shall, after previous publication, make rules to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may, subject to the provisions of this Act, provide—

(a) for the powers to be exercised and the duties to be performed by the Board in carrying out the purposes for which it is constituted, and for the powers and duties of the Executive Committee and of the Chairman ;

(b) for the period within which elections to the Board must be made ; for the election of members of the Executive Committee ; and for the appointment of temporary or

acting members of the Board and of the Executive Committee during the absence of any member ;

(c) for the times and places of meeting and procedure of the Board and of the Executive Committee ;

(d) for regulating the rate of the cess, the method of levying and collecting the cess, the purposes to which the cess may be applied, and the accounts to be kept and the audit thereof ; and

(e) for the powers and duties of Supervisors appointed under section 116-C.

CHAPTER VII.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

Annual Rate payable by Employers.

117. (1) Every employer shall, on the first day of January and the first day of July in each year, pay in respect of each labourer then in his employ such rate, not exceeding an annual sum of one rupee, as the Local Government may, by notification in the local official Gazette, direct.

Annual rate payable by employer.

(2) On the failure of an employer, for the space of one month after the receipt of a notice in such form and served in such manner as the Local Government may prescribe, to pay any sum due under sub-section (1), the same may be recovered from him.

Local Labour-contracts.

118. (1) Any employer may enter into a labour-contract for a term, not exceeding one year commencing from the date of the execution of the labour-contract, with any native of India within the labour-district in which the estate to which the labour-contract refers is situate.

Power of Inspector or Magistrate to require labourer who has executed such contract to appear before him.

(2) Where an employer has under sub-section (1) executed a labour-contract within a labour-district, he shall, within one month from the date of the execution of the labour-contract, forward it in duplicate to the Inspector within the local limits of whose jurisdiction the estate is situate. On receipt of the labour-contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the labour-contract to the labourer and the other to his employer.

Verification and cancellation of such contracts.

119. When, for the first time after the registration, under section 118, sub-section (2), of a labour-contract with a labourer, the Inspector visits the estate on which the labourer is employed, the employer shall cause the labourer to appear before the Inspector for the purpose of having his contract verified, and the labourer may thereupon apply to the Inspector to cancel his labour-contract; and, if the labourer shows cause sufficient, in the opinion of the Inspector, to justify the cancellation of his labour-contract, the Inspector shall cancel the same and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the labour-contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

Power of Inspector or Magistrate to require labourer who has executed such contract to appear before him.

120. The Inspector or Magistrate may, either on the application of the employer or the labourer or of his own motion, require the employer to cause any labourer who has entered into a labour-contract under section 118 and is employed upon any estate within the local limits of the jurisdiction of the Inspector or Magistrate, to appear before him for the purpose of having his labour-contract verified; and, if the labourer applies to the Inspector or Magistrate to cancel his labour-contract and shows cause which the Inspector or Magistrate, after considering any cause which may be shown by the employer to the contrary, considers sufficient to justify its cancellation, the Inspector or Magistrate shall cancel the same as provided by section 119.

121. (1) Notwithstanding the provisions of section 118, an employer may enter into a labour-contract with any native of India in a labour-district for a term not exceeding four years commencing from the date of the execution of the labour-contract, if he appears, or deposes some person to appear on his behalf, with the native of India before the Inspector or Magistrate within the local limits of whose jurisdiction the estate to which the labour-contract refers is situated.

Labour-con-
tracts exe-
cuted within
labour-dis-
trict before
Inspector or
Magistrate.

(2) The Inspector or Magistrate shall thereupon explain the labour-contract to the native of India, and shall, if satisfied that he is competent to enter into and understands the same, call upon him and the employer or the person deputed as aforesaid to execute it in his presence; and, if they execute it, shall attest the execution with his signature.

(3) An abstract of every labour-contract executed under this section shall be entered in a register to be kept by the Inspector or Magistrate for the purpose; and one copy of the labour-contract shall then be given to the labourer and the other to his employer or the person deputed as aforesaid.

(4) In respect of every labour-contract, an abstract whereof is registered under section 118 or under this section, the employer who executes the labour-contract in person or the person deputed to execute the same on his behalf shall pay to the Inspector or Magistrate such fee, not exceeding one rupee, as the Local Government may direct.

Employers' Returns and Magistrates' Inspections.

122. (1) Every employer shall keep such registers of all labourers and other persons employed on the estate of which he is in charge, and of their dependants, in such form, and shall make to the Inspector, within the local limits of whose jurisdiction the estate is situate, such periodical returns in writing, as the Local Government may, by rule, prescribe.

Registers to
be kept and
returns made
by employers.

(2) The Inspector may examine the registers so kept and muster all labourers and other persons employed

on any estate within the said local limits, and may verify the accuracy of the entries in the registers, or in any prescribed periodical return.

Power for Inspector, etc., to inspect lands and houses and to make requisitions and inquiries.

123. Any Inspector or Magistrate, or any person authorized by either of them in writing in this behalf, may enter and inspect all lands and houses wholly or partially used by or for labourers, or by or for any other natives of India employed on any estate, and may require that all such labourers or other natives of India as aforesaid, or any particular class or classes or individual or individuals of them, shall be brought before him, and that a copy of the labour-contract of any labourer shall be produced, and may make any inquiries which he thinks proper touching the condition or treatment of such labourers or other natives of India as aforesaid or any of them; and the employer shall be bound to comply with every requisition and to answer every inquiry so made to the best of his ability.

Regulation of Labour.

Schedule of daily tasks to be prepared.

124. (1) Every employer shall prepare a schedule specifying the daily task to be executed by each labourer employed on the estate of which the employer is in charge, and may, from time to time, alter any schedule so prepared.

(2) One copy of every schedule prepared under sub-section (1) shall be filed in a book, which shall be open to the examination of the Inspector, and translations thereof, in such languages as the Chief Commissioner of Assam may direct, shall be affixed in some conspicuous place accessible to the labourers to whom the schedule relates.

(3) The minimum payment for each daily task shall be the quotient resulting from dividing the monthly wage of the labourer concerned by the number of working days in the current month. The number of working days in a month shall be ascertained by deducting the number of Sundays from the whole number of days in the month.

Limitations on tasks and payment of wages.

125. (1) No labourer shall be bound to labour more than six days in one week, or more than six consecutive hours, or more than nine hours in one day.

(2) Every employer shall, on six days in each week, provide for each labourer work sufficient to enable him to earn at least his minimum daily wage; and failing such due provision of work, the labourer shall, if he can show that he was able and willing to labour for the same, be entitled to claim his minimum daily wage.

(3) On or before the fifteenth day of each month the employer shall pay to every labourer in his employment the wages earned by the labourer during the preceding month and still unpaid.

126. (1) Where the Inspector considers that any schedule of daily tasks, or any part thereof, is unreasonable, he may, by order in writing, direct that such reduction as is specified in the order be made in the scheduled daily tasks.

Provisions
for revision
of schedule
by Inspector
subject to
appeal to
Committee.

(2) The employer shall at once make the reduction so ordered, but may, if dissatisfied with the order of the Inspector, by notice in writing, require the Inspector to summon a Committee to inquire into the schedule.

(3) Every Committee summoned under sub-section (2) shall consist of—

- (a) the Inspector,
- (b) some person to be nominated by the employer whose schedule is to be inquired into, and,
- (c) if practicable, a medical officer.

(4) Where the employer fails to nominate a person within seven days after being thereunto requested in writing by the Inspector, the Inspector, instead of the employer so failing, may nominate a person.

(5) Where the Committee consists only of the Inspector and of a person nominated by the employer or Inspector, the Inspector shall have the casting vote.

127. (1) Where the Committee, or a majority thereof, is of opinion that the scheduled daily tasks or any of them are unreasonable, the Committee shall order them to be modified and reduced in such manner as it may think fit.

Committee
to revise
schedule.

(2) The employer shall thereupon alter the schedule accordingly, and copies and translations of the same so altered shall be filed and affixed in the manner provided by section 124, and shall, as between him and the labourers concerned, take the place of the former schedule.

Provision
for weakly
labourers.

128. (1) Notwithstanding anything contained in any schedule of daily tasks, the Inspector may order that any specified labourer, who is, in his opinion, unable from weakness to earn by his labour the sum of one anna and a half per diem, according to the schedule, shall receive, in lieu of actual earnings, subsistence-allowance at the rate of one anna and a half per diem, or diet on a scale to be approved by the Inspector.

(2) Any subsistence-allowance ordered under sub-section (1) may be recovered from the employer of the labourer concerned.

Incapacity for Labour.

Inspector
may suspend
contract of
any labourer
temporarily
unfitted for
labour.

129. (1) The Inspector within the local limits of whose jurisdiction a labourer is employed may release the labourer, for such period as he thinks fit, from performing his labour-contract, if he is, in the opinion of the Inspector, temporarily unfitted, by reason of sickness or any other sufficient cause, for the performance thereof.

(2) Every release granted under sub-section (1) shall be endorsed by the Inspector on the labour-contract, and the time during which the release continues shall not be reckoned as part of the term for which the labourer is bound to serve.

(3) Every labourer released as aforesaid shall, during the release, receive such subsistence-allowance from his employer as the Inspector may think sufficient.

Labourer
absent from
sickness:

130. (1) Where any labourer is compelled, by reason of sickness, to absent himself from work, he shall receive from his employer, for each day on which he is so absent, subsistence-allowance at the rate of one anna and a half, or, if in hospital, sick-diet on a scale to be approved by the Inspector.

(2) Where the period during which a labourer is so absent exceeds the total number of thirty days in any one year, and the employer, as soon as that number is exceeded, gives the labourer a notice in writing to that effect, each day of absence in excess of that number shall be added to the term of the labour-contract, unless the labourer refunds to the employer the sum of one anna and a half for each day so in excess.

(3) The Inspector shall, from time to time, when visiting the estate, on the application of the employer, and may also at any other time, on the application of either the employer or a labourer, endorse on the labour-contract of the labourer, after such inquiry as he may think necessary, the number of days so to be added to the term thereof:

Provided that an employer, who omits to apply for such endorsement as aforesaid at the time when the Inspector is actually visiting the estate, shall, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, be debarred from applying afterwards for endorsement in so far as days of absence which occurred prior to the date of the Inspector's last visit are concerned.

131. (1) Where, in the opinion of the Inspector, a labourer is permanently incapacitated for the performance of his labour-contract or any material part thereof, the Inspector shall, certify to that effect in writing and deliver the certificate to the employer of the labourer or to the representative of the employer, and, from the date of the certificate, the labour-contract of the labourer shall wholly determine.

Discharge of
labourer
permanently
incapaci-
tated.

(2) Every labourer whose labour-contract so determines shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the Inspector may award.

(3) Every sum so awarded and any such subsistence-allowance as is provided for by section 129 of section 130 may be recovered from the employer of the labourer concerned.

Accommodation for Labourers.

House-accommodation, water-supply and sanitary arrangements for labourers.

132. Every employer shall be bound to provide for the labourers employed on the estate of which he is in charge such house-accommodation, water-supply and sanitary arrangements as the Local Government may, by rule, prescribe.

Supply of food-grain for labourers.

133. (1) Where the food-grain commonly used by any class of labourers is not procurable by them at reasonable prices in the local markets near the estate on which they are employed, their employer shall be bound to supply them therewith at a reasonable price.

(2) The Local Government may, by notification in the local official Gazette, declare, either generally or for each district or part of a district, what shall, for the purposes of this section, be deemed to be a reasonable price.

Provisions for rationing.

134. (1) Subject to such rules as the Local Government may make in this behalf, any Inspector may, by order in writing,—

(a) direct that, on any specified estate within the local limits of his jurisdiction, all labourers or any specified class of labourers shall be furnished by their employers with rations, cooked or uncooked, on such scale and for such period, not exceeding three months from the date of their arrival on the estate, as may be specified in the order;

(b) direct that any specified labourer shall be exempt from the effect of any general order so made, if he is satisfied that the labourer is able to earn a full wage and desires to provide himself with proper and sufficient food;

(c) direct that any specified labourer shall be furnished with rations for any term not exceeding six months, and renew that direction for a like term.

(2) The cost of each labourer's ration furnished to him in accordance with any direction given under sub-section (1) shall be calculated at current rates as determined by the Inspector, and shall be deducted

from any wages earned by the labourer during the period for which the direction is in force.

135. Where, in the opinion of the Inspector, an employer does not provide such hospital-accommodation in a suitable place available to the labourers employed upon the estate of which he is in charge, or does not make such provision for the medical treatment of his labourers, as the Local Government may direct, the Local Government may require the employer to contribute to the support of a central hospital to be established, or to the pay of a medical officer to be appointed, such sum, proportionate to the number of labourers so employed, as it thinks fit.

Provision for hospital-accommodation and medical attendance.

136. (1) Any Inspector or Assistant Inspector, who is himself a Magistrate, may, with respect to any estate situate within the local limits of his jurisdiction, inquire whether the employer in charge of the estate has provided for his labourers house-accommodation, water-supply, sanitary arrangements, food-grains and rations in accordance with any rules made by the Local Government under section 132 or 134 or any notification issued under section 133.

Enquiry whether employer has failed to provide accommodation, etc., as required by the rules.

(2) At the instance of any Inspector or Assistant Inspector, a similar inquiry may be made by a Magistrate.

(3) Every inquiry under this section shall be made at some place on, or within ten miles of, the estate to which it relates, and shall be conducted and dealt with as if it were an enquiry by a Magistrate under the Code of Criminal Procedure, 1898.

V of 1898.

Localities unfit for the Residence of Labourers.

137. (1) Where, in the opinion of the Inspector, an estate or portion of an estate situate within the local limits of his jurisdiction is, at any time, by reason of climate, situation or condition, unfit for the residence of labourers, or of any particular class of labourers, he shall give notice, in writing, of his opinion to the District Magistrate, who shall forthwith, by order in writing, summon a Committee to inquire into the matter.

Report by Inspector and inquiry by Committee.

(2) The District Magistrate may also of his own motion summon a Committee, where, either from his

own observation or upon the report of an Inspector, Magistrate or medical officer, he is of opinion that an estate or portion of an estate is, for any of the reasons aforesaid, unfit for the residence of labourers or of any particular class of labourers.

(3) Every Committee summoned under this section shall consist of—

- (a) the District Magistrate ;
- (b) the Inspector ;
- (c) the civil medical officer of the district ; and
- (d) one or more employers of labourers :

(4) Provided that, if the District Magistrate is unable to procure the service on the Committee of any employer of labourers, he may, with the previous sanction of the Commissioner of the division, appoint one or more persons qualified to serve on the Committee.

Inquiry by
Committee
by order of
Local
Government.

138. Where it appears to the Local Government, upon the report of an Inspector, Magistrate or medical officer,—

(a) that an estate or portion of an estate is, for any of the reasons given in section 137, unfit for the residence of labourers or of any particular class of labourers, or

(b) that the percentage of mortality of labourers or of any particular class of labourers employed on an estate or on portion of an estate is such as would justify the institution of an inquiry by a medical officer under section 142,

the Local Government may direct the District Magistrate to summon a Committee under section 137 ; and the District Magistrate shall forthwith proceed to summon a Committee accordingly.

Proceedings
of Com-
mittee.

139. Every Committee summoned under section 137 or section 138 shall, as soon as may be, inquire into the healthiness of the estate or portion to which the order appointing it relates, and shall hear and record such information on the subject as the owner of the estate or portion, or the employer in charge thereof, or the Inspector, may desire to place before it.

140. (1) Where the Committee, or a majority thereof, is of opinion that the estate or portion, or any part of the estate or portion, is unfit for the residence of labourers generally, or of any particular class of labourers, the Committee shall record a finding to that effect.

Finding of
Committee,
and conse-
quences.

(2) Where a finding has been recorded under subsection (1), no labourer, or no labourer of the particular class to which the finding relates, as the case may be, shall be bound by any labour-contract to labour on the estate or portion, or part of the estate or portion, as the case may be, which is found unfit for the residence of such labourers.

(3) Where a labourer is released under subsection (2) from the performance of his labour-contract to labour on any estate, he shall be bound to labour on any other estate belonging to the same owner or in charge of the same employer and situate in the same labour-district; or, where the finding relates only to a portion of an estate, on any other portion of the same estate. Where the finding relates to the whole of any estate and the owner has no other estate or the employer has charge of no other estate in the same labour-district on which the labourer may be employed, the Inspector shall cancel the labour-contract of the labourer, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

141. The Local Government may call for the proceedings of any Committee summoned under section 137 or section 138, and, if the finding of the Committee is not unanimous, the Local Government may record any finding thereon which the Committee was competent to record, and the finding so recorded by it shall have the same effect as the finding of a Committee under section 140.

Power for
Local Gov-
ernment to
pass orders
on proceed-
ings of Com-
mittees.

142. Where it appears to the Local Government or to the District Magistrate that the number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last

Excessive
mortality on
estates.

preceding twelve months, or that the average annual number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding three years, bears a larger proportion to the whole number of labourers employed thereon during such period of twelve months or three years, as the case may be, than seven per cent, the Local Government, or the District Magistrate, may depute the civil medical officer of the district or any other qualified medical officer to inquire into and report on the following matters, namely:—

- (a) the cause or causes of the mortality;
- (b) the want (if any) of due care or precaution, and of the adoption of proper and available sanitary measures on the part of the owner of the estate or portion thereof, or of the employer in charge of the estate or portion, causing or contributing to the mortality;
- (c) the fitness or otherwise of the estate or portion for the residence of labourers:

Provided that, when the mortality among any particular class of labourers employed on an estate or any specified portion of an estate exceeds the percentage specified in this section, the Local Government, or the District Magistrate, may direct an inquiry under this section limited to that particular class of labourers.

Medical
officer to
report,

143. The medical officer deputed under section 142 shall, as soon as may be, inquire into the matters referred to therein and shall hear and record such information relating to those matters as the owner of the estate or portion, or the employer in charge of the same, or the Inspector, may place before him, and shall visit and inspect the estate or portion, and shall make a report expressing the reasons for his opinion, and transmit the same to the Local Government together with the information so recorded and the notes of his inspection of the estate or portion, and the Local Government shall cause the employer to be furnished with a certified copy of such report.

144. Where the Local Government, after perusal and consideration of the said report, information and notes, is of opinion that the mortality was caused by the want, on the part of the owner of the estate or portion, or the employer in charge of the same, of due care or precaution or of the adoption of proper and available sanitary measures, or that the estate or portion is unfit for the residence of labourers or of any particular class of labourers, it may make a declaration in writing to that effect, and the declaration so made shall have the same effect as the finding of a Committee under section 140.

Power for Local Government to declare estate unfit for residence.

145. (1) Where it appears to the Inspector that any estate or smaller area, which has been found, or declared under any of the foregoing provisions, to be unfit for the residence of labourers or of any particular class of labourers, has become fit for the residence of labourers or of that class of labourers, as the case may be, he shall, with the previous sanction of the District Magistrate of the district in which the estate or area is situate, give a certificate to that effect signed by him.

Power for Inspector to certify fitness of estate or portion found or declared to be unfit.

(2) On the grant of a certificate under sub-section (1), all such labourers as are mentioned or referred to in section 140, sub-section (3), whose contracts have not been cancelled by the Inspector under that section, shall again be bound to labour on the estate or area, as the case may be, to which the certificate relates for the unexpired periods (if any) of their respective contracts.

Complaints made by Labourers.

146. Where a labourer states to his employer, or any person acting on behalf of his employer, that he desires to make a complaint to the Inspector or to a Magistrate of personal ill-usage or breach, on the part of his employer or such person as aforesaid, of any of the provisions of this Act or of any rule thereunder, the person to whom the statement is made shall forthwith send the labourer to the Inspector or Magistrate within the local limits of whose jurisdiction the estate wherein he is employed is situate:

Labourer wishing to complain of personal ill-usage or breach of Act to be sent by employer to Inspector or Magistrate.

Provided that, where more than ten labourers at any one time so state their desire to make such a complaint, the person to whom the statement is made may, instead of sending them to such Inspector or Magistrate as aforesaid, give the Inspector or Magistrate notice, in writing, of their complaint.

Inspector or
Magistrate
how to
proceed in
case of
complaint.

147. (1) Where a complaint is made to an Inspector or Magistrate under section 146, or where an Inspector or a Magistrate receives, under that section, notice in writing of a complaint, or where an Inspector or a Magistrate has other reasonable grounds for believing that an employer, or person acting on his behalf, has personally ill-used, or committed any such breach as is mentioned in section 146 in respect of a labourer, the Inspector or Magistrate shall, as soon as may be, proceed to some place, not more than ten miles from the principal place of business of the employer, situate within the local limits of his jurisdiction, and inquire into the matter complained of:

Provided that, if the place in which an Inspector or Magistrate has reasonable grounds for believing that the ill-usage or breach has been committed is situate beyond the local limits of his jurisdiction, he shall, instead of inquiring into the matter himself, forthwith send information thereof in writing to the Inspector or Magistrate within the local limits of whose jurisdiction the ill-usage or breach has been committed.

(2) For the purposes of every inquiry made under sub-section (1), the Inspector or Magistrate may summon and examine any person as a witness.

Untrue or
frivolous
complaints.

148. (1) Where, upon an inquiry made under section 147 on the complaint of a labourer, the Inspector or Magistrate is of opinion that the complaint is untrue or frivolous or vexatious, he shall dismiss the complaint; and in that event shall endorse on the employer's copy of the complainant's labour-contract the number of days during which the complainant has been absent from work in consequence of the inquiry, and the number of days so endorsed shall be added to the period for which the complainant contracted to labour.

(2) Every endorsement made under sub-section (1) shall be conclusive evidence that the complainant has absented himself from his labour voluntarily and without reasonable cause during the number of days so endorsed.

149. (1) Where a complaint is dismissed under section 148, the Inspector or Magistrate may award to the employer any reasonable compensation on account of the expense incurred by him in connection with the complaint, and shall endorse the amount of the compensation so awarded on the complainant's copy of the labour-contract.

Award of compensation to employer.

(2) The complainant shall be bound to pay the amount awarded under sub-section (1); and, in default of payment, his labour-contract shall not be deemed to have determined until he has worked off the amount at the rate of one day's labour for each four annas of the same.

150. (1) Where, upon an inquiry made under section 147 by a Magistrate or by an Inspector who is a Magistrate, the Magistrate or Inspector is of opinion that there is sufficient ground for proceeding with the case, he shall dispose of the same according to law.

Complaints disclosing grounds for further proceedings.

(2) Where the Inspector is not a Magistrate and is of such opinion as aforesaid, he shall without delay send the complainant and his witnesses (if any) to the nearest Magistrate, who shall thereupon dispose of the case according to law.

151. (1) Where, upon the complaint of a labourer, it is proved to the satisfaction of a Magistrate that the wages of the labourer are in arrear for two months after the first day of the month succeeding the month in which they were earned, or where it is proved to the satisfaction of a Magistrate that the wages of a person whose labour-contract has determined have been withheld for any period after determination, the Magistrate may award to such labourer or person as aforesaid the amount which appears to be then due to him, and also, by way of compensation, such further sum, not exceeding that amount, as to the Magistrate seems just.

Recovery of arrears of wages and compensation.

(2) On the failure of an employer to pay any amount awarded under sub-section (1), the Magistrate may recover the same from the employer and pay it to the labourer or other person concerned.

Power to
cancel con-
tract on
conviction of
employer or
accumulation
of arrears of
wages.

152. (1) Where it is proved to the satisfaction of a Magistrate—

(a) that an employer, or any person placed by an employer in authority over a labourer, has been convicted of any offence causing injury to the person or loss or damage to the property of the labourer, and, under the Code of Criminal Procedure, 1898, triable exclusively by the Court of Session; or

V of 1898.

(b) that an employer or any person placed by an employer in authority over a labourer has been twice convicted of any such offence as aforesaid against the labourer and under the said Code triable by a Magistrate; or

(c) that the wages of a labourer are in arrear to an amount exceeding the whole of his wages for four months; or

(d) that a labourer has been compelled by his employer or by any person placed by his employer in authority over him to perform any labour while he was unfit for it, or has been subjected to ill-usage by his employer or any such person as aforesaid;

the Magistrate may, if he thinks fit, on the application of the labourer aggrieved, cancel the labour-contract of the labourer and award to him compensation not exceeding thirty rupees.

(2) Every cancellation under sub-section (1) shall be certified by the Magistrate on the back of the labourer's copy of the labour-contract, or, if that copy is not forthcoming, by writing under the Magistrate's hand delivered to the labourer:

153. (1) Where it appears to the Local Government that the condition of the labourers on an estate, or of any class or any considerable number of them, is unsatisfactory owing to the insufficiency of their earnings to maintain them in health and comfort, the Local Government, after such inquiry as it thinks necessary, may direct that the labour-contracts of all such labourers be cancelled.

Power to Local Government to cancel contracts of labourers whose condition is unsatisfactory owing to insufficiency of earnings.

(2) No labour-contract shall be cancelled under this section until the employer has been given an opportunity for showing cause why it should not be cancelled.

154. Where the labour-contract of a labourer is or has been cancelled or has determined under section 119, section 120, section 131 or section 152, the Inspector or Magistrate, as the case may be, may in his discretion and on the application of the labourer concerned cancel the labour-contract of any labourer employed on any estate belonging to the same employer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or has so determined.

Power to cancel contract of labourer related to labourer whose contract is-cancelled or determined.

Determination of Labour-contracts.

155. (1) Whenever a labour-contract determines, the employer shall endorse on the labourer's copy of the contract the fact of determination, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect; and, where the employer refuses or neglects to do so, the Inspector may, on application by the labourer make such endorsement or give such certificate as aforesaid.

Endorsement of determination on labour-contract.

(2) The employer shall give to the Inspector notice in writing of such determination as aforesaid within one month after the date thereof.

156. (1) Where a labourer is able and desirous to redeem the unexpired term of his labour-contract, or the labour-contract of any member of his family, by payment of a sum equivalent to the value of the unexpired term, the labourer may require his employer to take him, or allow him to go, before the Inspector within the local limits of whose jurisdiction he is employed; and, on his depositing such sum as aforesaid with the Inspector, the

Power to redeem labour-contract.

Inspector shall give notice to the employer to show cause within one week why the labourer should not be released from his contract.

(2) If no sufficient cause is shown as aforesaid, the Inspector shall require the labourer's copy of the contract to be produced, and on production thereof shall endorse thereon a certificate that he has been released under this section from his contract, or, if that copy is not forthcoming, shall deliver to the labourer a certificate under his hand to the like effect; and shall, in either case, hold the sum so deposited to the credit of the employer of the labourer.

(3) The value of the unexpired term of a labour-contract shall, for the purposes of this section, be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year, and of five rupees for every such month of the third and fourth years of the original term of the contract:

Provided that, if a person who has completed four years' service under a labour-contract enters into a new labour-contract for one year, he shall not be entitled to redeem the unexpired portion of such new labour-contract unless on the payment of two rupees for each month of the said unexpired portion.

Power to
equalize
terms of con-
tract in case
of husband
and wife.

157. (1) Where the labour-contract of a labourer determines at a time different from that of any other labourer who is the wife or husband of that labourer, the Inspector or Magistrate may, on the joint application of both labourers, equalize the terms of their respective contracts, and may, for this purpose, add to the term of the contract which expires first, and deduct from the term of the contract which expires last, in such proportions as may appear to him to be equitable.

(2) Every addition or deduction from the term of any labour-contract made under sub-section (1) shall be certified by the Inspector or Magistrate on the back of both the employer's and the labourer's copies of the contract, or, if those copies are not

forthcoming, by writing under the Inspector's or Magistrate's hand, copies of which shall be delivered to the employer and the labourer.

Repatriation of Labourers and others.

158. (1) Where any labourer, not being a native of the labour-districts, whose labour-contract has determined under section 131, desires to be sent back to his native district, the Inspector may, instead of awarding a sum as receivable by the labourer from his employer, as provided by that section, order the employer to deposit such amount, whether in excess of the three months' wages awardable under that section or otherwise, as shall, in the Inspector's opinion, be sufficient to cover the entire expenses of sending the labourer back to his native district. The amount shall be deposited by the employer in the Inspector's office and shall be expended by the Inspector in sending the labourer back to his native district.

Repatriation of labourer whose labour-contract has determined under section 131.

(2) On the failure for the space of twenty-four hours of an employer to comply with an order made under sub-section (1), the Inspector may expend the amount specified in the order, and may recover the same from the employer of the labourer concerned.

159. Where any person, being a native of India but not being a labourer, who has emigrated from his native district to a labour-district, for the purpose of labouring for hire in any estate situate therein, or being a dependant of any person who has so emigrated, has no means of subsistence, and is, in the opinion of the Inspector or Magistrate, permanently incapacitated from earning his livelihood in a labour-district, the Inspector or Magistrate may, on the application of such person, send him back, together with his dependants (if any), to his native district, and may, subject to the control of the Local Government, charge the expenses incurred in so doing to the Labour Transport Fund constituted under section 218.

Repatriation of persons emigrating not under labour-contract who are physically incapacitated.

160. (1) Subject to any orders which the Local Government may make in this behalf, the Inspector or Magistrate may, if he thinks fit, detain and may send

Repatriation of labourers wrongfully recruited,

back to his native district any labourer, together with his dependants (if any), whose contract has been cancelled under section 119 or section 120 on the ground of coercion, undue influence, fraud or misrepresentation, or of any irregularity in connection with his recruitment or the execution of his contract.

(2) Any expenditure incurred under sub-section (1) may be recovered from the employer on whose estate the labourer concerned was under contract to labour.

Repatriation
of persons
not under
labour-con-
tract wrong-
fully re-
cruited.

161. (1) Where it appears to the Inspector or Magistrate, on complaint made before him or otherwise, that there is reason to suppose that any native of India, not being a labourer, has been induced by any coercion, undue influence, fraud or misrepresentation to emigrate to a labour-district, the Inspector or Magistrate shall call upon the employer on whose behalf the person was made or induced to emigrate, or to whose estate he is being or has been conveyed, or, if the employer cannot be communicated with without undue delay, upon his agent or any one who is, accompanying or conveying the person or has forwarded or otherwise assisted him to emigrate to any labour-district or estate, to appear before the Inspector or Magistrate and show cause why the person should not be sent back to his native district.

(2) Where the Inspector or Magistrate is of opinion, after such inquiry as he thinks sufficient, that such person as aforesaid was engaged or compelled or induced to emigrate by any such coercion, undue influence, fraud or misrepresentation as would justify his being sent back to his native district, the Inspector or Magistrate shall record a finding to that effect and shall, if necessary, detain the person and shall send him, if he so desires, together with any other persons dependent on him, back to his native district.

(3) Subject to any orders which the Local Government may make in this behalf, any expenditure incurred under this section may be recovered from the employer on whose behalf the person concerned was induced to emigrate or to whose estate he was being

or had been conveyed, or, if the employer is not known, or if there is no employer, the person who is accompanying or conveying the person concerned or has forwarded or otherwise assisted him to emigrate to any labour district or estate.

162. (1) Where a labourer or other person is sent back to his native district under section 158, 160 or 161, the Inspector or Magistrate may provide an escort or make such other arrangements as he may think necessary for ensuring that the labourer or person is actually conveyed to his native district.

Arrangements may be made for escorting persons ordered to be repatriated.

(2) Any expenditure incurred under sub-section (1) may be recovered as part of the amount expended in sending the labourer or other person back to his native district.

CHAPTER VIII.

RULES.

163. (1) In addition to the powers hereinbefore conferred, the Local Government may make rules to carry out any of the purposes and objects of this Act in the Province.

General power for the Local Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) define and regulate the powers and duties of the several officers appointed by it under this Act;
- (b) prescribe what returns and reports shall be made under this Act by any such officers as aforesaid or by * * any * * local agents within the Province and the form in which they shall be respectively so made;
- (c) prescribe the forms of all registers, licenses, certificates, permits and notices required under this Act with respect to the Province;
- (d) prescribe the fees to be paid for any license granted under this Act by any officer appointed by it and for the registration of labourers or their dependants in any district in the Province;

- (e) prescribe the particulars to be registered by a registering-officer in respect of each person who is brought before him in any district in the Province for registration as a labourer or dependant ;
- (f) * * * *
- (g) provide for the accommodation, food, clothing and medical treatment of all labourers and their dependants detained on account of sickness by order of a Magistrate at any place within any district in the Province ;
- (h) prescribe the conditions upon which any officer appointed by it may grant licenses to masters of vessels carrying passengers to any labour-district ; provide for the ventilation, cleanliness and water-supply of such vessels in respect of which licenses are granted hereunder by any such officer ; and prescribe the lists, returns and reports to be kept and submitted by the masters of such vessels ;
- (i) prescribe the description, quantity and quality of provisions, medical drugs and other stores to be taken on board such vessels carrying labourers when such vessels are within the Province, and the daily allowance to be issued to each labourer and dependant during the journey through the same ; prescribe the number of officers, cooks and other servants to be carried on board such vessels ; and provide generally for the accommodation of labourers and their dependants on such vessels ;
- (j) provide for the detention and inspection of such vessels and of all the passengers, being natives of India, carried in such vessels, while in transit through the Province ;
- (k) declare the routes through the Province by which labourers, emigrants under Chapter V and dependants shall travel to the labour-districts ;

- (l) prescribe the clothing to be supplied to labourers, emigrants under Chapter V and dependants while proceeding to the labour-districts through the Province ;
- (m) require depôts and rest-houses to be provided by and at the cost of employers, * * * or agents for the accommodation of labourers, emigrants under Chapter V and dependants on any prescribed route, and provide for the sanitation and superintendence of such depôts and rest-houses ;
- (n) prescribe the mode and the numerical strength of the parties in which labourers, emigrants under Chapter V and dependants are to travel, the arrangements to be made by and at the cost of employers, * * * or agents for facilitating the journey of labourers, emigrants under Chapter V and dependants, the length of daily marches by road, and the provision to be made by and at the cost of employers, * * * or agents for the carriage of labourers, emigrants under Chapter V and dependants when suffering from sickness ;
- (o) regulate the food to be supplied by and at the cost of employers, * * * or agents to labourers, emigrants under Chapter V and dependants, and the provision to be made for the proper cooking of such food ;
- (p) regulate the water-supply to be maintained by and at the cost of employers, * * * or agents for the use of labourers, emigrants under Chapter V and dependants ;
- (q) require suitable hospital-accommodation, medical treatment and maintenance to be provided by and at the cost of employers, * * * or agents for labourers, emigrants under Chapter V or dependants when suffering from sickness on their journey to a labour-district ;

- (r) regulate the arrangements to be made by and at the cost of employers, * * * or agents in case of the death of any labourer, emigrant under Chapter V or dependant during the journey to a labour-district;
- (s) prescribe the house-accommodation, water-supply, sanitary arrangements and amount and kind of food-grains to be provided by employers for their labourers, and regulate the rations to be supplied to labourers under this Act in the labour-districts in the Province; and
- (t) provide for the hospital-accommodation and medical treatment of labourers in such labour-districts, and prescribe the nature, quality and quantity of medical drugs and other stores to be provided for such labourers.
- (3) Where an employer, * * * agent or other person fails to perform any act which he is by any rule made under sub-section (2) required to perform, the Local Government may cause the act to be performed and the cost may be recovered from the employer, * * * or agent, as the case may be.
- (4) In making any rule under this Act the Local Government may direct that every breach thereof shall be punishable with fine not exceeding in any case five hundred rupees.
- (5) All rules made by the Local Government under this Act shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

CHAPTER IX.

PENALTIES AND PROCEDURE.

Recruitment,
etc., in con-
travention of
act or notifi-
cation.

164. Whoever knowingly recruits, engages, induces or assists, or attempts to recruit, engage, induce or assist, any person to emigrate in contravention of any of the provisions of this Act or of any notification for the time being in force thereunder, shall be

punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

165.	*	*	*	*
166.	*	*	*	*
167.	*	*	*	*
168.	*	*	*	*

169. (1) Any labourer registered under section 69 who, without reasonable cause, refuses or neglects to execute, in accordance with the provisions of section 72, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to twenty rupees or to the amount of the expense reasonably incurred by the garden-sardar in procuring his registration, whichever amount is least.

Labourer refusing to execute contract with garden-sardar.

(2) Every fine levied under sub-section (1) shall be paid to the garden-sardar by whom such expense as aforesaid was incurred.

170. Whoever, being a garden-sardar holding a certificate under Chapter IV, —

Garden-sardar failing to report himself, etc.

- (a) fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate; or
- (b) fails, without sufficient cause, to return to his employer within the time specified in his certificate; or
- (c) fails to account for the money advanced to him by his employer for the purpose of engaging labourers;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both;

and may, if a labourer under a labour-contract, on the application of his employer or of a person acting on behalf of the employer, be sent back or made over to his employer for the purpose of completing his term of service.

Garden-sardar, etc., abandoning labourers, etc.

171. Whoever, being a garden-sardar holding a certificate under Chapter IV or a person appointed under * * * section 76 to accompany labourers to a labour-district,—

- (a) wilfully abandons any labourer or his dependant on the way to the labour-district; or
- (b) removes or attempts to remove any person to a labour-district before he has executed a labour-contract in accordance with section 72; or
- (c) induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of the garden-sardar before he has executed a labour-contract as aforesaid or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area as aforesaid before he has executed such a labour-contract;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Garden-sardar making over labourers to unauthorised persons, etc.

172. (1) Whoever, being a garden-sardar holding a certificate under Chapter IV,—

- (a) makes over to the garden-sardar or local agent of any employer other than the employer by whom his certificate was granted, or, without authority from his employer, to any other person, any person whom he has engaged or intends to engage as a labourer or whom he has assisted or intends to assist to emigrate under Chapter IV as modified by any notification issued under section 91; or
- (b) places any such person as aforesaid in a place of accommodation used in connection with the unlawful recruitment or engagement of labourers; or
- (c) allows any person unlawfully recruited or engaged as a labourer to share the accommodation provided by him under section 62;

shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and his certificate may be impounded by the convicting Magistrate.

(2) Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned.

173. Any garden-sardar holding a certificate under Chapter IV or person appointed by him as provided by section 76, who accompanies labourers to the labour-districts and fails to present a way-bill as required by section 79, sub-section (1), or to carry out any of the instructions entered in the way-bill, shall be punishable with fine which may extend to twenty rupees.

Garden-sardar failing to comply with instructions endorsed on way-bill.

174. Whoever,—

(a) * * * * *

(b) being a garden-sardar employed under the control of an agency or association to engage persons and assist them to emigrate in accordance with the provisions of section 91, infringes any of the conditions prescribed by or under that section;

Unlawful engagement of emigrants by garden-sardar.

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees for every such infringement.

175. * * * * *

176. (1) Whoever,—

(a) being a master not licensed under section 97, in contravention of section 96, sub-section (1), knowingly receives on board his vessel more than twenty passengers being natives of India; or,

(b) being a master licensed as aforesaid, knowingly receives on board his vessel any such passengers in excess of the number specified in his license or in any

Master receiving native passengers on board in contravention of Act.

order of an Embarkation Agent under section 100 for the purpose of transporting them to a labour-district;

shall be punishable with fine which may extend to two hundred rupees for each passenger so received.

(2) Nothing in this section applies to the master of a vessel exempted under section 96, sub-section (2).

Fraudulent alteration of vessel after grant of license.

177. Whoever, being a master licensed under section 98, with intent to defraud, does or suffers to be done any act or thing whereby the state of his vessel is altered, so that the vessel is unfit for the accommodation of the number of passengers specified in his license or in any order made under section 100 by an Embarkation Agent, shall be punishable with fine which may extend to two hundred rupees.

Master not complying with section 102.

178. Whoever, being a master licensed under section 98, proceeds on his voyage with his vessel carrying labourers without having complied with the provisions of section 102, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees.

Master not complying with order under section 104.

179. Whoever, being a master licensed under section 98, fails to comply with an order of an Embarkation Agent made under section 104, shall be punishable with fine which may extend to two hundred rupees for each day during which he fails to comply with the order after the day on which the order was received by him.

Master permitting labourer to leave vessel contrary to section 106.

180. Whoever, being a master licensed under section 98, causes or permits a labourer finally to leave his vessel in contravention of the provisions of section 106, shall be punishable with fine which may extend to two hundred rupees for each labourer so leaving his vessel.

Master wilfully omitting to stop vessel at certain places.

181. Whoever, being a master licensed under section 98, wilfully omits to comply with the provisions of section 107, shall be punishable with fine which may extend to two hundred rupees.

182. Whoever disobeys any order made under section 109 by a Magistrate, shall be punishable with fine which may extend to two hundred rupees.

Person disobeying Magistrate's order as to communication between vessel and land.

183. Whoever, being a master licensed under section 98, or a medical officer in charge of a vessel, wilfully omits or neglects to obey or enforce on board of the vessel any provision of this Act or any rule thereunder, shall be punishable with fine which may extend to two hundred rupees.

Master or medical officer disobeying or neglecting to enforce rules.

184. Whoever, having executed a labour-contract,—

Labourer deserting, &c., after registration

(a) deserts while on his journey from the district in which he has executed the labour-contract to a labour-district; or

(b) without reasonable cause, refuses or neglects to proceed to the place where he is to labour or to embark in any vessel when called upon to do so by an Embarkation Agent;

shall be punishable with imprisonment for a term which may extend to one month.

185. Whoever, being an employer, refuses or wilfully omits to keep such registers or to make such periodical returns in writing to the Inspector as may be prescribed by any rule made under this Act, or knowingly keeps an incorrect register or makes an incorrect return, or wilfully omits to prepare, file or affix a schedule as required by section 124, shall be punishable with fine which may extend to two hundred rupees.

Employer refusing or omitting to keep registers, &c.

186. Whoever, being an employer, or acting under the orders or on the behalf of an employer, wilfully obstructs any entry, inspection or inquiry, or omits to comply with any requisition made under section 123, shall for every such offence be punishable with fine which may extend to two hundred rupees.

Employer or other person obstructing inspection under section 123.

Employer or other person compelling labourer to perform labour for which he is unfit.

187. Whoever, being an employer, or acting under the orders or on the behalf of an employer, compels any labourer to perform any labour knowing that he is at the time unfit to perform such labour, shall be punishable with fine which may extend to two hundred rupees.

Persons buying labourer's rations.

188. Whoever buys any rations which have been furnished under section 134 to a labourer, and whoever, being a labourer, sells any rations so furnished to him, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees.

Employer omitting to provide house-accommodation, &c.

189. (1) Whoever, being an employer, wilfully omits to provide house-accommodation, water-supply, sanitary arrangements, food-grains or rations in accordance with the provisions of this Act or any rule thereunder, shall be punishable with fine which may extend to five hundred rupees; and the convicting Magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order.

(2) If the employer wilfully omits to comply with the order within the time so fixed, he shall be punishable with fine which may extend to one hundred rupees for each day during which the omission continues.

(3) If the employer fails to pay the fine imposed under sub-section (2), the person on whose account he has been acting shall be liable to pay the same.

Employer neglecting to provide hospital-accommodation.

190. Whoever, being an employer, fails to provide such hospital-accommodation for, or to make such provision for the medical care and treatment of, labourers, as is required by any rule made under this Act, shall be punishable with fine which may extend to two hundred rupees for each week during which the default continues.

Employer causing labourer to reside on estate declared unfit for residence.

191. Where any estate or portion thereof has been found under section 140, or declared under section 144, unfit for the residence of labourers, or any class of labourers, as the case may be, every employer who, until a certificate has been given under section 145,

causes or permits such labourers or class of labourers to reside or labour upon the estate or portion shall be punishable with fine which may extend to two hundred rupees.

192. (1) Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing containing the names of all or any of his labourers who, voluntarily and without reasonable cause, absented themselves from labour during the preceding month, and specifying the periods of absence. When any employer so sends any statement, he shall, at the same time, notify to each labourer concerned the fact that he has done so. Unlawful
absence from
work.

(2) Every Inspector who receives any statement so sent shall, if the employer so desires, when next visiting the estate on which the labourers to whom the statement relates are employed, inquire into each case of absence in the presence of the labourer concerned, and, if satisfied that the labourer has voluntarily and without reasonable cause absented himself, shall, unless the labourer consents to forfeit to his employer the sum of four annas for each day of absence, endorse the days of absence on the labour-contract of the labourer, and add them to the term of the contract.

(3) The Inspector may also, at any time other than that of his visit to the estate, on the application of either the employer or the labourer, after due inquiry, endorse the days of absence on, and add them to the term of, the labour-contract :

Provided that an employer who omits to apply for the endorsement of such days on any labourer's labour-contract when the Inspector is actually visiting the estate shall be debarred, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, from applying afterwards for such endorsement so far as days of absence reported in statements sent to the Inspector previous to the date of his last visit are concerned.

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condi-

tion of the labour-contract binding on the employer, shall be deemed to be reasonable cause within the meaning of this section.

Labourer
absent with-
out cause.

193. Whoever, being a labourer, voluntarily and without reasonable cause, absents himself from his labour for more than seven consecutive days, or for more than seven days in any one month, shall be punishable with imprisonment for a term which may extend to fourteen days; and, in case the absence has extended to twenty days in any two consecutive months, shall be punishable with imprisonment for a term which may extend to one month.

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, shall be deemed to be reasonable cause within the meaning of this section.

Statement of
deserters.

194. Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing in such form as the Local Government may prescribe containing the names of all or any of his labourers who have deserted from his service during the preceding month, or who, having deserted at any previous time, have been absent during the preceding month, or who, having deserted during the month or previously, have been arrested or have returned to his service during the preceding month.

Deserter
may be
apprehended
without
warrant.

195. (1) Where any labourer deserts from his employer's service, the employer, or any person authorized by him in this behalf, may, without a warrant and without the assistance of any police-officer, arrest the labourer wherever he may be found:

Provided that, if the labourer is found within five miles of the place where a Magistrate resides or in the service of another employer, he shall not be arrested without warrant.

(2) Every police-officer shall assist in arresting any such labourer if so required by the employer or person authorized by him in this behalf.

(3) Whoever arrests a labourer under this section shall without delay take him to the police-station nearest

to the place of the arrest; and if he fails to do so shall be punishable with fine which may extend to two hundred rupees.

196. (1) The police-officer in charge of such station shall, on the appearance of the parties, take down in writing the statements of the labourer arrested and of the person arresting the labourer. Procedure at
police-station

(2) If the labourer admits the contract and does not claim to be forwarded to a Magistrate, the police-officer may permit the person arresting the labourer to convey him to the estate on which he is under contract to labour, and shall then transmit the statements recorded and a report of his proceedings to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

(3) If the labourer does not admit the contract or claims to be forwarded to the Magistrate, or if, for any reason, it appears to the police-officer desirable that he should be so forwarded, the police-officer shall forthwith send the labourer, together with the statements recorded as aforesaid and a report of his proceedings, to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

(4) If the estate on which the labourer is under contract to labour is not situate within the local limits of the jurisdiction of the Magistrate referred to in sub-section (2) or sub-section (3), the Magistrate shall forward the statements and report received by him from the police to the Magistrate within the local limits of whose jurisdiction such estate is situate. He shall also, when the labourer has been sent to him by the police, either forward the labourer to, or take security for his appearance before, such other Magistrate as aforesaid.

(5) On receipt of such statements and report the Magistrate within the local limits of whose jurisdiction the estate is situate may, after making such inquiry as he considers desirable into the case, pass such order in accordance with law as he thinks proper. For the purpose of any such inquiry the Magistrate may, if he thinks fit, in any case in which the labourer arrested has not been sent to or appeared before him, require the labourer to appear before him.

Procedure on
complaint of
desertion.

197. Where an employer or a person acting on behalf of an employer complains to a Magistrate that a labourer has deserted from the employer's service, the Magistrate may, without previously examining the complainant, issue a summons for the attendance of the labourer, or a warrant for his arrest, and fix a day for hearing the complaint.

Punishment
for desertion.

198. (1) Whoever, being a labourer, deserts from his employer's service, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to twenty rupees, or with both.

(2) For a second conviction for a like offence the offender shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to fifty rupees, or with both.

(3) For a third and every subsequent conviction for a like offence the offender shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Compensa-
tion for
wrongful
arrest.

199. (1) Where it appears to a Magistrate trying a labourer for deserting from his employer's service that such labourer was arrested without sufficient cause, the Magistrate may impose a fine, which may extend to fifty rupees, on the employer or person acting on his behalf by whom or at whose instance the labourer was arrested.

(2) The Magistrate may in his sentence direct that the whole or any part of the fine levied under subsection (1) be paid by way of compensation to the labourer so arrested.

Cancellation
of contract
by desertion.

200. Where a labourer has actually suffered imprisonment for terms amounting in the whole to six months for desertion from his employer's service, the Inspector shall cancel the labour-contract of the labourer, and shall endorse on his copy of the contract a certificate of the cancellation; or, if that copy is not forthcoming, he shall give to the labourer a written certificate to the like effect.

201. Whoever, being a labourer, is guilty of habitual drunkenness, or wilfully disregards any sanitary regulation approved by the Inspector and duly notified for the guidance of the labourers on the estate on which the labourer is employed, shall be punishable with imprisonment for a term which may extend to one week, or with fine which may extend to five rupees.

Penalty for drunkenness or neglect of sanitary regulations.

202. (1) The employer of a labourer sentenced to imprisonment for any offence under this Act, or any person authorised to act in this behalf for the employer, may apply to the Magistrate that the labourer be made over to him for the purpose of completing his labour-contract.

Portion of sentence may be cancelled on application of employer.

(2) On an application being made under subsection (1), the Magistrate may, if he thinks fit, order that the labourer be made over or forwarded to his employer; and in that case the Magistrate shall cancel the sentence passed on the labourer or any unexpired portion of the same, and shall endorse on his copy of the labour-contract a certificate of the cancellation, or, if that copy is not forthcoming, shall give him a written certificate of the cancellation.

(3) Nothing in this section shall be deemed to affect the provisions of section 200.

203. Every employer who obtains an order of a Magistrate for the making over or forwarding of any labourer shall be liable to defray the expense (if any) incurred in the making over or forwarding of the labourer; and shall, before the order is issued, deposit with the Magistrate a sum sufficient in the Magistrate's opinion to defray that expense.

Expense of forwarding labourer to be paid by employer.

204. (1) On the expiry of any sentence of imprisonment passed on a labourer for any offence under this Act, the Magistrate shall, subject to the provisions of section 200, make the labourer over to any person appointed on the part of his employer to take charge of him; and no conviction under this Act or imprisonment thereon shall, save as aforesaid, operate as a release to any labourer from the terms of his labour-contract.

Conviction not to operate as a release.

(2) Where no person is present on the part of the employer to take charge of the labourer on the expiry of his sentence, the Magistrate shall forward the labourer to the principal place of business of his employer situate within the local limits of the Magistrate's jurisdiction.

(3) Any expenditure incurred under sub-section (2) may be recovered from the employer of the labourer concerned.

Endorsement
on contract
of imprison-
ment for
offence
against Act.

205. (1) Where a labourer is sentenced to imprisonment for any offence under this Act other than an offence under section 193 or section 198, the Magistrate shall endorse on the employer's copy of the labour-contract the term for which the labourer is so sentenced.

(2) When a labourer is convicted of unlawful absence under section 193 or desertion under section 198 the Magistrate shall endorse the period of the labourer's absence or desertion on the employer's copy of the labour-contract.

(3) In a case of desertion falling under sub-section (2) no endorsement shall be made if the labour-contract has been cancelled under section 200, or if more than one year has elapsed from the expiry of the original term of the labour-contract or more than three years have elapsed from the date when the labourer deserted, to the date of his conviction.

(4) The term of imprisonment to which a labourer is sentenced under section 193 or section 198 shall be deducted from the term of service to which he is bound by his original contract or by any endorsement made under sub-section (2).

(5) No endorsement shall be made in a case of desertion under sub-section (2) unless the employer has duly reported the particulars of the desertion as provided in section 194.

Endorsement
on contract
of period of
any other
imprison-
ment.

206. Where a labourer is sentenced to imprisonment for any time not exceeding three years for any offence other than an offence under this Act, the Court or Magistrate so sentencing him shall, if the employer or a person acting on behalf of the employer so requests, endorse on the employer's copy of the

labour-contract the period for which the labourer is sentenced to imprisonment, or, if that period exceeds the unexpired term of the labour-contract on the date of the sentence, so much of that period as is equal to the unexpired term.

207. The periods endorsed under section 205 or section 206 shall be added to the term for which the labourer contracted to serve; and the labourer shall not be deemed to have performed his labour-contract until he has served for the term specified therein in addition to the periods so endorsed.

Periods endorsed to be added to term of contract.

208. (1) Whoever, knowing that a labourer is bound by his labour-contract to labour for any employer, voluntarily entices or attempts to entice the labourer to leave his employer, or harbours or employs any labourer who has, in contravention of the terms of his labour-contract, left his employer, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Other person enticing away, harbouring or employing labourer under labour-contract.

(2) The convicting Magistrate may, in his discretion, award to the employer with whom the labourer has contracted the whole or any part of any fine levied under sub-section (1).

209. Whoever, being bound under section 118, sub-section (2), to forward any labour-contract to the Inspector, or under section 120 to cause any labourer to appear before the Inspector or Magistrate, wilfully omits or neglects so to forward the labour-contract to the Inspector at or within the time specified, or to cause the labourer to appear before the Inspector or Magistrate within a reasonable time, shall be punishable with fine which may extend to two hundred rupees.

Failure to forward contract under section 118 or to cause labourer to appear under section 120.

210. Whoever, being bound by section 146 to send any labourer before, or to give notice of any complaint to, an Inspector or Magistrate, refuses or neglects so to send the labourer or to give the notice, shall be punishable with fine which may extend to two hundred rupees.

Employer or other person neglecting to send labourer before Magistrate as provided by section 146.

Employer refusing to endorse labour-contract, etc.

211. Whoever, being an employer, —

(a) refuses or wilfully neglects to endorse the labourer's copy of his labour-contract as required by section 155; or

(b) detains a labourer after the determination of his labour-contract; or

(c) fails to give to the Inspector notice in writing of such determination as aforesaid within one month after the date thereof;

shall be punishable with fine which may extend to two hundred rupees.

Employer or other person neglecting to comply with request of labourer wishing to redeem unexpired term.

212. Whoever, being an employer or a person acting for an employer, refuses or neglects to comply with the request of a labourer made under section 156, shall be punishable with fine which may extend to two hundred rupees.

Abetment.

213. Whoever abets, within the meaning of the Indian Penal Code, any offence against this Act or any rule hereunder, shall be punishable with the punishment provided for the offence.

Place of trial for offences.

214. Whoever commits any offence against this Act or any rule hereunder shall be triable for the offence in any place in which he may be found, as well as in any other place in which he might be tried under any law for the time being in force.

CHAPTER X. MISCELLANEOUS.

Recovery of sums due under Act.

215. Every sum recoverable under this Act from any person may be recovered on application to a Magistrate having jurisdiction where the person is for the time being resident, by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to that person.

Wages due under labour-contract a charge upon estate.

216. All arrears of wages due under any labour-contract shall be a charge upon the estate upon which the labourer to whom the labour-contract relates has

been engaged to labour; or, if he has engaged to labour upon any one of several estates managed by the same employer, shall be a charge upon that estate upon which he for the time being actually labours.

217. (1) Whenever an estate on which any labourer has under this Act contracted to labour is transferred by act of parties or operation of law or devolves, the person to whom it is so transferred or on whom it devolves shall be bound by the labour-contract of the labourer in the same manner and to the same extent as the person by or from whom it is transferred or devolves would have been bound thereby, and shall have the same rights and remedies under it as such person would have had thereunder, if the estate had not been transferred or had not devolved.

Owner of estate for time being has all rights and remedies in respect of labour-contracts charged on it.

(2) No person who has ceased to be the owner of the estate upon which any labourer has under this Act contracted to labour shall be liable in respect of any breach of the labour-contract of the labourer which occurs after he has ceased to be owner.

218. The proceeds of any fines, fees and rates under this Act which may be credited to Government shall be expended, in such manner as the Governor-General in Council may direct, on paying the salaries and allowances of officers appointed under this Act and their pensionary and leave allowances, on meeting the cost of sending labourers and other persons back to their native districts, and generally on defraying the expenses of carrying out the purposes and objects of this Act and any rules made thereunder, and not otherwise.

Application of proceeds of fines, fees and rates.

219. Every Assistant Inspector shall perform all such duties and exercise all such powers of an Inspector as he is authorized in writing by the Inspector to perform or exercise.

Duty of Assistant Inspector.

220. All powers conferred by this Act on any Superintendent, Medical Inspector, Emigration Agent or other officer may be exercised from time to time as occasion requires.

Power of officers under this Act to be exercisable from time to time.

Power to exempt labour-district from Act.

221. The Chief Commissioner of Assam may, ^{with Subject to the Central Govt.} ~~the previous sanction~~ of the Governor General in Council, by notification in the local official Gazette, declare that any labour-district or local area therein shall, on and with effect from a day to be fixed in the notification, cease to be subject to all the provisions or any specified provision of this Act; and from the day so fixed such labour-district or local area as aforesaid shall cease to be subject to the provisions of this Act or to the provision so specified, as the case may be.

Notifications not to affect prior acts, etc.

222. The publication of any notification under this Act shall not affect any act done, offence committed or proceedings commenced before such publication.

Repeal.

223. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

FORM OF LABOUR-CONTRACT BETWEEN LABOURER AND EMPLOYER.

(See section 5.)

This contract, made under the Assam Labour and Emigration Act, 1901, between *A B* (hereinafter called the labourer) of the one part and *[*C D* (representative, local agent or garden-sardar) on behalf of] *E F* (hereinafter called the employer) on the other part, witnesseth that the said*[representative or local agent or garden-sardar on behalf of the said] employer doth hereby promise the said labourer that if he, the said labourer, do remain and labour† on the $\frac{X \text{ estate}}{Y \text{ estates}}$ ‡ of his said employer in the labour-district of _____ for the term of _____ years from the date of the execution of this contract, he, the said employer, will, from the date on which the said labourer, commences to labour on the said $\frac{\text{estate}}{\text{estates}}$, pay or cause to be paid to the said labourer monthly wages at the rate of Rs. §

for a completed daily task regulated in accordance with the provisions of the said Act, || and, when such task as aforesaid is not completed, monthly wages calculated at the same rate in proportion to the amount of work actually done, and that during the said period he, the said employer, will supply to the said labourer rice at a price of Rs. _____ per maund and will faithfully comply with all rules regarding house-accommodation, medical treatment and the supply of food-grains or rations to the said labourer which the Local Government may prescribe; and this contract further witnesseth that the said labourer doth hereby, in consideration of the aforesaid promise, agree so to remain and labour for the said employer. In witness whereof the said parties to these presents have hereunto set their hands at

this _____ day of _____ 19 _____ .

Signature of Labourer and of Employer (or of his Representative, Local Agent or Garden-sardar).

* Parts in brackets to be omitted if the contract is made without the intervention of a representative, local agent or garden-sardar.

† State nature of labour, if the labourer is to be required to work under the ground.

‡ As the case may be.

§ State rates for various periods of contract.

|| [During the first six months of the contract the employer is to pay full wage for half the daily task, unless an Inspector certifies that the labourer is able to perform a full task.]

Form of Description of Labourer.

NAME.	Father's name.	Age.	Sex.	Caste.	RESIDING—			Descriptive marks.
					District.	Thana.	Village.	

[Endorsement to be filled up by officer before whom the contract is executed.]

I hereby certify that, before the said *A B* signed this contract, I personally explained it to him.

Dated at _____ } *Signed* _____
This day of _____ } *Superintendent or Registering-officer or*
Inspector or Magistrate.

[Endorsements on labourer's copy of contract to be filled up when the contract is determined or cancelled.]

I hereby certify that the foregoing contract has been determined by effluxion of time.

Dated at _____ } _____
This day of _____ } *Signature of Employer or Inspector.*

I hereby certify that the foregoing contract has been cancelled under the provisions of section _____ of Act VI of 1901.

Dated at _____ } _____
This day of _____ } *Signature of Inspector Magistrate.*

THE SECOND SCHEDULE.

ENACTMENTS, REPEALED.

(See section 223.)

Year.	No	Short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1882	I	The Assam Labour and Emigration Act, 1882.	The whole.
1891	XII	The Repealing and Amending Act, 1891.	So much of section 2 and the first schedule as relates to Act I of 1882.
1893	VII	The Inland Emigration Act, 1893.	The whole.
1897	V	The Repealing and Amending Act, 1897.	So much of section 2 and of the first and second schedules as relates to Act I of 1882 and Bengal Act I of 1889.
<i>Act of the Lieutenant Governor of Bengal in Council.</i>			
1889	I	The Inland Emigrants' Health Act, 1889.	The whole.

PART II.
NOTIFICATIONS UNDER THE ASSAM
LABOUR AND EMIGRATION ACT.

**Amendment to the Central Provinces Inland
Emigration Manual.**

No. 5, dated Nagpur, the 18th May 1928.

PART II.

PAGES 85—87.

*For the existing notification under sections 4 and 64
substitute the following :—*

NOTIFICATION UNDER SECTIONS 4 AND 64.

In exercise of the powers conferred on him by sections 4 and 64 of the Assam Labour and Emigration Act, 1901 (VI of 1901), as subsequently amended, the Governor in Council is pleased to make the following orders :—

No. 1046-
562-xiii, dated
the 11th April
1928.

(1) The Deputy Commissioner and every Assistant Commissioner or Extra-Assistant Commissioner exercising 1st class magisterial powers is appointed to be a Registering Officer within the limits of the district to which he is appointed :

Provided that no two officers shall perform the duties of a Registering Officer in the same district at the same time.

(2) Each of the following officers is appointed a Superintendent of Emigration with authority as such over the area specified in each case :—

The Deputy Commissioner of Jubbulpore and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Jubbulpore.

For the Jubbulpore Division.

The Deputy Commissioner of Hoshangabad and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Hoshangabad.

For the Nerbudda Division excepting the Nimar district.

The Deputy Commissioner of Nimar and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Khandwa.

For the Nimar district.

Part II.—Notifications.

- The Deputy Commissioner of Raipur and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Raipur. For the Raipur district.
- The Deputy Commissioner of Bilaspur and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Bilaspur. For the Bilaspur district.
- The Deputy Commissioner of Drug and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Drug. For the Drug district.
- The Deputy Commissioner of Balaghat and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Balaghat. For the Nagpur Division excepting the Chanda district.
- The Deputy Commissioner of Chanda and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Chanda. For the Chanda district.

Provided that no two officers shall perform the duty of Superintendent of Emigration in the same local area at the same time.

(3) The Deputy Commissioners of the districts of Jubbulpore, Hoshangabad, Nimar, Raipur, Bilaspur, Drug, Balaghat, and Chanda are empowered to grant, for the whole or any part of the local area for which they have been appointed Superintendents, licenses to suitable persons to be local agents under the provisions of section 64 of the said Act.

(4) Notification No. 1070, dated the 19th October 1915, is hereby cancelled.

[No. 5, dated Nagpur, the 18th May 1928.]

K. R. JOSHI,
*Under Secretary to Government,
Central Provinces.*

PART II.
NOTIFICATIONS.

NOTIFICATION UNDER SECTION 3.

In exercise of the powers conferred by section 3 of the Assam Labour and Emigration Act, 1901 (VI of 1901), as subsequently amended, and with the previous sanction of the Governor-General in Council, the Chief Commissioner is pleased to prohibit all persons, other than garden-sardars duly accredited to local agents licensed under section 64 of the said Act, from recruiting, engaging, inducing or assisting any native of India to emigrate from any district in the Central Provinces to any labour district in the Province of Assam.

Notification
No. 417-J,
dated the
18th Sep-
tember
1917.

With reference to the proviso to the said section 3 of the said Act, the Chief Commissioner is further pleased to direct that this notification shall take effect from the 1st day of January 1918.

Notification No. 655, dated the 24th June 1915, under section 91, and Notification No. 318, dated the 18th March 1916, under section 3 of the Act, are hereby cancelled.

NOTIFICATION UNDER SECTIONS 4 AND 64.

In exercise of the powers conferred on him by sections 4 and 64 of the Assam Labour and Emigration Act, 1901 (VI of 1901), as subsequently amended, the Chief Commissioner is pleased to make the following orders:—

Notification
No. 1070,
dated the
19th Octo-
ber 1915.

(1) The Deputy Commissioner and every Assistant Commissioner or Extra-Assistant Commissioner exercising 1st class magisterial powers is appointed to be a Registering Officer within the limits of the district to which he is appointed:

Provided that no two officers shall perform the duties of a Registering Officer in the same district at the same time.

(2) Each of the following Officers is appointed a Superintendent of Emigration with authority as such over the area specified in each case:—

The Deputy Commissioner of Jubbulpore and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Jubbulpore— for the Jubbulpore Division.

The Deputy Commissioner of Hoshangabad and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Hoshangabad— for the Nerbudda Division, excepting the Nimar District.

The Deputy Commissioner, Nimar, and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Khandwa— for the Nimar District.

The Deputy Commissioner, Raipur, and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Raipur— for the Raipur District.

The Deputy Commissioner of Bilaspur and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Bilaspur— for the Bilaspur District.

The Deputy Commissioner of Drug and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Drug— for the Drug District.

The Deputy Commissioner of Balaghat and the senior Assistant Commissioner or Extra-Assistant Commissioner exercising magisterial powers at Balaghat— for the Nagpur Division.

Provided that no two officers shall perform the duty of Superintendent of Emigration in the same local area at the same time.

(3) The Deputy Commissioner of the districts of Jubbulpore, Hoshangabad, Nimar, Raipur, Bilaspur, Drug and Balaghat is empowered to grant, for the whole or any part of the local area for which he has been appointed Superintendent, licenses to suitable persons to be local agents under the provisions of section 64 of the said Act.

(4) Notification No. 2919, dated the 21st June 1901, is hereby cancelled.

NOTIFICATIONS UNDER SECTION 91.

In exercise of the power conferred upon him by section 91 of the Assam Labour and Emigration Act, 1901, as amended by Act XI of 1908, the Chief Commissioner is pleased to relax the requirements of section 76 of the Act to such an extent as to permit the adoption of the following rule :—

Notification
No. 297,
dated the
28th Febru-
ary 1910, as
amended by
Notfn.
No. 417-K,
dated the
18th Sep-
tember 1917.

When emigrants who, having completed their engagements in Assam and returned to their country, present themselves to a Local Agent of the Tea District Labour Supply Association and express a wish to be returned to the places of their former employment, the Local Agent may send such emigrants to the labour district wherein they engage to labour in the company of an Agency chuprassi, should there be no garden-sardar available for the purpose of accompanying them: provided that in all such cases the Local Agent shall certify on the copy of the register of persons engaged by garden-sardars working under his control, which is submitted every month to the Deputy Commissioner, that the persons so forwarded are actually emigrants who, having completed their engagements in Assam, are desirous of returning to the places of their former employment.

Notification
No. 1249,
dated the
31st October
1916, as
amended by
Notfn.
No. 417-L,
dated the
18th Sep-
tember 1917.

1. In exercise of the powers conferred by section 91 of the Assam Labour and Emigration Act, 1901 (VI of 1901), as amended by Act XI of 1908 and Act VIII of 1915, the Chief Commissioner is pleased to make the following declaration as regards the application of sections 60 and 61 of the said Act to the case of all Local Agents duly licensed under section 64 of the said Act and of all duly accredited garden-sardars working under them:—

- (1) The countersignature of certificates by the Magistrates of the districts within which the garden-sardars are authorised to recruit, which is required under section 61 of the Act, may be dispensed with.
- (2) An application under section 60 (1) for the grant of a fresh certificate to a garden-sardar may be made by the Local Agent of an employer to the Superintendent of Emigration having jurisdiction where such Local Agent resides, and such Superintendent of Emigration may countersign fresh certificates on application from such Local Agent.
- (3) In the case of certificates renewed on the application of the Local Agent, as above provided for, the countersignature (required under section 61) of the Inspector or Magistrate having jurisdiction over the place where the employer granting the original certificate resides may be dispensed with.

2. The Chief Commissioner is further pleased to dispense with the requirements of sections 68 to 75 and sections 87 and 88 of the said Act in the case of such duly licensed Local Agents and of the duly accredited garden-sardars working under them, subject to the following conditions:—

- (1) No person engaged by a garden-sardar, in whose case the requirements of the above-mentioned sections have been dispensed

with, shall be required to enter into a labour contract under this Act.

- (2) (a) Every Local Agent shall keep up two registers in the forms annexed, the one containing the names and descriptions of all garden-sardars working under his control, and the other, the names and descriptions of all persons engaged by such garden-sardars, together with the names and descriptions of the dependants of all persons so engaged. These registers shall be open to inspection at any time by any Magistrate or Police officer above the rank of Sub-Inspector.
- (b) Where garden-sardars are sent to recruit outside the district where the Local Agent resides, the Local Agent shall furnish to the Magistrate of the District to which such garden-sardars are sent a nominal list of the garden sardars so sent.
- (c) A copy of the entries in the second register shall be sent daily to the District Magistrate.
- (3) The Local Agent shall, on being so required by a Magistrate or by a Police officer above the rank of Sub-Inspector, produce before such Magistrate or Police officer any person engaged by a garden-sardar or any dependant of any person so engaged who is in a place of accommodation provided under section 62.
- (4) The Local Agent shall report for the orders of the Magistrate any case in which objection is made to the emigration of any person by any one claiming to stand in the relation of husband, wife, parent or lawful guardian to the emigrant.
- (5) If so required by a general order in writing of the District Magistrate or the Senior Assistant Magistrate at district head-quarters, the Local Agent shall not, until the lapse of

- such time as may be fixed in the order, not exceeding seven clear days, remove or allow to be removed from the district any woman who is to proceed to a labour district unaccompanied by her husband or lawful guardian.
- (6) Every Local Agent shall satisfy himself as far as possible that the names and addresses given by such garden-sardars and by the persons engaged by them are correct, and that the wages and other conditions of service are fully explained to and understood by the persons so engaged.
 - (7) Every such garden-sardar shall be bound to give to the Local Agent to whom he is accredited a true account of every person engaged by such sardar, and to correct any misdescription of any such person given by that person which the sardar knows to be untrue or inaccurate.
 - (8) Every Local Agent shall provide to the satisfaction of the District Magistrate suitable accommodation for the persons engaged by garden-sardars under his control.
 - (9) Every Local Agent shall be responsible for preventing, to the best of his ability, all misconduct on the part of the garden sardars accredited to him and for bringing any illegal act committed by a garden-sardar to the notice of the District Magistrate.
 - (10) The license of any Local Agent who may be found not to have exercised due care in preventing misconduct on the part of the garden-sardars accredited to him, or to have failed to report any illegal act committed by any such garden-sardar, shall be liable to be cancelled by the District Magistrate of any district within which the Local Agent acts as such.

REGISTER TO BE KEPT BY LOCAL AGENTS [SEE CONDITION (2)].

REGISTER NO. I.

*Register of Garden-sardars working under the control of _____, Local Agent of _____,
at _____ during the month of _____ 19 .*

Serial No.	Name of garden-sardar.	Father's name.	Caste.	Age.	Height.		General appearance and characteristic marks for identification.	Residence.			Name and address of employer.		Local area of recruitment.	Remarks.
					Feet.	Inches.		District.	Tahsil.	Village.	Name.	Address.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

16

Certified that the entries in the above register have been ascertained by me to furnish true particulars of the garden-sardars mentioned in it.

The _____ 19 _____

Local Agent of _____

REGISTER No. II.

Form of Register of persons and their dependants engaged by garden-sardars working under the control of _____, Local Agent of _____, at _____, during the month of _____ 19 ____.

Serial No.	Date.	Name of persons engaged and their dependants.	Father's name.	Caste.	Age.	Sex.	Residence.			Relationship of any to others in batch.	Name of garden-sardar by whom recruited.	District of recruitment.	Name of the estate and the labour district to which to proceed.	Date of despatch.	By whom conducted to labour district.	Remarks.
							District.	Tahsil.	Village.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

I hereby certify that I have examined the above-named persons, who have one and all acknowledged in my presence their readiness to proceed to the labour districts, and I have further satisfied myself that none of them has been induced to proceed there by any coercion, undue influence, fraud, misrepresentation or mistake.

The _____ 19 ____ .

Local Agent of _____

To
The Magistrate of _____

NOTE.

Special attention is drawn to this Notification (No. 1249 of 31st October 1916) as it governs the whole system of labour recruitment in the Central Provinces, since recruitment by contractors has been entirely abolished by the repeal of Chapter III of the Act, and recruitment by sardars working directly under employers has been prohibited in the Central Provinces by Notification No. 417-J, dated the 18th September 1917 (page 85 of the Manual). All recruitment has thus been brought under the control of the local agent, and he is responsible for seeing that the provisions of Notification No. 1249, dated the 31st October 1916, are duly observed. His position is in reality that of an unofficial assistant to the District Magistrate in all matters affecting emigration, and it is his duty to assist the authorities in elucidating charges of wrongful recruitment.

2. It is the District Magistrate's duty to see that the local agent's responsibility is properly enforced, particularly conditions 9 and 10, which impose on him responsibility for the behaviour of his sardars and which render his license liable to cancellation for lack of proper control. On the other hand, the local agent should be treated with due consideration, and early intimation should be sent to him of all matters concerning his sardars, particularly notice of any prosecution of a garden-sardar working under him. Also all references received from the local agent regarding cases of doubtful recruitment should be dealt with promptly by Superintendents of Emigration and not treated as matters of ordinary routine.

3. It must be remembered that the Government's policy is to assist *bonâ-fide* sardari recruitment, and the legitimate operations of labour recruiting associations should be interfered with as little as possible. In particular, it should be noted that cases of wrongful recruitment usually fall not under section 342, Indian Penal Code, but under section 164 of the Assam Labour Emigration Act and are not cognizable by the police.

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**RULES UNDER THE ASSAM LABOUR
AND EMIGRATION ACT.**

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PART III.

* RULES FRAMED BY THE CHIEF
COMMISSIONER UNDER THE
ASSAM LABOUR AND
EMIGRATION ACT.

CHAPTER I.

GENERAL RULES.

1. Unless it otherwise appears from the context, Definition.
the word "emigrant" in these rules includes dependants
(if any).

2. The forms attached to these rules are prescribed Inclusion of
for the several purposes specified in the heading of each, forms in the
and shall be taken as part of the rules. rules.

3. Under section 74 the fee payable to a Medical Fee payable
Officer for each emigrant or intending emigrant examined under the
by him shall be eight annas. Act.

4. The same provision in every respect shall be Treatment,
made for dependants as for emigrants or intending emi- &c., of de-
grants themselves, and all rules regulating the treatment, pendants.
and transport of emigrants or intending emigrants shall
be applicable to their dependants also.

* NOTE 1.—These Rules have been prescribed by *Central Provinces Gazette*
Notification No. 417-M., dated the 18th September 1917.

NOTE 2.—For the special procedure governing recruitment by garden-sardars
duly accredited to a local agent see Notification No. 1249, dated the 31st October
1916 (page 88 of Manual).

CHAPTER II.

LOCAL AGENTS.

Application
for Local
Agent's
license.

5. Every employer of labour in charge of any estate in a labour district, or, on behalf of an employer, any association or firm duly authorised by general or special order of the Governor-General in Council for the purpose, desirous of obtaining, under section 64 (1) of the Act, a license for any person to be a local agent for the purpose of representing him in the recruiting districts and supervising the collection of emigrants by his garden-sardars shall apply for such license to the Assam Labour Board constituted under Government of India Notification No. 5109 of 1st May 1915. The Board will forward the application with its recommendation to the Superintendent of Emigration concerned, who will, if he thinks fit, grant the license in Form No. 1.

Prohibition
against
acting as
local agent
without a
license.

6. (1) No person shall act as a local agent unless he holds a license granted by a Superintendent under section 64 of this Act and for the time being in force.
(2) If any person acts as a local agent in contravention of Sub-rule (1), he shall be punishable with fine not exceeding Rs. 500.

Application
for authoriza-
tion to apply
for Local
Agents'
licenses.

NOTE 1.—All applications from associations or firms which desire to be authorised to apply for a local agent's license in the Central Provinces should state the name or names of the employer or employers on whose behalf the firm or association is acting and should be forwarded to the Government of India through the Local Government. In cases, however, where the association or firm wishes to obtain an authorisation to apply for local agents' licenses in more than one province, it may, as an alternative to applying separately through each Local Government concerned, make a single application through the Local Government to which it is best known or within whose jurisdiction its chief place of business is situated. Such application should specify the provinces in which it is desired to carry on recruiting operations, and the Government of India will, on its receipt, consult the Government of the remaining provinces prior to the issue of the authorization.

NOTE 2.—When an association has once been granted an authorization on behalf of certain employers in respect of certain provinces, applications from it for authorization to apply for local agents' licenses in those provinces on behalf of other employers, if received through the Local Government to which it is best known or within whose jurisdiction its chief place of business is situated, will, as a general rule, be disposed of by the Government of India without reference to the other Local Governments concerned.

NOTE 3.—On page 86 of this Manual will be found a list of Superintendents authorised to grant local agents' licenses.

NOTE 4.—The form prescribed by the Government of Assam under section 57 of the Act for a garden-sardar's certificate is Form No. 2. In column 11 of this form should be entered the name of the local agent, but his designation as follows—"The local agent of the Tea Districts Labour Supply Association at _____."

CHAPTER III.

EMIGRANTS RELEASED, REJECTED OR DYING.

7. In the event of any emigrant who is released, or rejected being in the opinion of the Superintendent or Magistrate unable to return to his native place or to the place of recruitment without an escort, the Superintendent or Magistrate shall arrange that a suitable escort is provided, and the cost of such escort shall be charged to the person who, under section 81 or section 86, is required to pay for the cost of the emigrant's return.

Provision of
escort.

8. On the death of any emigrant or intending emigrant, the local agent shall immediately make an inventory of the property of such deceased person in the prescribed form (No. 3), and shall forward such property, as early as practicable, with a copy of the inventory, to the office of the Superintendent or Magistrate for disposal. The claims made by relatives in a place of accommodation, if any, shall duly be communicated to the Superintendent, who shall, after making enquiry as to the heirs, dispose of the estate as circumstances may render necessary.

Disposal of
property of a
deceased emi-
grant or
intending
emigrant.

CHAPTER IV.

PREScribed ROUTES FOR EMIGRANTS AND THE TREATMENT OF EMIGRANTS ON A JOURNEY.

9. Every batch of emigrants prior to despatch to a labour district shall, as required by section 79 (1) of the Act, be provided with a way-bill. The way-bill, Form No. 4, shall be carefully and correctly filled in with all the necessary particulars regarding the emigrants forming the batch, and local agents shall be held responsible that this is done. On the arrival of the batch of emigrants at its destination, or place of disembarkation, as the case may be, the sardar or

Provision of
way-bill for
journey.

**Amendment to the Central Provinces Inland Emigration
Manual, 1917.**

No. 3, dated Nagpur, the 8th February 1919.

PART III.

PAGE 102.

In Rule 10 (a) for the words "*via Katni, Bilaspur and Asansol*" read "*via Katni or Gondia, Bilaspur and Asansol.*"

N. J. ROUGHTON,
*Under Secretary to the Chief Commissioner,
Central Provinces.*

person in charge shall make over the way-bill of the batch to the employer of such emigrants, who, after endorsing thereon his remarks, shall forward it to the District Magistrate or Sub-Divisional Magistrate for information and transmission to the Embarkation Agent or the Superintendent of Emigration concerned in the despatch of the emigrants.

10. The routes by which emigrants shall travel to Assam as prescribed by the Chief Commissioner are stated below :—

(a) For emigrants coming from the districts of the Nerbudda or Jubbulpore Division by rail, *via* Katni, Bilaspur and Asansol or *via* Katni, Allahabad and Asansol.

(b) For emigrants coming from the Nagpur and Chhattisgarh Divisions *via* Asansol.

The taking of emigrants by any other than the prescribed route is prohibited.

Deaths on
railway
journey to be
reported.

11. In the case of emigrants travelling by train, the person accompanying them shall report the occurrence of any death among the emigrants in his charge to the station-master or police officer of highest rank at the station at which the death has taken place, or, if the death has taken place between two stations, then to the station-master or police officer of highest rank at the first station at which the train by which the emigrants are travelling stops, after the death has taken place.

Penalty.

12. Whoever commits a breach of any of the rules in this Chapter shall be punishable with fine which may extend to Rs. 200.

CHAPTER V.

PROCEDURE TO BE FOLLOWED ON THE OCCURRENCE
OF CHOLERA.

13. In the event of cholera occurring in any place of accommodation or in any rest-house on the emigrant route, the person in charge shall take immediate steps to secure the removal to the cholera hospital of the emigrant attacked.

Removal of cholera cases to hospital.

14. When any emigrant has been so removed to hospital, the person in charge shall carefully disinfect the clothing and belongings of all other emigrants occupying the same shed, whether they belong to the infected batch or not, and shall in the meantime supply to each fresh clothing. He shall also remove each such emigrant from the shed to a segregation shed, when available, which shall be built apart from the place of accommodation or rest-house. If there is no segregation shed, or if the segregation shed is not large enough to hold all, the excess number may be accommodated in some vacant shed within the premises of the place of accommodation or rest-house.

Segregation of infected persons.

NOTE.—It is at the discretion of the Superintendent of Emigration or the Magistrate to exempt any place of accommodation or rest-house from the necessity of having a segregation shed. But a segregation shed should be provided at much frequented rest-houses, and should ordinarily contain sufficient accommodation for 25 per cent of the number for which a certificate is granted to the rest-house.

15. When any shed in which a case of cholera has occurred has been vacated in pursuance of the foregoing rule, the person in charge shall, under the advice and superintendence of the Medical or Emigration Officer, as the case may be, (a) have the wood-work, floor, and other parts of the shed thoroughly cleaned and disinfected; (b) freely admit light and air; or (c) have the floor dug up and the earth removed. If the floor is a cemented one, however, it will be sufficient to have it thoroughly washed with disinfectants.

Arrangements for disinfection.

Period of segregation.

16. Emigrants who are detained in a segregation shed under observation shall not leave the precincts of such shed until permitted by the Medical or Emigration Officer, as the case may be, to do so. The period of segregation shall be three days, and such period shall be calculated from the time of admission of the emigrants into the segregation shed, provided that no fresh case occurs during the said period, in which case the three days shall begin to count from the date of the last case that may occur during the segregation.

Fresh admission of emigrants stopped.

17. No fresh batch of emigrants shall be admitted by the person in charge into any shed in a place of accommodation or rest-house in which cholera has broken out :—

(a) until those attacked are removed to the cholera hospital, if such be practicable, and all the other emigrants occupying the shed, in which the case occurs, are segregated;

(b) nor until the shed in which cholera has broken out and into which it is desired to again admit the emigrants is thoroughly cleansed and disinfected to the satisfaction of the Medical or Emigration Officer concerned, whose permission to receive other emigrants into the place of accommodation or rest-house will not be given until this is done.

Notice of outbreak to be communicated

18. When cholera breaks out in a rest-house, the person in charge shall advise persons in charge of places of accommodation or other rest-houses along the route, not to despatch more emigrants until authorised to do so by the Medical or Emigration Officer.

Treatment charges.

19. The daily charge for the treatment of each emigrant in a cholera hospital shall be eight annas, and shall be paid by the local agent or the person in charge of the rest-house or place of accommodation, from which the emigrant was taken to hospital.

Part III.—Rules.

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20. The charge for the removal of each sick emigrant from any railway station, or from any rest-house or place of accommodation to the cholera hospital shall be one rupee, and shall be borne by the local agent or person in charge of the emigrant, or of the rest-house or place of accommodation. Charges for conveyance of patients.

21. The person in charge of the rest-house or place of accommodation shall make all necessary arrangements for the disposal, either by burning or burial, of the bodies of emigrants in his charge who die from cholera, either in his rest-house or place of accommodation or in the cholera hospital, and shall defray all expenses connected therewith. Disposal of cholera corpses.

22. Whoever commits a breach of any of the rules in this Chapter shall be punishable with fine which may extend to Rs. 500. Penalty.

FORM 2.

[See Note 4 to Rule 5.]

FORM PRESCRIBED BY THE ADMINISTRATION OF ASSAM OF A GARDEN-SARDAR'S CERTIFICATE (SECTION 57 OF ACT VI OF 1901).

Sardar's name.	Father's name.	Caste.	Age.	Height.		Full particulars as to general appearance and characteristic marks for purposes of identification.	Name of place and description of lands on which labour is to be performed.	Local area of recruitment.	Number of natives the sardar is authorised to engage.	Name of local agent, if any, to whom garden-sardar is to report himself for orders.	The time within which the sardar is to return to the garden of his employer.	Any special instructions that employer may desire to give to sardar for his guidance.	Whether emigrants are to be medically examined as to fitness for labour under section 73.	Signature of sardar in acceptance of certificate.	Remarks.
				Feet.	Inches.										
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

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B.—This certificate shall not be considered to be in force unless or until it has been accepted and signed by the garden-sardar and countersigned by the Inspector of Labourers or Magistrate of the district. This certificate may at any time be cancelled by any Magistrate, Superintendent, or Inspector within the local limits of whose jurisdiction the garden-sardar is employed, if the holder contravenes any of the provisions of the Assam Labour and Emigration Act, 1901, or is guilty of any other misconduct. This certificate will cease to be in force on the expiry of twelve months from the date of countersignature.

Dated at _____ 19 . }
The _____ }
 Countersigned (under section 61) by Magistrate of district in which sardar is authorized to recruit.
 Dated at _____ 19 . }
The _____ }

Employer.

District Magistrate.

FORM 3.

FORM OF INVENTORY OF DECEASED EMIGRANT'S PROPERTY.

[See Rule 8.]

Serial No.] *Inventory of property left by deceased emigrants.*

- | | | |
|----|--|-----|
| 1. | Name | ... |
| 2. | Father's name | ... |
| 3. | Age | ... |
| 4. | Sex | ... |
| 5. | Residence— | |
| | District | ... |
| | Tahsil | ... |
| | Mauza | ... |
| 6. | Date and place of recruitment... | |
| 7. | Particulars of property | ... |
| 8. | Date of delivery of property to
Superintendent of Emigration
or Magistrate | ... |

Certified that the above is a correct statement of the property left by deceased in my charge.

Signature of local agent, _____

DATED AT

The

19

}

FORM 4.

FORM OF WAY-BILL OF GARDEN-SARDAR'S EMIGRANTS.

[See Rule 9.]

Way-bill of Garden-sardar's emigrants proceeding to _____ from the district of _____.

Registration No.	Emigrants.			Dependants of emigrants.				Name of garden-sardar.	On what date and in what district registered.	Name of local agent, concerned.	By whom to be accompanied to garden.	Name of garden and district for which engaged.	Remarks.
	Name.	Age.	Sex.	Name.	Age.	Sex.	Registration number of emigrants on whom dependant, and statement of relationship.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Abstract.

	Emigrants.			Dependants of Emigrants.						Total number of emigrants and dependants.	Remarks.	
	Men.	Women.	Total.	Adults of 16 years and upwards.		Children of 2 years and under 16 years.		Infants under 2 years.				Total.
				Men.	Women.	Boys.	Girls.	Male.	Female.			
1	2	3	4	5	6	7	8	9	10	11	12	13
Originally registered ...												
Born on the journey ...												
Total number ...												
Left behind ...												
Died ...												
Deserted ...												
Detained ...												
Released ...												
Returned ...												
Total deduction ...												
Arrived at destination ...												

Part III.—Rules.

III

Name of station.	Date.	Remarks which Inspecting Officers may desire to record.
1	2	3

PART IV.

**RULES AND INSTRUCTIONS RELAT-
ING TO THE ASSAM LABOUR BOARD.**

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PART IV.

RULES AND INSTRUCTIONS RELATING TO ASSAM LABOUR BOARD,

CHAPTER I.

THE ASSAM LABOUR BOARD RULES.

The following rules are issued in exercise of the powers conferred by section 116-F of the Assam Labour and Emigration Act, 1901, as amended by Act VIII of 1915:—

G. of I.,
Commerce
and Industry
Déptt., Notn.
No. 295—132-
C, dated
Delhi, the
20th Novem-
ber 1915.

RULES.

Short title.

1. These rules may be called the Assam Labour Board Rules.

Definitions.

2. In these rules —

“The Board” means the Assam Labour Board.

“The Act” means the Assam Labour and Emigration Act, 1901.

3. (1) Save as otherwise provided in these rules, an elected member of the Board shall hold office for three years from the date of his election.

Term of
office of
members.

(2) A member elected to fill a casual vacancy, or a member appointed on failure of an electorate to elect, shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

4. When a vacancy occurs in the case of an elected member, or at any time within two months of the date when such a vacancy will occur in the ordinary course of events, the Chairman shall, by notice in writing, call upon the electorate concerned to elect, within such time as may be specified in such notice, a person to fill the vacancy.

Vacancies.

5. A member of the Board may resign his office by letter addressed to the Chairman of the Board.

Resignation.

6. (1) Before a member of the Board leaves India—

Absence from
India.

(a) he shall intimate to the Chairman the date of his departure and the date of his expected return, and

(b) if he intends to be absent for a longer period than six months, he shall tender his resignation.

(2) If any member leaves India without taking either of the courses prescribed by clause (1) of this rule, he shall be deemed to have resigned with effect from the date of his departure.

Time and place of meeting.

7. The Board shall meet at least twice a year (namely, in March and in September, or as near thereto as may be convenient) and shall hold its meetings in Calcutta or at such place as the Chairman may think fit.

Power to call a meeting.

8. The Chairman of the Board may at any time call a meeting of the Board, and shall do so if a requisition for that purpose is presented to him by five members of the Board.

Notice of meeting.

9. Twenty-one clear days at least before any meeting of the Board, notice of the time and place of the intended meeting, signed by the Chairman, shall be left at or posted to the usual place of abode of every member of the Board.

Presiding at meetings.

10. The Chairman of the Board shall preside at every meeting at which he is present, and in the absence of the Chairman the members present shall elect one of their number to preside over that meeting.

Quorum.

11. No business shall be transacted at a meeting of the Board unless there are present at least five members.

Election of members of the Executive Committee.

12. The members of the Executive Committee shall be elected as follows, namely:—

(a) The representatives of the Indian Tea Association, Calcutta, and the Indian Tea Association, London, by the eight members of the Board, elected by the Indian Tea Association, Calcutta, as representatives of that Association and of the Indian Tea Association, London.

(b) The representative of the Assam Branch, Indian Tea Association, by the four members of the Board, elected by the Assam Branch, Indian Tea Association.

- (c) The representative of the Surma Valley Branch, Indian Tea Association, by the three members of the Board, elected by the Surma Valley Branch, Indian Tea Association.

13. The Executive Committee shall meet at Calcutta or at such other place as the Chairman thinks fit and shall meet as often as he thinks fit, regard being had to the business to be disposed of.

Meetings of the Executive Committee.

14. No business shall be transacted at a meeting of the Executive Committee unless there are present at least three members.

Quorum of Executive Committee.

15. Subject to the provisions of the Act and these rules, the Executive Committee may, from time to time, make regulations with respect to the summoning, notice, management, and adjournment of their meetings.

Power of Executive Committee to make regulations as to their own procedure.

16. The Executive Committee shall have power to dispose finally of all matters referred to it by general or special order of the Board for final disposal, and of such questions as may be brought before it by the Chairman, provided that, in that case, if a majority of the members of the Executive Committee consider that a question should be referred to all the members of the Board, it shall be so referred.

Power of executive Committee to dispose of certain business.

17. The Chairman shall be the principal executive officer of the Board and, in addition to the powers and duties conferred upon him by these rules, shall:—

Powers and duties of the Chairman.

- (a) present all important papers and matters to the Board or the Executive Committee as early as practicable;
- (b) issue orders as to the method of carrying out the decisions of the Board or the Executive Committee;
- (c) sign, or authorise some other person to sign, cheques issued on behalf of the Board;
- (d) grant, or authorise some other person to grant, receipts on behalf of the Board for all moneys received under the Act;

- (e) maintain an account of the receipts and expenditure of the Board, and
- (f) draft an annual report on the working of the Board.

Disposal of
business.

18. All questions which the Board or the Executive Committee is required to take into consideration by the Act or these rules shall be referred to the members of the Board or the Executive Committee, either at meetings of the Board or the Executive Committee or by circulation of the papers :

Provided that when a question is referred by circulation of papers, any member of the Board or the Executive Committee, as the case may be, may require that the question be referred at a meeting.

List of
business.

19. (1) The Chairman shall cause to be prepared and circulated among the members, at least ten days before a meeting of the Board or three days before a meeting of the Executive Committee, a list of business to be disposed of at that meeting.

(2) No business not on the list shall be considered without the sanction of the Chairman.

Decision by
majority.

20. (1) Every question at a meeting of the Board or Executive Committee shall be decided by a majority of votes of the members present and voting on that question. Provided that at a meeting of the Board votes may be given either personally or by proxy.

(2) In the case of an equal division of votes the Chairman shall have a second or casting vote.

Disposal of
urgent and
unimportant
business.

21. (1) All business which is considered by the Chairman to be too urgent to be postponed till the next meeting of the Board, or not to be of such importance as to require consideration by the Board in the first instance shall, subject to the provisions of Rule 16, be disposed of by the Executive Committee.

(2) The proceedings of all meetings of the Executive Committee shall, after previous circulation, be laid before the Board at its next meeting.

22. (1) The Board shall, from time to time, fix the number, salaries and allowances of the establishment to be employed by it. Board's Estab-
lishment.

(2) Subject to the scale of establishment fixed under clause (1) the Chairman shall have power to appoint, dismiss, grant leave to, fine, suspend or reduce any person in the service of the Board :

Provided that no person shall be appointed to, or dismissed from, an office the salary of which is one hundred and fifty rupees or upwards without the sanction of the Board at a meeting.

23. The procedure regulating the rate at which the cess referred to in section 116-E of the Act shall be levied from the 1st July 1916 shall be as follows :— Procedure for
regulating the
rate of cess
payable under
section 116-E
of the Act.

At the meeting of the Board to be held, under the provisions of Rule 7, in March of each year (or as near thereto as may be convenient), the Chairman shall lay before the Board an estimate of the receipts and expenditure of the Board for the year beginning on the 1st July next following, together with proposals regarding the rate at which the cess shall be payable during the year. The estimates and the proposals as to the rate at which the cess shall be levied, after such revision, if any, as the Board may direct, shall be submitted to the Secretary to the Government of India, Department of Commerce and Industry, for sanction. The rate at which the cess shall be levied as sanctioned by the Government of India shall be notified in the *Gazette of India*.

24. (1) The cess shall be payable in the following manner :— Recovery of
cess.

(a) The cess payable on a garden-sardar shall be deposited by the employer in the Local Treasury in Assam prior to the countersignature of the certificate of such garden-sardar by the Inspector of Labourers or Magistrate under the provisions of section 59 of the Act, and when the cess has been realised, the said Inspector or Magistrate shall cause an endorsement to be made on the certificate to that effect. The total amount of the cess so deposited G. of I.,
Commerce
and Industry,
Notification
No. 6534-
Emi., dated
Simla, the
9th June
1917.

in each month shall be remitted by the Deputy Commissioner within the first week of the succeeding month by Remittance Transfer Receipt to the Chairman of the Board. When the cess at the prescribed rate has been deposited in the Treasury in respect of all the garden-sardars, whose certificates have been countersigned under section 59 of the Act during the month covered by the remittance, the Deputy Commissioner shall, when making the remittance, furnish the said Chairman with a certificate to that effect. When the cess has not been so deposited in respect of all or any of such garden-sardars, the Deputy Commissioner shall, within the first seven days of the succeeding month, furnish the said Chairman with a list of the garden-sardars in respect of whom the full cess has not been deposited. The names and addresses of the employers of the said sardars shall also be entered in the said list.

(b) The cess payable on every person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 of the Act shall be payable within the month following that in which such person has been despatched to the labour district from the recruiting district in which he is registered. Where an employer has appointed a local agent, the cess shall be remitted through such local agent to the Chairman of the Board, and where a local agent has not been so appointed, the employer shall remit the sum due as cess direct to the said Chairman.

(2) If default in payment of the cess be made, the Chairman of the Board may—

(a) in the case of a garden-sardar referred to in clause 1 (a) of this rule, on receipt of the list of garden-sardars in respect of whom cess has not been paid;

No. 1, dated Nagpur, the 2nd May 1918.

On page 123 of the Manual *insert* the following Rule after Rule 24 of the Assam Labour Board Rules :—

" *Rule 24-A.*—The cess referred to in Section 116-E of the Act may be applied to the following purposes, namely, to the payment of :—

Purposes to which the cess may be applied.

- (a) such portion of the salary and allowances of the Chairman as the Governor-General in Council may direct ;
- (b) allowances to members of the Board to meet their expenses in attending meetings of the Board, or on other journeys performed on the business of the Board ;
- (c) the salary and allowances of the supervisors and other establishment appointed by the Board, including any leave allowances, pensions and contributions towards a Provident Fund sanctioned by the Board, and including also such contributions towards the leave allowances and pensions of officers whose services have been lent by Government, as the Governor-General in Council may direct ;
- (d) contingent and other incidental expenses, including tour charges, connected with the maintenance of the Board's office and of the offices of officers appointed by them ;
- (e) rewards for the detection or prosecution of offences under the Act ;
- (f) Refunds of the cess realised in respect of—
 - (i) garden sardars and emigrants on whom it has been erroneously realised ;
 - (ii) emigrants whose services as labourers have, in the opinion of the Board, for any reason not become available or fully available to employers ;
- (g) interest which may fall due on any loan contracted by the Board or on any overdraft of the Board's account with the Bank of Bengal sanctioned by the Board ;
- (h) such other charges as the Board may, with the general or special sanction of the Government of India, direct."

(b) in the case of a person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 of the Act, on the expiry of the month following that in which such person was despatched to the labour district from the recruiting district in which he had been registered;

send a demand by registered letter to the defaulting employer for the amount due, and if, within a period of a month after the postal receipt for the registered letter has reached the Chairman, payment is still in arrears, the Chairman may proceed to recover the amount due by making application under section 215 of the Act to the Magistrate of the district in which the defaulter resides.

(3) In each recruiting district the Superintendent of Emigration shall furnish the Chairman of the Board with a monthly statement showing, in respect of each employer who has not appointed a local agent, the total number of persons recruited or engaged as labourers or assisted to emigrate by such employer during the month to which the return relates, and the number of persons as aforesaid despatched to each estate in the labour districts by each such local agent or employer.

(4) It shall be the duty of the Supervisors appointed by the Board, in the course of their inspections of the local agencies within their respective charges, to check the payment of the cess leviable by local agents in respect of the persons recruited or engaged as labourers or assisted to emigrate by garden-sardars working under the supervision of such local agents, and to report the result of such check to the chairman.

25. All moneys received on behalf of the Board shall be deposited in the Bank of Bengal to the credit of the Board, provided that the Board may, from time to time, authorise the retention in the charge of the Chairman of such sums as it thinks fit as petty cash to meet contingent expenditure.

Deposit of moneys received on behalf of the Board.

26. The account of the receipt and expenditure of the Board shall be audited annually in the month of August by an officer to be deputed by the Accountant-General, Bengal.

Audit of accounts.

Accounts and report to be considered at meeting.

27. At the first meeting held after the audit has been completed, the business shall include the consideration and adoption of the annual report and the accounts for the year ending on 30th June preceding.

Submission of report and accounts.

28. The Chairman shall submit the annual report, together with the audited statement of receipts and expenditure, to the Governor-General in Council not later than October in each year.

Publication of report and abstract statement of expenditure.

29. The report and an abstract statement of the receipts and expenditure shall be published in the *Gazette of India*.

Power of Board and Supervisors to inspect places of accommodation and registers or records

30. Any member of the Board and any Supervisor appointed under section 116-C shall have authority to enter into and inspect any place of accommodation established under the provisions of section 52 of the Act, and to call for and inspect any register or other record maintained by a local agent under the provisions of the Act, or of any rule prescribed thereunder.

CHAPTER II.

SUPERVISORS.

Duties of Supervisors.

1. The following instructions have been issued by the Assam Labour Board, prescribing the duties of supervisors:—

- (1) To report on the fitness of candidates for the post of local agent, when required to do so by the Chairman.
- (2) To inspect and report on the work of local agents.
- (3) To report to the Chairman any abuses in recruitment which come to their notice; also any illegal or improper action in regard to sardars or emigrants by Government or

Railway servants, transport agents, etc., and generally to assist sardars and emigrants as far as possible.

- (4) To submit recommendations regarding any improvements which may, in their opinion, be made in the system of recruitment, transport, arrangements, etc.
- (5) To submit to the Chairman on every Monday a diary showing the work done on each of the previous seven days. Matters of importance should be reported at once by letter.
- (6) Supervisors should acquire a thorough knowledge of all illegal recruiters and arkatties in their charges, and should also pay special attention to the operations of sardars working independently of a local agent.
- (7) Supervisors should call upon all District and Sub-Divisional Magistrates, Superintendents of Emigration and Superintendents of Police in their charges. They should not correspond direct with the officers of Government, but in cases of abuses in recruitment or other malpractices, where urgent action is necessary, they may bring the matter to the notice of a Magistrate or Police officer. This should be done by verbal communication as far as is possible, and a report of the facts made to the Chairman.
- (8) On or before the 25th of each month, each Supervisor will submit to the Chairman a programme of the tour which he proposes to make during the ensuing month, showing the purpose of the tour.
- (9) Supervisors should endeavour to spend about 240 days on tour in each year. Tours should be well arranged, and unnecessary journeys must be avoided. Long journeys

**Amendment to the Central Provinces Inland
Emigration Manual.**

No. 2, dated Nagpur, the 11th May 1918.

On page 126 of the Manual *insert* the following as a footnote to paragraph 2 :—

"NOTE.—As a temporary measure one Supervisor, with head-quarters at Calcutta, has been placed in charge of all three Circles."

N. J. ROUGHTON,
*Under Secretary to the Chief Commissioner,
Central Provinces.*

by train should be the exception, and should only be undertaken for a specific purpose. As a rule the journeys should be short, and frequent halts should be made, specially at centres where emigrants entrain or change trains, and wherever arkatties are active.

(10) Supervisors' tours will, as a rule, for the first at any rate, be confined to the main arteries of communication; but they are not precluded from touring in the interior of a district for a specific and adequate purpose.

(11) Supervisors will note in their diaries any circumstance likely to affect recruiting, such as the condition of the crops, local scarcity, competition of other industries, etc., and should briefly note on the prospects of recruiting. They should also bring to notice any new areas in which recruitment is likely to be successful.

2. The following charges have been allotted by the Board to each of the three Supervisors:—

First charge.—The Central Provinces; Madras; the districts of Sambalpur, Balasore, Puri and Cuttack in the Province of Bihar and Orissa.

Head-quarters ... Bilaspur.

Second charge.—The United Provinces; the districts of the Santhal Parganas, Singbhum, Manbhum, Ranchi, Purnea, Bhagalpur, Hazaribagh, Monghyr, Darbhanga, Muzaffarpur, Champaran, Saran, Patna-Shahabad, Gaya and Palamau in the Province of Bihar and Orissa.

Head-quarters ... Buxar.

Third charge.—The Province of Bengal; the transit routes from Asansol and Kharagpur to Assam, and throughout the latter Province, the Supervisor to be permitted, for a specific purpose, to travel over transit routes other than those specified above.

Head-quarters ... Barrackpore.

CHAPTER III.

INSTRUCTIONS RELATING TO THE ASSAM
LABOUR BOARD.

1. The Government of India attach great importance to the successful working of the Board constituted by section 5 of Act VIII of 1915, and they are confident that Local Governments and Administrations and District Officers will render every assistance possible to the Board in order to secure this object. In particular, the following instructions should be observed :—

- (a) The Board should be consulted when appointments are made under section 4 of Act VI of 1901 of persons who do not hold any appointment involving other Government work of a more general and responsible character, *e. g.*, embarkation agents and the like.
- (b) Notice of the cancellation of a garden-sardar's certificate under section 63 of Act VI of 1901 should be given to the Board by the Superintendent of Emigration concerned.
- (c) District Magistrates should consult the Board before cancelling a "local agent's" license under section 67 (i).
- (d) The Board should be furnished regularly with copies of rules, notifications and instructions relating to emigration to Assam issued by Local Governments. Intimation of any changes in procedure in regard to such emigration made by District Officers should also be communicated by them to the Board.

2. Petitions regarding illegal recruitment can suitably be referred to the Board where no case has been formally instituted in the Magistrate's Court, but complaints regarding the treatment of emigrants in Assam should be referred to the Magistrate of the district in Assam in which the emigrant is working.

PART V.
INSTRUCTIONS AND REGULATIONS
RELATING TO RECRUITMENT
IN THE FEUDATORY
STATES.

PART V.
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(PART V.)

INSTRUCTIONS AND REGULATIONS
RELATING TO RECRUITMENT IN
THE FEUDATORY STATES.

CHAPTER I.

GENERAL PRINCIPLES.

1. In accordance with the Government of India's policy of complete non-intervention, the practice followed in the Central Provinces is not to interfere in any way with *bond fide* recruitment in Native States. The Feudatory States adjoining the principal recruiting districts of the Central Provinces mostly regard emigration with disfavour: the majority have prohibited recruitment in any shape, and only seven have permitted it in a modified and much restricted form. It is for them to take such internal action as may be necessary to put down any practice which they may consider objectionable.

2. Under the explanation to section 2 (e) of the Assam Labour and Emigration Act the emigration of persons recruited within Native States comes to be governed by the provisions of Chapter IV as soon as they leave the Native State and enter a British recruiting district. That is to say, no other form of recruitment than that by garden-sardars duly accredited to a recognized local agent is recognized. Anyone found assisting persons, wherever and however recruited, to emigrate from British India otherwise than in accordance with this procedure, will be deemed to have committed an offence under the Act, and dealt with accordingly.

**Amendment to the Central Provinces Inland Emigration
Manual.**

No. 4, dated Nagpur, the 21st April 1923.

PART V.

PAGE 134.

After Chapter II, insert the following:—

“ CHAPTER II-A.

*Regulations regarding emigration to the tea gardens adopted
in the Feudatory State of Bastar.*

All persons are hereby absolutely prohibited from recruiting, engaging, inducing or assisting any native of the Bastar State or any other person for the time being residing in the State to emigrate to any tea gardens.

This prohibition shall take effect at once.

2. Whoever knowingly recruits, engages, induces, or assists or attempts to recruit, engage, induce or assist any native of the Bastar State or any other person for the time being residing in the State to emigrate in contravention of this prohibition, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.”

C. L. VERMA,

Under Secretary to Government,

Central Provinces.

CHAPTER II.

REGULATIONS REGARDING EMIGRATION TO ASSAM
ADOPTED IN THE FEUDATORY STATES OF
SIRGUJA, JASHPUR, UDAIPUR AND KOREA.

All persons are hereby absolutely prohibited from recruiting, engaging, inducing, or assisting any native of _____ State or any other person for the time being residing in the State to emigrate to any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam.

This prohibition shall take effect _____ at once
on and from the day of _____

2. Whoever knowingly recruits, engages, induces, assists or attempts to recruit, engage, induce or assist any native of the _____ State or any other person for the time being residing in the State to emigrate in contravention of this prohibition, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER III.

REGULATIONS REGARDING EMIGRATION TO ASSAM
ADOPTED IN THE FEUDATORY STATES OF
NANDGAON, KHAIRAGARH, CHHUI-
KHADAN, SARANGARH, KAWARDHA,
SAKTI AND RAIGARH.

A.—GENERAL RULES.

1. All persons are hereby prohibited from recruiting, engaging, inducing or assisting a native of the _____ State or any other person for the time being residing in the State to emigrate to any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam, otherwise than in accordance with these rules, and unless and until they are provided with a license signed by the Head of the State.

This prohibition shall take effect _____ at once
on and from the day of _____

The rules as to licensing are given in Part B below.

2. Whoever knowingly recruits, engages, induces, or assists or attempts to recruit, engage, induce or assist any native of the _____ State or any other person for the time being residing in the State to emigrate in contravention of these rules, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

3. Any person who desires to engage a native of the _____ State as a labourer for employment in a labour-district shall produce him, together with any persons about to proceed to the labour-district as his dependants, for registration before such Magistrate as may from time to time be appointed by the authority of the State, and he shall not remove or attempt to remove the labourer, or any of his dependants, from the limits of the State before they have been registered by such Magistrate.

4. (a) The Magistrate shall thereupon inspect the license of the person who produces the labourer, and if he finds that he is duly licensed, shall examine the person produced before him with reference to the terms of his proposed engagement.

(b) Where it appears that the person produced before the Magistrate is competent to enter into the engagement and understands the terms of the same as regards the locality, the period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to emigrate by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to go, the Magistrate shall register, in a book to be kept for the purpose, the particulars referred to in the next succeeding rule regarding him and the persons, if any, whom he wishes to have registered as his dependants, and the labourer and his dependants (if any) shall thereupon be deemed to have been registered under these rules.

5. The particulars regarding the labourer and the persons (if any) whom he wishes to have registered as his dependants shall be those set forth in the form annexed, or such other particulars as may from time to time be prescribed by the authority of the State.

6. The Magistrate shall furnish to every labourer registered as above a certified copy of the particulars referred to in Rule 5.

7. For every person produced before the Magistrate for the purpose of being registered as above, the person who produces him shall pay a fee of one rupee or such fee not exceeding one rupee as the authority of the State may prescribe.

B.—RULES AS TO LICENSING.

1. The $\left\{ \begin{array}{c} \text{Feudatory Chief} \\ \text{Diwan} \\ \text{Superintendent} \end{array} \right\}$ may grant to duly authorized garden-sardars licenses which shall be valid for the whole or any specified area of the State.

2. Every license shall be in the form annexed and subject to the payment of a fee of Rs. 5, or such fee not exceeding Rs. 5, as may by rule be prescribed.

3. No license shall be granted for a longer period than one year from the date thereof, and if the licensee fails to comply with any of these rules or is guilty of any other misconduct his license may be cancelled.

4. A person licensed as above shall provide sufficient and proper accommodation in a suitable place for such labourers or persons intending to become labourers as may be collected by him pending their removal from the State.

5. Every place in which accommodation is provided under the preceding rule shall be under the supervision of the Magistrate or Magistrates within the local limits of whose jurisdiction the place is situated, and also of all officers of police above the rank of Head

Constable if authorized by the $\left\{ \begin{array}{c} \text{Feudatory Chief} \\ \text{Diwan} \\ \text{Superintendent} \end{array} \right\}$.

6. Where a Magistrate finds reason to think that the licensee is by character or from any other cause unfitted to engage labourers, or that the accommodation provided by him is or has become insufficient or has ceased to be available, or that the place in which it is provided is or has become unsuitable, he may require the licensee to produce his license and send it for cancellation

to the $\left\{ \begin{array}{c} \text{Feudatory Chief} \\ \text{Diwan} \\ \text{Superintendent} \end{array} \right\}$.

Form of Registration of Emigrants.

Date of registration.	Registration number.	Names of emigrants and dependants.	Father's name.	Caste.	Age.	Sex.	Residence.			Whether labourer or dependant.	Relationship, if any, to others in the batch.	By whom engaged or recruited.	Where registered.	Service.			Minimum rate of wages.	Maximum price at which rice is to be supplied.	Remarks.
							State.	Tahsil or pargana.	Mauza.					Place of.	Period of.	Nature of.			

I hereby certify that I have carefully examined the abovenamed labourers who have one and all acknowledged in my presence their willingness to emigrate on the above terms which have been fully explained to them; and that I have moreover satisfied myself that no labourer has been induced to appear for registration by any coercion, undue influence, fraud, misrepresentation or mistake.

N. B.—A certified copy of the above particulars, embracing dependants, if any, is to be furnished to each labourer.

Registering Magistrate,

State.

Amendments to the Central Provinces Inland Emigration Manual.

No. 6, dated Nagpur, the 5th July 1928.

PART V.

PAGE 134.

1. From the heading of Chapter II *omit* "Jashpur" and *add* "Changbhakar".
2. After Chapter III *add* the following chapter:—

PAGE 138.

CHAPTER IV.

Rules for the regulation of emigration to Assam adopted in the Feudatory State of Jashpur.

1. (a) All terms and expressions used in these rules shall unless otherwise explained have the same meaning as in the Assam Labour and Emigration Act, 1901.

(b) The expression "State Authority" means the Superintendent of the State when it is under the direct management of Government and when managed by its Chief, the Ruling Chief or any responsible officer of the State appointed by the Ruling Chief with the sanction of the Political Agent for the purpose of these rules.

2. (a) All persons are hereby prohibited from recruiting, engaging, inducing or assisting any native of the State or any other person for the time being residing in the State to emigrate to any labour district otherwise than in accordance with these rules and unless and until they are provided with a certificate duly countersigned by an Inspector of Labourers or Magistrate, and sections 56 to 60 inclusive of the Assam Labour and Emigration Act, 1901, shall so far as may be possible, apply to the granting and counter signature of such certificates.

(b) Whichever within the State knowingly recruits, engages, induces or assists or attempts to recruit, engage, induce or assist any native of the State or any other person for the time being residing in the State to emigrate in contravention of these rules shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

3. (a) No person shall be allowed to recruit emigrants unless he works under the control of a Local Agent approved by the State.

(b) No Local Agent will be approved by the State Authority unless he already holds a licence as a Local Agent in British India and the approval of the State Authority will be withdrawn when the Local Agent ceases to hold a licence in British India.

(c) The State Authority will entertain no application from any one for approval as a Local Agent unless the application is received through the Assam Labour Board and the Political Agent. Such

application must contain full particulars of the Local Agent whose approval by the State is sought.

4. A register shall be maintained by the Local Agent for the State in the form appended to these rules and at the end of each month a copy of all entries in the register relating to that month shall be forwarded by him to the State.

5. For every adult emigrant registered by a Local Agent a fee of rupees five shall be paid by the Local Agent to the State.

6. The Inspector of Labourers or Magistrate in Assam countersigning the garden sardar's certificate under rule 2 of these rules will send a copy of the certificate to the State through the Political Agent. No certificate shall be valid unless the name of the State in which the sardar will recruit is specified on the certificate.

7. A fee of rupees fifteen shall be paid to the State for every certificate countersigned under rule 2 above.

8. No certificate under rule 2 shall be granted for a longer period than one year from the date thereof and if the certificate holder fails to comply with any of these rules or is guilty of any other misconduct or is found by the State Authority to be for any other reason unfit to recruit emigrants, his certificate may be cancelled by the State Authority. Whenever a certificate is cancelled the authority cancelling it will inform the Inspector or Magistrate who countersigned the certificate and the Local Agent under whom the holder of the certificate was working. The information will be sent through the Political Agent.

9. A sum of Rs. 10,000 (rupees ten thousand only) shall be paid in advance into the State Treasury and against this amount shall be credited all capitation and bonus fees payable in respect of sardars and recruits until the total advance is worked off. Any balance of the advances which may not have been worked off at the termination of the agreement shall be refunded to the association.

Accounts shall be submitted monthly to the Superintendent of the State and payment will be made within the first week of the month following that for which payment is due.

10. In any case when the State has permitted recruitment within its territory in accordance with these rules, this permission may be withdrawn by the State Authority on giving six months' notice of the date on which recruitment will no longer be allowed. The notice will be given through the Political Agent, who will inform the Assam Labour Board. The six months will begin from the date on which the notice is received by the Assam Labour Board. After receipt of such notice no certificate under rule 2 shall be granted in respect of emigration from the State.

11. Every Local Agent under whom garden sardars working in the State and the chaprasis and other servants of such Local Agent shall be allowed to enter the State at all times for the purpose of inspecting and supervising the work of such garden sardars.

Form of register of garden sardars working under the control of _____ Local Agent of Tea
 Districts Labour Association at _____ during the month of _____ 192 .
 (Referred to in rule 4 of chapter IV.)

Serial No.	Name of garden sardar.	Father's name.	Caste.	Age.	Height.		General appearance and characteristic marks for identification.	Residence.			Name and address of employer.		Local area of recruitment.	Remarks.
					Fect.	Inches.		Zilla district.	Police-station parganna, tahsil.	Mauza and thana, village.	Name.	Address.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Certified that the entries in the above register have been ascertained by me to furnish true particulars of the garden sardars nominated in it.

The _____ 192 .

(No. 6, dated the 5th July 1928.)

Local Agent of the Tea Districts
 Labour Association.

K. R. JOSHI,

Under Secretary to Government,
 Central Provinces.

FORM OF LICENSE.

Register No. _____ of _____ 19____

as described in the annexed roll, is hereby licensed for the purpose of engaging labourers within the _____ of _____ to proceed to the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam in order to labour therein for hire.

This license will be in force for one year only from this date, and may be cancelled at any time by the authority who granted it if the license-holder fails to comply with any of the rules for the regulation of emigration in the _____ State, or is guilty of any other misconduct.

Dated at _____ } { *Feudatory Chief*
 Diwan
 Superintendent }

Descriptive Roll of License-holder.

Name of license holder.	Father's name.	Caste.	Age.	Height.		Residence.			Full particulars as to bodily marks and general appearance for purposes of identification.	Remarks.
				Feet.	Inches.	State.	Tahsil or pargana.	Mauza.		

Certified that the above roll has been ascertained by me to furnish true particulars of the license-holder.

Dated at _____ } { *Feudatory Chief*
 Diwan
 Superintendent }

APPENDIX.

Annual report on the working of the Assam Labour and Emigration Act.

The reports of the districts in the Jubbulpore, Nagpur and Nerbudda Divisions, with the exception of the Nimar District Report, should be forwarded by District Magistrates to the Superintendents of Emigration at Jubbulpore, Balaghat and Hoshangabad, respectively, by the 1st August. Superintendents of Emigration will forward consolidated reports to the Commissioner of the Division concerned by the 15th August. The reports of the remaining districts in the Province will be forwarded by District Magistrates, on the 15th August direct to Commissioners, who will submit them, with their remarks, to the Secretariat not later than the 1st September.

2. The report should contain information under the following heads:—

- I.—Emigration under Chapter IV (Sardars and Local Agents)—*vide* Statement I.
- II.—Accommodation of emigrants and health of emigrants.
- III.—Irregularities in recruiting operations and offences, prosecutions and convictions.
- IV.—Receipts from fees and expenditure.
- V.—General remarks on the working of the Act and Rules.
- VI.—Remarks on voluntary emigration and emigration to the Colonies, if any.

STATEMENT I.

Number of persons recruited in _____ District:

Total persons recruited under Chapter IV.			Dependants.	Grand Total (columns 4 and 5).	Remarks.
Males.	Females.	Total.			
1.	2.	3.	4.	5.	6.