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STRAITS SETTLEMENTS.

LABOUR ORDINANCE, 1923.

(ORDINANCE No. 14 OF 1923.)



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1923.



STRAITS SETTLEMENTS.

No. 14 of 1923.

I assent,



F. M. BADDELEY,
Governor's Deputy.

27th August, 1923.

AN Ordinance to repeal and re-enact with amendments
the Labour Ordinance, 1920.

[]

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

PART I.

PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Labour Ordinance, 1923, and shall come into operation at such date as may be appointed by the Governor in Council by notification in the *Gazette*. Short title.
and commencement.

2. The provisions of Part X of this Ordinance shall, as nearly as may be, apply to natives of Netherlands India and the places where they are employed, but with this exception none of the provisions of this Ordinance which may be inconsistent with the provisions of the Netherlands Indian Labourers' Protection Ordinance, 1908, shall apply to any native of Netherlands India, who has entered into a contract of service under the provisions of that Ordinance, or to the employers with whom such contract of service has been entered into. Saving of
Netherlands
Indian
Labourers'
Protection
Ordinance.

Interpretation.

3. In this Ordinance unless there is something repugnant in the subject or context—

“Agreement” means a verbal engagement to labour entered into in accordance with the provisions of this Ordinance: Interpreta-
tion.

“Contract” means a written engagement to labour;

“Contract labourer” means a person who is legally bound to labour by virtue of a contract;

“Domestic servant” means any house, stable or garden servant employed in or in connection with the domestic services of any public or private dwelling-house or eating-house and includes a motor-car driver, but does not include Indians being immigrants as defined in section 72 employed on such services on estates as defined in section 132;

“Employer” includes every person and every body of persons corporate or unincorporate who or which enters into an agreement or contract with any labourer as hereinafter defined and the duly authorized agent or manager of such person or body of persons;

“Health Officer” means the principal Civil Medical Officer and includes any officer to whom the Principal Civil Medical Officer, with the approval of the Colonial Secretary delegates the exercise of the powers conferred on the Health Officer by this Ordinance;

“Immigrant Ship” means a ship carrying immigrants;

“Labourer” includes every Asiatic artificer, servant in husbandry, and every other Asiatic employed for the purpose of personally performing any manual labour or of recruiting or supervising Asiatics for, or in the performance of, such labour, but does not include domestic servants, as hereinbefore defined;

“Lines” means any building or collection of buildings used or intended to be used either temporarily or permanently for the housing of labourers employed on an estate;

“Local Authority” means in Singapore the Colonial Secretary, in Penang and Malacca the Resident Councillor, and in Labuan the Resident;

“Master” means the person for the time being in charge of a ship;

“Place of employment” means any place where work is carried on by or on behalf of an employer;

“Port Officer” means the Master Attendant or Harbour Master;

“Protector” means the Protector of Chinese and includes such other officers as the Governor may declare by notification in the *Gazette* to be vested with the powers conferred upon the Protector by this Ordinance;

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

Officers.

4.—(1) The Governor may appoint an Officer to be styled the Controller of Labour, hereinafter referred to as "the Controller," and also one or more officers to be styled "Deputy Controller of Labour" or "Assistant Controller of Labour", or "Extra Assistant Controller of Labour", who, subject to such limitations as the Governor may by rule prescribe, may perform all duties imposed and exercise all powers conferred on the Controller by this Ordinance, and every duty so performed and power exercised shall be deemed to have been duly performed and exercised for the purposes of this Ordinance.

Appointment
of Officers.

(2) The Governor may also appoint such other Officers with such powers and such place of residence either in the Colony or abroad as may be necessary for carrying into effect the provisions of this Ordinance, and may incur such expense as may be necessary for the purpose.

(3) If any employer is dissatisfied with any decision or order of a Deputy Controller of Labour, an Assistant Controller of Labour or an Extra Assistant Controller of Labour he may appeal from such decision or order to the Controller of Labour within 14 days of the date of such decision or order being communicated to him.

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

Rules and
orders.

6. The Controller shall make such reports to the Governor relative to the conduct of the duties of his office in such form and with such particulars as the Colonial Secretary may from time to time direct and shall forward a copy of such reports to the Local Authority of the Settlement to which such report relates.

Reports by
Controller.

Existing Ordinances and Agreements, etc.

7. Nothing in this Ordinance shall operate to relieve any employer of any duty or liability imposed upon him by the provisions of any other Ordinance for the time being in force or to limit any powers given to any Government officer by any such Ordinance.

Existing
Ordinances
not affected.

8. All agreements and contracts valid and in force at the date of the coming into force of this Ordinance shall continue to be in force after such date, and, subject to the express provisions in any such agreement or contract contained, the parties thereto shall be subject to and entitled to the benefit of the provisions of this Ordinance.

Extent of re-
spective
action of
Ordinance.

PART II.

LABOUR AGREEMENTS.

*Agreements.*Term of
agreement.

9.—(1) An agreement may be entered into for any period not exceeding one month or for any number of days' work not exceeding thirty or for the performance of any specified piece of work.

(2) All agreements shall, subject to any stipulation to the contrary, terminate on the last day of the term agreed upon or upon the completion of the specified number of days' work or piece of work, as the case may be; provided that each party to an agreement for a period not exceeding one month shall on the termination of such agreement in the manner aforesaid be conclusively presumed to have entered into a fresh agreement upon the same terms and conditions as those of the agreement so terminated, unless notice shall have been previously given by either party to such agreement in accordance with the provisions of section 10.

(3) In the absence of proof to the contrary all agreements shall be presumed to be for a period of one month.

Termination
of agreement
by notice.

10.—(1) Either party to an agreement for a period of time may terminate such agreement on the expiration of due notice given by him to the other party of his intention so to do; the length of the notice to be given shall, unless otherwise stipulated by the terms of the agreement, be equal to the period of the agreement to be terminated; provided that in no case shall it be necessary to give notice exceeding in length one month or in the case of domestic servants fourteen days.

(2) Such notice may be either verbal or written, and may be given at any time, and the day on which notice is given shall be included in the period of the notice.

(3) When notice has been given there shall be paid to the labourer on the date of the expiration of the notice all wages then due to him.

Wages when
payable.

11. Wages earned by a labourer under an agreement shall become payable upon the termination of such agreement; provided that when the parties to an agreement enter into a fresh agreement as provided by section 9 the wages due under the prior agreement shall be paid not later than seven days after the expiration of such prior agreement.

Termination
of agreement
without
notice.

12. Either party to an agreement may terminate the same without notice upon payment to the other party of a sum equal to the amount of wages which would have accrued to the labourer during the term of such notice.

13. When an agreement is terminated by the employer without notice to the labourer on the ground of misconduct, such labourer shall, subject to any order which may be made by a Police Court or the Controller under section 45 on complaint of either party, be entitled to receive wages only up to the day on which the agreement was terminated.

Wages payable upon the termination of an agreement without notice.

14. In the event of any dispute arising between the parties to an agreement concerning wages due thereunder, or concerning the termination of the same, either party may make a complaint to a Police Court, and such Court may, in addition to any other adjudication, order either party to pay to the other party a sum not exceeding the amount of thirty days' wages.

Disputes regarding wages.

Any such sum so ordered may be deducted from the wages of a labourer, or otherwise such order shall be enforced by the District Court in the same manner as a judgment of that Court.

General.

15.—(1) No engagement to labour for a period exceeding one month or for more than thirty days' work and no contract to labour shall be entered into; any such engagement or contract entered into in contravention of this section shall be void and of no effect.

Contracts and certain agreements void.

(2) Nothing in sub-section (1) shall affect the validity of any contract to labour entered into before the commencement of this Ordinance under the Ordinance hereby repealed, and sections 15 to 36 inclusive, 217 to 231 inclusive, and section 248 (1) of the Ordinance hereby repealed shall still apply to such contracts as if those sections had not been repealed.

Saving of certain contracts.

16. Except where otherwise expressly provided no male or female person under the age of eighteen years shall be deemed to be competent to enter into an agreement under this Ordinance.

Contractual age.

17.—(1) Notwithstanding anything in this or in any other Ordinance to the contrary, no Indian child under the age of ten, being an immigrant as defined under section 72, shall be employed as a labourer on any place of employment.

Indian child labour.

(2) Any employer wilfully disregarding the provisions of sub-section (1) shall be deemed to have committed an offence under this Ordinance.

18. No labourer shall be bound, in or by virtue of any agreement or contract under this Ordinance, to answer for the debt, default, or miscarriage of any other person, so as to give any remedy under this Ordinance for a breach of such agreement or contract as to such debt, default or miscarriage.

Labourer not answerable for debt, etc., of another.

Liability of
labourer for
advances.

19. No labourer, other than a Chinese immigrant, shall be held to be liable for the amount of any advances made to him or on his behalf, or of any moneys expended on his behalf, prior to his arrival in the Colony, in consideration of his engagement to labour within the Colony.

Days and
hours of
labour.

20. Subject to any provisions to the contrary contained in his contract, if any,—

(a) No labourer shall be bound to work on more than six days in one week or more than six consecutive hours or, subject as hereinafter mentioned, more than nine hours a day of actual labour.

(b) If any labourer works for and at the request of his employer more than nine hours in any one day, he shall be paid for such extra work at the rate of not less than one-ninth part of his ordinary daily wages for each half hour of overtime work.

(c) Any labourer who is employed exclusively in factory work may be lawfully required by the employer, in case of need, to work for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, and shall be entitled to receive for such extra work pay at the rate of not less than one-ninth part of his ordinary daily wages for each half hour of overtime work.

Overtime for
purpose of
food cultiva-
tion.

(d) In case of emergency any labourer may be lawfully required by the employer, subject to the approval in writing of the Controller, to work at the cultivation of foodstuffs suitable for the subsistence of labourers for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, or over and above his task for the day assigned under section 21, and shall be entitled to receive for such extra work pay at the rate of not less than one-eighteenth part of his ordinary daily wages for each half hour of overtime work.

Task work.

21.—(1) The employer may assign tasks to be performed by labourers as equivalent to work for a day of nine hours. Such assignment of task shall be subject to revision by the Controller who may fix the number of days' work to be credited to the labourers who have performed such tasks.

(2) A schedule of such tasks as revised by the Controller shall be written in English and some other language understood by such labourers and signed by the Controller, and copies thereof shall be kept fixed up in conspicuous places in or about the place of employment and in the lines so that the same may be made known to such labourers.

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

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

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

22.—(1) A working board shall be affixed in some conspicuous position on each place of employment or on the lines thereof, and on such working board shall be entered by the employer, at intervals not exceeding two days, the amount of tasks done or length of time worked on each day by each labourer, the rate of wages per working day, and the amount of all work done overtime.

Working board to be exhibited on estate.

(2) Any employer failing to comply with the provisions of this section shall be liable, on conviction, to a fine not exceeding twenty-five dollars.

(3) This section shall only apply to Chinese labourers.

23. No wages shall become payable to or recoverable by any labourer for or on account of the term of any sentence of imprisonment undergone by him, or for or on account of any period spent by him in going to or returning from prison, or for or on account of any period spent by him in going to, attending before, or returning from a Court in or about a case in which he has been convicted of an offence, or in respect of which the Court before which the case is tried certifies that such attendance was not necessary for the ends of public justice.

Periods on account of which wages are not payable.

24. Any dispute between a labourer and his employer as to whether the work done by such labourer on any specified day shall be counted as a day's work may be referred to the Controller whose decision shall be final.

Dispute as to work done.

25. Every employer, who has agreed or contracted with a labourer to supply him with food free of charge, shall supply the same on all holidays and other days upon which such labourer is entitled to absent himself from work.

Supply of food.

26. If any labourer absents himself from work otherwise than as provided by this Ordinance or by his contract, if any, the employer, subject to any order which may be made by a Police Court or by the Controller on complaint of either party, may deduct from any wages due to such labourer the cost of the food supplied to him during such absence.

Employer may deduct cost of food.

Government inspections.

27.—(1) The Controller, the District Officer and Health Officer may enter at all reasonable times upon any estate, factory, or place in which labourers are employed, and may put questions concerning such labourers to their employer or to any person who may be in charge of them, or to the labourers themselves, and the employer or such person, or any such labourer, shall be legally bound to answer such questions truly to the best of his ability.

(2) If on such inspection the Controller or other inspecting officer has reasonable ground for suspecting that any offence has been committed against a labourer, and whenever any complaint of personal ill-usage or breach of any of the provisions of this Ordinance is made to the Controller, the Controller or other inspecting officer, as the case may be, may forthwith remove, or cause to be removed, such labourer from the estate, factory, or place of employment where he is employed for further enquiry into the matter, and, if the labourer has entered into a contract with the employer, may at his discretion cause such labourer to be detained, if necessary, until the conclusion of such enquiry at the nearest police station or at any other place that may appear to such officer suitable for the purpose.

(3) The powers conferred upon inspecting officers by section 27 may also be exercised in the case of any place of employment where Indian labourers reside or are employed by any Agent of the Government of India appointed under section 7 of the Indian Emigration Act of 1922.

Such Agent may at such times inspect every house, hospital, tent, camp or building in any way used by such labourers and enquire into the condition of such labourers.

He shall inform the Controller of any irregularity which may have come to his notice and the Controller shall forthwith take such steps as he may deem fit to rectify the same.

Employer to maintain nursery for infants.

28.—(1) The Controller may at any time by order in writing require any employer on any estate, factory or place in which more than fifty female labourers are employed to construct within a reasonable time to be stated in such order, and thereafter to maintain at his own expense, a nursery properly equipped to the satisfaction of the Controller on or in the immediate neighbourhood of such estate, factory or place on a site to be approved by the Controller, with accommodation for such number of infants under the age of three as may be stated in such order, and may further require him to employ such number of nurses as may be stated in the order to have charge of such nursery.

(2) Such nursery shall be open for the accommodation of infants during all hours in which the mothers or guardians of such infants are at work.

(3) The employer shall at his own expense supply milk and rice to each infant accommodated in such nursery.

(4) The Controller may at any time by order in writing prescribe the quantity and description of milk and rice to be supplied to each infant under the preceding sub-section.

29.—(1) Every female labourer shall be entitled to abstain from work during terms of one month each before and after confinement and, in respect of such terms hereinafter jointly referred to as “benefit period,” to receive from her employer maternity allowance to be calculated as provided in sub-section (2) hereunder. Maternity allowance.

(2) A first maternity allowance shall be calculated at the rate of two-sixths of the total wages earned by such female labourer during and in respect of the six months, or, if she has not worked for six months, then of any such lesser period, next preceding a first benefit period. A second and all subsequent maternity allowances shall be calculated at the rate of two-elevenths of the total wages earned by such female labourer during and in respect of the eleven months next preceding a second or subsequent benefit period, or of any period less than eleven months falling between such second or subsequent benefit period and the one next preceding it. Provided that no employer shall be liable to pay maternity allowance otherwise than in respect of work performed for and wages earned from such employer.

(3) No female labourer shall be entitled to maternity allowance unless during benefit periods she resides on her place of employment, or in an estate hospital maintained under section 148 of this Ordinance, or, if there is no estate hospital, in a Government or Rural hospital, or, whether there is an estate hospital or not, in any suitably near Government or Rural hospital where free maternity treatment is provided, or otherwise elsewhere as authorised by her employer, and does not work for any person other than such employer.

(4) Provided that, in respect of any period spent as above provided in sub-section (3) in an estate or Government or Rural hospital, the liability of such employer for expenses of maintenance and treatment in addition to payment of maternity allowance shall be limited as provided by sections 149, 150 and 173.

(5) Provided also that a female labourer may at any time during a benefit period at her option perform her ordinary labour or such lighter labour as may be suitable to her condition, but shall not be entitled to payment for such labour in addition to maternity allowance.

(6) Maternity allowance shall be payable in two equal amounts, one for each month of benefit period, as and in the

manner and at the times provided under section 11 for the payment of wages, and shall not be payable in advance.

Schools.

30. The Controller may at any time by order in writing require any employer on a place of employment where ten or more children of any one race between the ages of seven and fourteen years, being dependants of labourers on such place of employment, reside, to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a school for such children with such school teacher or school teachers as shall seem sufficient to the Controller, but not in excess of a reasonable number.

Inspection of documents.

31. The Controller, the District Officer and Health Officer may call for and inspect all contracts, registers, books of account and other documents concerning any labourers or relating to their employment; and any employer who without reasonable excuse, the proof of which shall lie upon him, neglects or refuses to produce the same, shall be liable, on conviction, to a fine not exceeding two hundred dollars.

Inspection Report Book.

32.—(1) Every employer of more than ten labourers shall keep on the estate where such labourers are employed an Estate Inspection Report Book.

(2) Such book shall be at all times immediately accessible to any inspecting officer.

(3) Every employer who—

(a) neglects or refuses to comply with the requirements of sub-sections (1) or (2); or

(b) destroys, alters or mutilates such book

shall be liable, on conviction, to a fine not exceeding one hundred dollars.

Inspection of labourers to be made by the Controller.

33. The Controller accompanied by a Health Officer shall once within each of such periods as may be fixed for such purpose by the Colonial Secretary and may, in addition, whenever he thinks fit, whether accompanied by a Health Officer or not, visit all places of employment on which any labourers reside or are employed and inspect every house, hospital, tent, camp or building in any way used by any labourers and enquire into the condition of such labourers and investigate the books of account of their wages; and for such purpose the Controller may require the employer to produce before him all or any of the labourers then under contract or agreement with him, together with all contracts and books of account of wages and to answer such questions relating thereto as the Controller may think proper to ask.

Registers of Mandors.

34.—(1) The Controller may at any time direct any employer of labourers to keep a register, in such form as the Controller prescribes, of all headmen, kanganis or mandors employed by him

to supervise the work of any labourers, and may direct that such headmen, kanganis or mandors shall be photographed in such place and manner as he thinks fit, and that a copy of any such photograph be affixed to such register, and the Controller, in the event of any such headman, kangani or mandor being convicted of ill-treating any labourer, may order the employer to dismiss him from his service.

(2) Any person acting in contravention of any direction or order given under the provisions of sub-section (1) shall be liable, on conviction, to a fine not exceeding fifty dollars.

35. The Controller may require any employer to keep a register of labourers in a prescribed form. Register of labourers.

36.—(1) Every employer shall, within the first fourteen days of the months of January, April, July and October in each year, forward to the Controller a return in such form or forms as may be approved by the Controller, giving the particulars prescribed thereby. Returns to be made by employer.

(2) Every such form shall be published in the *Gazette*. Copies of such forms shall be supplied to employers free of charge on application to the Controller.

37. Every employer shall make a report of the death of any labourer in his employment to the nearest police station, or to the Penghulu, within twelve hours after such death has taken place, and the person receiving such report shall with the least possible delay notify the Controller. Report in cases of death.

38.—(1) Every employer who fails to keep the register prescribed in pursuance of section 35 or to forward such returns as are prescribed in pursuance of section 36 or to make the report required by section 37 shall be liable, on conviction, to a fine not exceeding two hundred dollars for every such failure. Penalty for failure to keep register, forward returns or make report of death.

(2) A certificate under the hand of the Controller stating that such returns have not been forwarded or are incorrect shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

39.—(1) Whenever the Controller has reasonable grounds for suspicion that any offence under this Ordinance has been committed by an employer against a labourer or by a labourer against an employer, or whenever the Controller wishes to enquire into any matter concerning disputes as to wages, wrongful determination of agreement or contract, misconduct, food, medical attendance, deaths, Government inspections, sanitation or any other matter relating to employer and labourer dealt with under the provisions of this Ordinance, the Controller may summon any person who he has reason to believe can give Power of summons.

Gov
in

information respecting the subject matter of the enquiry, and the person so summoned shall be legally bound to attend at the time and place specified in the summons and to answer truthfully all questions which the Controller may put to him.

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

Employer to
give notice to
Controller if
labourer
wishes
to complain.

40. If any labourer states to his employer, or to any person acting for such employer in the conduct of the business of the place of employment that he desires to make a complaint to the Controller of personal ill-usage or breach of any provision of this Ordinance on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Controller, and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars and in addition to a fine not exceeding twenty-five dollars for each day during which such default is continued.

If complaint
is untrue or
frivolous.

41. If upon any such inquiry made on the complaint of a labourer the Controller is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it, and in such case he may impose on the complainant a fine not exceeding two dollars and fifty cents which may be deducted from the labourer's wages and retained by his employer.

If complaint
is well-
founded.

42.—(1) If upon inquiry as aforesaid the Controller is of opinion that the complaint is well-founded, he shall institute such proceedings civil or criminal for and in the name of the labourer as he shall deem necessary under the circumstances.

Consolida-
tion of causes
of action.

(2) In the event of there being more labourers than one making a similar complaint, the Controller may, if he institutes civil proceedings for and in the name of such labourers, consolidate the complaint of all such labourers into one cause of action and he shall only be required to sue out one summons for and in the name of all such labourers in respect of such causes of action.

(3) Any Court which would have jurisdiction to hear and determine separate suits based on such causes of action shall be competent to hear and determine such consolidated suit as aforesaid, notwithstanding that the subject-matter of such consolidated suit is in excess of the ordinary jurisdiction of such Court.

(4) Judgment may be given without any amendment for such one or more of the plaintiffs as may be found to be entitled to relief for such relief as he or they may be entitled to.

43. No Court fees shall be chargeable in the first instance on any proceeding commenced by a labourer, or by the Controller on his behalf, against his employer under this Ordinance; but in case a conviction shall be had or judgment given against the employer, the same shall be paid by the employer, together with the general costs of the proceedings.

Costs of proceedings.

44.—(1) Whenever any labourer complains to a Police Court or the Controller that he has reasonable grounds for believing that his employer, in order to evade payment of his wages, is about to leave the Settlement wherein the place of employment is situated, the Court or the Controller may summon such employer and direct him to show cause why he should not be required to give security by bond to remain in the Settlement till such wages are paid; and if after hearing the evidence of such employer the Court or the Controller adjudicates that such bond shall be given, the Court or the Controller may order such employer to give security by bond in a reasonable sum that he will not leave the district or the Settlement (as the Court or the Controller may direct) until he satisfies the Court or the Controller that all the just claims of his labourers against him for wages have been paid or settled.

Employer about to abscond to evade payment of wages.

(2) If the employer fails to comply with the terms of such order to give security, he shall be detained in the civil prison till arrangements are made to the satisfaction of the Court or the Controller for settling the claims of his labourers; provided that such employer shall be released at any time on security being furnished or on his payment either in whole or in a reasonable part, of all claims of his labourers; and provided that in no case shall the period of such detention exceed three months.

(3) The bond to be given by an employer shall be a personal bond with one or more sureties, and the penalty for breach of the bond shall be fixed with due regard to the circumstances of the case and the means of the employer.

(4) If on or after complaint made by any labourer under sub-section (1) it appears to the Court or the Controller that there is good ground for believing that the employer complained against has absconded or is absconding or is about to abscond, the Court or the Controller may issue a warrant for the apprehension of such employer, and such employer shall be detained in safe custody pending the hearing of the complaint unless he finds good and sufficient security to the satisfaction of the Court or the Controller for his appearance to answer the complaint.

(5) If, after summoning an employer to appear to show cause why he should not be required to give security by bond to remain in the Settlement wherein the place of employment is situated till the wages of his labourers are paid, it appears to the Court or the Controller after enquiry that the labourer who made the complaint had no reasonable or sufficient grounds for making it, the Court or the Controller may impose a fine of five dollars upon such labourer and in default of payment sentence him to imprisonment of either description for a term not exceeding fourteen days.

Controller may adjudicate between employer and labourer.

45. In the event of there arising between an employer and a Chinese labourer employed upon any agricultural land exceeding 25 acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated, any dispute relating to the conditions or period of employment, to advances of goods or money, to wages or to the keeping of accounts, the Controller may enquire into and decide such dispute and make without any limitation in respect of amount or value any order which he may deem just for the purpose of giving effect to such decision.

Mode of procedure.

46. The mode of procedure shall be as follows:—

- (a) The person complaining shall lodge a memorandum in writing at the office of the Controller, specifying shortly the subject matter of the complaint and the remedy sought to be obtained, or he may make his complaint in person at any time or place to the Controller, who shall forthwith reduce it or cause it to be reduced to writing. Upon receipt of such memorandum or verbal complaint the Controller shall summon in writing the party against whom such complaint is made, giving notice to him of the nature of the complaint and the time and place at which the same will be enquired into, and he shall also notify or summon all persons whose interests may appear to him likely to be affected by the proceedings;
- (b) At the time and place appointed the parties shall attend and state their case before the Controller and may call evidence, and the Controller having heard such statements and evidence and any other evidence which he may deem necessary shall give his decision;
- (c) If any person interested has been duly summoned by the Controller to attend at such enquiry and has made default in so doing, the Controller may hear and decide the complaint in the absence of

such person, notwithstanding that the interests of such person may be prejudicially affected by his decision ;

- (d) The Controller shall keep a Case Book, in which he shall enter notes of the evidence taken and the decisions arrived at in each case heard before him, and shall authenticate the same by attaching his signature thereto, and the record in such Case Book shall be sufficient evidence of the giving of any decision, or of the making of any order, and of the terms thereof ; and any person interested in a dispute, decision or order shall be entitled to a copy of such record upon payment of the prescribed fee ;
- (e) No fees shall be charged by the Controller in respect of processes issued by him under this section, and all orders made by the Controller shall notwithstanding that the same may in respect of amount or value be in excess of the ordinary jurisdiction of the Court be enforced by the District Court in the same manner as a judgment of that Court, and all necessary processes may be served by the Court on behalf of the Controller ;
- (f) In the event of any person interested being dissatisfied with the decision or order of the Controller, he may, within fourteen days after such decision or order, file a memorandum of appeal therefrom in the Supreme Court ; for the purposes of any such appeal the decision or order of the Controller shall be deemed to be a decision of a Police Court ;
- (g) Nothing in this section shall limit or affect the jurisdiction of any Court.
- (h) In proceedings under this section where it appears to the Controller that there are more labourers than one having a common cause, or similar causes, of complaint against the same employer, it shall not be necessary for each of them to make a separate complaint under this section, but the Controller may, if he thinks fit, permit one or more of them to lodge a memorandum or make a complaint and to attend and act on behalf of, and generally to represent, the others, and the Controller may proceed to adjudicate on the several or joint claims of each and all such labourers ; provided that where the Controller is of opinion that the interests of the employer are or are likely to be

prejudiced by the non-attendance of any labourer, he shall require the personal attendance of such labourer.

Default by employer.

47. Ill-treatment of a labourer by his employer or the neglect of the employer to fulfil any condition of the labourer's agreement or contract may be deemed a valid reason for the termination of such agreement or contract without notice.

Labourer unfit for particular work.

48.—(1) If any labourer proves physically unfit and unable to perform the work that he has undertaken to perform, the Controller may order that such labourer be given such other work or task in place of that which he has proved unfit and unable to perform as the Controller, after consultation with the employer, deems reasonable and just.

(2) Any employer who compels any labourer to perform any work, which a Court or the Controller has directed that he shall not be bound to perform, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred dollars.

Translation of abstract to be posted in certain cases.

49.—(1) Every employer who employs not less than one hundred Chinese labourers shall affix and exhibit continuously in a conspicuous place in all lines a translation in Chinese of an abstract of Chinese labour law.

(2) Printed copies of the said abstract, with such translations as may be necessary, shall on application be supplied free by the District Officer or the Controller to all such employers as are referred to in sub-section (1).

Penalty.

(3) Every employer who refuses or neglects to comply with the provisions of sub-section (1) shall be liable, on conviction, to a fine not exceeding one hundred dollars.

Penalty for infringing section 28 or 30.

50. Any employer omitting to comply with any order made under section 28 or 30 shall be liable, on conviction by the Court, to a fine not exceeding one hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

PART III.

ARRIVAL OF IMMIGRANTS.

Ports at which Immigrants may be landed.

51.—(1) No immigrant shall land in the Colony except at the ports of Penang, Malacca and Singapore, as defined in Ordinance No. 125 (Merchant Shipping) or at such ports until authorised by the Controller or an officer of his Department or by the Protector or an officer of the Chinese Protectorate.

(2) Any master causing or permitting any immigrant to land contrary to the provisions of this section shall be liable to a fine not exceeding fifty dollars for each immigrant so landing.

(3) A master from whose ship an immigrant lands contrary to the provisions of this section shall in the absence of proof to the contrary be deemed to have caused or permitted him so to land.

(4) The Colonial Secretary may establish at each of the ports named in sub-section (1) depôts for the examination and detention of immigrants.

52.—(1) Ships having any immigrants on board shall, on arrival within signalling distance of any of the ports named in section 51, hoist such signal as signifies that there are passengers on board together with a flag or flags denoting the number of immigrants on board other than those mentioned in paragraphs (a) to (e) in section 73 and shall keep the same flying until the arrival on board of the Controller or an officer of his Department or, in the case of a Chinese Immigrant ship, of the Protector or an officer of the Chinese Protectorate.

Arrival of ships to be signalled.

(2) A master omitting to comply with the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars.

53. On the arrival of the ship the Port Officer shall give immediate notice to the controller or, in the case of a Chinese Immigrant ship, to the Protector who shall forthwith proceed on board.

Controller or Protector to receive notice of arrival and go on board.

54.—(1) No person other than those hereinafter exempted shall board or communicate with any immigrant ship on arrival at any Port until after the ship has been boarded as provided by this Ordinance and all the immigrants have been disembarked, and no immigrant shall disembark or land nor attempt to disembark or land from any such ship except as provided by this Ordinance.

No communication with ship till after immigrants landed.

(2) The following persons shall be exempted from the provisions of this section:—

- (a) the Controller, the Protector, the Health Officer, the Port Officer, the Chief Police Officer or any of their subordinate officers;
- (b) the owner, agent or consignee of the ship;
- (c) the Consul-General, Consul, Vice-Consul or Consular Agent representing the nation under the flag of which the said ship is sailing; and
- (d) such persons as are permitted to go on board for the purpose of landing passengers or disembarking immigrants.

(3) Any person boarding or communicating with or attempting to board or communicate with any such ship contrary to the provisions of this section, and any immigrant landing or disembarking or attempting to land or disembark from such ship contrary to the provisions of this Ordinance or any Rules made thereunder, and any person aiding or abetting any immigrant so to land or disembark from such ship, shall be liable on conviction to a fine not exceeding five hundred dollars and in default of payment to imprisonment of either description for a term which may extend to six months.

(4) For the purposes of this section any person on a sampan, lighter or any other boat of any description, who hangs on to or attaches his boat to or approaches within one cable's length of any such ship except for the purpose of enabling such persons as are hereinbefore exempted to board such ship for the purpose of disembarking the immigrants, shall be deemed to communicate with such ship.

PART IV.

CHINESE IMMIGRANTS.

Limited application.

55. The provisions of this Part shall apply only to immigrants from China.

Interpretation.

56. In this Part unless there is something repugnant in the subject or context—

“Advances” includes maintenance and clothes provided and cash given, whether provided or given in China or on board ship, and a sum not exceeding five dollars to cover the expenses of the person bringing the Chinese immigrant from China and boat hire;

“China” includes Hongkong, Macao and all such territory as formed part of the Chinese Empire on the first day of January, 1841;

“Chinese Immigrant Ship” means a ship carrying Chinese immigrants;

“Chinese Immigrant”, or “Immigrant” means a native of China (not being a first or second-class passenger, nor the personal servant of such passenger, nor a person on the articles of the ship) travelling by sea from any port in China to his port of destination in the Colony or any such native of China who has within one year arrived at any place in the Colony from China *via* a port in Siam at which he has within the two months preceding such arrival landed from a vessel arriving at such port from China;

“Creditor” means the person to whom the immigrant is found as hereinafter provided to be indebted for passage money or advances, and includes the creditor’s agent in the Colony and any person in whose charge or under whose control the immigrant is or appears to be at any time before he has obtained employment ;

“Indebted Immigrant” means any immigrant who is found as hereinafter provided to be indebted for passage money and advances or either whether he has before his arrival in the Colony entered into an engagement to labour or not ;

“Passage money” includes the value of a passage supplied free ;

“Qualified Medical Practitioner” means, notwithstanding anything contained in Ordinance No. 99 (Medical Registration), the holder of any of the diplomas, degrees or licences from time to time specified by the Governor in Council as constituting the qualification of a qualified medical practitioner under this Ordinance.

57.—(1) On the departure from China for any port in the Colony of a Chinese immigrant ship, the agent or consignee of such ship at that port in the Colony to which such ship is consigned shall forthwith inform the Protector at such port of the approximate date of the arrival of such ship and the number of immigrants to be landed at such port.

Departure from China and arrival in the Colony of Immigrant ship.

(2) The master of every Chinese immigrant ship shall on arrival at any port in the Colony prevent all immigrants from disembarking until such ship has been boarded as provided by section 58.

(3) Any person who without reasonable excuse omits to comply with the provisions of this section shall be liable on conviction to a fine not exceeding two hundred and fifty dollars.

Penalty.

58.—(1) On the arrival of a Chinese Immigrant ship at the place prescribed for her anchorage she shall be boarded

Boarding of ship by Health Officer and by officer of Chinese Protectorate.

(a) by a Health Officer, to whom the master of such ship shall furnish a correct numerical list of the passengers and a Bill of Health from the port of departure of the Chinese immigrants, and to whom the surgeon of such ship shall give true information as to the health of the passengers and as to any death that may have occurred on board and shall also produce a medical log duly posted up to date ; and

(b) by an officer of the Chinese Protectorate to whom the master of such ship shall give a list containing the names of all Chinese Immigrants on board

and such information relating to the immigrants, the payment of their passage money, the place of their embarkation, and such other information as he may reasonably be required to give for the purposes of this Ordinance or of Ordinance No. 143 (Women and Girls' Protection).

(2) The master or surgeon of a Chinese Immigrant ship intentionally omitting to furnish such list, Bill of Health or medical log as aforesaid or to give such information as aforesaid, or furnishing as true any list, Bill of Health or medical log or information which he knows or has reason to believe to be false, or refusing to answer such questions as such officer may reasonably put to him for the purposes of this Ordinance, shall be guilty of an offence under sections 176 or 177 or 179 of the Penal Code, as the case may be.

Examination of Chinese immigrants arriving by train.

59.—(1) On the arrival in the Colony of any railway train which may reasonably be suspected of carrying Chinese immigrants an officer of the Chinese Protectorate may board and examine such train in order to ascertain if there are any Chinese immigrants on board.

(2) If sufficient time is not allowed or due arrangements are not made for such examination, the manager of the railway shall be liable on conviction before a Police Court to a fine not exceeding two hundred and fifty dollars.

Removal to the office of the Protector.

60.—(1) When any Chinese Immigrant ship or any railway train is boarded on arrival by an officer of the Chinese Protectorate, such officer may cause all or any of the immigrants on board to be removed to the office of the Protector or to an examination depôt, and any immigrant removed to such office or depôt shall on arrival thereat be examined by an officer of the Chinese Protectorate as to the payment of his passage-money and as to any advances that may have been received by him and as to any engagement to repay such passage-money and advances and as to any engagement to labour entered into, or proposed to be entered into, by him, and as to his age and fitness to labour and as to any such other matters as may seem necessary for the purposes of this Ordinance or the Ordinance No. 143 (Women and Girls' Protection).

(2) Any immigrant who refuses or omits to go to the office of the Protector or depôt and there to be examined when required so to do by an officer of the Chinese Protectorate, and any immigrant who absconds or attempts to abscond from such office or depôt before his examination is completed, may be arrested by any police officer or by an officer authorised by the Protector and taken to the office of the Protector or depôt or to a police station and detained there until he can be brought before the Protector.

61. When it appears upon such examination as aforesaid that an immigrant has been brought to the Colony by fraud or by misrepresentation as to work or wages or other matters, the Protector shall enquire into his case and, if satisfied that he has just cause of complaint, shall cause him, if he so desires, to be sent back at the expense of his creditor to the place in China from which he was brought.

Immigrant brought into the Colony by fraud.

62.—(1) When upon examination made under the provisions of this Chapter or at any time before he has made arrangements satisfactory to the Protector for the payment of his debt any indebted immigrant appears to the Protector to be unfit for labour owing to disease or from physical or mental debility or defect, or to be suffering from any complaint, he may be sent to a Government hospital for medical examination and treatment and shall, except as provided in sub-section (3), be detained there at the expense of his creditor till declared by the Medical Officer in charge of the hospital

Immigrant unfit for labour.

(a) to be fit for labour, or to be fit for certain kinds of labour, or for labour in certain places, in which case he shall be handed over to the Protector, or to a person authorised by the Protector to receive him, and may then be detained in a depôt under the care of the Protector as provided by this Chapter; or

(b) to be incurable or permanently unfit for labour in the Colony, in which case information shall be given to the Protector, who may cause such immigrant at the first opportunity to be sent back at the expense of his creditor to the place in China from which he was brought.

(2) When upon such examination or at any such time as aforesaid, any indebted immigrant appears to be under the age of sixteen or over the age of forty-five years he may be sent back at the expense of his creditor to the place in China from which he was brought.

(3) Any indebted immigrant who has been sent to a Government hospital under sub-section (1) may, if or when he be declared by the Medical Officer in charge of such hospital to be fit to travel, be sent back, if his creditor so desires, at the expense of his creditor to the place in China from which he was brought.

63. When upon such examination as aforesaid or at any time before he finds employment any Chinese Immigrant indebted for passage money or advances appears to have obtained passage money or advances by a promise to enter into a contract on arrival in the Colony to labour, he may, at the discretion of

Immigrant who has promised to enter into contract.

the Protector, be sent back to China at the expense of his creditor or he may be released from any restraint to which he is subjected.

Return of
Immigrants
to China.

64. Whenever an immigrant is to be sent back to China at the expense of his creditor under the provisions of this Ordinance or to be sent to Hospital under the provisions of section 62, all arrangements shall be made by the Protector, and all necessary expenses of and incidental to sending such immigrant back to China or to Hospital may be recovered from the creditor of such immigrant in the District Court at the suit of the Protector, whose certificate as to the amount of such expenses shall be sufficient evidence thereof.

Maximum
sum for pas-
sage-money
and advan-
ces.

65.—(1) The Protector may fix from time to time the maximum sum for which any immigrant shall be indebted as for passage-money and advances and such maximum sum shall be notified in the *Gazette*.

(2) No immigrant shall be held to be liable for the amount of any passage-money and advances in excess of the maximum sum fixed by the Protector.

Appearance
before Pro-
tector of
creditor of
immigrant.

66.—(1) Whenever any immigrant indebted for passage-money or advances enters into an engagement to labour in the Colony or the Federated Malay States or in Johore, Kedah or Trengganu, or in any other place which may from time to time be added by the Governor in Council by notification in the *Gazette*, his creditor shall appear before and furnish information to the Protector as to the particulars of such engagement.

(2) If the Protector suspects that such information is false, he may direct in writing any police officer or any officer of the Protectorate to arrest and bring before him for examination such immigrant, and he and such officer may enter any dwelling-house, shop or other building or place or any railway train or any ship, not being or having the status of a ship of war, and search for such immigrant, and shall, when such immigrant has been found, arrest and take him to the Protectorate for examination before the Protector.

(3) If the Protector is satisfied that such engagement is contrary to the provisions of this Ordinance, he shall take proceedings for the breach of such provisions and shall, if he intends to call such immigrant as a witness in such proceedings, detain such immigrant until the termination of such proceedings.

(4) Any creditor who omits to comply with the provisions of sub-section (1) or furnishes information required by that sub-section, which is false, shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to six months.

67. No Chinese Immigrant shall be imported into the Colony except on the following conditions:—

Conditions on which Chinese Immigrants may be imported.

- (a) The ship in which he is imported, if carrying more than 20 immigrants, shall carry during the whole course of the voyage a qualified medical practitioner who shall attend to the health of the passengers and the sanitation of the ship.
- (b) The master of the ship shall on arrival at any port within the Colony produce to the boarding officer a certificate from the port of departure signed, if such port be Hongkong, by a competent officer or, in the case of any Chinese port, by a qualified person appointed by the British Consul, stating—
- (i) the voyage the ship was intended to make;
 - (ii) that at the time of her departure she had the proper complement of officers and seamen and was sufficiently equipped for the voyage;
 - (iii) the number of immigrants on board and that such immigrants together with the other passengers on board were not in excess of the number of passengers which may properly be carried on board such ship;
 - (iv) that at the time of her departure there was on board the ship a good and sufficient supply of food, pure water and medicines for the use of the immigrants during the intended voyage;
 - (v) that the accommodation and sanitary arrangements for the immigrants during the voyage on board the ship were satisfactory.

68.—(1) Every person who imports or attempts to import any Chinese immigrant contrary to the provisions of section 67 and every person who aids, abets, procures or is interested or concerned in, or knowingly derives any profit from, the importation or attempted importation of any such Chinese immigrant, shall be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for a term which may extend to twelve months or to both fine and imprisonment.

Penalty for wrongful importation.

(2) Any ship which is used for the importation or attempted importation of any Chinese immigrant contrary to the provisions of section 67 shall be liable to forfeiture and may be seized and detained by the Chief Police Officer until adjudicated on according to law.

(3) Proceedings to enforce any forfeiture under this section may be taken in the name of the Attorney-General under Ordinance No. 22 (Crown Suits.)

(4) At any time after the detention of any ship under subsection (2) the Governor may release such ship upon such security as he thinks sufficient or without security.

Penalty for having on board immigrants in excess of number stated in certificate.

69.—(1) The master, owner, agent and chinchew of a Chinese Immigrant ship, in which there has been brought into a port Chinese immigrants in excess of the number stated in the certificate mentioned in paragraph (b) of section 67 as being on board, shall respectively be liable to a fine not exceeding ten dollars for each immigrant in excess of the number therein stated, unless the master proves that the excess could not, by the exercise of reasonable diligence on the part of himself and of his officers and crew, have been prevented.

(2) The fact that there are on board immigrants to the number of 50 or more of the apparent age of 16 years or upwards in excess of the number stated in the above-mentioned certificate shall be conclusive proof that reasonable diligence has not been exercised.

Penalty for not having sanitary arrangements on board for immigrants.

70. If the accommodation and sanitary arrangements on a Chinese Immigrant ship arriving in the Colony do not comply with the requirements prescribed by rules made by the Governor in Council under this Ordinance, the master, owner and agent shall respectively be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for a term which may extend to twelve months or to both such fine and imprisonment.

Stowaways.

71.—(1) Any person found on board a Chinese Immigrant ship, who without the consent of the owner, master, agent or chinchew thereof has obtained a passage therein, may be arrested without a warrant and shall be liable to a fine not exceeding one hundred dollars.

(2) In every case coming within the provisions of this section the onus of proving the required consent shall lie upon the accused.

(3) Any person abetting a person so found on board shall be liable to a fine not exceeding one hundred dollars.

PART V.

INDIAN IMMIGRANTS.

Interpretation.

72. In this Part unless there is something repugnant in the subject or context :—

“Certificated immigrant” ; means an immigrant who holds a certificate in the form A in schedule A or to the like effect, issued under the authority of the Indian Government

or of the Government of the Federated Malay States or under this Ordinance or under any Ordinance hereby repealed;

“Immigrant” means an Asiatic native of British India, or of an Indian State adjoining the Madras Presidency and for the purposes of this Part every Asiatic of Indian descent shall be deemed to be a native of British India or of such Indian State until the contrary is proved;

“Place of employment” means a place where any of such kinds of labour or work as are specified in section 112 or as may hereafter be declared, under the provisions of the said section, to be subject to the provisions of Part IX is carried on and on which ten or more immigrants reside or are employed.

73. The provisions of this Part shall apply only to immigrants from British India who are not— Limitation of application.

- (a) certificated immigrants;
- (b) first class cabin passengers;
- (c) second class cabin passengers;
- (d) menial servants in actual service;
- (e) seamen, firemen and other persons serving on board a ship.

74. Every immigrant holding an unexpired certificate to the effect indicated in section 75 issued by the proper authority in British India or the Federated Malay States shall have all the immunities given in this Part to immigrants holding like certificates issued in the Colony. Certificates issued in India or the Federated Malay States.

75. Any immigrant in the Colony may apply to the Controller for a certificate declaring that the person named and described therein is not subject to the provisions of this Ordinance. In the Colony.

76. The Controller shall, if he is of opinion that the applicant is not a labourer or of a class ordinarily employed in agricultural work, issue forthwith under his hand and seal free of charge a certificate in the form or to the effect of form A in the schedule A. Issue of certificate.

77.—(1) Every certificate issued under this Part shall contain the names of the holder thereof and of his or her father and shall specify his or her place of abode in India, age, sex, religion, caste, if any, and calling. Particulars to be entered in it.

(2) A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein.

(3) The certificate shall be dated on the day of its issue and shall have force until it is revoked by the Controller.

Certificated immigrant exempt from restrictions.

78. A certificated immigrant shall upon production of his certificate be wholly exempted from every restriction imposed upon immigrants by this Ordinance.

Certificate to be produced when required.

79. Every certificated immigrant shall be bound to produce his certificate when required to do so by a Magistrate or Police officer or by an officer of the Controller's Department or by the master or officer of a ship in which such certificated immigrant is, or proposes to be, a passenger, and, if he refuses or fails to do so when so required, he may be treated in all respects as an un-certificated immigrant until such time as he produces such certificate.

New certificate.

80. A certificated immigrant whose certificate not having been revoked has been lost or destroyed may apply to the Controller for a fresh certificate, and the same shall be issued accordingly; provided that the Controller may require satisfactory evidence of such loss or destruction before issuing a new certificate.

Special classes may be exempted.

81. The Governor may from time to time with the consent of the Government of India declare that any class of immigrants is not a labouring class and that any person belonging thereto is entitled to a certificate without enquiry, or that any class of immigrants is a labouring class and that persons belonging thereto are not entitled to certificates.

Commissioner in India.

82. The Governor may appoint an Emigration Commissioner to reside in India with such Assistant Emigration Commissioners as may be necessary, to supervise Emigration to the Colony.

Examination of immigrants and repatriation.

83.—(1) All immigrants on arrival at the port of disembarkation shall be examined by the Health Officer or a Medical Officer appointed or acting under this Ordinance.

(2) Any immigrant found on such examination to be unfit to travel may be sent forthwith to a hospital and there detained until he is pronounced by the Medical Officer in charge of such hospital to be either fit to travel or to be incurable or permanently unfit to labour.

(3) When an immigrant sent to a hospital under this section is found to be fit to travel, the Controller may, if the employer for whom such immigrant was recruited so desires, send him back to the place in India where he was recruited.

(4) When an immigrant sent to a hospital under this section is found to be incurable or permanently unfit to labour, the Controller may send him back to the place in India where he was recruited and may detain him so long as may be necessary for that purpose.

(5) All expenses of the maintenance and the treatment in hospitals of any immigrant sent to a hospital under this section and all expenses of sending back under this section any immigrant found to be fit to travel or to be incurable or permanently unfit to labour to the place where he was recruited, may be recovered by the Controller from the employer for whom such immigrant was recruited or from the agent by whom such immigrant was imported.

(6) The Governor in Council may make rules for the examination of immigrants by the Health Officer or Medical Officers under this section and prescribe the fees to be charged for the maintenance and treatment of immigrants in a hospital.

(7) The Controller may within one year of his arrival in the Colony send back to the place in India where he was recruited any immigrant on the ground—

- (a) of the state of his health ; or
- (b) that the work which he is required to do is unsuitable to his capacity ; or
- (c) that he has been unjustly treated by his employer ; or
- (d) for any other sufficient reason ;

and all expenses so incurred may be defrayed from the Indian Immigration Fund in cases (a) and (d) but shall be paid by the employer in cases (b) and (c).

84.—(1) Any immigrant who has received a free passage from India under a promise to labour in the Colony or in a country or State, to which Indian emigration is authorised by the Governor with the consent of the Government of India, or in any place in the Federated Malay States or in Johore may be detained in a depôt until he can be forwarded to his destination.

Detention at a depôt.

(2) Except as provided in section 87 no immigrant shall be detained in a depôt against his will for more than one week.

85.—(1) Any immigrant, who has received a free passage from India under a promise to labour in the Colony and who neglects or refuses to proceed to his place of employment in pursuance of his promise, shall be liable to pay the Controller the sum of twenty dollars or such lesser sum as the Governor shall from time to time fix by notification in the *Gazette*; provided that the Controller may at his discretion remit the whole or any part of such sum.

Reimbursement for failure to proceed to place of employment.

(2) Such sum shall be recoverable from such immigrant as a debt due to the Government, and a certificate signed by the Controller shall be conclusive evidence that such sum is due.

(3) Any such sum so received or recovered by the Controller shall be paid by him to the Indian Immigration Fund.

Penalty for
having on
board in
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86.—(1) Any immigrant who has received a free passage from India under a promise to labour in a country or State, to which Indian emigration is authorised by the Governor, with the consent of the Government of India, or in any place in the Federated Malay States or in Johore, and who neglects or refuses to leave the Colony in pursuance of his promise, shall be liable to pay the Controller the sum of twenty dollars or such lesser sum as the Governor shall from time to time fix by notification in the *Gazette*; provided that the Controller may at his discretion remit the whole or any part of such sum.

(2) Such sum shall be recoverable from such immigrant as a debt due to the Government, and a certificate signed by the Controller shall be conclusive evidence that such sum is due.

(3) Any such sum so received or recovered by the Controller shall be paid by him to the Indian Immigration Fund.

Redemption
of female
immigrant.

87.—(1) Whenever it appears to the Controller that any female immigrant tendering the sum of twenty dollars or other prescribed sum in redemption of her obligation to labour in the Colony or in a country, to which Indian emigration is authorised as aforesaid, or in any place in the Federated Malay States or in Johore, is in the custody or control of any other person, he may refuse to accept such sum of twenty dollars and to permit such obligation to be redeemed, unless and until the person in whose custody or control such female immigrant appears to be has given reasonable security to the satisfaction of the Controller that such female immigrant shall not leave the Settlement in which she is without the previous consent in writing of the Controller and shall not be disposed of as a prostitute or for immoral purposes and that she shall be produced before the Controller whenever he so requires.

(2) In default of such security being given within seven days the Controller at his discretion may cause such female immigrant to be returned to India and for that purpose may cause her to be detained for any further period not exceeding twenty-one days.

Immigrant
not to leave
Settlement.

88. No immigrant shall depart from any Settlement in the Colony except to go—

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

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

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90.—(1) Any immigrant unlawfully departing or attempting to depart from a Settlement in breach of the provisions of section 88 or making any false representation to the Controller for the purpose of obtaining any certificate under this Part, shall be liable on conviction to a fine not exceeding twenty dollars and may be arrested without warrant by any Police officer or officer of the Department of the Controller, and any person abetting within the meaning of the Penal Code an offence under this section shall be liable on conviction to a fine not exceeding fifty dollars or to imprisonment of either description for a term which may extend to seven days for each immigrant whose offence he has abetted.

Penalty-ta-
unlawful
parture fr.
Colony and
for abetment
thereof.

(2) The master of a ship in which an immigrant embarks in order to depart unlawfully from a Settlement shall, until the contrary be proved, be deemed to have abetted such offence.

91. In every judicial proceeding a certificate in form 'B' in Schedule A, purporting to be signed by an Emigration Commissioner or Assistant Emigration Commissioner of the Government of the Colony or of the Federated Malay States in India at the port of embarkation, shall be deemed to be evidence that the persons named therein have respectively received a free passage from India under a promise to labour in the Colony or in some country or State, to which Indian emigration is authorised by the Governor with the consent of the Government of India, or in some place in the Federated Malay States or in Johore, as the case may be.

Evidence of
promise to
labour.

92.—(1) Every employer who within the Colony, the Federated Malay States or any other State of the Malay Peninsula under the protection of His Majesty engages an immigrant to labour on a place of employment within the Colony at any of the employments mentioned in section 112 or at any other work or labour declared under the said section to be subject to the provisions of Part IX, shall ascertain the name and the particulars of the last employment of such labourer, and shall within seven days present or forward to the Controller, a statement in duplicate in form C in Schedule A together with a fee of one dollar in respect of each labourer named in such statement, which shall be paid to the Indian Immigration Fund.

Registration
of immi-
grants.

(2) A register of such statements shall be compiled by the Controller, and such register and statements shall be open to inspection at the office of the Controller by any person at all reasonable times.

(3) The Controller shall, if satisfied that the requirements of this section have been duly observed, issue to the employer a certificate to the effect that in respect of the labourer so registered he is exempted from the payment of the fee prescribed by section 120.

Penalty
having
board
gras
e

(4) Any employer failing to present or forward a statement as required by the provisions of sub-section (1) shall on the complaint of any other employer be liable, on conviction, to a fine not exceeding one hundred dollars in respect of every labourer so engaged by him.

(5) Any employer knowingly furnishing any false particulars in a statement required by sub-section (1) shall be liable on conviction to a fine not exceeding five hundred dollars in respect of each labourer regarding whom he shall be proved to have furnished such false particulars.

(6) Any labourer furnishing false particulars to an employer for the purposes of a statement required by sub-section (1) shall be liable on conviction to a fine not exceeding fifty dollars or to imprisonment for a term which may extend to three months.

Inspector of
Madras Gov-
ernment to
have powers
of inspection,
etc.

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

PART VI.

DOMESTIC SERVANTS.

Application. **94.** The provisions of sections 9 to 14 in Part II are hereby made applicable to domestic servants.

Offences. **95.** Any domestic servant who without reasonable excuse

(a) quits the service of his employer without due notice;

(b) is guilty of gross neglect of duty, carelessness in the custody of the property of his employer, disobedience of lawful orders, insolence or other misconduct in the service of his employer,

shall be liable on conviction to a fine not exceeding twenty-five dollars or to imprisonment of either description for a term which may extend to one month.

PART VII.

PRIORITY OF LABOURERS' WAGES.

96. In this part unless there is something repugnant in the subject or context— Interpretation.

“Labourer” includes clerk.

“Secured creditor” means a person holding a mortgage, charge or lien on any agricultural estate or other place of employment or any part thereof as a security for a debt due to him from the debtor, but shall not include the holder of a bill of sale within the meaning of Ordinance No. 40 (Bills of Sale).

“Wages” shall not include money due as a share of profits.

97. In the event of the issue of a writ of seizure and sale in execution of a judgment against an employer, and of the interest in any agricultural estate or other place of employment belonging to such employer, or the produce thereof, or the money due to such employer on account of work done on such place of employment or derived from the sale of the proceeds thereof, being seized or sold or otherwise realized in pursuance of such execution, the proceeds of such sale or other realization shall not be paid to any execution creditor unless and until the Court ordering the sale or other realization has ascertained and provided for the amount due at the date of the sale or other realization for wages due to all the labourers employed on such agricultural estate or other place of employment. Protection of labourers' interests in execution proceedings.

98. In the event of any interest in any agricultural estate or other place of employment being sold on the application of a secured creditor under any law in force for the time being, the proceeds of such sale shall not be paid to any creditor other than the Government or the Commissioners of a Municipality or a secured creditor unless and until the Court ordering the sale has ascertained and provided for the amount due at the date of the sale for wages to all labourers employed on such agricultural estate or other place of employment or unless the Court is satisfied that such wages have been duly paid up to the date of sale. Protection of labourers' interest on sale under mortgage or charge.

99.—(1) For the purpose of ascertaining the amount so due the Court ordering the sale under section 97 or 98 shall take notice of the system under which the agricultural estate or other place of employment is worked, and shall not allow, in the case of a clerk or headman, more than two months' wages and, in the case of other labourers, more than three months' wages. Mode of ascertaining amount due.

(2) The Court may refer the matter to the Controller who shall enquire into the same and report to the Court the amount that is, in his opinion, justly due for wages from the employer to the labourers.

(3) The Court may adopt the report of the Controller, or may make such further enquiry as it may think fit.

(4) After the enquiry is completed the Court shall make an order declaring the amount due at the date of the sale for wages by the employer to the labourers, and the agricultural estate or other place of employment in respect of which such wages have become due.

PART VIII.

THE TRUCK SYSTEM.

Agreements to pay wages otherwise than in legal tender illegal.

100. In all agreements or contracts for the hiring of any labourer or for the performance by any labourer of any labour the wages of such labourer shall be made payable in legal tender and not otherwise, and if in any such agreement or contract the whole or any part of such wages is made payable in any other manner such agreement or contract shall be illegal, null and void.

Agreements as to place & manner, etc., of spending wages illegal.

101. No employer shall impose in any agreement or contract for the employment of any labourer any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the labourer are to be expended, and every agreement or contract between an employer and a labourer containing such terms shall be illegal, null and void.

Wages to be paid entirely in legal tender.

102. Except where otherwise expressly permitted by the provisions of this Ordinance the entire amount of the wages earned by, or payable to, any labourer in respect of any labour done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void.

Labourer's right to recover.

103. Every labourer shall be entitled to recover in the Courts of the Colony so much of his wages exclusive of sums lawfully deducted in accordance with the provisions of this Ordinance as shall not have been actually paid to him in legal tender.

Interest on advances forbidden.

104. No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of wages made to any labourer in anticipation of the regular period of payment of such wages.

105. Except where otherwise expressly permitted by the provisions of this Ordinance no employer shall make any deduction or make any agreement or contract with a labourer for any deduction from the wages to be paid by the employer to the labourer, or for any payment to the employer by the labourer, for or in respect of any fine, or of bad or negligent work, or of injury to the materials or other property of the employer.

Deduct
or paym
in respect
fines, injury
to materials,
etc.

106. Nothing in this Part shall be held to apply to any body of persons working on an agreement of co-operation.

Agreements
of co-oper-
ation.

107. Nothing in this Part shall render illegal an agreement or contract with a labourer for giving to him food, a dwelling-place or other allowances or privileges in addition to money wages as a remuneration for his services, but so that no employer shall give to a labourer any opium or chandu or intoxicating liquor by way of such remuneration.

Remuner-
ation other
than wages.

108.—(1) Nothing in this Part shall prevent the employer, with the approval in writing of the Controller, which may at any time be revoked, from establishing a shop for the sale of rice and provisions generally to his labourers: but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase rice or other provisions at such shop, and no opium or chandu or intoxicating liquor shall be sold at any such shop.

Authority to
employer to
open shop.

(2) Nothing in this Part shall be held to apply to a toddy-shop licensed, with the approval of the Controller in writing, under the provisions of Ordinance No. 118 (Liquors Revenue) or any other Ordinance; but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase toddy at such shop.

Toddy shop.

(3) No employer shall establish or keep, or permit to be established or kept, a shop on any place of employment for the sale of provisions to his labourers otherwise than in accordance with the preceding sub-sections.

109. Any employer who enters into any agreement or contract or gives any remuneration for service contrary to the provisions of this Part or declared by this Part to be illegal, or makes any deduction from the wages of any labourer or receives any payment from any labourer contrary to the provisions of this Part or contravenes the provisions of sub-section (3) of section 108, shall be liable, on conviction, to a fine not exceeding five hundred dollars or for a second or subsequent offence to a fine not exceeding one thousand dollars.

Penalties.

110.—(1) When an employer is charged with an offence against this Part he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hear-

Exemption of
employer on
conviction of
actual
offender.

ing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he has used due diligence to enforce the provisions of this Part and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

(2) When it is made to appear to the satisfaction of the Controller at the time of discovering the offence that the employer has used due diligence to enforce the provisions of this Part and also by what person such offence has been committed, and also that it has been committed without the knowledge, consent or connivance of the employer, then the Controller shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

PART IX.

THE INDIAN IMMIGRATION FUND.

Limitation of application.

111. The provisions of this Part shall apply only to Indian labourers but the Governor in Council by notification published in the *Gazette* may exempt any area or areas therefrom.

Interpretation.

112. In this Part unless there is something repugnant in the subject or context—

“Employer” means any person, including the Government of the Colony and any body of persons, corporate or unincorporate, who employs any Indian labourers and shall in his absence include his agent or manager or other person in charge of the work on which such Indian labourers are employed, and a person who makes payments for work executed by Indian labourers to some person other than such Indian labourers shall be deemed to be the employer of such Indian labourers if such work is done in the conduct of any trade, business, undertaking or industry carried on by him or on his behalf.

“Indian labourer” means an Asiatic native of the Madras Presidency of British India or of the adjoining Indian States of the age of fourteen years and upwards, who is employed in any of the following kinds of labour:—

- (a) Agriculture, including the treatment of produce, and its portorage to the place of treatment;
- (b) The making and upkeep of roads;
- (c) The construction and maintenance of canals;
- (d) Railway construction, maintenance and working;

- (e) The construction, maintenance and working of all works of a public nature or for the public good ;
- (f) Mining and work on mines ;
- (g) Quarrying and stone-breaking ;
- (h) Brick-making ;
- (i) The treatment in mills and factories of padi, rubber and other agricultural produce, including portorage in connection with such treatment ;

or in any other kind of labour which may be declared by the Governor in Council to be subject to the provisions of this Part ; provided always that persons employed exclusively in administrative or clerical work, or in gardens attached to private residences, shall not be deemed to be Indian labourers for the purposes of this Part. For the purpose of this Part every Asiatic of Indian descent shall be deemed to be a native of the Madras Presidency until the contrary is proved ;

“The Indian Immigration Committee” means the Immigration Committee existing at the time of the coming into operation of this Ordinance or hereafter notified by the order of the Governor in the *Gazette* to be the Indian Immigration Committee ;

“Register” means the books which are required to be kept under section 114 ;

“Return” means the return which is required to be sent to the Controller under section 115 ;

“A quarter” means a quarter of a year consisting of the months of January to March, April to June, July to September, or October to December.

113.—(1) The Governor in Council may from time to time define the duties of the Indian Immigration Committee, and the Governor may appoint such persons as he may think fit to be members of such Committee and add members to or remove members from such Committee.

Duties of Immigration Committee to be defined by Governor in Council and members to be appointed by Governor.

(2) The Indian Immigration Committee by such name shall be a body corporate and have perpetual succession and a common seal and power to acquire, hold and sell property and may by such name sue and be sued. The Controller shall be Chairman of the Indian Immigration Committee and the common seal of the Committee shall be in his custody and may be affixed by him.

Incorporation of Committee.

(2) The rate referred to in paragraph (b) may be whatever rate the Indian Immigration Committee from time to time, with the consent of the Colonial Secretary, thinks fit to prescribe :

Provided that the whole assessment payable by an employer under section 119 in respect of any one quarter shall in no case exceed six dollars for every Indian labourer employed during the quarter.

Assessment to be collected by Controller.

122. The assessment payable by each employer under section 119 shall be collected by the Controller who shall send by post to each employer a notice stating the amount at which he has been assessed for the last preceding quarter.

Employer to pay assessment within twenty-one days.

123.—(1) Every employer shall within twenty-one days after the posting to him or to his place of employment of the notice referred to in section 122 stating the amount at which he has been assessed for the last preceding quarter under section 119 pay to the Controller the amount mentioned in such notice, together with the amount of any fines imposed under sections 177 and 192.

(2) Such amounts shall be deemed a debt due to the Crown and if not paid within such twenty-one days shall bear interest at the rate of eight per centum per annum and may be recovered under the provisions of Ordinance No. 22 (Crown Suits).

(3) Any such notice signed by the Controller shall unless and until rectified by the Controller be conclusive evidence that the amount stated therein is due by the employer :

Provided that the employer may within fourteen days after the receipt of any notice appeal to the Indian Immigration Committee and in such case the Indian Immigration Committee shall consider the matter and its decision shall be final.

Amount of assessment, how calculated.

124.—(1) The amount at which each employer shall be assessed in respect of each quarter shall be ascertained as herein-after in this section provided.

(2) The amount of the assessment under paragraph (a) of section 119 (1) shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter by the rate.

(3) The amount of the assessment under paragraph (b) of section 119 (1), if any, shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter less the number of adult Indian labourers shown to the satisfaction of the Controller to have been imported by the employer with free passages from India paid for by the Indian Immigration Committee during the twenty-four months preceding the commencement of the quarter, by the rate.

(4) For the purposes of the calculations referred to in this section—

- (a) the “average number of Indian labourers employed or working on the place of employment” shall be the number obtained by adding together the total number of days’ work done by each Indian labourer during the quarter and dividing the total by the number of working days comprised in the quarter;
- (b) the “number of working days comprised in the quarter” shall be such number as may be fixed by the Indian Immigration Committee for such quarter;
- (c) “adult Indian labourer” means an Indian labourer for whom a free full rate passage from India has been paid for by the Indian Immigration Committee.

(5) The Indian Immigration Committee may from time to time make rules determining what shall be deemed to constitute a day’s work and such rules shall be published in the *Gazette*.

125.—(1) The fund subsisting under the provisions of the Labour Ordinance, 1920 hereby repealed shall form part of the fund constituted under this Ordinance. Immigration Fund.

(2) All moneys paid by employers to the Controller in accordance with the provisions of this Part shall be paid into a fund to be known as “The Indian Immigration Fund” which shall be vested in the Indian Immigration Committee and shall be disbursed for the following purposes only:—

- (a) for or towards the payment of free passages for Indian labourers and their families from the Madras Presidency to the Colony or the Federated Malay States or Johore or Kedah or Perlis or Kelantan: such passages shall be allotted in accordance with rules to be framed from time to time by the Indian Immigration Committee and published in the *Gazette*;
- (b) for the general expenses incurred in connection with the recruiting of labour in the Madras Presidency and in connection with
 - (i) the quarantine on arrival at Singapore, Penang or Port Swettenham from India, and
 - (ii) the transport from the port of arrival to their destinations
 of those for whom free passages have been provided under this part:

- (c) for the maintenance of a home or homes for decrepit and unemployed Indian labourers and the children and orphans of Indian labourers ;
- (d) for the payment of interest upon moneys borrowed by the Indian Immigration Committee under sub-section (3) ;
- (e) for the payment of recruiting allowances ;
- (f) for the payment of the cost of preparing the register prescribed by section 92 ;
- (g) for the payment of expenses reasonably incurred by members of the Indian Immigration Committee in travelling to and from places where the Committee meets or other places necessary to be visited for the purposes of this Ordinance ;
- (h) for the payment of fees and charges incidental to legal proceedings and of the cost of legal advice and assistance incurred and obtained in and for administering the fund ;
- (i) for the payment of expenses of collection and administration of the fund ;
- (j) for repatriation of and assistance to Indian labourers in need of relief ;
- (k) for such purposes as may be determined by resolution of the Legislative Council.

(3) The Indian Immigration Committee may borrow from time to time at such rates of interest as the Colonial Secretary approves such moneys as it deems necessary for the purpose of making the disbursements specified in sub-section (2).

Payments out
of Immigra-
tion Fund.

126.—(1) Payments out of the Indian Immigration Fund shall be made by the Controller on the authority of the Indian Immigration Committee.

(2) The Controller shall present half-yearly accounts of the Indian Immigration Fund to the Indian Immigration Committee.

(3) Such half-yearly accounts, when passed by the Indian Immigration Committee, shall be published in the *Gazette*.

Offences.

127. Any employer

- (a) who fails to keep or cause to be kept a register ;
- (b) whose register is not kept up to date, unless he explains, such omission to the satisfaction of the Court ;
- (c) whose register contains any incorrect or incomplete entry, unless he satisfies the Court that such entry was not made with intent to evade payment of moneys payable under this Part ;

- (d) who fails to send in a return within the time prescribed by section 115 ;
- (e) who sends in a return containing any incorrect or incomplete statement, unless he satisfies the Court that such statement was not made with intent to evade payment of moneys payable under this Part ;
- (f) who refuses or wilfully omits to produce any book for inspection as required by section 117,

shall be liable on conviction to a fine not exceeding five hundred dollars.

128.—(1) In every case in which an employer is convicted of—

Special penalty for certain offences.

- (a) failure to keep or cause to be kept a register ;
- (b) keeping or causing to be kept a register which contains any incorrect or incomplete entry ;
- (c) sending in a return containing any incorrect or incomplete statement,

the Court shall forthwith proceed to determine, taking further evidence if necessary, the number of Indian labourers in respect of whom the employer is chargeable with assessment under this Part, and the employer shall, in addition to any fine imposed upon him, pay a penalty of ten dollars in respect of each such Indian labourer.

(2) Such penalty shall be added to the fine imposed and shall be recovered and dealt with as part thereof.

(3) The payment of such penalty shall not be deemed to be a payment of the assessment due under the provisions of this Part in respect of such Indian labourer, and in a Crown suit for the recovery of assessment no set-off or defence shall be allowed on account of such payment.

129. No prosecution for any offence against the provisions of this Part shall be instituted except by the Controller or by an officer authorised by him in writing in that behalf.

No prosecution without the authority of the Controller.

130. Every fine imposed by virtue of this Part shall be paid over to the Controller and shall become part of the Indian Immigration Fund.

Disposal of fines.

131.—(1) It shall be lawful for the Indian Immigration Committee from time to time with the approval of the Governor by notification in the *Gazette* to prescribe standard rates of wages payable to all or any classes of labourers performing all or any of the kinds of labour specified in section 112 in areas to be set forth in such notification.

Standard rates of wages.

(2) The Indian Immigration Committee shall give reasonable notice, to be published in the Gazette and in at least three issues of not less than one English and one Indian vernacular newspaper circulating, if any, in the area or areas to be affected of its intention to fix such rates at a meeting of which the date and place shall at the same time be notified. All persons interested including the Government shall have the right to appear and be heard before the Indian Immigration Committee at such meeting. Any agent of the Government of India appointed under the Indian Emigration Act shall be deemed to be a person interested. The Indian Immigration Committee may at its discretion allow such persons interested to appear by solicitors or by the duly authorised and usual agents of duly constituted bodies or by other representatives, and may order that any class of persons having a common interest shall appear by such solicitors, agents or other representatives.

(3) The date or dates from which such standard rates are to come in force shall be stated in the notification referred to in sub-section (1), but shall not be earlier than two months after the date of application of such notification.

(4) Standard rates of wages mean the rates proper for an able-bodied male labourer above the age of sixteen or for an able-bodied female labourer above the age of fifteen for a day's work or equivalent task as provided by section 21.

PART X.

HEALTH OF LABOURERS ON ESTATES.

Interpretation.

Interpretation.

132. In this Part unless there is something repugnant in the subject or context—

“Cultivated” means cultivated under any system or kind of cultivation whether actually producing or not;

“Dangerous infectious or contagious disease” means plague, cholera and small-pox and any other disease which the Governor in Council may from time to time, by notification in the *Gazette*, declare to be a dangerous infectious or contagious disease for the purposes of this Part.

“Estate”, except in sections 155, 156 and 157, means any agricultural land exceeding twenty-five acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated, or any quarry, brickfield or oil-station or other place of employment on which twenty-five or more labourers are employed and to which the provisions or any portion of the provisions of this Part are declared to apply by notification by the Colonial Secretary in the *Gazette*;

“Labourer” includes any Asiatic who performs or is under agreement or contract to perform any work for any other person for payment or reward, whether the payment or reward is to be made by the employer or by some other person who has entered into a contract with the employer to have the work done, and except in sections 149, 177 and 192 includes his dependants;

“Dependant” of a labourer includes such of the members of the labourer’s family, namely wife, father, mother and children and adopted children under the age of fourteen, as are living with and dependent on him.

“Resident manager” of an estate means any employer or agent of an employer who resides on, or is in immediate charge of, the estate on which the labourers are employed;

“Rural hospital area” means an area notified in the *Gazette* under the provisions of section 153 (2);

“Rural hospital” means a hospital referred to in section 154;

“The Board” means the Board appointed under section 155.

Duty of Employers.

133.—(1) Every employer shall provide for all assistants or persons other than labourers employed by him on an estate sufficient and proper house accommodation.

House accommodation for assistants.

(2) Should it appear to the Health Officer that any such accommodation is by reason of site, construction, size or otherwise likely to endanger the health of the assistants or other employees housed therein or of any other person, he shall report accordingly to the local authority, and shall submit with his report his recommendations as to the action necessary to be taken.

(3) On receipt of such report the local authority may give to the employer or to the resident manager, or to both, an order in writing requiring him or them to demolish, remove, alter or enlarge such accommodation within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the local authority, prescribe the site to which such accommodation is to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the accommodation is to be enlarged, and may further declare that no assistants or other employees as stated in the order may be permitted to occupy such accommodation pending such demolition, removal, alteration or enlargement.

Provisions to be made for labourers on an estate by the employer

134. Every employer shall provide for every labourer employed by him on an estate, for whom he is bound either by contract or agreement or under any written law to provide house accommodation, and for every labourer employed by him on an estate who resides on such estate or on any other land owned or occupied by such employer or otherwise under his control—

- (a) sufficient and proper house accommodation ;
- (b) a sufficient supply of wholesome water ;
- (c) sufficient and proper sanitary arrangements ;
- (d) hospital accommodation and equipment ;
- (e) medical attendance and treatment including diets in hospital ;
- (f) a sufficient supply of medicines of good quality.

House Accommodation.

House accommodation to be sanitary.

135.—(1) The house accommodation provided shall in all cases fulfil all reasonable sanitary requirements, and the surroundings thereof shall be kept in a clean, sanitary and safe condition.

(2) Every employer who houses any labourer in a building the state of which, or of the surroundings of which, is such as to endanger the health or safety of such labourer shall, on conviction, be liable to a fine not exceeding one hundred dollars for each labourer housed in such building.

Separate lines to be provided for each race.

136. On every estate upon which the labourers employed or residing are not all of one race, the employer shall provide separate lines for the labourers of each race as the Controller directs, and shall not without the written consent of the Controller transfer labourers of one race to lines designed for labourers of another race.

Erection of lines.

137.—(1) Subject to the exceptions contained in this subsection, no lines shall be erected by an employer upon any estate or upon other land adjacent to an estate unless—

- (a) the lines are erected in general accordance with one or other of the designs (hereinafter called standard designs) prepared by order of the Colonial Secretary and approved by the Health Officer as suitable for the accommodation of labourers according to the nature of the site selected (copies of which designs shall be obtainable free of charge by any employer on application to the Controller) and are of such materials as are thereon specified, or
- (b) the permission of the Controller to erect lines otherwise than as aforesaid has been obtained.

Exception.—(1) Lines not in accordance with a standard design may be erected for occupation for a period not exceeding three years on or within 200 yards of, and for the purposes of, land which has been cleared for planting within the two years next preceding such erection and may be occupied for a period not exceeding three years after the clearing of such land for planting.

Exception.—(2) Lines not in accordance with a standard design may, with the approval of the Health Officer, be erected for occupation for a period not exceeding three years on such site as the Health Officer approves.

(2) The Controller may order an employer to remove any lines under such employer's control which have been erected, or are occupied, in contravention of sub-section (i).

(3) Drains shall be carried to such distance as the Health Officer shall in each case order.

138.—All lines shall be erected as far as possible, having regard to all circumstances, from any jungle. A space of not less than 200 feet all round such lines shall wherever possible be kept clear of jungle and of buildings, and the resident manager shall cause such space to be kept clear of refuse and excreta and the lines to be cleaned out daily and all refuse in or near the lines to be collected and burned or buried, and shall detail a sufficient number of labourers daily to carry out these duties.

Surroundings
of lines to be
kept clean.

No cultivation of any kind shall be permitted within the above provided space of 200 feet if such cultivation would in the opinion of the Health Officer interfere with the ventilation or general sanitary condition of such lines.

139.—(1) Should it appear to the Health Officer that any lines are by reason of site, construction, size or otherwise likely to endanger the health of any labourers housed therein or of any other person, he shall report accordingly to the Controller and shall submit with his report his recommendations as to the action necessary to be taken.

Insanitary
Lines.

(2) On receipt of such report the Controller may give to the employer or to the resident manager or to both an order in writing requiring him or them to demolish, remove, alter or enlarge or replace such lines within a reasonable time to be stated in the order, and such order may also, if it appears to the Controller to be necessary, prescribe the site to which the lines are to be removed, the nature of the alterations to be made or the manner in which and the extent to which the buildings are

to be enlarged, and may further declare that no labourer or not more than the number of labourers stated in the order shall be permitted to occupy such lines pending such demolition, removal, alteration or enlargement or replacement.

(3) The Health Officer may order the cleaning, whitewashing or disinfection of any lines which in his opinion are in a dirty, insanitary or infected state.

Prevention of Malarial Fever.

Prevention of
malarial
fever.

140.—(1) Whenever it appears to the Health Officer that on any estate or land adjoining such estate any pond, tank, well, spring, drain, stream, water-logged ground or swamp, or other collection of water or any ravine is or is likely to be prejudicial or dangerous to health or favourable to the existence or propagation of mosquitoes, he shall report accordingly to the Controller and, on receipt of such report, it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, or to the owner of such adjoining land an order in writing requiring him or them within a reasonable time to be stated in such order to take such action as may to the Controller seem necessary to prevent such pond, tank, well, spring, drain, stream, water-logged ground or swamp, or other collection of water or any ravine being prejudicial or dangerous to health or favourable to the existence or propagation of mosquitoes.

(2) No ravine area shall be opened up or denuded of its growth without the previous sanction in writing of the Health Officer.

Water Supply.

Water supply
to be
adequate.

141.—(1) The supply of water available for each labourer for drinking, cooking or bathing purposes shall be not less than such number of gallons per day as the Controller by order either generally or for any particular estate directs.

(2) Any employer failing to provide the quantity so ordered of water suitable for the said purposes shall be liable, on conviction, to a fine not exceeding one hundred dollars for each day during which the quantity provided falls short of the quantity ordered to be available.

Protection of
water supply.

142. The Health Officer may at any time, if it appears to him necessary for the health of any labourers employed or residing on an estate, by order in writing direct the employer or resident manager to prevent the use for drinking, cooking or bathing purposes of the water from any river, stream, canal, tank, pond, well or other source of supply on the estate either absolutely or unless and until certain precautions specified in such order have been taken or enforced, as the case may be, and may in like manner direct the employer or resident manager to have any tank or well closed and any pond filled up.

143.—(1) On any estate upon which there are wells the water of which is or may be used for drinking, cooking or bathing purposes, the employer or resident manager shall, if so directed by the Health Officer by order in writing, have all or any of such wells protected in accordance with one or other of the plans approved by the Colonial Secretary, copies of which shall be obtainable free of charge by any employer from the Controller.

Protection of wells.

(2) Every well, water-hole, or tank on an estate shall be securely fenced or otherwise guarded so as not to be dangerous to adults or children.

For public safety.

144. Should it appear to the Health Officer that the water provided for the use of any labourers housed in any lines is insufficient in quantity or unwholesome in quality, he shall report accordingly to the Controller, and on receipt of such report the Controller may give to the employer or to the resident manager or to both an order in writing requiring him or them, within a reasonable time to be stated in the order, to increase or improve the supply of water or to adopt any precautions regarding the use of such water as may to the Controller seem necessary, and such order may also declare that no labourer shall be permitted to use the water the subject of such order unless and until such improvement has been effected or such precautions have been taken or enforced.

Water supply insufficient or unwholesome.

Sanitary Arrangements.

145.—(1) The arrangements for the disposal of night-soil shall be in accordance with the provisions of any rules made from time to time by the Governor in Council under this Ordinance and published in the *Gazette*.

Disposal of night-soil.

(2) Every employer who neglects, after receipt of a notice in writing from the Health Officer notifying him that the arrangements for the disposal of night-soil on any estate under his charge are not in accordance with such rules, to take within a time stated in such notice such steps as may be necessary to secure due compliance with the said rules, shall be liable, on conviction, to a fine not exceeding one hundred dollars and to a further fine of ten dollars for each day during which such neglect continues after the date of such conviction.

146.—(1) Should it appear to the Health Officer that the latrine accommodation for the labourers housed in any lines is such as to be dangerous to the health of such labourers or any other persons, the Health Officer shall report accordingly to the Controller and shall submit with his report his recommendations as to the action necessary to be taken.

Defective latrine accommodation.

(2) On receipt of such report the Controller may give to the employer or to the resident manager or to both an order in writing to remove or alter the construction of such latrine accommodation within a reasonable time to be stated in such order, and the order may also, if it appears to the Health Officer to be necessary, prescribe the site to which such latrine accommodation is to be removed or the alterations in construction to be made, and may further declare that no labourer shall be permitted to use such latrine accommodation until such removal or alteration has been carried out.

Use of
disinfectants

147. The Health Officer may at any time, if it appears to him necessary for the health of any labourers employed or residing on an estate, by order in writing direct the employer or resident manager to have any latrine immediately closed or disinfected in the manner prescribed in such order, and may by a like order give directions as to the use of disinfectants generally on the estate.

*Hospital Accommodation and Equipment, Medical
Attendance, Etc.*

(a) Estate Hospitals.

Employer to
maintain
estate
hospital.

148.—(1) The Controller may at any time by order in writing require any employer to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a hospital on or in the immediate neighbourhood of any estate upon which labourers are employed by him with accommodation for such number of patients as may be stated in such order, or if there is already a hospital maintained by such employer to enlarge or add to such hospital, so as to provide accommodation for a further number of patients as stated in the order; and may further require him to employ a duly qualified medical practitioner to reside at and have charge of such hospital or any hospital maintained by such employer, and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Health Officer.

(2) If two or more estates are so situated that the required accommodation for patients from such estates can be conveniently provided in one hospital the employers concerned may, with the sanction of the Controller, provide one hospital for such estates instead of a separate hospital for each estate; but in such case every such employer and the resident manager of every such estate shall be responsible for the due maintenance of such hospital and for the provision of the prescribed staff, equipment, diets and medicines and for the observance of any rules made for the inspection and management of such hospital and the furnishing of any returns required as if such hospital were provided and maintained solely by him.

149.—(1) The employer shall bear the expenses of the maintenance and treatment in such hospital of every contract labourer, who was at the time of his admission to the hospital or within seven days previously employed on the estate, so long as he remains in such hospital, and shall also bear the expenses of the maintenance and treatment in such hospital of the dependants of such contract labourer so long as they remain in such hospital, and shall not recover such expenses from the labourer either by deduction from wages or otherwise, but shall not, except as may be provided in the contract of such labourer, be liable to pay wages in respect of any time during which the labourer is in hospital.

Maintenance and treatment of labourer in hospital.

(2) In the case of a labourer employed under an agreement or of any dependant of such labourer the employer shall defray the expenses of maintenance and treatment in such hospital so long as the labourer or any of his dependants remain in hospital, but may recover from such labourer the expenses of such treatment and maintenance at such rate as the Controller, with the approval of the Colonial Secretary, may from time to time prescribe by notification in the *Gazette* in respect of any period in excess of thirty days during which such labourer or any of his dependants has remained in the hospital.

150.—(1) If a labourer at the time of his admission to a Government hospital or within ten days previously was employed on or after employment was residing on any estate, the employer shall pay the expenses of his maintenance and treatment in such hospital at such rate as the Colonial Secretary prescribes by notification in the *Gazette*.

Sick labourer admitted to a Government hospital.

(2) Such expenses, whatever be the amount, shall be recoverable from the employer in a Civil Court at the suit of the Medical Officer in charge of such hospital, and the certificate of such Medical Officer shall be *prima facie* evidence that the amount therein specified is due from the employer.

(3) If no estate hospital is maintained on such estate, all the provisions of section 149 (2) shall apply to such employer's liability for expenses and his right to recover at the rate prescribed under sub-section (1).

151. Unless the Colonial Secretary otherwise directs every estate hospital shall be visited at least once in every fortnight, and oftener if the Health Officer so requires, by a private medical practitioner holding a qualification registrable by the Medical Council of the United Kingdom, and the employer shall make arrangements accordingly and the resident manager if he is not the employer shall report to the employer if this is not done.

Estate hospitals to be visited by a qualified medical practitioner.

Estates on which a hospital is not maintained.

152. On every estate, on or in the neighbourhood of which an estate hospital is not required to be constructed and maintained by the employer for the labourers employed thereon, the employer shall make such provision for the treatment of sick labourers as the Controller, after consultation with the Health Officer, in each case orders.

(b) *Rural Hospitals.*

Exemption of certain employers.

153.—(1) The Governor in Council may by Order in Council exempt employers in any area or areas from the provisions of sections 134 (*d*), (*e*) and (*f*), 148, 149, 150 and 152 and section 187 so far as it refers to sections 134 (*d*), (*e*) and (*f*), 148 and 152.

(2) The Governor in Council may by notification in the *Gazette* declare that any such area shall form a rural hospital area and may by similar notification from time to time extend alter or modify the boundaries of such area.

(3) No such notification shall come into force until it has been laid before and approved by a resolution of the Legislative Council.

(4) In approving any such notification the Legislative Council may make such alterations therein as it may think fit.

Establishment of Rural Hospitals.

154. The Colonial Secretary shall in all rural hospital areas cause to be erected, equipped and maintained such Rural Hospitals as he may in his discretion deem advisable or necessary.

Rural Hospitals to be administered by Boards.

155.—(1) Rural hospitals in each rural hospital area shall be administered by such number of persons as shall in each case be determined by the Colonial Secretary.

(2) Such persons of whom two shall represent estates or properties in such rural hospital area shall be appointed by the Governor and shall in each rural hospital area form a board by such name as he may think fit and shall by such name be a body corporate and have perpetual succession and a common seal and power to acquire, hold and sell property and may by such name sue and be sued.

(3) The Governor may appoint a chairman of such Board.

(4) On the death, inability to act, resignation or absence from the Colony for forty days without leave of any member of such Board a new member shall be appointed by the Governor.

(5) On the absence from the Colony on leave of any member of such Board another person may be appointed by the Governor to act as a member of such Board during the absence of the member on leave.

(6) The common seal of such Board shall be in the custody of the chairman and may be affixed by him.

(7) Notices, orders, receipts and other documents which the Board are empowered to give under this Ordinance or any Rules made thereunder shall be sufficiently authenticated if signed by the chairman.

156.—(1) Every owner of any estate or property exceeding ten acres in the aggregate in every rural hospital area shall immediately after any area has been declared under the provisions of section 153 (2) or within such time thereafter as the Governor in Council may determine pay to the Board having control of the rural hospital area in which such estate or property is situate such sum not exceeding three dollars for each acre of land which is then cultivated as the Governor in Council may fix.

Three dollars
an acre to be
paid by
owners of
estates ex-
ceeding 10
acres.

(2) Each owner of any estate or property exceeding ten acres in the aggregate in such rural hospital area shall pay to the Board having control of the rural hospital area in which such estate or property is situate such sum not exceeding three dollars as the Governor in Council may fix in respect of every acre of land which shall at any time after any notification under the provisions of section 153 (2) become cultivated. Such lastmentioned sum shall be paid and payable immediately each acre becomes cultivated or within such time thereafter as the Governor in Council determines.

(3) Sums varying in amount per acre may be fixed in respect of lands under different kinds of cultivation.

(4) The sum payable by the owner of any estate or property under this section shall be paid by such instalments as the Governor in Council determines.

(5) If default is made in the payment of any instalment, the whole sum then remaining unpaid may be at once recoverable.

157.—(1) The Board shall immediately after an area has been declared under the provisions of section 153 (2) and at the beginning of each subsequent year make and assess a rate at such rate not exceeding fifty cents an acre as the Board with the consent of the Governor in Council think fit in respect of every cultivated acre of land where any estate or holding exceeds ten acres in the rural hospital area under their control.

Assessment
of hospital
rate.

(2) Such rate shall be called a rural hospital rate and shall be payable in advance without demand by the owner of the estate or property rated or at such times and in such amounts as the Governor in Council determines.

(3) Rates varying in amount per acre may be assessed in respect of lands under different kinds of cultivation.

Rate to be a first charge on property.

158. Subject and without prejudice to the rights of the Crown and of any Municipality or Rural Board under the provisions of Ordinance No. 135 (Municipal) the rate made and assessed under this Ordinance and the sums referred to in section 156 shall be a first charge on the property in respect of which it is assessed or payable, and if not paid within the prescribed time shall be recoverable in manner hereinafter provided.

Proceedings in default.

159.—(1) If any sum payable under section 156 or in respect of any rate remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons if more than one liable to pay the same calling on him to pay the same together with a fee of fifty cents for the cost of the notice within fifteen days of the service of such notice.

(2) If no person liable to pay the same can be found, such notice shall be deemed to have been duly served by fixing a copy thereof on some conspicuous part of the property for which the rate is payable or by causing such notice to be posted at convenient places on or near the said property.

(3) At the expiration of the said period of fifteen days or such further period as may have been allowed by the Board, if any such sum or any part thereof remains due and unpaid, it shall be deemed to be an arrear and may be recovered as hereinafter provided.

Proceedings for recovery of arrear.

160.—(1) For recovery of an arrear the Board may issue a warrant of attachment and may seize by virtue thereof any personal property of any person liable to pay the same, and may also seize any effects or any crops to whomsoever belonging which may be found on the premises in respect of which the arrear is due and may after the prescribed notice sell the same by public auction in the prescribed manner.

(2) The attachment may be made by an officer, deputed by the Board for the purpose, who shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached. Such officer shall be deemed to be a public servant within the meaning of the Penal Code.

(3) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

Proceedings against the premises.

161. If the arrear cannot be recovered in the manner aforesaid, the Board may by notice of sale, to be served or published in the prescribed manner declare their intention of selling at the expiration of three months from the date of such notice of sale the premises in respect of which the arrear has accrued, and if at the expiration of such period such arrear has not been paid or satisfied the Board may sell by public auction the whole of such premises or such portion thereof or such interest therein as they may deem sufficient.

162.—(1) The proceeds of such sale shall be applied in the first place in satisfaction of the arrear together with interest thereon at the rate of six per cent per annum and costs, and in the event of there being any surplus remaining the Board shall, if they are satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person, and if they are not so satisfied shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

Application
of proceeds.

(2) If no title is established to such surplus within a period of five years from the date of the sale, it shall be paid to the credit and form part of the Hospital Fund hereinafter mentioned.

163.—(1) The purchaser at a sale held under section 161 shall be deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except such as are expressly reserved by the Board at the time of sale.

Title conferred
by
purchase at
sale under
section 172.

(2) The Board shall notify by an advertisement in the *Gazette* the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

164. All costs of any proceeding under this Ordinance for the recovery of arrears may be recovered as if they formed part of such arrears.

Cost of pro-
ceedings for
recovery of
arrears.

165. If any person having any interest in any property liable to be sold under the provisions of this Ordinance at any time previous to such sale tenders the Board the arrear with interest and costs, the Board shall thereupon desist from all further proceedings in respect thereof.

Power to
stop sale.

166.—(1) If any person whose personal property, crop or land has been attached or advertised for sale under the provisions of this Ordinance disputes the propriety of the attachment or sale, he may apply to the Supreme Court or, when the arrear does not exceed fifty dollars, to a District Court for an order to stay the proceedings, and the Court after hearing the Board and making such further enquiry as may be necessary shall make such order in the premises as shall be just.

Application
to Supreme
Court.

(2) In Malacca in the absence of a Judge from the Settlement such order may be made by a Registrar or Assistant Registrar or Deputy Registrar of the Supreme Court.

167. No application shall be entertained by the Court under section 166 unless the applicant has deposited in Court the amount of the arrears and costs or given security for the same to the satisfaction of the Court.

Security to
be given.

Rules for recovery of rates.

168. In the collection of the sums mentioned in section 156, and any rate under this Ordinance, the rules and forms in schedule B shall be observed.

Evidence of rates

169. The production of the books purporting to contain any rate made under this Ordinance shall without any other evidence whatever be received as *primâ facie* proof of the making and validity of the rate mentioned therein.

Assessment, etc., not to be impeached for want of form.

170. No assessment, no charge or demand of any rate under this Ordinance and no seizure or sale shall be impeached or affected by reason of any mistake in the name of the person liable to pay the rate or in the description of the property liable to such rate or any mistake in the amount of assessment or mode of seizure or sale, provided the direction of this Ordinance be in substance and effect complied with, and no proceedings under this Ordinance for the recovery of any rate shall be quashed or set aside for want of form.

Hospital Fund created.

171.—(1) All moneys paid by owners under the provisions of section 156 shall be paid into a fund to be known in each rural hospital area as "The Hospital Fund" and shall be applied to defray the cost of erecting from time to time such rural hospitals as may be necessary in such area and of the first equipment thereof and of purchasing sites therefor.

(2) No hospital fund nor any part thereof shall be expended on anything connected with any other rural hospital area than that for which it was created.

(3) After payment of the cost from time to time of erecting rural hospitals and of the first equipment thereof and of purchasing sites therefor any balance for the time being remaining of any hospital fund shall be invested by the Board in such securities as for the time being are sanctioned by law for investment by trustees.

(4) The interest or income of or from securities shall be applied in or towards the purposes mentioned in section 172.

How hospital rate to be applied.

172.—(1) In each rural hospital area the rates recovered under this Ordinance shall be applied in equipping and maintaining the rural hospitals in such area, and

- (a) in defraying two-thirds of the cost of providing medical and other attendants and servants;
- (b) in providing drugs, surgical and medical appliances;
- (c) in providing diets for patients;
- (d) in providing all other necessaries; and
- (e) in payment of the cost of the administration under section 155.

(2) Sub-section (1) shall not apply to Malacca until the Governor by notification to be published in the *Gazette* shall so direct.

173.—(1) The employer shall bear the expenses of the maintenance and treatment in a Rural hospital of every contract labourer, who was at the time of his admission to the hospital or within seven days previously employed on the estate, so long as he remains in such hospital and shall also bear the expenses of the maintenance and treatment in such hospital of the dependants of such contract labourer so long as they remain in such hospital, and shall not recover such expenses from the labourer either by deduction from wages or otherwise, but shall not, except as may be provided in the contract of such labourer, be liable to pay wages in respect of any time during which the labourer is in hospital.

Maintenance and treatment of labourer in hospital.

(2) In the case of a labourer employed under an agreement or of any dependant of such labourer the employer shall defray the expenses of maintenance and treatment in such hospital so long as the labourer or any of his dependants remain in hospital, but may recover from such labourer the expenses of such treatment and maintenance at such rate as the Controller, with the approval of the Colonial Secretary, may from time to time prescribe by notification in the *Gazette* in respect of any period in excess of thirty days during which such labourer or any of his dependants has remained in the hospital.

Infectious and Contagious Diseases.

174.—(1) The resident medical practitioner shall and, in his absence or if there is no resident medical practitioner, the resident manager shall isolate at once any labourer or other person on an estate whom he may suspect to be suffering from any dangerous infectious or contagious disease, and shall detain under observation any other persons whom he may deem likely to have contracted such disease, and with the least possible delay shall notify the Health Officer and the nearest Government Medical Officer and shall, pending the arrival on the estate of the Health Officer or a Government Medical Officer deputed by him, take immediate steps to prevent any person from occupying the building in which the person suspected to be suffering from such disease has been housed.

Duty to report suspected case of infectious disease, etc.

(2) Any person who neglects to perform to the best of his ability the duty imposed upon him by this section shall be liable, on conviction, to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to three months.

Duty of employer to make special provision for infectious cases and contacts.

175.—(1) On the occurrence of any infectious or contagious disease on any estate the employer shall forthwith, if so directed by the Health Officer by order in writing, set apart a place for the reception of any labourers employed on the estate whom it shall appear necessary or desirable to segregate in the interests of the public health or of any other labourers employed on the estate, and shall make at his own expense such arrangements for the maintenance of such labourers while so segregated and for the treatment of any labourers suffering from such disease as the Health Officer orders.

(2) If it at any time appears to the Health Officer that a labourer employed on any estate is suffering from a contagious or infectious disease or that it is otherwise necessary in the interest of the public health or of the health of any other labourers employed on the estate that he be removed and placed under medical supervision, the Health Officer may cause such labourer to be removed to such place as he directs and there to be detained until discharged by order in writing under the hand of a Medical Officer of the Government.

General Provisions.

Employer to provide appliances for conveying labourers to hospitals.

176.—(1) The employer shall cause every labourer employed on the estate who requires medical treatment to be taken with the least possible delay to the hospital provided for labourers employed on the estate or, if there is no such hospital, to the Rural hospital in the Rural hospital area in which the estate is situate, or, if there is no such hospital, to the nearest Government hospital, and shall make such arrangements and provide such appliances for their transport to hospital as the Health Officer from time to time orders.

(2) The Health Officer or any Medical Officer of the Government may order the employer or resident manager to remove any labourer on an estate who requires medical treatment to hospital.

Duty of kanganis, etc., to report cases of sickness.

177.—(1) Every headman, kangani, mandor, or other person in immediate charge of any gang of labourers shall report immediately to the resident manager the absence of any labourer from work on account of sickness.

(2) The resident manager shall have power to fine any such person who neglects to report such absence or sickness. Such fine shall not exceed five dollars for each such offence and may be deducted from the wages of such person. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller who may at his discretion remit the whole or any part of any fine so imposed.

(3) All such fines shall be paid into the Indian Immigration Fund.

178.—(1) The Colonial Secretary may from time to time by notification in the *Gazette* prescribe scales of rations, cooked and uncooked, for different classes of labourers and may also in like manner fix the maximum deductions which may be made by an employer from wages in respect of each such ration supplied by him.

Rations may be ordered to be supplied according to prescribed scales, and deductions in respect thereof may be made from wages.

(2) Every employer shall, if so required in writing by the Controller, supply to all labourers employed by him, other than contract labourers, or to all labourers of a particular class specified in the requisition and to all children over one year and under twelve years of age living with and dependent upon such labourers rations according to such of the scales prescribed under sub-section (1) as are specified in the requisition and shall continue to supply such rations, until such requisition is withdrawn by the Controller in writing, to every such labourer being from time to time under agreement with him and to all children over one year and under twelve years of age living with and dependent on such labourer; provided that in the case of children under ten years of age only one-third rations and in the case of children of ten years and over only half-rations need be supplied.

(3) For and in respect of all rations supplied in pursuance of such requisition of the Controller as is mentioned in sub-section (2) the employer shall be entitled to deduct from the wages of the labourer the sum fixed by the Colonial Secretary under sub-section (1) as the maximum deduction which may be made in respect of such rations; provided that such deduction shall not exceed the actual cost to the employer of such rations and shall not be made from any wages accrued due to the labourer before the date of the Controller's requisition.

(4) When such a requisition as is mentioned in sub-section (2) has been made, the employer shall day by day supply rations as therein specified to all labourers to whom the requisition relates and to all children, if any, living with and dependent on them, whether work is done by the labourers or not, so long as the labourers remain in his employment; provided that—

(a) in the event of any labourer or child being removed to hospital the rations supplied shall be in accordance with the scale prescribed for patients in hospital and not according to the scale prescribed under sub-section (1); and

(b) no deduction shall be made in respect of rations supplied in hospital except in accordance with the provisions of section 149.

(5) Any employer, who omits to comply with a requisition made under this section or who makes any deduction in respect of rations supplied in pursuance of such requisition otherwise than in accordance with the provisions of this section, shall be liable to a fine not exceeding two hundred dollars and to an additional fine not exceeding fifty dollars for each day during which such omission is or has been continued.

Special order for cooked rations or hospital rations.

179. The Controller or a Health Officer may by order in writing at any time require the employer of any labourer to supply such labourer with cooked rations, either in accordance with one of the scales prescribed under sub-section (1) of section 178 or in accordance with the scale for native patients for the time being in force in Government hospitals, for such period not exceeding one month as is specified in the order, and any employer who omits to comply with such order shall be liable to a fine not exceeding ten dollars for each day during which such omission continues in respect of each and every such labourer.

Cooks.

180. When any requisition by the Controller under section 178 for the supply of cooked rations or any order by the Controller or Health Officer under section 179 has been made, the Controller may require the employer to employ, and the employer shall thereupon employ in the preparation of such cooked rations such number of cooks approved by the Controller as the Controller considers necessary.

Supply of rations or rice and deduction from wages by agreement.

181. Any employer may, with the written sanction of the Controller, agree with his labourers or any of them that he shall supply such labourers with

(a) rations according to one or other of the scales prescribed under section 178 or according to such other scale as is specially approved in writing by the Controller after consultation with the Health Officer, or

(b) rice in such quantities as the labourers may require and at a price not exceeding a specified rate,

and may deduct from the wages of each such labourer the actual cost of rations or of rice so supplied to him, as the case may be, provided that no deduction so made shall—

(i) in the case of rations, exceed, except with the written sanction of the Controller, the maximum deduction fixed under section 178 in respect of the scale of rations, if any, prescribed under that section for the class of labourers to which such labourer belongs;

(ii) in the case of rice, exceed the amount which the rice supplied would cost at the rate specified as in paragraph (b) provided.

182. Every employer who is by a requisition under section 178 or by an order under section 179 directed to supply rations to any labourer, and every employer who supplies rations or rice by agreement under section 181, shall keep conspicuously exhibited on the place of employment and at all lines occupied by any labourer to whom rations are directed to be supplied or to whom rations or rice are agreed to be supplied notices, expressed in the native language or languages of such labourers, containing full particulars as to

Particulars of rations and deductions to be notified to labourers.

- (a) the scale according to which rations are directed or rations or rice are agreed to be supplied ;
- (b) the maximum deduction permitted to be made from wages in respect of rations or rice supplied.

183. The Health Officer may at any time, if it appears to him necessary for the health of the labourers employed on any estate, by order in writing to the employer or resident manager direct—

Power of Health Officer to order quinine, etc., to be administered.

- (a) that quinine shall be regularly administered free of charge in such doses and at such times as are stated in the order to all persons or to any class of persons employed or residing on the estate ;
- (b) that all or any of the labourers employed on the estate shall be vaccinated ;
- (c) that hot coffee or congee shall be provided at such times as are stated in the order, free of charge and in addition to the diets, if any, which the employer is bound to supply, to all labourers or to all labourers of a particular class employed on the estate.

184. The employer or resident manager, with the approval of the Health Officer, may make and publicly notify sanitary regulations for observance on any estate.

Employer may make sanitary regulations.

185.—(1) The employer shall provide that all lines are visited and inspected daily by a qualified dresser or other responsible person, who shall report to the resident manager if the lines are not kept clean or if any refuse is allowed to accumulate in the neighbourhood of the lines, and shall also examine and, if necessary, take or cause to be taken to hospital any labourer found on the lines who appears to be suffering from any complaint and report to the resident manager that he has done so.

Daily inspection of lines.

(2) In any case where the Health Officer considers that the visits, inspections or other duties prescribed by sub-section (1) are not satisfactorily carried out he may notify the resident

Manager accordingly, specifying the matters in respect whereof he is not satisfied, and the resident manager shall thereupon make such further or other arrangements, whether by substituting a different dresser or person to perform the said duties or otherwise, as the Health Officer may require.

Name of estate, etc., to be painted on notice board erected at entrance to estate.

186. The employer shall cause to be erected and exhibited by the high road at the main entrance to the estate a notice board on which shall be painted, in English characters easily legible, the name of the estate and the name and address of the person responsible for the management of the estate and, if the employer is a company, the situation of the registered office of the company.

Penalties.

Neglect by employer to comply with certain orders.

187. Any employer omitting to comply with any of the provisions of section 134 or with any order made under sections 133, 139, 140, 144, 148, 152 or 175 shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars and to a further fine of fifty dollars a day for every day during which such default continues.

Neglect by employer to comply with other orders.

188. Any employer omitting to comply with any order made under sections 142, 143, 146, 147 or 183 shall be liable, on conviction by the Court, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

Neglect by resident Manager to comply with order.

189. Any resident manager neglecting or refusing to comply with any order made under sections 133, 139, 140, 142, 143, 144, 146, 147 or 183 or with any requirement of a Health Officer under section 185 shall be liable, on conviction, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default continues.

Penalty for not sending sick labourer to hospital.

190.—(1) Any employer or resident manager who without reasonable excuse, the proof whereof shall lie on him, fails to take or cause to be taken to hospital any labourer employed on the estate, who requires, medical treatment, shall be liable on conviction to a fine not exceeding fifty dollars, and on conviction for a second or subsequent offence committed within two years from the date of a previous conviction for such an offence shall be liable to a fine not exceeding five hundred dollars.

(2) Any employers or resident manager who without reasonable excuse, the proof whereof shall lie on him, shall neglect or refuse to comply with any order made under section 176 shall be liable on conviction by the Court to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

191. Any employer or resident manager who—

- (a) fails to provide separate lines for labourers of separate nationalities as directed by the Controller ;
- (b) erects or causes to be erected any lines, in contravention of section 137 (1) or neglects or refuses to comply with an order under section 137 (2) ;
- (c) fails to comply with the provisions of section 143 (2) ;
- (d) fails to erect and exhibit a notice board, as is required by section 186 ;
- (e) fails to comply with any rule made under paragraph (e) of sub-section (1) of section 228 or to furnish within the prescribed time any return required to be forwarded by him under any rule made under paragraph (g) of sub-section (1) of section 228,

Offences
against
certain
sections.

shall be liable on conviction to a fine not exceeding two hundred dollars.

192.—(1) Any labourer wilfully disregarding or allowing his dependant to disregard any sanitary regulation which has been approved by the Health Officer and publicly notified for observance on the estate under section 184 and any labourer neglecting or refusing to go to hospital or to send his dependant to hospital when so ordered by the resident manager or the resident medical practitioner, shall be liable to a fine not exceeding fifty cents.

Disobedience
by labourer
of sanitary
regulations.

(2) Such fine may be imposed by order of the resident manager only and may be deducted from the wages of such labourer. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller who may at his discretion remit any fine so imposed.

(3) All such fines shall be paid into the Indian Immigration Fund.

PART XI.

PLACES UNFIT FOR THE EMPLOYMENT OF LABOURERS.

193.—(1) Any person, who desires to engage labourers on a place of employment on which labourers have not hitherto been employed or have not been employed within the preceding twelve months, or who desires to increase the number of labourers already on such place of employment so that the existing arrangements will be inadequate and insufficient for such increase of labourers, shall give notice in writing of his desire to the Controller, who shall as soon as possible enquire into and inspect the arrangements which have been made for the residence and employment of labourers on such place and either permit or refuse to permit the employment of labourers or of additional labourers on such place, as the case may be.

Inspection of
new place of
employment
before em-
ployment of
labourers.

(2) If the Controller refuses to grant permission, he shall forthwith furnish a report to the Local Authority.

(3) No person shall employ or permit to reside on such place any labourers without the permission in writing of the Controller.

(4) The provisions of this section shall not apply to any person employing less than fifty labourers on any one place of employment unless such labourers are contract labourers.

Prohibition
employment
of labourers
where ar-
rangements
are inade-
quate.

194.—(1) If the Controller at any time has reason to believe that the arrangements made for the residence and employment of labourers on any place of employment where labourers are living or employed are from any cause inadequate for the residence and employment of additional labourers on such place or that the health or condition of the labourers living or employed on such place is from any cause unsatisfactory, he shall have power by order under his hand conveyed to the employer to prohibit the employment of additional labourers on such place, and it shall thereupon be unlawful for any person to employ or permit to reside on such place any labourers other than those who were residing or employed thereon before the issue of such notice.

(2) On subsequent proof being furnished to the satisfaction of the Controller that adequate arrangements have been made for the residence and employment of additional labourers on such place of employment or that the health and condition of the labourers living or employed thereon have become satisfactory, the Controller may rescind the order made under subsection (1) and thereupon the employer may engage labourers on such place.

Penalty for
permitting
labourer to
reside in
unhealthy
locality.

195. Any employer who permits the residence or employment of labourers on any part of the place of employment in contravention of section 193 or section 194, shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to six months.

Power of
Governor in
Council to
prohibit
employment
of labourers
or class of
labourers
when super-
vision is in-
adequate.

196.—(1) If at any time it appears to the Controller that there is no supervision of labourers or that the supervision provided on any place of employment is inadequate or ineffective to secure labourers or any class of labourers from ill-treatment or ill-usage, the Controller may make such requisitions on the employer as he may deem necessary for obtaining the necessary supervision and causing such ill-usage and ill-treatment to cease, and unless the same are forthwith complied with the Controller shall furnish a full report of the case to the Colonial Secretary to be laid before the Governor in Council, who may thereupon make an order prohibiting the further employment after a day to

be named therein of labourers or of any class of labourers on such place of employment, and on the publication of the order in the *Gazette* no person shall after the day named in such order employ or permit to reside on such place of employment any labourers or class of labourers specified in such order until the Governor in Council cancels such order.

(2) If at any time it appears to the Controller that any place of employment is unfit for the employment of labourers or any class of labourers, he shall furnish a report in writing to the Colonial Secretary to be laid before the Governor in Council who may make an order to the same effect as an order under sub-section (1).

(3) No order shall be made under this section by the Governor in Council until the employer has had an opportunity of showing cause against the making of an order and of producing evidence.

(4) Any person, who acts contrary to the terms of any order made and published under this section, shall be liable on conviction to a fine not exceeding one thousand dollars with an additional penalty of two hundred dollars a day after the first day's disobedience during the continuance of such contrary action.

Penalty for disobedience of a prohibitory order.

PART XII.

EMIGRATION OF ASIATICS.

197. In this Part unless there is something repugnant in the subject or context—

Interpretation.

“The Colony” means the Colony of the Straits Settlements exclusive of Christmas Island and the Cocos Islands;

“Labour” means to perform manual labour or take part in any exhibition or in any theatrical, musical or spectacular performance, but does not extend to the performance of menial or domestic service;

“Labourer” means an Asiatic who has either within or without the Colony entered into a contract or agreement to labour beyond the limits of the Colony and of the Federated Malay States;

“Emigration,” with its cognate expressions, means departure from the Colony under a contract or agreement to labour in some country or place beyond the limits of the Colony and of the Federated Malay States, and includes such departure of any person who has entered the Colony whether at the time of such entry he had or had not any intention of residing in the Colony;

“A place to which emigration is permitted” means any place or estate in any of the countries included for the time being in schedule C as to which a notification under section 198 (3) is not in force.

Countries and places to which emigrations permitted.

198.—(1) No labourer shall emigrate except to the countries specified in the schedule C.

(2) The Governor in Council may from time to time by notification in the *Gazette* vary the schedule C and may from time to time by the like means impose conditions upon which emigration to any country or to any place in any country is permitted.

(3) Whenever the Governor in Council has no satisfactory information regarding the treatment of persons employed in any place in any of the countries specified in the schedule C or has reason to believe that—

- (a) plague or other epidemic disease dangerous to human life has broken out in any such place;
- (b) the mortality among persons employed in any such place is excessive;
- (c) proper measures have not been taken for the protection of labourers immediately after their arrival in any such place or during their residence therein;
- (d) the contracts made with any labourers have not been duly enforced by the Government of any such country; or
- (e) the persons employed on any estate are cruelly, fraudulently or unfairly dealt with,

he may by notification in the *Gazette* declare that emigration to such place or estate shall cease to be lawful from a day to be specified in the notification, and from that day emigration to such place or estate shall be in contravention of this Ordinance.

(4) Whenever the Governor in Council is satisfied that the ground on which emigration has been prohibited by him to any place or estate has ceased to exist, he may by notification in the *Gazette* declare that subject to such conditions, if any, as may be imposed by the notification emigration to that place or estate shall again be lawful from a day to be specified in the notification, and from that day emigration to such place or estate in accordance with the terms of the notification shall cease to be in contravention of this Ordinance.

Appearance before Protector prior to emigration.

199.—(1) Every labourer, who is a Chinese immigrant and is indebted for passage money or advances within the meaning of Part IV, shall before he emigrates appear in person before the Protector.

(2) If upon the appearance of any such labourer before the Protector a contract entered into by the labourer is produced, the Protector shall ascertain whether the contract is to labour in a place to which emigration is permitted, whether it is valid by the law of the place where the contract is to be performed and whether the labourer fully understands and is willing to be bound by the terms of the contract.

(3) The Protector shall, if he is satisfied that the contract is to labour in some place other than a place to which emigration is permitted, or that such contract is not valid as aforesaid, or that, if the contract is valid, the labourer is not willing to be bound by the terms thereof, secure the release of the labourer from any restraint to which he may be subjected.

(4) If upon the appearance of any such labourer before the Protector no contract is produced, the Protector shall ascertain whether a contract or agreement has been entered into and the terms of such contract or agreement, and the place to which the labourer intends to emigrate, and shall, if he is satisfied that the contract is not valid by the law of the place where the contract is to be performed or that, if the contract is valid, the labourer is not willing to be bound by the terms thereof, or that the contract or agreement is to labour in some place other than a place to which emigration is permitted, secure his release from any restraint to which he may be subjected.

200.—(1) Every labourer, who enters into a contract to take part in any exhibition or in any theatrical, musical or spectacular performance, shall before he emigrates appear in person before the Protector, who shall exercise the powers conferred on him by section 199. Powers of Protector.

(2) The Protector shall require that—

- (a) provision be inserted in the contract that within a reasonable time after its termination the labourer shall be returned to the Colony or to his native country at the expense of the employer;
- (b) the employer furnish security for the due fulfilment of his obligations under the contract to the Protector's satisfaction;
- (c) the labourer be certified by a duly qualified medical practitioner as fit to perform his obligations under the contract;
- (d) the labourer be supplied free of charge with a duplicate of the contract executed in his native language;
- (e) a photograph or finger-prints of the labourer, as the Protector may in each case direct, be deposited for record in the Protectorate.

“A place to which emigration is permitted” means any place or estate in any of the countries included for the time being in schedule C as to which a notification under section 198 (3) is not in force.

Countries and places to which emigrations permitted.

198.—(1) No labourer shall emigrate except to the countries specified in the schedule C.

(2) The Governor in Council may from time to time by notification in the *Gazette* vary the schedule C and may from time to time by the like means impose conditions upon which emigration to any country or to any place in any country is permitted.

(3) Whenever the Governor in Council has no satisfactory information regarding the treatment of persons employed in any place in any of the countries specified in the schedule C or has reason to believe that—

- (a) plague or other epidemic disease dangerous to human life has broken out in any such place;
- (b) the mortality among persons employed in any such place is excessive;
- (c) proper measures have not been taken for the protection of labourers immediately after their arrival in any such place or during their residence therein;
- (d) the contracts made with any labourers have not been duly enforced by the Government of any such country; or
- (e) the persons employed on any estate are cruelly, fraudulently or unfairly dealt with,

he may by notification in the *Gazette* declare that emigration to such place or estate shall cease to be lawful from a day to be specified in the notification, and from that day emigration to such place or estate shall be in contravention of this Ordinance.

(4) Whenever the Governor in Council is satisfied that the ground on which emigration has been prohibited by him to any place or estate has ceased to exist, he may by notification in the *Gazette* declare that subject to such conditions, if any, as may be imposed by the notification emigration to that place or estate shall again be lawful from a day to be specified in the notification, and from that day emigration to such place or estate in accordance with the terms of the notification shall cease to be in contravention of this Ordinance.

Appearance before Protector prior to emigration.

199.—(1) Every labourer, who is a Chinese immigrant and is indebted for passage money or advances within the meaning of Part IV, shall before he emigrates appear in person before the Protector.

(2) If upon the appearance of any such labourer before the Protector a contract entered into by the labourer is produced, the Protector shall ascertain whether the contract is to labour in a place to which emigration is permitted, whether it is valid by the law of the place where the contract is to be performed and whether the labourer fully understands and is willing to be bound by the terms of the contract.

(3) The Protector shall, if he is satisfied that the contract is to labour in some place other than a place to which emigration is permitted, or that such contract is not valid as aforesaid, or that, if the contract is valid, the labourer is not willing to be bound by the terms thereof, secure the release of the labourer from any restraint to which he may be subjected.

(4) If upon the appearance of any such labourer before the Protector no contract is produced, the Protector shall ascertain whether a contract or agreement has been entered into and the terms of such contract or agreement, and the place to which the labourer intends to emigrate, and shall, if he is satisfied that the contract is not valid by the law of the place where the contract is to be performed or that, if the contract is valid, the labourer is not willing to be bound by the terms thereof, or that the contract or agreement is to labour in some place other than a place to which emigration is permitted, secure his release from any restraint to which he may be subjected.

200.—(1) Every labourer, who enters into a contract to take part in any exhibition or in any theatrical, musical or spectacular performance, shall before he emigrates appear in person before the Protector, who shall exercise the powers conferred on him by section 199. Powers of Protector.

(2) The Protector shall require that—

- (a) provision be inserted in the contract that within a reasonable time after its termination the labourer shall be returned to the Colony or to his native country at the expense of the employer;
- (b) the employer furnish security for the due fulfilment of his obligations under the contract to the Protector's satisfaction;
- (c) the labourer be certified by a duly qualified medical practitioner as fit to perform his obligations under the contract;
- (d) the labourer be supplied free of charge with a duplicate of the contract executed in his native language;
- (e) a photograph or finger-prints of the labourer, as the Protector may in each case direct, be deposited for record in the Protectorate.

Penalty for emigration to prohibited countries, etc.

201.—(1) Any labourer, who emigrates or attempts to emigrate to any place other than a place to which emigration is permitted or to any place in breach of any condition upon which emigration to such place is permitted, shall be guilty of an offence.

(2) If any labourer, to whom the provisions of section 199 or section 200 apply, emigrates or attempts to emigrate without having appeared before the Protector, he shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable to a fine not exceeding ten dollars, and any person who abets or attempts to abet the commission by any labourer of an offence under this section shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term which may extend to six months.

(4) Any person reasonably suspected of an offence or of abetment of an offence under this section may be summarily arrested by a Police officer or an officer of the Protectorate.

(5) The Protector and any Police officer or any officer of the Protectorate authorised by him in writing may

(a) enter any dwelling-house, shop, building or place or any railway train or any ship, not being or having the status of a ship of war, and there search for any person reasonably suspected of an offence or of abetment of an offence under this section; and

(b) arrest such person found therein.

Penalty for fraudulently inducing labourer to emigrate.

202. Any person who by force, intoxication or ill-treatment, intimidation or fraud, or by means of false representations, induces or attempts to induce any person to enter into a contract or agreement to labour beyond the limits of the Colony, shall be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for a term which may extend to two years or to both.

Power to exempt countries from provisions of Ordinance.

203. The Governor in Council may by notification in the *Gazette* exempt either conditionally or absolutely any place or country from all or any of the provisions of this Part, and may at any time revoke such notification.

Charges under Ordinance.

204. No person shall be charged with an offence under this Part except on the complaint or with the sanction of the Protector.

No application to certain Indian Immigrants.

205. Nothing in this Part contained shall apply to an immigrant within the meaning of Part V who has received a free passage from India under a promise to labour in a country or State to which Indian emigration is authorised by the Governor

with the consent of the Government of India or in any place in the Federated Malay States or Johore.

206. Nothing done under the authority of any law for the time being in force relating to the engagement of persons for service on merchant ships shall be deemed to be an offence under this Part.

Saving clause as to merchant seamen.

PART XIII.

OFFENCES AGAINST LABOURERS.

207.—(1) Any person separating or abetting the separation of a labourer from his wife or from his children under the age of fifteen years or from any person dependent on him, without in any of the above cases his consent, or their consent, shall be liable to fine not exceeding one hundred dollars, and any agreement or contract involving such separation shall be void and such wife, children or dependent shall be forthwith restored to the labourer by the Controller.

Penalty for separating families.

(2) In the event of an agreement or contract with any married labourer being determined, the agreement or contract of the husband or wife, as the case may be, of such labourer shall *ipso facto* be determined, and any employer refusing to allow the husband or wife, as the case may be, to accompany such labourer shall be liable on conviction to a fine not exceeding one hundred dollars.

208. Any person who, whether alone or in combination with others, hinders or molests by word, gesture or act any labourer in the performance of his agreement or contract shall be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for a term which may extend to six months.

Penalty for molesting labourer.

209. Any employer who without reasonable excuse, the proof whereof shall lie on him, refuses to allow a labourer whose agreement or contract has been determined in any of the ways hereinbefore provided to leave his service shall be liable, on conviction, to a fine not exceeding fifty dollars or in default to simple imprisonment for a term which may extend to one month, and the whole or any portion of any fine recoverable under this section may be adjudged by the Court to be paid to the labourer.

Wrongful detention of labourer.

210. Any employer who in any way obstructs any labourer in appearing before the Controller in pursuance of this Ordinance, or fails or neglects to pay his wages within the time provided by this Ordinance, shall be liable to a fine not exceeding one hundred dollars.

Obstruction of labourer by employer.

GENERAL.

Penalty for obstructing inspection or inquiry.

211. Any employer or other person who wilfully obstructs or impedes any entry, inspection, inquiry or investigation made under this Ordinance or commits, with respect to such entry inspection, inquiry or investigation made, any offence described in Chapter X of the Penal Code, shall be punished as provided in Chapter X of the Penal Code.

Penalty for breach of provision of Ordinance or of rule for which no penalty is provided.

212. Any person who is guilty of any breach of any of the provisions of this Ordinance or of any rules made thereunder, for which no penalty is otherwise provided, shall be liable on conviction to a fine not exceeding one hundred dollars, and for a subsequent offence under the same section or rule committed within one year of the conviction for the former offence to a fine not exceeding two hundred and fifty dollars.

PART XIV.

PROCEDURE AND RULES.

Procedure.

Officers to be public servants. ✓

213. For the purposes of this Ordinance and of the Penal Code the Controller and every Health or other Officer appointed or acting under this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.

Place of employment deemed a public place. ✓

214. For the purposes of section 24 of Ordinance No. 96 (Minor Offences), every estate, factory or place in which ten or more labourers are employed shall be deemed to be a public place.

Convictions and penalties.

215.—(1) Subject to any special provision to the contrary contained in this Ordinance, all convictions and penalties for offences under this Ordinance may be had and recovered before a Police Court or a District Court on complaint by any person aggrieved or by the Controller or any person authorised by him in that behalf.

(2) Any such Court may, notwithstanding anything in the Criminal Procedure Code contained, impose the full punishment prescribed by this Ordinance, excepting that a Police Court shall not impose a sentence of imprisonment exceeding six months.

Right of bearing. ✓

216. The Controller and any officer authorised by him in writing shall have the right to appear and be heard before a Police Court or District Court in any proceeding under this Ordinance and shall also have the right to be heard before

such Courts in any prosecution under Chapter XVI of the Penal Code instituted by him in accordance with the provisions of section 42.

217. In all proceedings under Part X the onus of proving that he is not the employer or resident Manager or the person whose duty it is under this Ordinance or under any rule made thereunder to do or abstain from doing anything shall be on the person who alleges that he is not the employer, resident Manager or other person, as the case may be.

Onus of proof. ✓

218. Nothing in this Ordinance shall operate to prevent any employer or labourer from enforcing their respective civil rights and remedies for any breach or non-performance of an agreement or contract by any suit in Court in any case in which proceedings are not instituted, or, if instituted, are not proceeded with to judgment and satisfaction under this Ordinance.

Civil proceedings not barred. ✓

219. Any prosecution under this Ordinance may be withdrawn before judgment and a fresh prosecution instituted for the same offence under the Penal Code or other law applicable to the circumstances of the case.

Withdrawal of prosecution. ✓

220. Where the Controller, or any officer performing the duties or exercising the powers conferred on the Controller, has for the purpose of enquiring into any matter under this Ordinance taken down any evidence or made any memorandum and is prevented by death, transfer or other cause from concluding such enquiry, any successor to such Controller or other officer may deal with such evidence or memorandum as if he had taken it down or made it and proceed with the enquiry from the stage at which his predecessor left it.

Power to deal with evidence taken down by another officer. ✓

221. When under this Ordinance any Court imposes a fine, the Court may, if it thinks fit, direct that the whole or any part of such fine when recovered be paid to the party complaining.

Application of fines. ✓

222. Subject to any special provision to the contrary contained in this Ordinance, from and after the determination of any imprisonment suffered under this Ordinance for non-payment of the amount of any fine, compensation or damages, with the costs assessed and directed to be paid by any order of Court, the amount so ordered shall be deemed to be liquidated and discharged, and the order shall be annulled.

Imprisonment to be in discharge of fine, compensation, etc. ✓

223. When it is alleged by any party to a contract that the condition of a recognizance or bond entered into or given for the fulfilment of the contract under the provisions of this Ordinance has not been performed, the Court, being satisfied thereof, after hearing the parties and the sureties, if any, or in the case of any party or surety not appearing, after proof of service of summons in that behalf, may order that the recognizance or bond be enforced for the whole or part of the sum secured, as to the Court may seem fit.

Enforcement of recognizance or bond. ✓

Recovery of
money as
fines. ✓

224. In the event of any person within the definition of the word "Employer" being subjected to any fine or penalty under the provisions of this Ordinance, such fine or penalty may, in addition to any other means of recovery, be recovered by distress and sale of the estate, or place of employment, or of any property belonging to such estate, or place of employment.

Certified
statement. ✓

225. A copy of the written statement made by any employer under section 92 certified by the Controller as a true copy shall be received in evidence in any prosecution under that section and shall be conclusive evidence of the statement made by the employer to the Controller under the said section.

Service of
summons. ✓

226.—(1) A summons issued by the Controller under section 39, section 44 or section 46 may be served on any person by delivering or tendering to him a copy thereof signed by the Controller; provided that

- (a) if the person to be summoned has an agent empowered to accept service of the summons on his behalf, service on such agent shall be sufficient;
- (b) if the person to be summoned cannot be found and has no agent empowered to accept service of the summons on his behalf, service on any adult male member, not being a servant, of the family of the person to be summoned who is residing with him shall be sufficient.

(2) When such summons as aforesaid is addressed to a corporation, it may be served

- (a) by leaving a copy thereof, signed by the Controller, at the registered office, if any, of the corporation;
- (b) by sending such copy by post in a letter addressed to the corporation at its principal office, whether such office be situated within the Colony or elsewhere;
- (c) by delivering such copy to any director, secretary or other principal officer of the corporation.

(3) When the serving-officer delivers or tenders a copy of the summons to the person to be summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

(4) If

- (a) such person refuses or is unable to sign the acknowledgment, or
- (b) the serving-officer cannot find the person to be summoned and there is no agent empowered to accept service of the summons on his behalf nor any other person on whom the service can be made,

the serving-officer shall affix a copy of the summons on the outer door of the house in which the person to be summoned ordinarily resides and then return the original to the Controller with a return endorsed thereon or annexed thereto stating that he has so affixed the copy and the circumstances under which he did so.

(5) The serving-officer shall, in all cases in which the summons has been served under sub-section (3), endorse or annex or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served.

(6) When a summons is returned under sub-section (4), the Controller shall, if the return under that sub-section has not been verified by the affidavit of the serving-officer, and may if it has been so verified, examine the serving officer on affirmation touching his proceedings and may make such further enquiry in the matter as he thinks fit and shall either declare that the summons has been duly served or order such service as he thinks fit.

(7) When the Controller is satisfied that there is reason to believe that the person to be summoned is keeping out of the way for the purpose of avoiding service or that for any other reason the summons cannot be served in the ordinary way, the Controller may order the summons to be served by affixing a copy thereof in some conspicuous place in or near the office of the Controller and also upon some conspicuous part of the house, if any, in which the person to be summoned is known to have last resided, or in such other manner as the Controller thinks fit, or may order the substitution for service of notice by advertisement in the *Gazette* and in such local newspaper or newspapers the Controller may think fit.

(8) The service substituted by order of the Controller shall be as effectual as if it had been made personally on the person to be summoned.

(9) Whenever service is substituted by order of the Controller, the Controller shall fix such time for the appearance of the person to be summoned as the case may require

227.—(1) Where a warrant has been issued in any of the Federated Malay States under the Labour Code 1923 for the apprehension of an employer who has absconded or is absconding or is about to abscond from that State in order to evade payment of wages due to any of his labourers, and such employer is or is suspected of being in or on the way to the Colony, a Magistrate in the Colony, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in the manner provided in this section, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing Magistrate, the employer named in the warrant, and bring him before the endorsing Magistrate or some other Magistrate in the Colony.

Endorsement
of warrant
issued in the
Federated
Malay States
for apprehen-
sion of
absconding
employer.

✓

(2) The Magistrate before whom an employer so apprehended is brought, if he is satisfied that the warrant was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the Federated Malay State in which the warrant was issued and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed to the Federated Malay State in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended.

(3) A Magistrate shall, so far as is requisite for the exercise of the powers of this subsection, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

(4) An endorsement of a warrant in pursuance of this section shall be signed by the authority endorsing the same, and shall authorise all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every police officer to execute the warrant within the part of the Colony or place, within which such endorsement is by this Ordinance made a sufficient authority, by apprehending the person named in it and bringing him before some Magistrate in the said part or place, whether the Magistrate named in the endorsement or some other.

(5) For the purposes of this section every warrant and every endorsement made in pursuance of this section thereon shall remain in force, notwithstanding that the person signing the warrant of such endorsement dies or ceases to hold office.

Rules.

Power to
make rules.

228.—(1) The Governor in Council, in addition to the powers expressly conferred by any other of the provisions of this Ordinance, may make rules

- (a) subject to which immigrants from British India may be engaged in the Colony for service in a country or state to which Indian Emigration is authorised;
- (b) to prescribe the place at which Chinese Immigrant ships or any ship having immigrants on board shall anchor;
- (c) to prescribe the manner in which and the time at which immigrants shall disembark and at each port the place at which they shall land;
- (d) to prescribe with regard to immigrant ships the accommodation and sanitary arrangements to be provided and maintained for immigrants during the voyage;

- (e) to prescribe generally for the maintenance of estate hospitals at every such hospital according to the number of patients for whom accommodation is provided therein;
- (f) for the inspection and management of estate hospitals and rural hospitals and in particular to prescribe the duties of the officer in charge, and the registers and records to be kept at every such hospital in respect of every patient treated thereat, with the form in which such registers and records are to be kept and the particulars to be included therein; and
- (g) to direct that duly authenticated returns of diseases, deaths and other matters relating to estates or estate or rural hospitals be furnished to the Health Officer and other officers of Government at such times and in such manner as may be specified in such rules;
- (h) to prescribe the times at which and the amounts of instalments by which the sums and rates payable under sections 156 and 157 shall be paid;
- (i) for the management and regulation of depôts established under section 51 (4);
- (j) to prescribe the fees—
 - (1) which may be lawfully demanded of an immigrant for the conveyance of such immigrant from an immigrant ship to an examination depôt;
 - (2) which may be lawfully demanded from a creditor for the use of a detention depôt and for the maintenance of an indebted immigrant while detained therein
 - (3) payable for copies of notes of evidence recorded under the provisions of section 46 (d); and
- (k) to provide generally for the due carrying into effect of the provisions of this Ordinance.

(2) All such rules shall be laid before the Legislative Council and shall not come into force until they have been approved by a resolution of the Legislative Council at some meeting thereof subsequent to the meeting at which they were first laid upon the table.

(3) In approving any such rules the Legislative Council may make such alterations therein as it may think fit.

(4) Any person who commits a breach of any rule made under this section shall be liable on conviction to a fine not exceeding five hundred dollars.

229. The Labour Ordinance, 1920, is hereby repealed. Repeal.

Passed this 30th day of July, 1923.

G. L. HAM,
* Clerk of Councils,

SCHEDULE A.

FORM A. (See Section 76).

I hereby certify that the person herein named and described is not subject to the provisions of Part V of the Labour Ordinance, 1923.

Signed

Controller of Labour.

Name.	Father's name.	Age.	Sex.	Religion and caste (if any).	Place of abode in India.	Calling.	General Description and distinctive Marks.

FORM B. (Section 91).

For Emigrants shipped by s. s.

on By For

Ticket No.	Name.	Father's name.	Sex.	Age.	Religion or caste.	Place of abode.	Dependent.	Height.	Descriptive marks.	Wages and period of service.	Place of intended service.	Remarks.

I hereby certify that the Emigrants herein mentioned and described have been examined and declared physically fit for work as agricultural labourers (or as manual labourers, *as the case may be*) and that having had the terms and conditions under which they promise to labour fully explained to them they have severally stated that they fully understand the same and are ready on arrival at their destination to labour accordingly.

(Sd.) A. B.

*Emigration Commissioner,**Mudras,**Negapatam.*

FORM C. (Section 92).

No.	NAME		ENGAGEMENT		Name of last Employer.	Place of last Employment.	Remarks (if any.)
	of Labour.	of Employer.	Date of	Place of			

I hereby certify that the above is a correct statement as required by section 92 of the Labour Ordinance, 1923, of the labourers engaged by me.

Date.....

.....
Signature of Employer.

SCHEDULE B.

(See Section 168).

RULES FOR THE COLLECTION OF RATES.

1. The notice required by section 159 of the Ordinance shall be in Form I.
2. On payment of the sums due by each person as shown in the notice of demand, such person shall be furnished with a receipt in Form II.

ATTACHMENT AND SEIZURE.

3. The warrant of attachment issued under section 160 of the Ordinance shall be in Form III.
4. The officer to whom the attachment is addressed shall notify the same by affixing a copy thereof to a conspicuous part of the premises in which the seizure is effected.
5. The attachment of movable property shall be executed by actual seizure, and an inventory shall forthwith be taken of such property by the attaching officer, who shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the safety thereof.
6. The attachment of crops shall be effected by notice prohibiting the person in possession from removing or dealing with the same. Such notice (in Form IV) shall be posted up on the land on which the crops are growing, and a copy thereof at a Police Station or other public place in the vicinity.

7. The attaching officer shall immediately after seizure proclaim that if the amount due is not paid within ten days, or cause shown why the property should not be sold, such property will be sold by public auction.

SALE.

8. On the expiration of ten days, if no good cause to the contrary has been shown, and the arrear and costs are still unpaid, the property may be sold.

9. Provided that when the property seized is of a perishable nature, or when the expense of keeping it in custody will exceed its value, it may be sold at once.

10. The expense of the maintenance of live stock and the custody of movable property, while under attachment, shall be costs of the attachment.

11. No officer of the Board nor any person having any duty to perform in connection with any sale under the Ordinance shall, either directly or indirectly, bid for, acquire, or attempt to acquire any interest in any property sold at such sale.

12. A sale under the Ordinance may be adjourned to a specified day and hour if the Board shall see good reason for such adjournment. Every such sale shall be stopped if, before the lot is knocked down, the arrear and costs (including the costs of sale) are tendered to the officer conducting the sale.

SALE OF IMMOVABLE PROPERTY.

13. Where it becomes necessary to take proceedings against the premises under section 161 of the Ordinance, the Board shall record a statement of the case, giving the reasons for the process adopted and the area and boundaries of the premises and the nature of the interest sold therein with a plan of the premises. A copy of this statement shall, on application, be given to the purchaser.

14. The notice under section 161 of the Ordinance shall be in the Form V and contain a description of the boundaries of the property and shall be served personally on the person named therein or, if that be impracticable, shall be posted up on the premises to be sold, and a copy of the notice shall also be posted up at some conspicuous public place in the vicinity, and shall be published in the *Gazette*. The notice shall state the name of the owner of the property if known.

PAYMENT.

15. In the case of movable property and crops, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs; in default of payment, the property shall be again put up and sold. On payment of the purchase-money, the officer conducting the sale shall give a receipt for the same.

16. On every sale of immovable operty under the Ordinance, the person declared to be the purchaserhall pay, immediately after such declaration a deposit of twenty-five r centum on the amount of his purchase-money to the officer conductg the sale, and in def ult of such deposit, the property shall forthwith be it up again and sold.

17. The balance of the purchase-mey shall be paid by the purchaser on or before the fifteenth day after the se of the property, or, if the fifteenth day be a Sunday or other holiday, th on the first office-day after the fifteenth day.

18. In default of payment withirthe period mentioned above, the deposit shall be forfeited to the Board a the property shall be re-sold, and the defaulting purchaser shall forfeit a claim to the property, or to any part of the sum for which it may subsequently be sold.

MISCELLANEOUS.

19. The Board may, if they think itesirable, advertise in such manner as they shall think fit, any sale held undr these Rules, and any expenses incurred in so doing shall be costs of the ile.

20. When land is sold, the bound-ies shall first be made clear by demarcation.

21. On payment of the purchase-mney, the purchaser shall receive from the Board a conveyance of the land r interest in land, as the case may be, sold to him, and he shall forthwith beut in possession of the purchased property, the aid of the Police being afforded if needful.

22. The sum to be deducted from th proceeds of the sale, besides the arrear originally due to the Board, shall be:—

(a) Any further arrear that may hve accrued up to the day of sale

(b) The costs incurred by the proces, sale and conveyance.

FEEES.

23. The following fees may be demanded under the Ordinance:—

	\$	c.
Service or publication of any Notice	0	50
Warrant of Attachment	1	00

24. A charge, calculated at a rate not exceeding 60 cents a day for each man, may be made when it is necessary to place a person or persons in charge of property attached.

FORM I.
NOTICE OF DEMAND.

To. No.

Take notice, you are hereby required to pay at the rates due by you for the period amounting to \$ _____ together with 50 cents for the cost of this Notice within 15 days from the date of the service hereof on you; in default of payment within the period specified the amount of the arrears due, together with the costs of process, will be recovered under the powers contained in the Labour Ordinance, 1923.

Dated at	this	day of	19	.
Current Assessment for	...	...	...	\$
Arrears for	...	...	...	"
Notice Fee	...	...	...	"
				Total \$

FORM II.
RECEIPT.

Received from					
Rates on the premises				\$	c.
Current Assessment for	19	,	...	...
Arrears for	years, viz., 19		to 19	,	...
Notice Fee	...	...	...	...
					Total \$

19

(Counterfoil.)

Received from					
Rates on				\$	c.
Current Assessment for	19	,	...	...
Arrears for	years, viz., 19		to 19	,	...
Notice Fee	...	...	...	...
					Total \$

FORM I.

WARRANT OF ATTACHMENT.

Whereas by a notice of demand served or published on the day of _____ 19____ at _____ the sum of \$ _____ (being arrears and costs recoverable under the Labour Ordinance, 1923) as noted in the margin and whereas the sum of \$ _____ has not been paid:

Current Assessment for 19	...	...
Arrears for 19 to 19	years, <i>vis.</i> , }	... }		
Notice Fee	...	...
Attachment Fee	...	...
Costs	...	...
		Total	...	

THESE ARE TO COMMAND you to attach the personal property of the said _____ wherever the same may be found and also the effects and the crops to whomsoever belonging which may be found on the premises No. _____

and unless the said sum of \$ _____ together with \$ _____, the costs of this attachment, be paid, to hold the same until further orders.

You are further commanded to return this Warrant on or before the day of _____, 19____ with an endorsement certifying the date and manner in which it has been executed or why it has not been executed.

Given under my hand and the seal of the Board this _____ day of _____, 19____.

FORM IV.

NOTICE ATTACHING CROPS.

Whereas _____ has failed to satisfy an arrear of rates amounting, with costs, to \$ _____: Notice is hereby given that the property specified at the foot hereof has been attached under a Warrant of Attachment issued by the Hospital Board _____ date: the _____ day of _____, 19____, and the said _____ and all persons are hereby prohibited from disposing of or removing the said property, and all persons are prohibited from receiving the same by purchase, gift, or otherwise.

the _____ day of _____, 19____.

FOI V.

NOTICE OF SALE OF LAND.

WHEREAS by a notice of demand served or published on the day of _____, 19____, _____ was required to pay at the sum of \$ _____ being arrears and costs recoverable under the Labour Ordinance, 1923: AND WHEREAS the said sum has not been paid and cannot be recovered in the manner prescribed in section 160 of the said Ordinance:

NOTICE is hereby given that, the expiration of three months from the date of this notice, the Board will proceed to sell by public auction the premises described at the foot hereof (being the premises in respect of which the arrear has accrued) and all persons are hereby warned against alienating the premises so described, by sale, gift, or otherwise, and from receiving the same by purchase, gift, or otherwise.

Given under my hand and the seal of the Board this day of _____, 19____.

 SCHEDULE C.

(See section 198.)

All British Possessions.

All British Protectorates or Protected States in Asia.

All Countries in Asia under the Government of Netherlands India.

FOI V.

NOTICE OF SALE OF LAND.

WHEREAS by a notice of demand served or published on the day of _____, 19____, _____ was required to pay at the sum of \$ _____ being arrears and costs recoverable under the Labour Ordinance, 1923: AND WHEREAS the said sum has not been paid and cannot be recovered in the manner prescribed in section 160 of the said Ordinance:

NOTICE is hereby given that, on the expiration of three months from the date of this notice, the Board will proceed to sell by public auction the premises described at the foot hereof (being the premises in respect of which the arrear has accrued) and all persons are hereby warned against alienating the premises so described, by sale, gift, or otherwise, and from receiving the same by purchase, gift, or otherwise.

Given under my hand and the seal of the Board this
day of _____ 19____

SCHEDULE C.

(See section 198.)

All British Possessions.

All British Protectorates or Protected States in Asia.

All Countries in Asia under the Government of Netherlands India.

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AND
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TO
THE LABOUR ORDINANCE, 1923.



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FEDERATED MALAY STATES.

ENACTMENT No. 18 OF 1923.

An Enactment to consolidate and amend the law relating to Labour.

F3

L. N. GUILLEMARD,

[18th August, 1923.]

President of the Federal Council.

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

PART I.

PRELIMINARY.

CHAPTER I.

SHORT TITLE AND REPEAL.

1. This Enactment may be cited as "The Labour Code, 1923" and shall come into force upon such date as shall be appointed by the Chief Secretary to Government by notification in the *Gazette*.

Short title and commencement.

2. The Enactments mentioned in the first schedule are hereby repealed.

Repeal.

3. All appointments, rules, orders and notifications made under any Enactment hereby repealed which were in force immediately prior to the commencement of this Enactment shall, so far as they are not inconsistent with the provisions of this Enactment, be deemed to have been made under this Enactment.

Saving of appointments, rules, etc.

4. The provisions of Part VIII of this Enactment shall, as near as may be, apply to natives of Netherlands India and the places where they are employed, but with this exception none of the provisions of this Enactment which may be inconsistent with the provisions of the Netherlands Indian Labourers' Protection Enactments, 1909, shall apply to any native of Netherlands India who has entered into a contract of service under the provisions of those Enactments or to the employers with whom such contract of service has been entered into.

Saving of Netherlands Indian Labourers' Protection Enactments, 1909.

CHAPTER II.

INTERPRETATION.

5. For the purposes of this Enactment unless the context otherwise requires:

Interpretation.

"Agreement" means a verbal engagement to labour entered into in accordance with the provisions of this Enactment.

"Contract" means a written engagement to labour entered into in accordance with the provisions of this Enactment.

"Contract labourer" means a person who is legally bound to labour by virtue of a contract.

"Court" means the Court of a Magistrate of the First Class.

"Domestic servant" includes coachmen, grooms, motor-car drivers, gardeners, water-carriers and other house, stable or garden servants employed in, or in connection with, the domestic services of any public

or private dwelling-house or eating-house, but does not include Indians being immigrants as defined in section 34 employed on such services on estates as defined in section 159.

"Employer" includes any person, and any body of persons, corporate or unincorporate, who or which enters into an agreement or contract with any labourer as hereinafter defined, and the duly authorised agent or manager of such person or body of persons.

"Government" means the Government of the Federated Malay States or of any of them.

"Immigrant ship" means a ship carrying immigrants.

"Labourer" includes every Asiatic artificer, miner, servant in husbandry, and every other Asiatic employed for the purpose of personally performing any manual labour or of recruiting or supervising Asiatics for, or in the performance of, such labour, but does not include domestic servants as hereinbefore defined.

"Lines" means any building or collection of buildings used or intended to be used, either temporarily or permanently, for the housing of labourers employed on an estate.

"Master" means the person for the time being in charge of a ship.

"Health Officer" means the Principal Medical Officer, Federated Malay States, and includes any officer to whom the Principal Medical Officer shall, by writing under his hand, have delegated the exercise or performance of all or any of the powers or duties conferred or imposed on the Health Officer by this Enactment to the extent of the powers or duties so delegated.

"Place of employment" means any place where work is carried on by or on behalf of an employer.

"Port Officer" includes the Conservator of a Port or the Harbour Master.

"Protector" means the Secretary for Chinese Affairs and includes such other officers as the Chief Secretary to Government may declare, by notification in the *Gazette*, to be vested with the powers conferred upon the Protector by this Enactment.

"Resident" means the Resident of the State in which the place of employment is situated.

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

Controller of
Labour.

6. (i) It shall be lawful for the Chief Secretary to Government to appoint an officer to be styled the "Controller of Labour," hereinafter referred to as "the Controller," and also to appoint one or more officers to be styled "Deputy Controller of Labour," "Assistant Controller of Labour," or "Extra Assistant Controller of Labour," who, subject to such limitations as the Chief Secretary to Government may by rule prescribe, may perform all duties imposed and exercise all powers conferred on the Controller by this Enactment, and every duty so performed and power so exercised shall be deemed to have been duly performed and exercised for the purposes of this Enactment.

(ii) It shall also be lawful for the Chief Secretary to Government to appoint such other officers as he may deem necessary for the purpose of giving effect to the provisions of this Enactment.

(iii) If any employer is dissatisfied with any decision or order of a Deputy Controller of Labour, an Assistant Controller of Labour or an Extra Assistant Controller of Labour he may appeal from such decision or order to the Controller of Labour within 14 days of the date of such decision or order being communicated to him.

7. Nothing in this Enactment shall operate to relieve any employer of any duty or liability imposed upon him by the provisions of any other Enactment for the time being in force or to limit any powers given to any Government officer by any such Enactment.

Existing Enactments not affected.

8. All agreements and contracts valid and in force at the date of the coming into force of this Enactment shall continue to be in force after such date, and, subject to the express provisions in any such agreement or contract contained, the parties thereto shall be subject to and entitled to the benefit of the provisions of this Enactment.

Extent of retrospective action of Enactment.

PART II.

PROVISIONS RELATING TO IMMIGRATION.

CHAPTER III.

ARRIVAL, EXAMINATION AND DETENTION OF IMMIGRANTS.

9. It shall be lawful for the Chief Secretary to Government

(a) to establish at any port in the Federated Malay States depôts for the examination of immigrants (hereinafter called examination depôts);

Examination depôts.

(b) to establish at any place in the Federated Malay States depôts for the detention of indebted immigrants (hereinafter called detention depôts).

Detention depôts.

10. (i) No immigrant shall land in or enter the Federated Malay States except at such ports and places as the Chief Secretary to Government may, by notification in the *Gazette*, prescribe, or at such ports or places until authorised by the Controller or an officer of his department.

Ports and places at which immigrants may land or enter the Federated Malay States.

(ii) Any master causing or permitting any immigrant to land contrary to the provisions of sub-section (i) shall be liable to a fine not exceeding fifty dollars for each immigrant so landing. A master from whose ship an immigrant shall land contrary to the provisions of sub-section (i) shall, in the absence of proof to the contrary, be deemed to have caused or permitted him so to land.

Penalty and presumption.

11. Ships having any immigrants on board shall, on arrival within signalling distance of any port prescribed under the provisions of the last preceding section, hoist such signals as may be prescribed by rules under this Enactment.

Arrival of ships to be signalled.

12. On the arrival of the ship the Port Officer shall give immediate notice to the Controller, or in the case of an immigrant ship arriving at a port in the Federated Malay States on a voyage from China to the Protector, who shall forthwith proceed on board.

Controller to receive notice of arrival and go on board.

13. (i) Subject to the provisions of "The Customs Enactment, 1923," it shall not be lawful for any person other than the Controller, Health Officer, Port Officer, Chief Police Officer, or any of their subordinate officers, or in the case of an immigrant ship arriving at a port in the Federated Malay States on a voyage from China the

No communication with ship till after immigrants landed except by certain officers.

Protector, or the owner, agent or consignee of an immigrant ship to communicate with any such ship on its arrival in port, except for the purpose of landing passengers or disembarking immigrants under the provisions of this Part until after the immigrants on board thereof have been disembarked; and no immigrant shall disembark or land, or attempt to disembark or land, from any such ship except as provided by this Part or by rules made under this Enactment.

Exemption.

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

Penalty.

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

CHAPTER IV.

SPECIAL PROVISIONS RELATING TO CHINESE IMMIGRANTS.

Limitation of application.

14. The provisions of this Chapter shall only apply to immigrants from China and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Chapter such other provisions but except in so far as is necessary to give effect to this section the provisions of this Chapter shall be additional to, and in extension of, the other provisions of this Enactment.

Interpretation.

15. In this Chapter unless the context otherwise requires:

“Advances” includes maintenance and clothes provided and cash given, whether provided or given in China or on board ship or in the Colony, and all expenses of bringing an immigrant from China.

“China” includes Hongkong, Macao and all such territory as formed part of the Chinese Empire on the 1st day of January, 1841.

“China immigrant ship” means an immigrant ship arriving at a port in the Federated Malay States on a voyage from China.

“Creditor” means the person to whom an immigrant is found as hereinafter provided to be indebted for advances and includes a creditor's agent in the Federated Malay States.

“Immigrant” means a native of China (not being a first or second class passenger nor the personal servant of such passenger nor a person on the articles of a ship) travelling by sea to, or who has within one year arrived by sea at, any port of the Federated Malay States from China or from a port in the Colony at which he has within the two months preceding such arrival landed from a vessel arriving at such port from China.

“Indebted immigrant” means any immigrant who is found as hereinafter provided to be indebted for passage money and advances, whether he has before his arrival in the Federated Malay States entered into an engagement to labour or not.

" Passage money " includes the value of a passage supplied free.

" Passage money and advances " includes passage money without advances and advances without passage money.

" Qualified medical practitioner " means (notwithstanding anything contained in the Medical Registration Enactments, 1907) the holder of any of the diplomas, degrees or licences from time to time specified by the Chief Secretary to Government as constituting the qualification of a qualified medical practitioner under this Enactment.

16. On the departure of an immigrant ship from China on a direct voyage to any port or ports in the Federated Malay States, or from Singapore or Penang on a voyage to any port or ports in the Federated Malay States, the agent or consignee of such ship at any such port shall forthwith inform the Protector in the State in which such port lies of the approximate date and, if possible, time of the arrival of such ship and of the number of immigrants to be landed at such port: provided that in the case of an immigrant ship departing from Singapore or Penang such agent or consignee need only inform the Protector of the number of persons travelling on such ship who are known to the master or to the agent in the Colony of such ship to be immigrants.

Departure of immigrant ship to be notified.

Proviso.

17. The master of every China immigrant ship shall on arrival at any port in the Federated Malay States prevent all immigrants from disembarking until such ship has been boarded as provided by section 19.

Duty of master of China immigrant ship on arrival.

18. Any person who without reasonable excuse omits to comply with the provisions of section 16 or of section 17 shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars.

Penalty.

19. (i) On the arrival of a China immigrant ship at a port in the Federated Malay States she shall as soon as possible be boarded by an officer of the Chinese Protectorate, to whom the master of such ship shall give a list containing the names of all immigrants brought by such ship from China and such information relating to the immigrants, the payment of their passage money, the place of their embarkation, their state of health during the voyage, the deaths of or absence of any immigrants who may have been on board at any time at or after the ship's departure from her first port of departure in China on the voyage, and any other matters as he may reasonably be required to give for the purposes of this Enactment or of " The Women and Girls Protection Enactment, 1914."

Boarding of ship by officer. Master to give information.

(ii) The master of a China immigrant ship intentionally omitting to comply with the provisions of sub-section (i) or furnishing as true any list or information which he knows or has reason to believe to be false, or refusing to answer such questions as such officer may reasonably put to him for the purposes of this Enactment, shall be guilty of an offence under sections 176, 177 or 179 of the Penal Code, as the case may be.

Penalty.

20. When any China immigrant ship is boarded on arrival by an officer of the Chinese Protectorate such officer may cause all or any of the immigrants on board to be removed to an examination depôt, and any immigrant removed to such depôt shall on arrival thereat be examined by an officer of the Chinese Protectorate as to the payment of

Removal to examination depôt.

his passage money and as to any advances that may have been received by him and as to any engagement to repay such passage money and advances, or any engagement to labour entered into, or proposed to be entered into, by him, and as to his age and fitness to labour, and as to any such other matters as may seem necessary for the purposes of this Enactment or "The Women and Girls Protection Enactment, 1914."

Powers of search.

21. If the Protector has reason to believe that any immigrant who has arrived in the Federated Malay States by an immigrant ship is indebted for passage money and advances and has without permission from an officer of the Chinese Protectorate entered any place other than a depôt established under Chapter III, it shall be lawful for the Protector or any officer of the Chinese Protectorate authorised in writing by him to search any place (including any house or ship) in which such immigrant as aforesaid is believed to be, and if he is found to take him forthwith to an examination depôt for examination under the last preceding section. If in the course of such search any documents relating to the indebtedness of such immigrant are found by the Protector or such officer he may seize such documents and retain them in his possession for so long as they are required for the purpose of any proceeding arising out of the matter.

Immigrants not indebted for passage money to be released.

22. Every immigrant who upon such examination as aforesaid is found not to be indebted for passage money and advances shall forthwith be allowed to leave the examination depôt.

Immigrant brought to Federated Malay States by fraud.

23. When it appears upon such examination as aforesaid that an immigrant has been brought to the Federated Malay States by fraud or by misrepresentation as to work or wages or other matters, the Protector shall enquire into his case and, if satisfied that he has just cause of complaint, shall either release him or treat him under section 25 as an immigrant who has been declared permanently unfit for labour in the Federated Malay States.

Immigrant indebted to be detained in depôt.

24. Every immigrant found to be indebted for passage money and advances may be detained in a detention depôt until he has made arrangements satisfactory to the Protector for the payment of his debt: provided that no immigrant without his consent to be signified before the Protector shall be so detained at any time after such debt shall have been paid or for a longer period than ten days except as provided by section 30.

Proviso.

Immigrant unfit for labour.

25. (i) When upon an examination made under the provisions of this Chapter or at any time before he has made arrangements satisfactory to the Protector for the payment of his debt any indebted immigrant appears to the Protector to be unfit for labour owing to disease or from physical or mental debility or defect, or to be suffering from any complaint, he may be sent to a Government hospital for medical examination and treatment and shall, except as provided in sub-section (iii), be detained there at the expense of his creditor till declared by the Government Medical Officer in charge of the hospital

(a) to be fit for labour, or to be fit for certain kinds of labour, or for labour in certain places, in which case he shall be handed over to the Protector, or to a person authorised by the Protector to receive him, and may then be detained in a depôt under the care of the Protector as provided by this Chapter; or

(b) to be incurable or permanently unfit for labour in the Federated Malay States, in which case information shall be given to the Protector, who may cause such immigrant at the first opportunity to be sent back at the expense of his creditor to the place in China from which he was brought.

(ii) When upon such examination or at any such time as aforesaid, any indebted immigrant appears to be under the age of sixteen or over the age of forty-five years he may be sent back at the expense of his creditor to the place in China from which he was brought.

(iii) Any indebted immigrant who has been sent to a Government hospital under sub-section (i) may, if or when he be declared by the Government Medical Officer in charge of such hospital to be fit to travel, be sent back, if his creditor so desires, at the expense of his creditor to the place in China from which he was brought.

26. (i) Any indebted immigrant who refuses or omits to go to a hospital or to a detention depôt having been ordered to do so under the provisions of section 25 and any indebted immigrant leaving or attempting to leave such depôt without the permission of an officer authorised by the Protector or such hospital without the permission of the Government Medical Officer in charge, shall be guilty of an offence and may be arrested by any police officer, or by an officer authorised by the Protector, and taken to a detention depôt or to the Chinese Protectorate or to a police station and detained there until he can be brought before the Protector.

Immigrant refusing to go to a depôt or absconding.

Arrest.

(ii) Any person who commits or abets the commission of an offence under this section shall be liable, on conviction, to a penalty not exceeding twenty-five dollars or to imprisonment of either description for any term not exceeding one month.

Abetment.

Penalty.

27. (i) The Protector may fix from time to time the maximum sum for which any immigrant from any port in China to any port in the Federated Malay States shall be indebted as for passage money and advances and such maximum sum shall be notified in the *Gazette*.

Maximum sums for passage money and advances.

(ii) No immigrant shall be held to be liable for the amount of any passage money and advances in excess of the maximum sum fixed by the Protector.

28. Any indebted immigrant who may have been found on examination to have obtained passage money and advances by a promise to find on his arrival in the Federated Malay States some person to repay such passage money and advances and who is unable to fulfil such promise may, at the discretion of the Protector, be released or sent back to China at the expense and with the consent of his creditor.

Immigrant detained unable to fulfil promise to repay passage money.

29. Any indebted immigrant found on examination to have obtained passage money and advances by a promise to enter into a contract on arrival in the Federated Malay States to labour may, at the discretion of the Protector,

Immigrant who has promised to enter into contract.

- (a) be sent back to China at the expense of his creditor; or
- (b) be released.

Return of
immigrants to
China.

30. (i) Whenever any immigrant is to be sent back to China at the expense of his creditor under the provisions of this Part or to be sent to hospital under the provisions of section 25 all arrangements shall be made by the Protector, and all necessary expenses of, and incidental to, sending such immigrant back to China or to hospital may be recovered from the creditor of such immigrant in any Civil Court at the suit of the Protector, whose certificate as to the amount of such expenses shall be sufficient evidence thereof.

Detention.

(ii) Any such immigrant may pending his departure be detained at the expense of a creditor in a detention dépôt.

Conditions on
which Chinese
immigrants
may be
imported.

31. No immigrant shall be imported into the Federated Malay States on a China immigrant ship except on the following conditions:

(a) The ship in which he is imported if carrying more than twenty immigrants shall carry during the whole course of the voyage a qualified medical practitioner who shall attend to the health of the passengers and the sanitation of the ship;

(b) The master of the ship shall on arrival at any port within the Federated Malay States produce to the Boarding Officer a certificate from the port of departure signed, if such port be Hongkong, by a competent officer or, in the case of any Chinese port, by a qualified person appointed by the British Consul, stating:

- (1) The voyage the ship was intended to make;
- (2) That at the time of her departure she had the proper complement of officers and seamen and was sufficiently equipped for the voyage;
- (3) The number of immigrants on board and that such immigrants together with the other passengers on board were not in excess of the number of passengers which may properly be carried on board such ship;
- (4) That at the time of her departure there was on board the ship a good and sufficient supply of food, pure water and medicines for the use of the immigrants during the intended voyage;
- (5) That the accommodation and sanitary arrangements for the immigrants during the voyage on board the ship were satisfactory.

Penalty for
wrongful
importation.

32. (i) Every person who shall import, or attempt to import, any immigrant contrary to the provisions of section 31, and every person who shall aid, abet, procure or be interested or concerned in or knowingly derive any profit from the importation or attempted importation of any immigrant contrary to the said provisions shall be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for any period not exceeding twelve months or to both fine and imprisonment.

(ii) Any ship which shall be used for the importation or attempted importation of any immigrant contrary to the provisions of section 31 shall be liable to forfeiture and may be seized and detained by the Chief Police Officer until adjudicated on according to law.

(iii) Proceedings to enforce any forfeiture under this section may be taken in the name of the Chief Secretary to Government.

(iv) At any time after the detention of any ship under sub-section (ii) it shall be lawful for the Chief Secretary to Government to release such ship upon such security as he shall think sufficient or without security.

CHAPTER V.

SPECIAL PROVISIONS RELATING TO INDIAN IMMIGRANTS.

33. The provisions of this Chapter shall apply to immigrants from India only and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Chapter such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Chapter shall be additional to, and in extension of, the other provisions of this Enactment.

Limitation of application.

34. In this Chapter unless the context otherwise requires:

Interpretation.

“Certificated immigrant” means an immigrant who holds a certificate in the form A in the second schedule or to the like effect, issued under the authority of the Indian Government or of the Government of the Colony or under this Enactment or under any Enactment hereby repealed.

“Immigrant” means an Asiatic native of British India or of an Indian State adjoining the Madras Presidency, and for the purposes of this Chapter every Asiatic of Indian descent shall be deemed to be a native of British India or of such Indian State until the contrary is proved.

“Place of employment” means a place where any of such kinds of labour or work as are specified in section 122 or as may hereafter be declared, under the provisions of the said section, to be subject to the provisions of Part VI is carried on and on which ten or more immigrants reside or are employed.

35. Nothing in this Chapter shall apply to

Exemption.

- (a) first-class cabin passengers;
- (b) second-class cabin passengers;
- (c) menial servants in actual service;
- (d) seamen, firemen and other persons serving on board a ship.

36. Every immigrant holding an unexpired certificate to the effect indicated in section 37 issued by the proper authority in British India or in the Colony shall have all the immunities given in this Chapter to immigrants holding like certificates issued in the Federated Malay States.

Certificates issued in India or the Colony.

37. Any immigrant in the Federated Malay States may apply to the Controller for a certificate declaring that the person named and described therein is not subject to the provisions of this Part.

In the Federated Malay States.

38. The Controller shall, if he is of opinion that the applicant is not a labourer or of a class ordinarily employed in agricultural work, issue forthwith under his hand and seal free of charge a certificate in the form or to the effect of form A in the second schedule.

Issue of certificate.

Particulars to be entered in it.

39. Every certificate issued under this Chapter shall contain the names of the holder thereof and of his or her father, and shall specify his or her place of abode in India, age, sex, religion, caste (if any) and calling. A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein. The certificate shall be dated on the day of its issue and shall have force until it be revoked by the Controller.

Certificated immigrant exempt from restrictions.

40. A certificated immigrant shall, upon production of his certificate, be wholly exempted from every restriction imposed upon immigrants by this Part.

Certificate to be produced when required.

41. Every certificated immigrant shall be bound to produce his certificate when required to do so by a Magistrate or police officer or by an officer of the Controller's Department or by the master or officer of a ship in which such certificated immigrant is, or proposes to be, a passenger; and if he shall refuse or fail to do so when so required he may be treated in all respects as an uncertificated immigrant until such time as he shall produce such certificate.

New certificate.

42. A certificated immigrant whose certificate not having been revoked has been lost or destroyed may apply to the Controller for a fresh certificate, and the same shall be issued accordingly: provided that it shall be lawful for the Controller to require satisfactory evidence of such loss or destruction before issuing a new certificate.

Special classes may be exempted.

43. The Chief Secretary to Government may from time to time, with the consent of the Government of India transmitted through the Government of the Straits Settlements, declare that any class of immigrants is not a labouring class and that any person belonging thereto is entitled to a certificate without enquiry; or that any class of immigrants is a labouring class and that persons belonging thereto are not entitled to certificates.

Examination of immigrants.

44. (i) (a) All immigrants on arrival at the port of disembarkation shall be examined by the Health Officer or a Government Medical Officer;

Immigrant unfit to travel;

(b) Any immigrant found on such examination to be unfit to travel may be sent forthwith to a Government hospital and there detained until he is pronounced by the Health Officer or Government Medical Officer in charge of such hospital to be either fit to travel or to be incurable or permanently unfit to labour;

fit to travel;

(c) When an immigrant sent to a Government hospital under this section is found to be fit to travel the Controller may, if the employer for whom such immigrant was recruited so desires, send him back to the place in India where he was recruited;

or incurable.

(d) When an immigrant sent to a Government hospital under this section is found to be incurable or permanently unfit to labour the Controller may send him back to the place in India where he was recruited and may detain him so long as may be necessary for that purpose.

(ii) All expenses of the maintenance and the treatment in hospital of any immigrant sent to a Government hospital under this section, and all expenses of sending back under this section any immigrant found to be fit to travel or to be incurable or permanently unfit to labour to the place where he was recruited, may be recovered by the Controller from the employer for whom such immigrant was recruited or from the agent by whom such immigrant was imported.

Hospital and travelling expenses.

(iii) The Chief Secretary to Government may make rules for the examination of immigrants by the Health Officer or Government Medical Officers under this section and prescribe the fees to be charged for the maintenance and treatment of immigrants in a Government hospital.

Power to make rules.

(iv) The Controller may at any time within one year of his arrival in the Federated Malay States send back to the place in India where he was recruited any immigrant on any of the following grounds :

Repatriation.

- (a) the state of his health ;
- (b) that the work which he is required to do is unsuited to his capacity ;
- (c) that he has been unjustly treated by his employer ;
- (d) any other sufficient reason.

All expenses incurred may in cases falling under (a) or (d) above be defrayed from the Indian Immigration Fund and shall in cases falling under (b) and (c) be paid by the employer.

45. It shall be lawful for the Chief Secretary to Government to appoint an Emigration Commissioner to reside in India with such Assistant Emigration Commissioners as may be necessary, to supervise emigration to the Federated Malay States.

Commissioner in India.

46. (i) Any immigrant who has received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India, or in the Federated Malay States or in Johore may be detained in a depôt until he can be forwarded to his destination.

Detention at a depôt.

(ii) Except as provided in section 49 no immigrant shall be detained in a depôt against his will for more than one week.

47. (i) Any immigrant who has received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India, or in Johore, and who neglects or refuses to leave the Federated Malay States in pursuance of his promise shall be liable to pay the Controller the sum of twenty dollars or such lesser sum as the Chief Secretary to Government shall from time to time fix by notification in the *Gazette*; provided that the Controller may at his discretion remit the whole or any part of such sum.

Reimbursement on failure to fulfil promise to labour.

(ii) Such sum shall be recoverable from such immigrant as a debt due to the State in which such neglect or refusal has taken place, and a certificate signed by the Controller shall be conclusive evidence that such sum is due.

(iii) Any such sum so received or recovered by the Controller shall be paid by him to the Indian Immigration Fund.

Reimbursement on failure to proceed to place of employment.

48. Any immigrant who has received a free passage from India under a promise to labour in the Federated Malay States, and who neglects or refuses to proceed to his place of employment in pursuance of his promise shall be liable to pay the Controller the sum of twenty dollars or such lesser sum as the Chief Secretary to Government shall from time to time fix by notification in the *Gazette*; provided that the Controller may at his discretion remit the whole or any part of such sum.

(ii) Such sum shall be recoverable from such immigrant as a debt due to the State in which such neglect or refusal has taken place, and a certificate signed by the Controller shall be conclusive evidence that such sum is due.

(iii) Any such sum so received or recovered by the Controller shall be paid by him to the Indian Immigration Fund.

Redemption of female immigrant.

49. Whenever it appears to the Controller that any female immigrant tendering the sum of twenty dollars or other prescribed sum in redemption of her obligation to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorised as aforesaid, or in the Federated Malay States or in Johore, is in the custody or control of any other person, he may refuse to accept such sum and to permit such obligation to be redeemed unless and until the person in whose custody or control such female immigrant appears to be has given reasonable security to the satisfaction of the Controller that such female immigrant shall not leave the Federated Malay States without the previous consent in writing of the Controller and shall not be disposed of as a prostitute or for immoral purposes and that she shall be produced before the Controller whenever he so requires. In default of such security being given within seven days the Controller at his discretion may cause such female immigrant to be returned to India and for that purpose may cause her to be detained for any further period not exceeding twenty-one days.

Security.

Immigrant not to leave the Federated Malay States.

50. No immigrant shall depart from the Federated Malay States except to go

- (a) to a country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India; or
- (b) to British India or Ceylon; or
- (c) to the Colony of the Straits Settlements or to Johore.

To what countries or States Indian emigration lawful.

51. The Chief Secretary to Government may from time to time declare, by notification in the *Gazette*, to what countries or States Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India.

Penalty for unlawful departure from Federated Malay States or abetment thereof.

52. Any immigrant unlawfully departing or attempting to depart from the Federated Malay States in breach of the provisions of section 50, or making any false representation to the Controller for the purpose of obtaining any certificate under this Chapter, shall be guilty of an offence and shall be liable to a fine not exceeding twenty dollars, and may be arrested without warrant by any police officer or officer of the department of the Controller; and any

person abetting an offence under this section shall be liable to a fine not exceeding fifty dollars or to imprisonment of either description for a term not exceeding seven days for each immigrant whose offence he has abetted. The master of a ship in which an immigrant shall embark in order to depart unlawfully from the Federated Malay States shall, until the contrary be proved, be deemed to have abetted such offence.

53. In every judicial proceeding a certificate in form B in the second schedule purporting to be signed by an Emigration Commissioner or Assistant Emigration Commissioner of the Government of the Colony or of the Federated Malay States in India, at the port of embarkation shall be deemed to be evidence that the persons named therein have respectively received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in some country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India, or in the Federated Malay States or in Johore, as the case may be.

Evidence of promise to enter into contract.

54. (i) Every employer who within the Colony, the Federated Malay States, or any other State of the Malay Peninsula under the protection of His Britannic Majesty engages an immigrant to labour on a place of employment within the Federated Malay States at any of the employments mentioned in section 122, or at any other work or labour declared under the provisions of the said section to be subject to the provisions of Part VI, shall ascertain the name and the particulars of the last employment of such labourer, and shall within seven days after the arrival of such labourer upon the said place of employment present or forward to the Controller a statement in duplicate in the form in the third schedule together with a fee of one dollar in respect of each labourer named in such statement which shall be paid to the Indian Immigration Fund. A register of such statements shall be compiled by the Controller, and such register and statements shall be open to inspection at the office of the Controller by any person at all reasonable times.

Registration of immigrants locally engaged.

(ii) The Controller shall, if satisfied that the requirements of this section have been duly observed, issue to the employer a certificate to the effect that in respect of the labourer so registered he is exempted from the payment of the fee prescribed by section 130.

(iii) Any employer failing to present or forward a statement as required by the provisions of sub-section (i) shall on the complaint of any other employer be liable, on conviction, to a fine not exceeding one hundred dollars in respect of every labourer whose name should have been included in such statement.

Penalties.

(iv) Any employer knowingly furnishing any false particulars in a statement required by sub-section (i) shall be liable, on conviction, to a fine not exceeding five hundred dollars in respect of each labourer regarding whom he shall be proved to have furnished such false particulars.

(v) Any labourer furnishing false particulars to an employer for the purposes of a statement required by sub-section (i) shall be liable, on conviction, to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

Inspector of
Madras
Government to
have powers of
inspection, etc.

55. The officer from time to time deputed, with the concurrence of the Governor of the Straits Settlements, by the Government of Madras to examine and report to that Government the condition of immigrants in the Federated Malay States may exercise under this Enactment all or any of the powers of entry, inspection, enquiry and investigation which are conferred on the Controller by this Enactment.

PART III.

GENERAL PROVISIONS RELATING TO LABOUR.

CHAPTER VI.

AGREEMENTS.

Term of
agreement.

56. (i) An agreement may be entered into for any period not exceeding one month, or for any number of days' work not exceeding thirty or for the performance of any specified piece of work. All agreements shall, subject to any stipulation to the contrary, terminate on the last day of the term agreed upon or upon the completion of the specified number of days' work or piece of work, as the case may be: provided that each party to an agreement for a period not exceeding one month shall on the termination of such agreement in the manner aforesaid be conclusively presumed to have entered into a fresh agreement upon the same terms and conditions as those of the agreement so terminated unless notice shall have been given previously by either party to such agreement in accordance with the provisions of section 57.

Proviso.

Presumption.

(ii) In the absence of proof to the contrary all agreements shall be presumed to be for a period of one month.

Termination of
agreement by
notice.

57. (i) Either party to an agreement for a period of time may terminate such agreement on the expiration of due notice given by him to the other party of his intention so to do; the length of the notice to be given shall, unless otherwise stipulated by the terms of the agreement, be equal to the period of the agreement to be terminated; provided that in no case shall it be necessary to give notice exceeding in length one month or in the case of domestic servants fourteen days.

Method of
giving notice.

(ii) Such notice may be either verbal or written and may be given at any time, and the day on which notice is given shall be included in the period of the notice.

(iii) When notice has been given there shall be paid to the labourer on the date of the expiration of the notice all wages then due to him.

Wages when
payable.

58. Wages earned by a labourer under an agreement shall become payable upon the termination of such agreement: provided that when the parties to an agreement enter into a fresh agreement as provided by section 56 the wages due under the prior agreement shall be paid not later than seven days after the expiration of such prior agreement.

Termination of
agreement
without notice.

59. It shall be lawful for either party to an agreement to terminate the same without notice upon payment to the other party of a sum equal to the amount of wages which would have accrued to the labourer during the term of such notice.

60. When an agreement is terminated by the employer without notice to the labourer, on the ground of misconduct, such labourer shall, subject to any order which may be made by the Court or Controller under section 98 on complaint of either party, be entitled to receive wages only up to the day on which the agreement was terminated.

Wages payable upon the termination of an agreement without notice.

61. In the event of any dispute arising between the parties to an agreement concerning wages due thereunder or concerning the termination of the same it shall be lawful for the Court, in addition to any other adjudication, to order either party to forfeit to the other party a sum not exceeding the amount of thirty days wages.

Disputes regarding wages. Order of Court.

CHAPTER VII.

GENERAL.

62. (i) Except as hereinafter provided under the provisions of Part VII, no engagement to labour for a period exceeding one month or for more than thirty days' work and no contract to labour shall be entered into; any such engagement or contract entered into in contravention of this section shall be void and of no effect.

Contracts and certain agreements void.

(ii) Nothing in the above shall affect the validity of any contract entered into before the commencement of this Enactment under any of the Enactments hereby repealed, and all the provisions of section 252 (i) and Chapters VII, XXIII and XXIV of The Labour Code, 1912, hereby repealed, which were in force immediately prior to such commencement shall still apply to such contracts as if the said Chapters had not been repealed.

Saving of certain contracts.

63. Notwithstanding anything contained in The Contract Enactments, 1899, any male person not below the age of sixteen years and any female person not below the age of fifteen years shall be deemed to be competent to enter into an agreement under this Enactment.

Contractual capacity.

64. (i) Notwithstanding anything in this or in any other Enactment to the contrary, no Indian child under the age of ten, being an immigrant as defined under section 34, shall be employed as a labourer on any place of employment.

Indian child labour.

(ii) Any employer wilfully disregarding the provisions of sub-section (i) shall be deemed to have committed an offence against this Enactment.

65. No labourer shall be bound, in or by virtue of any agreement or contract under this Enactment, to answer for the debt, default, or miscarriage of another person, so as to give any remedy under this Enactment for a breach of such agreement or contract as to such debt, default or miscarriage.

Labourer not liable for default of another.

66. No labourer shall be held to be liable for the amount of any advances made to him or on his behalf, or of any moneys expended on his behalf, prior to his arrival in the Federated Malay States, in consideration of his engagement to labour within the Federated Malay States.

Liability of labourer for advances.

67. Subject to any provisions to the contrary contained in his contract, if any:

Days and hours of labour.

(i) No labourer shall be bound to work on more than six days in one week, or more than six consecutive hours, or (subject as hereinafter mentioned) more than nine hours a day of actual labour.

- Overtime.** (ii) If any labourer works for and at the request of his employer more than nine hours in any one day, he shall be paid for such extra work at the rate of not less than one-ninth part of his ordinary daily wages for each half hour of overtime work.
- Overtime in case of factory work.** (iii) Any labourer who is employed exclusively in factory work may be lawfully required by the employer, in case of need, to work for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, and shall be entitled to receive for such extra work pay at the rate of not less than one-ninth part of his ordinary daily wages for each half hour of overtime work.
- Overtime for purpose of food cultivation.** (iv) In case of emergency any labourer may be required by the employer, subject to the approval in writing of the Controller, to work at the cultivation of foodstuffs suitable for the subsistence of labourers for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, or over and above his task for that day assigned under section 68, and shall be entitled to receive for such extra work pay at the rate of not less than one-eighteenth part of his ordinary daily wages for each half hour of overtime work.
- Task work.** **68.** (i) It shall be lawful for the employer with the consent of the labourer to assign tasks to be performed by labourers as equivalent to work for a day of nine hours. Such assignment of tasks shall be subject to revision by the Controller who may fix the number of days' work to be credited to the labourers who have performed such tasks. A schedule of such tasks as revised by the Controller shall be written in English and some other language understood by such labourers and signed by the Controller, and copies thereof shall be kept fixed up in conspicuous places in or about the place of employment and in the lines, so that the same may be made known to such labourers.
- Wages at agreed rate.** (ii) Nothing in this Enactment contained shall prevent any employer from agreeing with any labourer in his employ that the wages of such labourer shall be paid at an agreed rate in accordance with the amount of work done and not by the day.
- Periods on account of which wages are not payable.** **69.** No wages shall become payable to or recoverable by any labourer for or on account of the term of any sentence of imprisonment undergone by him, or for or on account of any period spent by him in going to or returning from prison, or for or on account of any period spent by him in going to, attending before, or returning from a Court in or about a case in which he shall have been convicted of an offence, or in respect of which the Court before which the case is tried certifies that such attendance was not necessary for the ends of public justice.
- Dispute as to work done.** **70.** Any dispute between a labourer and his employer as to whether the work done by such labourer on any specified day shall be counted as a day's work may be referred to the Controller whose decision shall be final.
- Supply of food.** **71.** Every employer, who has agreed or contracted with a labourer to supply him with food free of charge, shall supply the same on all holidays and other days upon which such labourer is entitled to absent himself from work.
- Employer may deduct cost of food.** **72.** If any labourer absent himself from work otherwise than as provided by this Enactment or by his contract (if any), it shall be lawful for the employer, subject to any order which may be made

by the Court or by the Controller on complaint of either party, to deduct from any wages due to such labourer the cost of the food supplied to him during such absence.

73. (i) The Controller, the District Officer and Health Officer shall have power to enter at all reasonable times upon any estate, factory, mine or place in which labourers are employed, and to put questions concerning such labourers to their employer or to any person who may be in charge of them, or to the labourers themselves, and the employer or such person, or any such labourer, shall be legally bound to answer such questions truly to the best of his ability.

Government
inspections.

(ii) If on such inspection the Controller or other inspecting officer shall have reasonable ground for suspecting that any offence has been committed against a labourer, and whenever any complaint of personal ill-usage or breach of any of the provisions of this Enactment is made to the Controller, the Controller or other inspecting officer, as the case may be, may forthwith remove, or cause to be removed, such labourer from the estate, factory, mine or place of employment where he is employed for further enquiry into the matter; and if the labourer has entered into a contract with the employer may, at his discretion, cause such labourer to be detained, if necessary, until the conclusion of such enquiry, at the nearest police station or at any other place that may appear to such officer suitable for the purpose.

Powers of an
inspecting
officer.

(iii) The powers conferred upon inspecting officers by this section may also be exercised in the case of any place of employment where Indian labourers reside or are employed by any Agent of the Government of India appointed under section 7 of the Indian Emigration Act of 1922.

Such Agent may at all reasonable times inspect every house, hospital, tent, camp or building in any way used by such labourers and enquire into the condition of such labourers.

He shall inform the Controller of any irregularity which may have come to his notice and the Controller shall forthwith take such steps as he may deem fit to rectify the same.

74. (i) The Controller may at any time by order in writing require any employer on any estate, factory, mine or place in which more than fifty female labourers are employed to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a nursery properly equipped to the satisfaction of the Controller on or in the immediate neighbourhood of such estate, factory, mine or place on a site to be approved by the Controller, with accommodation for such number of infants under the age of three as may be stated in such order, and may further require him to employ such number of nurses as may be stated in the order to have charge of such nursery.

Employer to
maintain
nursery for
infants.

(ii) Such nursery shall be open for the accommodation of infants during all hours in which the mothers or guardians of such infants are at work.

(iii) The employer shall at his own expense supply milk and rice to each infant accommodated in such nursery.

(iv) The Controller may at any time by order in writing prescribe the quantity and description of milk and rice to be supplied to each infant under the preceding sub-section.

Maternity allowance.

75. (i) Every female labourer shall be entitled to abstain from work during terms of one month each before and after confinement and, in respect of such terms, hereinafter jointly referred to as "benefit period", to receive from her employer maternity allowance to be calculated as provided in sub-section (ii) hereunder.

(ii) A first maternity allowance shall be calculated at the rate of two-sixths of the total wages earned by such female labourer during and in respect of the six months, or, if she has not worked for six months, then of any such lesser period, next preceding a first benefit period. A second and all subsequent maternity allowances shall be calculated at the rate of two-elevenths of the total wages earned by such female labourer during and in respect of the eleven months next preceding a second or subsequent benefit period, or of any period less than eleven months falling between such second or subsequent benefit period and the one next preceding it. Provided that no employer shall be liable to pay maternity allowance otherwise than in respect of work performed for and wages earned from such employer.

(iii) No female labourer shall be entitled to maternity allowance unless during benefit periods she resides on her place of employment, or in an estate hospital maintained under section 176 or, if there is no estate hospital, in a Government hospital, or, whether there is an estate hospital or not, in any reasonably situated Government hospital where free maternity treatment is provided, or otherwise elsewhere as authorised by her employer, and does not work for any person other than such employer.

(iv) In respect of any period spent as above provided in sub-section (iii) in an estate or Government hospital, the liability of such employer for expenses of maintenance and treatment in addition to payment of maternity allowance shall be limited as provided by sections 177 and 178.

(v) If a female labourer during a benefit period perform her ordinary labour or such lighter labour as may be suitable to her condition, she shall not be entitled to payment for such labour in addition to maternity allowance.

(vi) Maternity allowance shall be payable in two equal amounts, one for each month of benefit period, as and in the manner and at the times provided under section 58 for the payment of wages, and shall not be payable in advance.

Schools.

76. The Controller may at any time by order in writing require any employer on a place of employment where ten or more children of any one race between the ages of seven and fourteen years, being dependants of labourers on such place of employment, reside, to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a school for such children with such schoolteacher or schoolteachers as shall seem sufficient to the Controller, but not in excess of a reasonable number.

Inspection of documents.

77. The Controller and every District Officer and Health Officer shall have power to call for and inspect all contracts, registers, books of account and other documents concerning any labourers or relating to their employment; and any employer who without reasonable excuse, the proof of which shall lie upon him, neglects or refuses to produce the same, shall be liable, on conviction, to a fine not exceeding two hundred dollars.

78. (i) Every employer of more than ten labourers shall keep in a safe and accessible position on the estate where such labourers are employed an Estate Inspection Report Book. Inspection Report Book.

(ii) Every employer who neglects or refuses to comply with the requirements of sub-section (i) shall be liable, on conviction, to a fine not exceeding one hundred dollars. Penalty.

79. The Controller accompanied by the Health Officer shall once within each of such periods as may be fixed for such purpose by the Chief Secretary to Government and may, in addition, whenever he thinks fit, whether accompanied by the Health Officer or not, visit all places of employment on which any labourers shall reside or be employed and inspect every house, hospital, tent, camp or building in any way used by any labourers and enquire into the condition of such labourers and investigate the books of account of their wages; and for such purpose the Controller may require the employer to produce before him all or any of the labourers then under contract or agreement with him, together with all contracts and books of accounts of wages, and to answer such questions relating thereto as the Controller may think proper to ask. Inspection of labourers to be made by the Controller.

80. (i) It shall be lawful for the Controller at any time to direct any employer of labourers to keep a register, in such form as the Controller prescribes, of all headmen, kanganis or mandors employed by him to supervise the work of any labourers, and to direct that such headmen, kanganis or mandors shall be photographed in such place and manner as he thinks fit, and that a copy of any such photograph be affixed to such register, and it shall be lawful for the Controller, in the event of any such headman, kangani or mandor being convicted of ill-treating any labourer, to order the employer to dismiss him from his service. Registers of mandors.

(ii) Any person acting in contravention of any direction or order given under the provisions of sub-section (i) shall be liable, on conviction, to a fine not exceeding fifty dollars. Penalty.

81. It shall be lawful for the Controller to require any employer to keep a register of labourers in a prescribed form. Register of labourers.

82 (i) Every employer shall, within the first fourteen days of the months of January, April, July and October in each year, forward to the Controller a return in such form or forms as may be approved by the Controller, giving the particulars prescribed thereby. Returns to be made by employer.

(ii) Every such form shall be published in the *Gazette*. Copies of such forms shall be supplied to employers free of charge on application to the Controller.

83. It shall be the duty of every employer to make a report of the death of any labourer in his employment to the nearest police station, or to the Penghulu, within twelve hours after such death shall have taken place, and the person receiving such report shall with the least possible delay notify the Controller. Report in cases of death.

84. (i) Every employer who shall fail to keep the register prescribed in pursuance of section 81 or to forward such returns as are prescribed in pursuance of section 82 or to make the report required by section 83 shall be liable, on conviction, to a fine not exceeding two hundred dollars for every such failure. Penalty for failure to keep register, forward returns or make report of death.

Certificate by
Controller.

(ii) A certificate under the hand of the Controller stating that such returns have not been forwarded or are incorrect shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

Power of sum-
mons.

85. (i) Whenever the Controller has reasonable grounds for suspicion that any offence under this Enactment has been committed by an employer against a labourer or whenever the Controller wishes to enquire into any matter concerning disputes as to wages, wrongful determination of agreement or contract, misconduct, food, medical attendance, deaths, mining usage and mining complaints, Government inspections, sanitation or any other matter relating to employer and labourer dealt with under the provisions of this Enactment, it shall be lawful for the Controller to summon any person who he has reason to believe can give information respecting the subject-matter of the enquiry, and the person so summoned shall be legally bound to attend at the time and place specified in the summons and to answer truthfully all questions which the Controller may put to him.

Penalty for
obstruction.

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

Employer to
give notice to
Controller if
labourer
wishes to complain.

86. If any labourer states to his employer, or to any person acting for such employer in the conduct of the business of the place of employment, that he desires to make a complaint to the Controller of personal ill-usage or breach of any provision of this Enactment on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Controller, and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars, and in addition to a fine not exceeding twenty-five dollars for each day during which such default is continued.

If complaint is
untrue or
frivolous.

87. If upon any such enquiry made on the complaint of a labourer the Controller is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it, and in such case he may impose on the complainant a fine not exceeding two dollars and fifty cents, which may be deducted from the labourer's wages and retained by his employer.

If complaint
well-founded.

88. If, upon enquiry as aforesaid, the Controller is of opinion that the complaint is well-founded, he shall institute such proceedings, civil or criminal, for and in the name of the labourer as he shall deem necessary under the circumstances.

Consolidation
of causes of
action.

89. (i) In the event of there being more labourers than one making a similar complaint the Controller may if he shall institute civil proceedings for and in the name of such labourers consolidate the complaint of all such labourers into one cause of action and he shall only be required to sue out one plaint for and in the name of all such labourers in respect of such causes of action.

(ii) Any Court which would have jurisdiction to hear and determine separate suits based on such causes of action shall be competent to hear and determine such consolidated suit as aforesaid, notwithstanding that the subject-matter of such consolidated suit is in excess of the ordinary jurisdiction of such Court.

(iii) Judgment may be given without any amendment for such one or more of the plaintiffs as may be found to be entitled to relief for such relief as he or they may be entitled to.

90. No Court fees shall be chargeable in the first instance on any proceeding commenced by a labourer, or by the Controller on his behalf, against his employer under this Enactment; but in case a conviction shall be had or judgment given against the employer, the same shall be paid by the employer, together with the general costs of the proceeding. Costs of proceedings.

91. Ill-treatment of a labourer by his employer or the neglect of the employer to fulfil any condition of the labourer's agreement or contract may be deemed to be a valid reason for the termination of such agreement or contract without notice. Default by employer.

92. (i) If any labourer proves physically unfit and unable to perform the work that he has undertaken to perform, it shall be lawful for the Controller to order that such labourer be given such other work or task in place of that which he has proved unfit and unable to perform as the Controller, after consultation with the employer, shall deem reasonable and just. Labourer unfit for particular work.

(ii) If any employer shall compel any labourer to perform any work which the Court or the Controller has directed that he shall not be bound to perform, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred dollars. Penalty.

93. Any employer omitting to comply with any order made under sections 74 or 76 shall be liable, on conviction by the Court, to a fine not exceeding one hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue. Penalties for sections 74, 76.

PART IV.

PROVISIONS RELATING TO SPECIAL CLASSES OF LABOUR.

CHAPTER VIII.

LABOUR WORKING BOARD AND SCHEDULE OF LABOUR LAWS FOR CHINESE LABOURERS.

94. A "Kung-pai" (工牌) or working board shall be affixed in some conspicuous position on each place of employment or on the lines thereof, and on such working board shall be entered by the employer, at intervals not exceeding two days, the amount of tasks done or length of time worked on each day by each labourer, the rate of wages per "kung" (工) or working-day, and the amount of all work done overtime. Employer to exhibit a working board on estate.

95. Any employer failing to comply with the provisions of section 94 shall be liable, on conviction, to a fine not exceeding twenty-five dollars. Penalty for breach of section 94.

Limitation of section.

Employer about to abscond to evade payment of wages.

96. Section 94 shall not apply to labourers on mines.

97. (i) Whenever any labourer complains to the Court or the Controller that he has reasonable grounds for believing that his employer, in order to evade payment of his wages, is about to leave the State wherein the place of employment is situated, the Court or the Controller may summon such employer and direct him to show cause why he should not be required to give security by bond to remain in the State till such wages are paid; and if after hearing the evidence of such employer the Court or the Controller adjudicates that such bond shall be given, the Court or the Controller may order such employer to give security by bond in a reasonable sum that he will not leave the district or the State (as the Court or the Controller may direct) until he satisfies the Court or the Controller that all the just claims of his labourers against him for wages have been paid or settled.

(ii) If the employer fails to comply with the terms of such order to give security, he shall be detained in the civil prison till arrangements are made by the Court or the Controller for settling the claims of his labourers; provided that such employer shall be released at any time on security being furnished or on his payment, either in whole or in a reasonable part, of all claims of his labourers; and provided that in no case shall the period of such detention exceed three months.

(iii) The bond to be given by an employer shall be a personal bond with one or more sureties, and the penalty for breach of the bond shall be fixed with due regard to the circumstances of the case and the means of the employer.

Arrest of employer.

(iv) If on or after complaint made by any labourer under subsection (i) it appears to the Court or the Controller that there is good ground for believing that the employer complained against has absconded or is absconding or is about to abscond, the Court or the Controller may issue a warrant for the apprehension of such employer, and such employer shall be detained in safe custody pending the hearing of the complaint unless he finds good and sufficient security to the satisfaction of the Court or the Controller for his appearance to answer the complaint.

Frivolous complaint.

(v) If after summoning an employer to appear to show cause why he should not be required to give security by bond to remain in the State wherein the place of employment is situated till the wages of his labourers are paid it shall appear to the Court or the Controller after enquiry that the labourer who made the complaint had no reasonable or sufficient grounds for making it, the Court or the Controller may impose a fine of five dollars upon such labourer and in default of payment sentence him to imprisonment of either description for a term not exceeding fourteen days.

Penalty.

Controller may adjudicate between employer and Chinese labourer.

98. (i) In the event of there arising between an employer and a Chinese labourer any dispute relating to the conditions or period of employment, to advances of goods or money, to wages or to the keeping of accounts, the Controller may enquire into and decide such dispute and make without any limitation in respect of amount or value any order which he may deem just for the purpose of giving effect to such decision.

(ii) The mode of procedure shall be as follows :

- (a) The person complaining shall lodge a memorandum in writing at the office of the Controller, specifying shortly the subject-matter of the complaint and the remedy sought to be obtained, or he may make his complaint in person at any time or place to the Controller, who shall forthwith reduce it or cause it to be reduced to writing. Upon receipt of such memorandum or verbal complaint the Controller shall summon in writing the party against whom such complaint is made, giving notice to him of the nature of the complaint and the time and place at which the same will be enquired into, and he shall also notify or summon all persons whose interests may appear to him likely to be affected by the proceedings;
- (b) At the time and place appointed the parties shall attend and state their case before the Controller and may call evidence, and the Controller having heard such statements and evidence and any other evidence which he may deem necessary shall give his decision ;
- (c) If any person interested shall have been duly summoned by the Controller to attend at such enquiry and shall have made default in so doing, the Controller may hear and decide the complaint in the absence of such person, notwithstanding that the interests of such person may be prejudicially affected by his decision ;
- (d) The Controller shall keep a Case Book, in which he shall enter notes of the evidence taken and the decisions arrived at in each case heard before him, and shall authenticate the same by attaching his signature thereto, and the record in such Case Book shall be sufficient evidence of the giving of any decision, or of the making of any order, and of the terms thereof ; and any person interested in a dispute, decision or order shall be entitled to a copy of such record upon payment of the prescribed fee ;
- (e) No fees shall be charged by the Controller in respect of processes issued by him under this section and all orders made by the Controller shall, notwithstanding that the same may in respect of amount or value be in excess of the ordinary jurisdiction of the Court, be enforced by the Court in the same manner as a judgment of the Court, and all necessary processes may be served by the Court on behalf of the Controller ; provided that no sale of immovable property shall for the purposes of such enforcement be ordered except by the Supreme Court ;
- (f) In the event of any person interested being dissatisfied with the decision or order of the Controller, he may, within fourteen days after such decision or order, file a memorandum of appeal therefrom in the Supreme Court ; for the purposes of any such appeal the decision or order of the Controller shall be deemed to be a decision of the Court of a Magistrate ;

(g) Nothing in this section shall limit or affect the jurisdiction of any Court;

(h) In proceedings under this section where it appears to the Controller that there are more labourers than one having a common cause, or similar causes, of complaint against the same employer, it shall not be necessary for each of them to make a separate complaint under this section, but the Controller may, if he thinks fit, permit one or more of them to lodge a memorandum or make a complaint and to attend and act on behalf of, and generally to represent, the others, and the Controller may proceed to adjudicate on the several or joint claims of each and all such labourers; provided that where the Controller is of opinion that the interests of the employer are or are likely to be prejudiced by the non-attendance of any labourer, he shall require the personal attendance of such labourer.

(iii) In this section the expressions "employer" and "labourer" include all persons who are included within the scope of those expressions, respectively, for the purposes of Part VII.

Translation of abstract to be posted in certain cases.

99. (i) An abstract of Chinese labour law shall, as soon as conveniently may be after the passing of this Enactment, be prepared and published in the *Gazette*.

(ii) Every employer who employs not less than fifty Chinese labourers shall affix and exhibit continuously in a conspicuous place in all lines a translation in Chinese of the said abstract.

(iii) Printed copies of the said abstract, with such translations as may be necessary, shall on application be supplied free by the District Officer or the Controller to all such employers as are referred to in sub-section (ii).

Penalty.

(iv) Every employer who refuses or neglects to comply with the provisions of sub-section (ii) shall be liable, on conviction, to a fine not exceeding one hundred dollars.

CHAPTER IX.

DOMESTIC SERVANTS.

Application.

100. The provisions of Chapter VI are hereby made applicable to domestic servants.

Offences.

101. Any domestic servant who shall without reasonable excuse to be allowed by the Court

(a) quit the service of his employer without due notice;

(b) be guilty of wilful negligence or carelessness with regard to the property in his custody or control;

Penalty.

shall be liable, on conviction, to a fine not exceeding twenty-five dollars or to imprisonment of either description for a term not exceeding one month.

PART V.

PROVISIONS RELATING TO PRIORITY OF WAGES
AND THE TRUCK SYSTEM.

CHAPTER X.

PRIORITY OF LABOURERS' WAGES.

102. In this Chapter unless the context otherwise requires :

Interpretation.

(i) "The Court" includes a Collector or Assistant Collector duly appointed under "The Land Enactment, 1911," in any case in which such Collector or Assistant Collector has power to order a sale.

(ii) "Declaration of insolvency" includes an order or decree for the liquidation or winding up of a corporation or company.

(iii) "Labourer" includes clerk.

(iv) "Receiver" includes the liquidator of a corporation or company.

(v) "Secured creditor" means a person holding a mortgage, charge or lien on any mine or agricultural estate or other place of employment, or any part thereof, as a security for a debt due to him, but shall not include the holder of a bill of sale as defined in the Bills of Sale Enactment, 1922.

(vi) "Wages" shall not include money due as a share of profits.

"Wages."

103. In the event of the issue of an attachment in execution of a decree against an employer, and of the interest in any mine, agricultural estate or other place of employment belonging to such employer, or the produce thereof, or the money due to such employer on account of work done on such place of employment or derived from the sale of the proceeds thereof, being seized or sold or otherwise realized in pursuance of such execution, the proceeds of such sale or other realization shall not be paid to any execution creditor unless and until the Court ordering the sale or other realization shall have ascertained and provided for the amount due at the date of the sale or other realization for wages due to all the labourers employed on such mine, agricultural estate or other place of employment.

Protection of labourers' interests in execution proceedings.

104. In the event of any interest in any mine or agricultural estate or other place of employment being sold on the application of a secured creditor under any law in force for the time being, the proceeds of such sale shall not be paid to any creditor other than the Government or a secured creditor, unless and until the Court ordering the sale shall have ascertained and provided for the amount due at the date of the sale for wages to all labourers employed on such mine, agricultural estate or other place of employment or unless the Court shall be satisfied that such wages have been duly paid up to the date of sale.

Procedure on sale under mortgage or charge.

105. For the purpose of ascertaining the amount so due, the Court or receiver ordering the sale under section 103 or 104 (hereinafter in this section called "the Court") shall take notice of the system under which the mine, agricultural estate or other place of employment is worked, and shall not allow, in the case of a clerk or headman, more than two months' wages; and in the case of other labourers, more than three months' wages.

Mode of ascertaining amount due.

- Reference to Controller.** **106.** The Court may refer the matter to the Controller, who shall enquire into the same and report to the Court the amount that is, in his opinion, justly due for wages from the employer to the labourers.
- Report.** **107.** The Court may adopt the report of the Controller, or may make such further enquiry as it may think fit.
- Order by Court.** **108.** After the enquiry is completed the Court shall make an order declaring the amount due at the date of the sale for wages by the employer to the labourers, and the mine, agricultural estate or other place of employment in respect of which such wages have become due.
- Deductions.** **109.** In ascertaining such amount, in the case of an employer against whom a declaration of insolvency or a receiving order in bankruptcy has been made, there shall be deducted from the amount due at the date of such declaration or order any sums which the labourers may have received since such date from the assets of their employer, whether by way of dividend or in priority to the general body of creditors.

CHAPTER XI.

PROVISIONS AS TO THE TRUCK SYSTEM.

- Agreements to pay wages otherwise than in legal tender illegal.** **110.** In all agreements or contracts for the hiring of any labourer or for the performance by any labourer of any labour the wages of such labourer shall be made payable in legal tender and not otherwise, and if in any such agreement or contract the whole or any part of such wages shall be made payable in any other manner such agreement or contract shall be illegal, null and void.
- Agreements as to place, manner, etc., of spending wages illegal.** **111.** No employer shall impose in any agreement or contract for the employment of any labourer any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the labourer are to be expended, and every agreement or contract between an employer and a labourer containing such terms shall be illegal, null and void.
- Wages to be paid entirely in legal tender.** **112.** Except where otherwise expressly permitted by the provisions of this Enactment the entire amount of the wages earned by, or payable to, any labourer in respect of any labour done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void.
- Labourer's right to recover.** **113.** Every labourer shall be entitled to recover in the Courts of the Federated Malay States so much of his wages exclusive of sums lawfully deducted in accordance with the provisions of this Enactment as shall not have been actually paid to him in legal tender.
- Interest on advances forbidden.** **114.** No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of wages made to any labourer in anticipation of the regular period of payment of such wages.
- Deductions or payments in respect of fines, injury to materials, etc.** **115.** Except where otherwise expressly permitted by the provisions of this Enactment no employer shall make any deduction or make any agreement or contract with a labourer for any deduction from the wages to be paid by the employer to the labourer, or for any payment to the employer by the labourer, for or in respect of any fine, or of bad or negligent work, or of injury to the materials or other property of the employer.

116. Nothing in this Chapter shall be held to apply to any body of persons working on an agreement of co-operation. Agreements of co-operation.

117. Nothing in this Chapter shall render illegal an agreement or contract with a labourer for giving to him food, a dwelling-place or other allowances or privileges in addition to money wages as a remuneration for his services, but so that no employer shall give to a labourer any opium or chandu or intoxicating liquor by way of such remuneration. Remuneration other than wages.

118. (i) Nothing in this Chapter shall prevent the employer, with the approval in writing of the Controller, which may at any time be revoked, from establishing a shop for the sale of rice and provisions generally to his labourers; but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase rice or other provisions at such shop, and no opium or chandu or intoxicating liquor shall be sold at any such shop. Authority to employer to open shop.

(ii) Nothing in this Chapter shall be held to apply to a toddy-shop licensed, with the approval of the Controller in writing, under the provisions of "The Excise Enactment, 1923," but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase toddy at such shop. Toddy-shop.

(iii) No employer shall establish or keep, or permit to be established or kept, a shop on any place of employment for the sale of provisions to his labourers otherwise than in accordance with the preceding sub-sections. Offence.

119. Any employer who enters into any agreement or contract or gives any remuneration for service contrary to the provisions of this Chapter or declared by this Chapter to be illegal, or makes any deduction from the wages of any labourer or receives any payment from any labourer contrary to the provisions of this Chapter or contravenes the provisions of sub-section (iii) of section 118, shall be liable, on conviction, to a fine not exceeding five hundred dollars or for a second or subsequent offence to a fine not exceeding one thousand dollars. Penalties.

120. (i) When an employer is charged with an offence against this Chapter he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer shall prove to the satisfaction of the Court that he has used due diligence to enforce the provisions of this Chapter and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty. Exemption of employer on conviction of actual offender.

(ii) When it is made to appear to the satisfaction of the Controller at the time of discovering the offence that the employer has used due diligence to enforce the provisions of this Chapter and also by what person such offence has been committed, and also that it has been committed without the knowledge, consent or connivance of the employer, then the Controller shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer. Proceedings to be taken against actual offender.

PART VI.

PROVISIONS RELATING TO ASSISTED IMMIGRATION.

CHAPTER XII.

THE INDIAN IMMIGRATION FUND.

Limitation of application.

121. The provisions of this Part shall only apply to Indian labourers and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Part such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Part shall be additional to, and in extension of, the other provisions of this Enactment.

Interpretation.

122. In this Part unless the context otherwise requires :

“Employer” means any person, including the Government, and any body of persons, corporate or unincorporate, who employs any Indian labourers, and shall in his absence include his agent or manager or other person in charge of the work on which such Indian labourers are employed, and a person who makes payments for work executed by Indian labourers to some person other than such Indian labourers shall be deemed to be the employer of such Indian labourers if such work is done in the conduct of any trade, business, undertaking or industry carried on by him or on his behalf ;

“Indian labourer” means an Asiatic native of the Madras Presidency of British India or of the adjoining Indian States of the age of fourteen years and upwards, who is employed in any of the following kinds of labour, namely—

- (1) Agriculture, including the treatment of produce and its portorage to the place of treatment ;
- (2) The making and upkeep of roads ;
- (3) The construction and maintenance of canals ;
- (4) Railway construction, maintenance and working ;
- (5) The construction, maintenance and working of all works of a public nature or for the public good ;
- (6) Mining and work on mines ;
- (7) Quarrying and stone-breaking ;
- (8) Brick-making ;
- (9) The treatment in mills and factories of padi, rubber and other agricultural produce, including portorage in connection with such treatment ;

or in any other kind of labour which may be declared by the High Commissioner to be subject to the provisions of this Part: provided always that persons employed exclusively in administrative or clerical work, or in gardens attached to private residences, shall not be deemed to be Indian labourers for the purposes of this Part. For the purpose of this Part every Asiatic of Indian descent shall be deemed to be a native of the Madras Presidency or an adjoining Indian State until the contrary is proved ;

“The Indian Immigration Committee” means the Immigration Committee existing at the time of the passing of this Enactment or hereafter notified by the order of the High Commissioner in the *Gazette* to be the Indian Immigration Committee ;

"A quarter" means a quarter of a year consisting of the months of January to March, April to June, July to September, or October to December;

"Register" means the books which are required to be kept under section 124;

"Return" means the return which is required to be sent to the Controller under section 125.

123. (i) It shall be lawful for the High Commissioner from time to time to define the duties of the Indian Immigration Committee and to appoint such persons as he may think fit to be members of such Committee and to add members to or remove members from such Committee.

High Commissioner may define duties of Indian Immigration Committee and appoint members.

(ii) The Indian Immigration Committee by such name shall be a body corporate and have perpetual succession and a common seal and power to acquire, hold and sell property and may by such name sue and be sued.

(iii) The Controller shall be the Chairman of the Indian Immigration Committee and the common seal of the Committee shall be in his custody and may be affixed by him,

124. Every employer shall keep and write up to date, or cause to be kept and written up to date, books in the English language showing the names of all Indian labourers of whom he was the employer or who have worked on his place of employment, the days on which they have worked and the amounts paid or payable to them as wages. Such books shall be deemed not to be written up to date if by the tenth day of any month all entries required by this section to be made therein in respect of the preceding month have not been made.

Employer to keep books.

125. Every employer shall within one month after the end of each quarter send to the Controller a return showing the number of Indian labourers whose names are entered in his register during the preceding quarter, the total amount paid for work done by Indian labourers, the total number of days' work done by all Indian labourers of whom he was the employer or who have worked on his place of employment during the preceding quarter and the amount of any fines imposed under sections 185 and 193 during such quarter: such return shall be accompanied by a certificate signed by the employer that it is a correct summary of the entries in his register during the preceding quarter.

Employer to send return to Controller.

126. The employer shall include in the return under section 125 a statement showing the number of Indian labourers engaged by him under section 54 (i) during the quarter in respect of which the return is made, whether or not the statement required under section 54 (i) has been presented or forwarded.

Engagements under section 54.

127. Every employer shall, whenever called upon so to do by the Controller or by any officer authorised in writing by the Controller in that behalf, produce for the inspection of the Controller or officer so authorised his register and all other books kept by him in so far as they relate to payments made by him in respect of work done by Indian labourers.

Employer to produce register for inspection.

Power to enter upon and inspect any place reasonably suspected to be a place of employment.

128. The Controller and any officer authorised by him in writing in that behalf may at any time between sunrise and sunset enter upon and inspect any place of employment and any place which he may reasonably suspect to be a place of employment for the purpose of ascertaining the number of Indian labourers employed thereon, and any person wilfully hindering or obstructing such entry or inspection shall be liable, on conviction, to a fine not exceeding five hundred dollars.

Indian Immigration Committee may impose rates.

129. The Indian Immigration Committee may from time to time, with the consent of the Chief Secretary to Government, by notification published in the *Gazette* at least one month before the commencement of the period to which it relates, prescribe quarterly rates to be paid for the ensuing quarter or quarters of the year in which the notification is published or of the ensuing year as follows:

- (a) A rate to be paid by every employer in respect of every Indian labourer employed or working on the place of employment during the quarter;
- (b) A further rate to be paid by every employer who employed during the quarter Indian labourers in excess of the number of Indian labourers imported by him with free passages provided by the Indian Immigration Committee during the twenty-four months preceding the commencement of the quarter.

Provided that the rate referred to in clause (b) shall not be payable in respect of Indian labourers directly employed by any Government department and that in the case of Indian labourers not directly employed by any Government department in respect of whom the said rate would, but for this proviso, be payable by the Government the person directly employing such labourers shall for the purposes of clause (b) be deemed to be the employer of such labourers.

Provided further that the rate referred to in clause (b) shall not, during the continuance of any exemption granted hereunder, be payable in respect of Indian labourers employed

- (1) within such areas, or
- (2) within such areas and on such kinds of labour therein

as may be from time to time expressly exempted from the operation of clause (b) by order of the Indian Immigration Committee made with the approval of the Chief Secretary to Government and published in the *Gazette*. Any order or exemption published hereunder may be varied or rescinded by order of the Indian Immigration Committee made with the approval of the Chief Secretary to Government and published in the *Gazette*.

Fee for labourers engaged locally.

130. The Indian Immigration Committee may prescribe a fee not exceeding fifty dollars to be paid by every employer in respect of each labourer who is or ought to have been included in the statement referred to in section 126, subject to the exemption under section 54 (ii).

This fee shall form part of the assessment under section 132 and be collected in the manner provided in section 133.

131. The rate referred to in clause (a) of section 129 shall not exceed six dollars a quarter. The rate referred to in clause (b) may be whatever rate the Indian Immigration Committee from time to time, with the consent of the Chief Secretary to Government, thinks fit to prescribe: provided always that the whole assessment payable by an employer under the last preceding section in respect of any one quarter shall in no case exceed six dollars for every Indian labourer employed during the quarter. Limit of rate.

132. The assessment payable by each employer under section 129 shall be collected by the Controller who shall send by post to each employer a notice stating the amount at which he has been assessed for the last preceding quarter. Assessment to be collected by Controller.

133. Every employer shall within twenty-one days after the posting to him or to his place of employment of the notice referred to in section 132 stating the amount at which he has been assessed for the last preceding quarter under section 129 pay to the Controller the amount mentioned in such notice together with the amount of any fines imposed under sections 185 and 193: such amounts shall be deemed a debt due to the State in which his place of employment is situated and if not paid within such twenty-one days shall bear interest at the rate of eight per cent. per annum. Any such notice signed by the Controller shall unless and until rectified by the Controller be conclusive evidence that the amount stated therein is due by the employer: provided that the employer may within fourteen days after the receipt of any notice appeal to the Indian Immigration Committee and in such case the Indian Immigration Committee shall consider the matter and its decision shall be final. Employer to pay assessment within twenty-one days.

134. (i) The amount at which each employer shall be assessed in respect of each quarter shall be ascertained as hereinafter in this section provided. Amount of assessment, how calculated.

(ii) The amount of the assessment under clause (a) of section 129 shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter by the rate.

(iii) The amount of the assessment under clause (b) of section 129 (if any) shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter, less the number of adult Indian labourers shown to the satisfaction of the Controller to have been imported by the employer with free passages from India paid for by the Indian Immigration Committee during the twenty-four months preceding the commencement of the quarter, by the rate.

(iv) For the purposes of the calculations referred to in this section:

(a) The "average number of Indian labourers employed or working on the place of employment" shall be the number obtained by adding together the total number of days' work done by each Indian labourer during the quarter and dividing the total by the number of working days comprised in the quarter;

(b) The "number of working days comprised in any quarter" shall be such number as may be fixed by the Indian Immigration Committee for such quarter;

(c) An "adult Indian labourer" means an Indian labourer for whom a free full rate passage from India has been paid for by the Indian Immigration Committee.

(v) The Indian Immigration Committee may from time to time make rules determining what shall be deemed to constitute a day's work, and such rules shall be published in the *Gazette*.

Immigration
Fund.

135. (i) The fund now subsisting under the provisions of "The Labour Code, 1912," hereby repealed shall be taken over by and form part of the fund constituted under this Enactment.

Disbursement
of Fund.

(ii) All moneys paid by employers to the Controller in accordance with the provisions of this Part shall be paid into a fund to be known as "The Indian Immigration Fund" which shall be vested in the Indian Immigration Committee and may be disbursed for the following purposes only:

- (a) For or towards the payment of free passages for Indian labourers and their families from the Madras Presidency to the Federated Malay States or the Colony or Johore or Kedah or Perlis or Kelantan: such passages shall be allotted in accordance with rules to be framed from time to time by the Indian Immigration Committee and published in the *Gazette*;
- (b) For the general expenses incurred in connection with the recruiting of labour in the Madras Presidency and in connection with
 - (1) the quarantine on arrival at Singapore, Penang or Port Swettenham from India, and
 - (2) the transport to their destinations of those for whom free passages have been provided under this Enactment;
- (c) For the maintenance of a home or homes for decrepit and unemployed Indian labourers and the children and orphans of Indian labourers;
- (d) For the payment of interest upon moneys borrowed by the Indian Immigration Committee under sub-section (iii);
- (e) For the payment of recruiting allowances;
- (f) For the payment of the cost of preparing the register prescribed by section 54 (i);
- (g) For the payment of expenses reasonably incurred by members of the Indian Immigration Committee in travelling to and from places where the Committee meets or other places necessary to be visited for the purposes of this Part;
- (h) For the payment of fees and charges incidental to legal proceedings and of the cost of legal advice and assistance incurred and obtained in and for carrying out the purposes of this Part;

- (i) For the payment of expenses of collection and administration of the Fund ;
- (j) For the repatriation of and assistance to Indian labourers in need of relief ;
- (k) For such purposes as may be determined from time to time by resolution of the Federal Council.

(iii) It shall be lawful for the Indian Immigration Committee to borrow from time to time at such rates of interest as the Chief Secretary to Government shall approve such moneys as the Committee may deem necessary for the purpose of making the payments referred to in sub-section (ii). Borrowing powers.

136. (i) Payments out of the Indian Immigration Fund shall be made by the Controller on the authority of the Indian Immigration Committee. Mode of management.

(ii) The Controller shall present half-yearly accounts of the Indian Immigration Fund to the Committee.

(iii) Such half-yearly accounts, when passed by the Indian Immigration Committee, shall be published in the *Gazette*.

137. Any employer who is subject to the provisions of this Part Offences under this Part.

- (a) Who shall fail to keep or cause to be kept a register ;
- (b) Whose register shall not be kept up to date, unless he shall explain such omission to the satisfaction of the Court ;
- (c) Whose register shall contain any incorrect or incomplete entry, unless he shall satisfy the Court that such entry was not made with intent to evade payment of moneys payable under this Part ;
- (d) Who shall fail to send in a return within the time prescribed by section 125 ;
- (e) Who shall send in a return containing any incorrect or incomplete statement, unless he shall satisfy the Court that such statement was not made with intent to evade payment of moneys payable under this Part ;
- (f) Who shall refuse or wilfully omit to produce any book for inspection as required by section 127 ;

shall be liable, on conviction, to a fine not exceeding five hundred dollars. Penalty.

138. In every case in which an employer who is subject to the provisions of this Part is convicted of failure to keep or cause to be kept a register, and in every case in which such an employer is convicted of keeping or causing to be kept a register which contains any incorrect or incomplete entry, and in every case in which such an employer is convicted of sending in a return containing any incorrect or incomplete statement, the Court shall forthwith proceed to determine, taking further evidence if necessary, the number of Indian labourers in respect of whom the employer is liable to Special penalty where there is intent to evade payment.

assessment under this Part, and the employer shall, in addition to any fine imposed upon him, pay a penalty of ten dollars in respect of each such Indian labourer. Such penalty shall be added to the fine imposed and shall be recovered and dealt with as part thereof. The payment of such penalty shall not be deemed to be a payment of the assessment due under the provisions of this Part in respect of such Indian labourer, and in a suit for the recovery of assessment no set-off or defence shall be allowed on account of such payment.

No prosecution without the authority of the Controller.

139. (i) No prosecution for any offence against the provisions of this Part shall be instituted except by the Controller or by an officer authorised by him in writing in that behalf.

Right to appear.

(ii) The Controller and any officer authorised by him in writing in that behalf shall have the right to appear before any Court.

Disposal of fines.

140. Every fine imposed by virtue of this Part shall be paid over to the Controller and shall become part of the Indian Immigration Fund.

CHAPTER XIII.

STANDARD RATES OF WAGES.

Standard rates of wages.

141. (i) It shall be lawful for the Indian Immigration Committee from time to time with the approval of the Chief Secretary to Government by notification in the *Gazette* to prescribe standard rates of wages payable to all or any classes of labourers performing all or any of the kinds of labour specified in section 122 in areas to be set forth in such notification.

(ii) The Indian Immigration Committee shall give reasonable notice, to be published in the *Gazette* and in at least three issues of not less than one English and one Indian vernacular newspaper circulating, if any, in the area or areas to be affected of its intention to fix such rates at a meeting of which the date and place shall at the same time be notified. All persons interested including the Government shall have the right to appear and be heard before the Indian Immigration Committee at such meeting. Any agent of the Government of India appointed under section 7 of the Indian Emigration Act, 1922, shall be deemed to be a person interested. The Indian Immigration Committee may at its discretion allow such persons interested to appear by solicitors or by the duly authorised and usual agents of duly constituted bodies or by other representatives, and may order that any class of persons having a common interest shall appear by such solicitors, agents or other representatives.

(iii) The date or dates from which such standard rates are to come into force shall be stated in the notification referred to in sub-section (i), but shall not be earlier than two months after the date of publication of such notification.

(iv) Standard rates of wages mean the rates proper for an able-bodied male labourer above the age of sixteen or for an able-bodied female labourer above the age of fifteen for a day's work or equivalent task as provided by section 68.

PART VII.

SPECIAL PROVISIONS RELATING TO LABOURERS EMPLOYED
IN MINES.

CHAPTER XIV.

INTERPRETATION AND PROVISIONS FOR THE OBSERVANCE
OF MINING USAGE.

142. The provisions of this Part shall only apply to labourers in mines and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Part such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Part shall be additional to, and in extension of, the other provisions of this Enactment. Limitation of application.

143. For the purposes of this Part unless the context otherwise requires: Interpretation.

“Employer” includes a mining advancer, commonly called Kiu-chu (繳主).

“Labourer” includes mining headmen commonly called Nai-cheng-thau (坭井頭) or Hop-thung-thau (合同頭), mining overseers commonly called Hang-kong (行港), and mining clerks.

“Tribute labourers” means labourers who work in any mine without any fixed remuneration but with the right to retain for themselves the value of all minerals won from the mine, subject to the obligation to pay to the mine owner or his lessee a fixed percentage of such value, and who agree with any person to receive from him exclusively advances of food and supplies and pledge the value of all minerals won as security therefor;

“A day’s work,” commonly called a Kung (工), means work for a day of as many hours, not exceeding nine, as is customary for any labourer to work in a mine.

144. (i) Any person who employs labourers in a mine either as labourers on time wages or as piece-work labourers or as tribute labourers may define the conditions upon which such labourers are engaged by affixing in a conspicuous place in such mine a notice in the Chinese language setting out the conditions upon which he engages such labourers, and, in the absence of any special agreement to the contrary, the terms of such notice shall be deemed to be binding as a contract under this Enactment as between such employer and such labourers as may enter such employment whilst such notice shall continue to be so affixed. Mining notices deemed to be binding as contracts in the case of mining labourers.

Provided always that

- (a) such notice shall clearly set out the name of the employer responsible to the labourers for their wages and other emoluments due to them or in the case of tribute labourers for the advancing to them of all necessary goods and moneys; Provision.

- (b) such notice shall contain no illegal or immoral conditions ;
- (c) no labourer taking service under such notice shall be compelled to continue working under its conditions for a longer period than six or in the case of tribute labourers twelve months notwithstanding any debt that he may owe to any person ;
- (d) (i) all the terms and conditions of every such notice shall be subject to the approval of the Controller, who may at his discretion require the employer to furnish such reasonable security for the due observance by such employer of the terms and conditions of such notice as may to the Controller seem proper ;
- (ii) the Controller shall retain a copy signed by the employer stating the date from which the notice is to be in force ;

And further in the case of tribute labourers that

- (e) such notice shall also clearly set out the term during which the labourer may be required to labour ;
- (f) if at any time the employer shall fail to make due and sufficient advances to the labourers of the necessary goods and moneys, none of the conditions of the notice shall be enforceable by the employer against the labourers, and such labourers shall be at liberty to seek another advancer.

Penalty. (ii) Any employer who shall contravene any of the provisions of this section shall be liable, on conviction, to a fine not exceeding five hundred dollars.

Wages of labourers, when payable.
Provision. 145. All wages earned by a labourer under such an engagement shall become due and payable on a date previously arranged between the parties thereto in accordance with the mining usage of the place in which such labourer is working : provided that in no case shall such date be more than six months later than the date of the commencement of such engagement, and provided further that in the event of the employer ceasing to provide a proper and sufficient supply of the money and necessaries for the use of the labourer, as required by the terms of his engagement, all moneys due from him to such labourer shall immediately become payable.

Mining usage. 146. All agreements and notices deemed to be binding as contracts under this Part shall be construed according to the mining usage of the place in which the same are to be performed.

Documents to be evidence.
Provision. 147. All documents and books of account having relation to agreements and notices deemed to be binding as contracts under this Part or to the work to be performed under such agreements, contracts or notices shall be *prima facie* evidence thereof : provided that such documents and books shall have been kept in accordance with the mining usage of the place in which the agreement, contract or notice is to be performed.

Exhibition of working-board. 148. Every employer shall exhibit, in a conspicuous place in the kongsi-house, a correct Kung-Pai (工牌) or working-board, containing the names of all labourers working in such kongsi, and shall enter thereon, according to mining usage, the work done by each labourer in the kongsi.

149. Every employer shall exhibit, in a conspicuous place in the kongsi-house, at the end of every month, a Lat-Tsai (叻仔) or account, kept according to mining usage, of moneys earned and received by each labourer in the kongsi during such month.

Exhibition of labourers' accounts.

150. Every employer who shall make default in any of the obligations imposed upon him by the two last preceding sections, shall be liable to a fine not exceeding one hundred dollars.

Penalty for default.

151. The advancer to a mine and the employer, if separate persons, shall be jointly and severally liable to the labourer for the payment of wages due to him: provided that the liability of the advancer shall cease if he shall have given reasonable notice to the labourer that on a certain day and at a certain time and place he intends to hand over his wages to the employer, and shall have so handed them over accordingly.

Liability for payment of wages.
Provisos.

152. Labourers on time or fixed wages employed in a mine worked by tribute labourers shall, in the absence of proof to the contrary, be regarded as being employed by the advancer and not by such tribute labourers.

Labourers not employed by tribute labourers.

CHAPTER XV.

SANITATION AND HOSPITALS UPON MINES.

153. Every employer who has agreed or contracted to provide house accommodation for his labourers shall supply and maintain such accommodation as shall fulfil all reasonable sanitary requirements. Should it appear to the Controller that the accommodation provided is likely, by reason of its site, construction, size, or otherwise, to endanger the health of any labourer or of any other person, it shall be lawful for the Controller to serve the employer with an order in writing requiring him to remove, alter or enlarge such accommodation within a reasonable time, to be stated in such order; and such order may also, if necessary, declare that no labourer shall be permitted to occupy any building the subject of such order, pending such removal, alteration, or enlargement.

House accommodation.

(ii) Any employer who shall neglect or refuse to comply with any order made under sub-section (i) shall be liable, on conviction, to a fine not exceeding two hundred dollars, and further to a fine not exceeding ten dollars for each day beyond the prescribed time during which such removal, alteration, or enlargement remains uncompleted.

Penalty.

154. Should the accommodation upon any mine be insanitary or otherwise unsatisfactory, it shall be lawful for the Controller or a Magistrate to order that no labourers shall be admitted to such mine until the necessary improvement has been effected.

Order prohibiting admission of labourers.

155. Every employer who is bound to provide house accommodation for his labourers shall also be bound to provide for them a sufficient quantity of wholesome water.

Water supply.

156. (i) Should it appear to the Controller that the water provided for the use of the labourers upon any mine is insufficient in quantity or unwholesome in quality, it shall be lawful for the Controller to serve such employer with an order in writing requiring him

Order to improve water supply.

to increase or improve such supply within a reasonable time, to be stated in such order, and such order may also, if necessary, declare that the employer shall not permit any labourer to use the water which is the subject of such order until such improvement has been effected.

Penalty.

(ii) Any employer who shall neglect or refuse to comply with any order made under sub-section (i) shall be liable, on conviction, to a fine not exceeding two hundred dollars, and further to a fine not exceeding ten dollars for each day beyond the prescribed time during which such increase or improvement shall remain uncompleted.

Sick labourers to be sent to hospital.

157. (i) In the event of any labourer requiring medical treatment it shall be the duty of his employer to take or cause him to be taken, with as little delay as possible, to the nearest Government hospital for treatment, providing transport if necessary.

Penalty for non-compliance.

(ii) Every employer who shall fail to take, or cause to be taken, to hospital any such labourer shall be liable, on conviction, to a fine not exceeding one hundred dollars, or to imprisonment of either description for a term not exceeding two months, and upon conviction for a second or subsequent similar offence, committed within two years from the date of a previous conviction for such an offence, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment of either description for a term not exceeding six months, or to both.

Order for removal of sick labourer.

158. If it shall appear at any time to the Controller or to a Magistrate or to the Health Officer or a Government Medical Officer that a labourer is suffering from a contagious or infectious disease or that it is otherwise desirable that he should be removed and placed under medical care, it shall be lawful for the Controller or such Magistrate, Health Officer or Government Medical Officer to cause such labourer to be forthwith removed to such place as he may direct, and such labourer shall thereupon be detained until discharged by an order in writing under the hand of the Health Officer or a Government Medical Officer.

PART VIII.

PROVISIONS RELATING TO THE HEALTH OF ASSISTANTS AND LABOURERS.

CHAPTER XVI.

HOUSE ACCOMMODATION.

159. In this Part unless the context otherwise requires :

Interpretation.

“Dangerous infectious or contagious disease” means plague, cholera and small-pox and any other disease which the Chief Secretary to Government may from time to time, by notification in the *Gazette*, declare to be a dangerous infectious or contagious disease for the purposes of this Part.

“Estate” means any agricultural land exceeding twenty-five acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated or any mine or other place of employment to which the provisions, or any portion of the provisions, of this Part have been declared to apply under section 160 to the extent of the provisions so declared to apply.

"Labourer" includes any Asiatic who performs or is under agreement or contract to perform any work for any other person for payment or reward, whether the payment or reward is to be made by the employer or by some other person who has entered into a contract with the employer to have the work done, and except in sections 177, 185 (i) and 193 (ii) includes his dependants.

"Dependant" of a labourer includes such of the members of the labourer's family, namely wife, father, mother and children and adopted children under the age of fourteen, as are living with and dependant on him.

"Resident manager" of an estate means any employer or agent of an employer who resides on, or is in immediate charge of, the estate on which the labourers are employed.

160. It shall be lawful for the Resident upon the recommendation of the Controller, to declare by notification in the *Gazette* that the provisions of this Part or of such sections thereof as may be specified in such notification shall apply to any mine or other place of employment and be complied with by the owner, lessee or occupier thereof.

Power to apply to mines, etc.

161. (i) It shall be the duty of every employer to provide for all assistants or persons other than labourers employed by him on an estate sufficient and proper house accommodation.

House accommodation for assistants.

(ii) Should it appear to the Health Officer that any such accommodation is by reason of site, construction, size or otherwise likely to endanger the health of the assistants or other employees housed therein or of any other person he shall report accordingly to the Resident, and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Resident to give to the employer or to the resident manager, or to both, an order in writing requiring him to demolish, remove, alter or enlarge such accommodation within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the Resident, prescribe the site to which such accommodation is to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the accommodation is to be enlarged, and may further declare that no assistants or other employees as stated in the order may be permitted to occupy such accommodation pending such demolition, removal, alteration or enlargement.

Order in respect thereof.

162. It shall be the duty of every employer to provide for every labourer employed by him on an estate for whom he is bound either by contract or agreement or under any written law to provide house accommodation and for every labourer employed by him on an estate who resides on such estate or on any other land owned or leased by such employer or otherwise in his control

Provisions to be made for labourers on an estate by the employer.

- (a) sufficient and proper house accommodation;
- (b) a sufficient supply of wholesome water;
- (c) sufficient and proper sanitary arrangements;
- (d) hospital accommodation and equipment;
- (e) medical attendance and treatment including diets in hospital;
- (f) a sufficient supply of medicines of good quality.

House accommodation to be sanitary.

163. (i) The house accommodation provided shall in all cases fulfil all reasonable sanitary requirements and the surroundings thereof shall be kept in a clean, sanitary and safe condition.

Penalty for housing in insanitary building.

(ii) Every employer who houses any labourer in a building the state of which, or of the surroundings of which, is such as to endanger the health or safety of such labourer shall, on conviction, be liable to a fine not exceeding one hundred dollars for each labourer housed in such building.

Separate lines to be provided for each race.

164. On every estate upon which the labourers employed or residing are not all of one race, the employer shall provide separate lines for the labourers of each race as the Controller shall direct, and shall not without the written consent of the Controller transfer labourers of one race to lines designed for labourers of another race.

Permanent lines to be in accordance with approved design.

165. (i) Subject to the exceptions contained in this sub-section, no lines shall be erected by an employer upon any estate or upon other land adjacent to an estate unless

(a) the lines are erected in general accordance with one or other of the designs (hereinafter called standard designs) prepared by order of the Chief Secretary to Government and approved by the Health Officer as suitable for the accommodation of labourers according to the nature of the site selected (copies of which shall be obtainable free of charge by any employer on application to the Controller) and are of such materials as are thereon specified, or

(b) the permission of the Controller to erect lines otherwise than as aforesaid has been obtained.

Exception 1.—Lines not in accordance with a standard design may be erected for occupation for a period not exceeding three years on or within two hundred yards of, and for the purposes of, land which has been cleared for planting within the two years next preceding such erection and may be occupied for a period not exceeding three years after the clearing of such land for planting.

Exception 2.—Lines not in accordance with a standard design may, with the approval of the Health Officer, be erected for occupation for a period not exceeding two years on such site as the Health Officer approves.

(ii) The Controller may order an employer to remove any lines under such employer's control which have been erected, or are occupied, in contravention of sub-section (i).

Drains.

(iii) Drains shall be carried to such distance as the Health Officer shall in each case order.

Surroundings of lines to be kept clean.

166. All lines shall be erected as far as possible, having regard to all circumstances, from any jungle. A space of not less than 200 feet all round such lines shall wherever possible be kept clear of jungle and of buildings, and it shall be the duty of the resident manager to see that such space is kept clear of refuse and excreta and that the lines are cleaned out daily and all refuse in or near the lines collected and buried or burned, and to detail a sufficient number of labourers daily to carry out these duties.

No cultivation of any kind shall be permitted within the above provided space of 200 feet if such cultivation would in the opinion of the Health Officer interfere with the ventilation or general sanitary condition of such lines.

167. Should it appear to the Health Officer that any lines are by reason of site, construction, size or otherwise likely to endanger the health of any labourers housed therein or of any other person, he shall report accordingly to the Controller, and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him to demolish, remove, alter, enlarge or replace such lines within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the Controller, prescribe the site to which the lines are to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the buildings are to be enlarged, and may further declare that no labourer or no more than a fixed number of labourers as stated in the order may be permitted to occupy such lines pending such demolition, removal, alteration or enlargement.

Insanitary lines.

CHAPTER XVII.

PREVENTION OF MALARIAL FEVER.

168. Whenever it appears to the Health Officer that on any estate any pond, tank, well, spring, drain, stream, water-logged ground or swamp, or other collection of water is or is likely to be prejudicial or dangerous to health or favourable to the existence or propagation of mosquitoes, he shall report accordingly to the Controller and, on receipt of such report, it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him or them within a reasonable time to be stated in such order to take such action as may to the Controller seem necessary to prevent such pond, tank, well, spring, drain, stream, water-logged ground or swamp, or other collection of water being prejudicial or dangerous to health or favourable to the existence or propagation of mosquitoes.

Prevention of malarial fever.

CHAPTER XVIII.

WATER SUPPLY.

169. (i) The supply of water available for each labourer for drinking, cooking or bathing purposes shall be not less than such number of gallons a day as the Controller shall by order either generally or for any particular estate direct.

Water supply to be adequate.

(ii) Any employer failing to provide the quantity of water ordered by the Controller under this section shall be liable, on conviction, to a fine not exceeding one hundred dollars for each day during which the quantity provided shall fall short of the quantity ordered to be available.

Penalty for not providing adequate supply.

170. The Health Officer may at any time if it appears to him necessary for the health of any labourers employed or residing on an estate by order in writing direct the employer or resident manager to prevent the use for drinking, cooking or bathing purposes of the water from any river, stream, canal, tank, pond, well or other source of supply on the estate either absolutely or unless and until certain precautions specified in such order have been taken or enforced, as the case may be, and may in like manner direct the employer or resident manager to have any tank or well closed and any pond filled up.

Protection of water supply.

Protection of wells.

171. (i) On any estate upon which there are wells the water of which is or may be used for drinking, cooking or bathing purposes it shall be the duty of the employer or resident manager, if so directed by the Health Officer, to have all or any of such wells bricked or protected in accordance with one or other of the plans approved by the Chief Secretary to Government, copies of which shall be obtainable free of charge by any employer from the Controller.

For public safety.

(ii) Every well, water-hole, or tank on an estate shall be securely fenced or otherwise guarded so as not to be dangerous to adults or children.

Water supply insufficient or unwholesome.

172. Should it appear to the Health Officer that the water provided for the use of any labourers housed in any lines is insufficient in quantity or unwholesome in quality, he shall report accordingly to the Controller, and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him within a reasonable time to be stated in the order to increase or improve the supply of water or to adopt any precautions regarding the use of such water as may to the Controller seem necessary, and such order may also declare that no labourer shall be permitted to use the water the subject of such order unless and until such improvement has been effected or such precautions have been taken or enforced.

CHAPTER XIX.

SANITARY ARRANGEMENTS.

Disposal of night-soil.

173. (i) The arrangements for the disposal of night-soil shall be in accordance with the provisions of any rules made from time to time by the Chief Secretary to Government under this Enactment and published in the *Gazette*.

Penalty.

(ii) Every employer who shall neglect after receipt of a notice in writing from the Health Officer notifying him that the arrangements for the disposal of night-soil on any estate are not in accordance with such rules to take within a time specified in such notice such steps as may be necessary to secure that the rules are complied with, shall be liable, on conviction before the Court, to a fine not exceeding one hundred dollars and to a further fine in addition of ten dollars for each day during which such neglect shall continue after the date of such conviction.

Defective latrine accommodation.

174. Should it appear to the Health Officer that the latrine accommodation for the labourers housed in any lines is such as to be dangerous to the health of such labourers or of any other persons, the Health Officer shall report accordingly to the Controller and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing to remove or alter the construction of such latrine accommodation within a reasonable time to be stated in such order, and the order may also, if it appears necessary to the Health Officer, prescribe the site to which such latrine accommodation is to be removed or the alterations in construction to be made, and may further declare that no labourer may be permitted to use such latrine accommodation until such removal or alteration has been carried out.

Order by Controller.

175. The Health Officer may at any time, if it appears to him necessary for the health of any labourers employed or residing on an estate, by order in writing direct the employer or resident manager to have any latrine immediately closed or disinfected in the manner prescribed in such order and may by a like order give directions as to the use of disinfectants generally on the estate.

Use of disinfectants.

CHAPTER XX.

HOSPITAL ACCOMMODATION, EQUIPMENT AND MEDICAL ATTENDANCE.

176. (i) The Controller may at any time by order in writing require any employer to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a hospital on or in the immediate neighbourhood of any estate upon which labourers are employed by him with accommodation for such number of patients as may be stated in such order, or if there is already a hospital maintained by such employer to enlarge or add to such hospital, so as to provide accommodation for a further number of patients as stated in the order; and may further require him to employ a registered medical practitioner as defined by "The Medical Registration Enactment, 1907," to reside at and have charge of such hospital or any hospital maintained by such employer, and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Health Officer.

Employer to maintain estate hospital.

(ii) If two or more estates are so situated that the required accommodation for patients from such estates can be conveniently provided in one hospital the employers concerned may, with the sanction of the Controller, provide one hospital for such estates instead of a separate hospital for each estate; but in such case every such employer and resident manager shall be responsible for the due maintenance of such hospital and for the provision of the prescribed staff, equipment, diets and medicines and for the observance of any rules made for the inspection and management of such hospital and the furnishing of any returns required as if such hospital were provided and maintained solely by him.

Hospitals for two or more adjacent estates.

177. (i) The employer shall bear the expenses of the maintenance and treatment in such hospital of every contract labourer so long as he remains in such hospital who was at the time of his admission to the hospital or within seven days previously employed on the estate, and shall also bear the expenses of the maintenance and treatment in such hospital of the dependants of such contract labourer so long as they remain in such hospital, and shall not be allowed to recover such expenses from the labourer either by deduction from wages or otherwise, but shall not, except as may be provided in the contract of such labourer, be required to pay wages in respect of any time during which the labourer is in hospital.

Maintenance and treatment of contract labourer in estate hospital.

(ii) In the case of a labourer who was employed under an agreement or of any dependant of such labourer the employer shall defray the expenses of maintenance and treatment in such hospital so long as the labourer or any of his dependants remain in hospital, but may recover from such labourer the expenses of such treatment and maintenance at such rate as the Controller, with the approval of

the Chief Secretary to Government, may from time to time prescribe by notification in the *Gazette* in respect of any period in excess of thirty days during which such labourer or any of his dependants shall have remained in the hospital.

Sick labourer admitted to a Government hospital.

178. (i) If a labourer at the time of his admission to a Government hospital or within ten days previously was employed on or after employment was residing on any estate the employer shall pay the expenses of maintenance and treatment in such hospital of such labourer and of any dependant of such labourer at such rate as the Controller, with the approval of the Chief Secretary to Government, may from time to time prescribe by notification in the *Gazette*. Such expenses shall, whatever be the amount, be recoverable from such employer in a Civil Court at the suit of the Government Medical Officer in charge of such hospital, and the certificate of such Government Medical Officer shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer; provided that unless such labourer was serving under a contract no more than thirty days' expenses in hospital in respect of any labourer or dependant shall be recoverable.

Proviso.

(ii) Provided further that if no estate hospital is maintained on such estate, all the provisions of section 177 (ii) shall apply to such employer's liability for expenses and to his right to recover at the rate prescribed under sub-section (i).

Employer to provide appliances for conveying labourers to hospital.

179. (i) It shall be the duty of the employer and of the resident manager

(a) to have every labourer employed on the estate who requires medical treatment taken with the least possible delay to the hospital provided for labourers employed on the estate or, if there is no such hospital, to the nearest Government hospital; and

(b) to make such arrangements and to provide such appliances for the transport of sick labourers to hospital as the Health Officer may from time to time order.

Removal of labourer to hospital.

(ii) The Health Officer or any Government Medical Officer may order the employer or resident manager to remove any labourer on an estate who requires medical treatment to hospital.

Penalty.

(iii) Any employer or resident manager who without reasonable excuse, the proof whereof shall lie on him, shall neglect or refuse to comply with any order made under sub-section (ii) shall be liable on conviction by the Court to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

Penalty for not taking sick labourer to hospital.

180. Any employer or resident manager who without reasonable excuse, the proof whereof shall lie on him, shall fail to take, or cause to be taken, to hospital any labourer employed on the estate who requires medical treatment shall be liable, on conviction, to a fine not exceeding fifty dollars, and upon conviction for a second or subsequent offence committed within two years from the date of a previous conviction for such an offence shall be liable to a fine not exceeding five hundred dollars.

181. Unless there is a registered medical practitioner resident on the estate in pursuance of section 176 every estate hospital shall be visited at least once in every month, and oftener if the Health Officer shall so require, by a private medical practitioner holding a qualification registrable by the Medical Council of the United Kingdom, and it shall be the duty of the employer to make arrangements accordingly and of the resident manager if he is not the employer to report to the employer if this is not done.

Estate hospitals to be visited by a qualified medical practitioner.

182. On every estate on which an estate hospital is not required to be constructed and maintained by the employer for the labourers employed thereon it shall be the duty of the employer to make such provision for the treatment of sick labourers as the Controller, after consultation with the Health Officer, shall in each case order.

Estates on which a hospital is not maintained.

CHAPTER XXI.

INFECTIOUS AND CONTAGIOUS DISEASES.

183. (i) It shall be the duty of the resident medical practitioner, and in his absence or if there is no resident medical practitioner, of the resident manager, to isolate at once any labourer or other person on an estate whom he may suspect to be suffering from any dangerous infectious or contagious disease and to detain under observation any other persons whom he may deem likely to have contracted such disease and with the least possible delay to notify the nearest Government Medical Officer, and pending the arrival on the estate of the Health Officer or such Government Medical Officer to take immediate steps to prevent any person from occupying the building in which the person suspected to be suffering from such disease has been housed.

Duty to report suspected case of infectious disease, etc.

(ii) Any person who neglects to perform to the best of his ability the duty imposed upon him by sub-section (i) shall be liable, on conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

Penalty for neglect.

184. (i) On the occurrence of any infectious or contagious disease on any estate it shall be the duty of the employer forthwith, if so directed by the Health Officer or a Government Medical Officer, to set apart a place for the reception of any labourers employed on the estate whom it shall appear necessary or desirable to segregate in the interests of the public health or of any other labourers employed on the estate and to make at his own expense such arrangements for the maintenance of such labourers while so segregated and for the treatment of any labourers suffering from such disease as may to the Health Officer or such Government Medical Officer seem necessary.

Duty of employer to make special provision for infectious cases and contacts.

(ii) If it shall at any time appear to the Health Officer or a Government Medical Officer that a labourer employed on any estate is suffering from a contagious or infectious disease or that it is otherwise necessary in the interest of the public health or of the health of any other labourers employed on the estate that he be removed and placed under medical supervision, it shall be lawful for the Health Officer or such Government Medical Officer to cause such labourer to be removed to such place as he may direct and there to be detained until discharged by order in writing under the hand of the Health Officer or a Government Medical Officer.

Powers of Health and Medical Officers to remove infectious cases and contacts.

CHAPTER XXII.

GENERAL.

Duty of kangani, etc., to report cases of sickness.

185. (i) It shall be the duty of every headman, kangani, mandor or other person in immediate charge of any gang of labourers to report immediately to the resident manager the absence of any labourer from work on account of sickness.

Penalty.

(ii) The resident manager shall have power to fine any person who neglects to furnish the report required by sub-section (i). Such fine shall not exceed five dollars for each such offence and may be deducted from the wages of such person. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller who may at his discretion remit the whole or any part of any fine so imposed.

(iii) All such fines shall be paid into the Indian Immigration Fund.

Rations may be ordered to be supplied according to prescribed scales, and deductions in respect thereof may be made from wages.

186. (i) The Chief Secretary to Government may from time to time by notification in the *Gazette* prescribe scales of rations, cooked and uncooked, for different classes of labourers and may also in like manner fix the maximum deductions which may be made by an employer from wages in respect of each such ration supplied by him.

(ii) Every employer shall, if so required in writing by the Controller, supply to all labourers employed by him (other than contract labourers) or to all labourers of a particular class specified in the requisition and to all children over one year and under twelve years of age living with and dependent upon such labourers rations according to such of the scales prescribed under sub-section (i) as shall be specified in the requisition, and shall continue to supply such rations, until such requisition be withdrawn by the Controller in writing, to every such labourer being from time to time under agreement with him and to all children over one year and under twelve years of age living with and dependent on such labourer; provided that in the case of children under ten years of age only one-third rations and in the case of children of ten years and over only half-rations need be supplied.

(iii) For and in respect of all rations supplied in pursuance of such requisition of the Controller as is mentioned in sub-section (ii) the employer shall be entitled to deduct from the wages of the labourer the sum fixed by the Chief Secretary to Government under sub-section (i) as the maximum deduction which may be made in respect of such rations; provided that such deduction shall not exceed the actual cost to the employer of such rations and shall not be made from any wages accrued due to the labourer before the date of the Controller's requisition.

(iv) When such a requisition as is mentioned in sub-section (ii) has been made, the employer shall day by day supply rations as therein specified to all labourers to whom the requisition relates and to all children (if any) living with and dependent on them, whether work is done by the labourers or not, so long as the labourers remain in his employment; provided that

(a) in the event of any labourer or child being removed to hospital the rations supplied shall be in accordance with the scale prescribed for patients in hospital and not according to the scale prescribed under sub-section (i); and

(b) no deduction shall be made in respect of rations supplied in hospital except in accordance with the provisions of section 177.

(v) Any employer who shall omit to comply with a requisition made under this section or who shall make any deduction in respect of rations supplied in pursuance of such requisition otherwise than in accordance with the provisions of this section shall be liable to a fine not exceeding two hundred dollars and to an additional fine not exceeding fifty dollars for each day during which such omission is or has been continued.

187. The Controller or the Health Officer may by order in writing at any time require the employer of any labourer to supply such labourer with cooked rations, either in accordance with one of the scales prescribed under sub-section (i) of section 186 or in accordance with the scale for native patients for the time being in force in Government hospitals, for such period not exceeding one month as shall be specified in the order, and any employer who shall omit to comply with such order shall be liable to a fine not exceeding ten dollars for each day during which such omission continues in respect of each and every such labourer.

Special order for cooked rations or hospital rations.

188. When any requisition by the Controller under section 186 for the supply of cooked rations or any order by the Controller or the Health Officer under section 187 has been made, the Controller may require the employer to employ and the employer shall thereupon employ in the preparation of such cooked rations such number of cooks approved by the Controller as the Controller shall consider necessary.

Cooks.

189. Any employer may, with the written sanction of the Controller, agree with his labourers or any of them that he shall supply such labourers with

Supply of rations or rice and deduction from wages by agreement.

- (a) rations according to one or other of the scales prescribed under section 186 or according to such other scale as shall be specially approved in writing by the Controller after consultation with the Health Officer, or
- (b) rice in such quantities as the labourers may require and at a price not exceeding a specified rate,

and may deduct from the wages of each such labourer the actual cost of rations or of rice so supplied to him, as the case may be; provided that no deduction so made shall

- (1) in the case of rations, exceed, except with the written sanction of the Controller, the maximum deduction fixed under section 186 in respect of the scale of rations, if any, prescribed under that section for the class of labourers to which such labourer belongs;
- (2) in the case of rice, exceed the amount which the rice supplied would cost at the rate specified as in paragraph (b) provided.

190. Every employer who is by a requisition under section 186 or by an order under section 187 directed to supply rations to any labourer and every employer who supplies rations or rice by agreement under section 189 shall keep conspicuously exhibited on the place of employment and at all lines occupied by any labourer to whom rations are directed to be supplied or to whom rations or rice

Particulars of rations and deductions to be notified to labourers.

are agreed to be supplied notices, expressed in the native language or languages of such labourers, containing full particulars as to

- (a) the scale according to which rations are directed or rations or rice are agreed to be supplied ;
- (b) the maximum deduction permitted to be made from wages in respect of rations or rice supplied.

Power of Health Officer to order quinine, etc., to be administered.

191. The Health Officer may at any time if it appears to him necessary for the health of the labourers employed on any estate by order in writing to the employer or resident manager direct

- (a) that quinine be regularly administered free of charge in such doses and at such times as shall be stated in the order to all or any persons or to any class of persons employed or residing on the estate ;
- (b) that all or any of the labourers employed on the estate be vaccinated ;
- (c) that hot coffee or congee be provided at such times as shall be stated in the order, free of charge and in addition to the diets, if any, which the employer is bound to supply, to all or any labourers or to any class of labourers employed on the estate.

Daily inspection of lines.

192. (i) It shall be the duty of the employer to provide that all lines are visited and inspected daily by a dresser or other responsible person who shall report to the resident manager if the lines are not kept clean or if any refuse is allowed to accumulate in the neighbourhood of the lines, and shall also examine and if necessary take, or cause to be taken, to hospital any labourer found in the lines who appears to be suffering from any complaint and report to the resident manager that he has done so.

(ii) In any case where the Health Officer shall consider that the visits, inspections or other duties prescribed by sub-section (i) are not satisfactorily carried out he may notify the resident manager accordingly, specifying the matters in respect whereof he is not satisfied, and the resident manager shall thereupon make such further or other arrangements, whether by substituting a different dresser or person to perform the said duties or otherwise, as the Health Officer may require.

Employer may make sanitary regulations.

193. (i) It shall be lawful for an employer or resident manager, with the approval of the Controller, to make and publicly notify sanitary regulations for observance on any estate.

Penalty.

(ii) Any labourer guilty of wilfully disregarding or allowing his dependant to disregard any sanitary regulation made and publicly notified under sub-section (i), and any labourer neglecting or refusing to go to hospital or to send his dependant to hospital when so ordered by the resident manager or the resident medical practitioner shall be liable to a fine not exceeding fifty cents.

(iii) Such fine may be imposed by order of the resident manager only and may be deducted from the wages of such labourer. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller who may at his discretion remit any fine so imposed.

(iv) All such fines shall be paid into the Indian Immigration Fund.

194. The employer shall cause to be erected and exhibited by the high road at the main entrance to the estate a notice board on which shall be painted, in English characters easily legible, the name of the estate, the name and address of the person responsible for the management of the estate and, if the employer is a corporation, the address of the registered office of the corporation.

Notice board.

195. Any employer omitting to comply with any of the provisions of section 162 or with any order made under sections 161, 167, 168, 172, 176, 182 or 184 shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars and to a further fine of fifty dollars a day for every day during which such default shall continue.

Neglect by employer to comply with certain orders.

196. Any employer omitting to comply with any order made under sections 170, 171, 174, 175 or 191 shall be liable, on conviction, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

Neglect by employer to comply with other orders.

197. Any resident manager neglecting or refusing to comply with any order made under sections 161, 167, 168, 170, 171, 172, 174, 175 or 191 or with any requirement of the Health Officer under section 192 shall be liable, on conviction, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

Neglect by resident manager to comply with orders.

198. Every employer or resident manager who shall

Offences against sections 184, 165, 171, 194, and rules.

- (a) fail to provide separate lines for labourers of separate races as directed by the Controller;
- (b) erect or cause to be erected any lines in contravention of sub-section (i) of section 165 or neglect or refuse to comply with any order made under sub-section (ii) of section 165;
- (c) fail to comply with the provisions of section 171 (ii);
- (d) fail to erect and exhibit a notice board, as required by section 194;
- (e) fail to comply with any rule made under section 231 or to furnish within the prescribed time any return required to be forwarded by him under any rule made under the said section;

shall be liable, on conviction, to a fine not exceeding two hundred dollars.

PART IX.

PROVISIONS RELATING TO PLACES UNFIT FOR THE EMPLOYMENT OF LABOUR.

CHAPTER XXIII.

ENABLING POWERS.

199. (i) Any person who desires to engage labourers for a place of employment on which labourers have not hitherto been employed or have not been employed within the preceding twelve months or who desires to increase the number of labourers already on such place of employment so that the existing arrangements will be inadequate and insufficient for such increase of labourers shall give notice in writing of his desire to the Controller, who shall as soon as possible

Inspection of place of employment before employment of labourers or additional labourers.

Permission required.

enquire into and inspect the arrangements which have been made for the residence and employment of labourers on such place and may either permit or refuse to permit the employment of labourers or of additional labourers, as the case may be. If he refuses he shall forthwith furnish a report in writing to the Resident. No person shall employ or permit to reside on such place any labourers or additional labourers, as the case may be, without the permission in writing of the Controller.

Exemption.

(ii) The provisions of this section shall not apply to any person employing less than fifty labourers on any one place of employment unless such labourers are contract labourers.

Prohibition of further engagement of labourers where arrangements are inadequate.

200. (i) If the Controller shall at any time have reason to believe that the arrangements made for the residence and employment of labourers on any place of employment where labourers are living or employed are from any cause inadequate for the residence and employment of additional labourers on such place or that the health or condition of the labourers living or employed on such place is from any cause unsatisfactory, he shall have power by order under his hand conveyed to the employer to prohibit the employment of additional labourers on such place, and it shall thereupon be unlawful for any person to employ or permit to reside on such place any labourers other than those who were residing or employed thereon before the issue of such notice.

Removal of prohibitions.

(ii) On subsequent proof being furnished to the satisfaction of the Controller that adequate arrangements have been made for the residence and employment of additional labourers on such place of employment or that the health and condition of the labourers living or employed thereon have become satisfactory the Controller may rescind the order made under sub-section (i), and thereupon it shall be lawful for the employer to engage labourers for such place.

Penalty for causing or permitting labourers to reside in unhealthy locality.

201. Any employer who shall permit the residence or employment of labourers on any part of the place of employment in contravention of section 199 or section 200 shall be liable to a fine of five hundred dollars or to imprisonment of either description for a period not exceeding six months.

Power to Resident to prohibit employment of labourers or class of labourers when supervision is inadequate.

202. (i) If the Controller shall at any time have reason to believe that there is no supervision of labourers, or that the supervision provided on any estate or place of employment is inadequate or ineffective to secure labourers or any class of labourers from ill-treatment or ill-usage, it shall be lawful for the Controller to make such requisitions on the employer as he may deem necessary for obtaining the necessary supervision and causing such ill-usage and ill-treatment to cease, and unless the same are forthwith complied with the Controller shall furnish a full report of the case to the Resident, who may thereupon make an order prohibiting the further employment after a date to be named in such order of labourers or of any class of labourers on such estate or place of employment, and on the publication of the order in the *Gazette* it shall be unlawful for any person after the day named in such order to employ or permit to reside on such estate or place of employment any labourers or class of labourers specified in such order until the Resident shall cancel such order.

(ii) If the Controller shall at any time have reason to believe that any estate or place of employment is unfit for the employment of labourers or any class of labourers he shall furnish a report in writing to the Resident who may make an order to the same effect as an order under sub-section (i). Order in cases where place of employment is unfit.

(iii) No order shall be made under this section by the Resident until the employer shall have had an opportunity of showing cause against the making of an order and of producing evidence.

203. Any person who acts contrary to the terms of any order made under the provisions of section 202 shall be liable, on conviction, to a fine of one thousand dollars with an additional penalty of two hundred dollars a day after the first day's disobedience during the continuance of such contrary action. Penalty for disobedience to an order.

PART X.

SPECIAL OFFENCES.

(CHAPTER XXIV.

OFFENCES AGAINST LABOURERS.

204. (i) Any person separating, or abetting the separation of, a labourer from his wife or from his children under the age of fifteen years or from any person dependent on him without in any of the above cases his or their consent shall be liable to a fine not exceeding one hundred dollars, and any agreement or contract involving such separation shall be void, and such wife, children or dependent shall be forthwith restored to the labourer by the Controller. Separating families.

(ii) In the event of an agreement or contract with any married labourer being determined, the agreement or contract of the husband or wife, as the case may be, of such labourer shall *ipso facto* be determined, and any employer refusing to allow the husband or wife, as the case may be, to accompany such labourer shall be liable to a fine not exceeding one hundred dollars.

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

206. Every employer who without reasonable excuse (the proof whereof shall lie with him) refuses to allow a labourer whose contract or agreement has been determined in any of the ways hereinbefore provided to leave his service shall be liable, on conviction, to a fine not exceeding fifty dollars or in default to simple imprisonment for a term not exceeding one month, and the whole or any portion of any fine recoverable under this section may be adjudged by the Court to be paid to the labourer. Wrongful detention of labourer.
Penalty.

207. If any employer of contract labour who is bound by the terms of his contract to supply a contract labourer free of charge with clothing or other articles shall debit such labourer with such charges, he shall be guilty of an offence and be liable, on conviction, to a fine not exceeding fifty dollars. Debiting labourer with improper charges.

Obstruction of
labourer by
employer.

208. Any employer who in any way obstructs any labourer in appearing before the Controller in pursuance of this Enactment or fails or neglects to pay his wages within the time provided by this Enactment shall be liable, on conviction, to a fine not exceeding one hundred dollars.

CHAPTER XXV.

GENERAL.

Penalty for
obstructing
inspection or
enquiry.

209. If any employer or other person wilfully obstructs or impedes any entry, inspection, enquiry or investigation made under this Enactment or commits, with respect to such entry, inspection, enquiry or investigation made, any offence described in Chapter X of the Penal Code, he shall be punished as provided in Chapter X of the Penal Code.

General
penalty.

210. Every person who is guilty of an offence against the provisions of this Enactment or of any rules made thereunder for which no penalty is otherwise provided shall be liable, on conviction, to a fine not exceeding one hundred dollars and for a second or subsequent offence under the same section or rule committed within one year of the conviction for the former offence to a fine not exceeding two hundred and fifty dollars.

PART XI.

PROVISIONS RELATING TO PROCEDURE, ACTIONS AND RULES.

CHAPTER XXVI.

PROCEDURE.

Jurisdiction
of the Court.

211. The Court shall have power to try any offence and to impose any fine or penalty under this Enactment.

Controller may
appear.

212. The Controller shall have the right to appear and be heard before all Courts, civil or criminal, inferior to the Supreme Court in any proceeding under this Enactment and shall also have the right to be heard before such Courts in any prosecution under Chapter XVI of the Penal Code instituted by him in accordance with the provisions of section 88 (i).

Prosecution
may be
withdrawn.

213. Any prosecution under this Enactment may be withdrawn by the Controller before judgment, and a fresh prosecution instituted for the same offence under the Penal Code or other law applicable to the circumstances of the case.

Power to deal
with evidence
taken down by
another officer.

214. Where the Controller, or any officer performing the duties or exercising the powers conferred on the Controller, has for the purpose of enquiring into any matter under this Enactment taken down any evidence or made any memorandum and is prevented by death, transfer or other cause from concluding such enquiry, any successor to such Controller or other officer may deal with such evidence or memorandum as if he had taken it down or made it and proceed with the enquiry from the stage at which his predecessor left it.

Public servants.

215. For the purposes of this Enactment and of the Penal Code, the Controller and all officers duly appointed or authorised under this Enactment shall be deemed to be public servants.

216. For the purpose of any criminal prosecution, every estate, factory, mine or place in which ten or more labourers are employed shall be deemed to be a public place. Public place.

217. Nothing in this Enactment shall operate to prevent any employer or labourer from enforcing their respective civil rights and remedies for any breach or non-performance of an agreement or contract by any suit in Court, in any case in which proceedings are not instituted, or, if instituted, are not proceeded with to judgment and satisfaction under this Enactment. Enactment no bar to civil suit.

218. In all proceedings under Chapter XV or under Part VIII the onus of proving that he is not the employer or resident manager or the person whose duty it is under such Chapter or Part or under any rule made thereunder to do or abstain from doing anything shall be on the person who alleges that he is not the employer, resident manager or other person, as the case may be. Onus of proof.

219. A copy of the written statement made by any employer under section 54 certified by the Controller as a true copy shall be received in evidence in any prosecution under that section and shall be conclusive evidence of the statement made by the employer to the Controller under the said section. Certified statement under section 54.

220. (i) A summons issued by the Controller under section 85, section 97 or section 98 may be served on any person by delivering or tendering to him a copy thereof signed by the Controller; provided that Service of summons.

- (a) if the person to be summoned have an agent empowered to accept service of the summons on his behalf, service on such agent shall be sufficient ;
- (b) if the person to be summoned cannot be found and have no agent empowered to accept service of the summons on his behalf, service on any adult male member (not being a servant) of the family of the person to be summoned who is residing with him shall be sufficient.

When such summons as aforesaid is addressed to a corporation, it may be served

- (a) by leaving a copy thereof, signed by the Controller, at the registered office (if any) of the corporation ;
- (b) by sending such copy by post in a letter addressed to the corporation at its principal office, whether such office be situated within the Federated Malay States or elsewhere ;
- (c) by delivering such copy to any director, secretary or other principal officer of the corporation.

(ii) When the serving-officer delivers or tenders a copy of the summons to the person to be summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

(iii) If

- (a) such person refuses or is unable to sign the acknowledgment, or
- (b) the serving-officer cannot find the person to be summoned and there is no agent empowered to accept service of the summons on his behalf nor any other person on whom the service can be made,

the serving-officer shall affix a copy of the summons on the outer door of the house in which the person to be summoned ordinarily resides and then return the original to the Controller with a return endorsed thereon or annexed thereto stating that he has so affixed the copy and the circumstances under which he did so.

(iv) The serving-officer shall, in all cases in which the summons has been served under sub-section (ii), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served.

(v) When a summons is returned under sub-section (iii), the Controller shall, if the return under that sub-section has not been verified by the affidavit of the serving-officer, and may if it has been so verified, examine the serving-officer on affirmation touching his proceedings and may make such further enquiry in the matter as he thinks fit and shall either declare that the summons has been duly served or order such service as he thinks fit.

(vi) Where the Controller is satisfied that there is reason to believe that the person to be summoned is keeping out of the way for the purpose of avoiding service or that for any other reason the summons cannot be served in the ordinary way, the Controller may order the summons to be served by affixing a copy thereof in some conspicuous place in or near the office of the Controller and also upon some conspicuous part of the house, if any, in which the person to be summoned is known to have last resided, or in such other manner as the Controller thinks fit, or may order the substitution for service of notice by advertisement in the *Gazette* and in such local newspaper or newspapers as the Controller may think fit.

(vii) The service substituted by order of the Controller shall be as effectual as if it had been made personally on the person to be summoned.

(viii) Whenever service is substituted by order of the Controller, the Controller shall fix such time for the appearance of the person to be summoned as the case may require.

221. (i) Where a warrant has been issued in the Colony under any Ordinance of the Colony for the apprehension of an employer who has absconded or is absconding or is about to abscond from the Colony in order to evade payment of wages due to any of his labourers, and such employer is or is suspected of being in or on the way to the Federated Malay States, a Magistrate in the Federated Malay States, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in the manner provided in this section, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing Magistrate, the employer named in the warrant, and bring him before the endorsing Magistrate or some other Magistrate in the Federated Malay States.

Action on
Colonial
warrant for
apprehension
of absconding
employer.

(ii) The Magistrate before whom an employer so apprehended is brought, if he is satisfied that the warrant was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the Colony, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed to the Colony there to be dealt with according to law as if he had been there apprehended.

A Magistrate shall, so far as is requisite for the exercise of the powers of this sub-section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

(iii) An endorsement of a warrant in pursuance of this section shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every police officer, to execute the warrant within the part of the Federated Malay States within which such endorsement is by this Enactment made a sufficient authority, by apprehending the person named in it and bringing him before some Magistrate in the said part, whether the Magistrate named in the endorsement or some other.

(iv) For the purposes of this section every warrant, and every endorsement made in pursuance of this section thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

222. In the event of any person within the definition of the word "Employer" being subjected to any fine or penalty under the provisions of this Enactment such fine or penalty may, in addition to any other means of recovery, be recovered by distress and sale of the estate, mine or place of employment, or of any property belonging to such estate, mine or place of employment.

Penalty against employer.

223. Subject to any special provision to the contrary contained in this Enactment, from and after the determination of any imprisonment suffered under this Enactment for non-payment of the amount of any fine, compensation, or damages, with the costs assessed and directed to be paid by any order of Court, the amount so ordered shall be deemed to be liquidated and discharged, and the order shall be annulled.

Imprisonment to be in discharge of compensation, etc.

224. When it is alleged by any party to a contract that the condition of a recognizance or bond entered into or given for the fulfilment of the contract under the provisions of this Enactment has not been performed, the Court, being satisfied thereof, after hearing the parties and the sureties (if any), or in the case of any party or surety not appearing, after proof of service of summons in that behalf, may order that the recognizance or bond be enforced for the whole or part of the sum secured, as to the Court may seem fit.

Enforcement of recognizance or bond.

225. When under this Enactment any Court imposes a fine or enforces the payment of any sum secured by recognizance or bond, the Court may, if it think fit, direct that the whole or any part of such fine or sum when recovered be paid to the party complaining.

Application of fines and money recovered.

Reports by
Controller.

226. The Controller shall make such reports to the Chief Secretary to Government relative to the conduct of the duties of his office in such form and with such particulars as the Chief Secretary to Government may from time to time direct and shall forward a copy of such reports to the Resident of each State to which such reports relate.

CHAPTER XXVII.

LIMITATION OF LIABILITY OF PERSONS EXERCISING POWERS.

Provisions
regarding
actions.

227. (i) No action shall be brought against any person for anything done, or *bona fide* intended to be done, in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court, before which the action is tried, shall certify its approbation of the action.

CHAPTER XXVIII.

PROVISIONS AS TO RULES.

Power to make
rules.

228. (i) The Chief Secretary to Government, in addition to the powers expressly conferred by any other of the provisions of this Enactment, may from time to time make rules

- (a) subject to which immigrants may be engaged in the Federated Malay States for service in a country or State to which Indian emigration is authorised;
- (b) to prescribe the ports in the Federated Malay States at which all or any class of immigrant ships may call and the place at such ports at which any such ships shall anchor;
- (c) to prescribe the time at which immigrants shall disembark and at each port the place at which they shall land and the route by which they shall be conveyed from the landing place to the examination depôt;
- (d) to prohibit all or any class of persons from boarding or communicating with or approaching all or any class of immigrant ships until the immigrants have disembarked;
- (e) to prescribe the information to be given by a creditor to the Controller or Protector or to the keeper of a detention depôt with regard to each immigrant indebted to him for passage money and advances;

(f) for the management and regulation of depôts established under section 9;

(g) to prescribe the fees

- (1) which may be lawfully demanded of an immigrant for the conveyance of such immigrant from an immigrant ship to an examination depôt;
- (2) which may be lawfully demanded from a creditor for the use of a detention depôt and for the maintenance of an indebted immigrant while detained therein;
- (3) payable for copies of notes of evidence recorded under the provisions of section 98 (ii) (d).

(h) to prescribe with regard to estate hospitals

- (1) the nature of the accommodation and equipment to be provided and maintained;
- (2) the description and quantities of diets for patients to be provided;
- (3) the description of drugs and of surgical and medical appliances to be kept in stock; and also
- (4) the number of dressers, hospital attendants, cooks, scavengers and other necessary servants to be employed;
- (5) the quantities of each drug and the number of each kind of surgical and medical appliance to be kept in stock;

at every such hospital according to the number of patients for whom accommodation is provided therein.

(i) for the inspection and management of estate hospitals, and in particular to prescribe the duties of the resident medical practitioner, and where there is no resident medical practitioner of the dresser in charge, and the registers and records to be kept at every estate hospital in respect of every patient treated thereat, with the form in which such registers and records are to be kept and the particulars to be included therein;

(j) to direct that duly authenticated returns of diseases, deaths and other matters relating to estates or estate hospitals be furnished to the Health Officer and other officers of Government at such times and in such manner as may be specified in such rules;

(k) not inconsistent with the provisions of this Enactment which may in his opinion be necessary to provide for the due carrying into effect of any of the provisions of this Enactment.

(ii) Any person who is convicted of the breach of any rule made under clause (e) or (f) of sub-section (i) shall be liable to a fine not exceeding twenty-five dollars, and any person who is convicted of the breach of any rules made under the other provisions of this section shall be liable to a fine not exceeding five hundred dollars.

Penalty for
breach of rules.

THE FIRST SCHEDULE.
ENACTMENTS REPEALED.

No. and year.	Short title.	Extent of repeal.
6 of 1912 ...	The Labour Code, 1912	The whole
12 of 1913 ...	The Labour Code, 1912, Amendment Enactment, 1913	"
27 of 1913 ...	The Labour Code, 1912, Amendment Enactment, 1913 (No. 2)	"
32 of 1914 ...	The Labour Code, 1912, Amendment Enactment, 1914	"
18 of 1917 ...	The Labour Code, 1912, Amendment Enactment, 1917	"
2 of 1918 ...	The Labour Code, 1912, Amendment Enactment, 1918	"
22 of 1918 ...	The Labour Code, 1912, Amendment Enactment, 1918 (No. 2)	"
1 of 1919 ...	The Labour Code, 1912, Amendment Enactment, 1919	"
17 of 1919 ...	The Labour Code, 1912, Amendment Enactment, 1919 (No. 2)	"
31 of 1919 ...	The Labour Code, 1912, Amendment Enactment, 1919 (No. 3)	"
24 of 1921 ...	The Labour Code, 1912, Amendment Enactment, 1921	"
18 of 1922 ...	The Labour Code, 1912, Amendment Enactment, 1922	"

THE SECOND SCHEDULE.

Form A (Section 38).

I hereby certify that the person herein named and described is not subject to the provisions of Part II of "The Labour Code, 1923."

Signed

Dated.....

Controller of Labour.

Name.	Father's name.	Age. Sex.	Religion and caste (if any).	Place of abode in India.	Calling.	General description and distinctive marks.

Form B (Section 53).

For..... Emigrants shipped by s.s..... on
 By..... For.....

Ticket No.	Name.	Father's name.	Sex.	Age.	Religion or caste.	Place of abode.	Dependent.	Height.	Descriptive marks.	Wages and period of service.	Place of intended service.	Remarks.

I hereby certify that the emigrants herein mentioned and described have been examined and declared physically fit for work as agricultural labourers (or as manual labourers, as the case may be), and that having had the terms and conditions under which they promise to labour fully explained to them they have severally stated that they fully understand the same and are ready on arrival at their destination to labour accordingly.

Signed

Emigration Commissioner,

Madras.

Negapatam.

Dated.....

THE THIRD SCHEDULE.
(Section 54.)

No.	Name.		Engagement.		Name of last employer.	Place of last employment.	Remarks (if any).
	Of labourer.	Of employer.	Date of.	Place of			

I certify that the above is a correct statement as required by section 54 of "The Labour Code, 1923," of the labourers engaged by me.

Dated.....

.....
Signature of Employer.

KUALA LUMPUR:

Printed by the Superintendent, Government Printing Department,
Federated Malay States.

1923.

X723: (2435)

FEDERATED MALAY STATES.

ENACTMENT No. 21 OF 1922.

An Enactment to make provision for a valuation of lands
and for the uses to be made of such valuation.

L. N. GUILLEMARD, [11th December, 1922.]
President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in
Council as follows:

1. This Enactment may be cited as "The Valuation of Land
Enactment, 1922," and shall come into force upon such day as the
Chief Secretary to Government may by notification in the *Gazette*
appoint. Short title and
bringing into
force.

2. In this Enactment unless there be something repugnant in the
subject or context— Interpretation.

"Chief Secretary" means the Chief Secretary to Government,
Federated Malay States.

"The Court" means the Court of a Judicial Commissioner.

"Land" means land within a valuation area.

"Lessee" means registered lessee and includes a registered
sub-lessee.

"Owner" means registered owner or registered proprietor.

"Portion" includes lot.

3. The improved value of land is the capital sum which the land
might be expected to realize if offered for sale on such reasonable
terms and conditions as a *bona fide* seller would require. Improved
value.

4. The unimproved value of land is the capital sum which the
land might be expected to realize if offered for sale on such reasonable
terms and conditions as a *bona fide* seller would require assuming that
the improvements, if any, thereon or appertaining thereto and made
by the owner or his predecessor in title had not been made. Unimproved
value.

Illustrations.

(a) Land was originally covered with jungle. It is not known who
cleared it. The unimproved value of the land is the value cleared of jungle.

(b) Land was originally swampy but has been drained by the construction
by Government of an anti-malarial drain in the neighbourhood. The unimproved
value of the land is the value of the land so drained.

5. The annual value is the full, fair and estimated annual rent
(clear of all outgoings) at which the land with the improvements, if
any, thereon would let for one year. Annual value.

6. (i) The Chief Secretary may appoint a Valuer-General who
shall have the general administration of this Enactment and shall
have the powers and authorities and shall discharge and exercise the
duties and functions by this Enactment conferred or imposed upon
him, and such official valuers and other officers as he may deem
necessary. Appointment of
officers.

- (ii) The Valuer-General may employ experts in land valuations to make valuations in special cases for payment by fees in each case.
- Information to be kept secret.** 7. (i) Every person employed under this Enactment shall maintain and aid in maintaining the secrecy of all matters which come to his knowledge in the performance of his duty, and shall not communicate, divulge or aid in divulging any such matter to any other person except for the purpose of carrying into effect the provisions of this Enactment.
- (ii) Any person offending against this section shall be liable on conviction to fine not exceeding five hundred dollars, or to imprisonment of either description for a term not exceeding six months or to both such imprisonment and fine.
- Valuation area.** 8. (i) The Resident, with the consent of the Chief Secretary, may by notification in the *Gazette* declare any area within the State to be a valuation area for the purposes of this Enactment.
- (ii) The boundaries of a valuation area may be defined to be coincident with the boundaries of any Sanitary Board area or with any town limits or may be separately defined.
- Variation of declaration.** 9. Any declaration or appointment made under this Enactment may from time to time in like manner be added to, varied or revoked.
- Valuations to be made.** 10. (i) When any area has been declared a valuation area the Valuer-General shall as soon as may be practicable make a valuation of the unimproved, improved and annual value of all land, other than State and reserved land, within such area, and of such State and reserved land as the Resident may direct him to include in such valuation.
- (ii) Where a lease has been registered against any land of which a valuation is made the Valuer-General shall also make a valuation of the interest of the lessor and lessee in the manner hereinafter provided.
- Returns may be required for purposes of valuation.** 11. (i) The Valuer-General may at any time require the owner or the lessee of any land to furnish a return in the form prescribed of the portion, lot, exact area, situation, quality and use of the land, the nature and date of the improvements (if any) thereon, the leases, sub-leases and tenancies to which the same or any part of it may be subject, and any other matters prescribed in such form.
- (ii) The Valuer-General and any person authorized by him in writing may at any time between sunrise and sunset enter on and inspect any land, provided that no entry shall be made under this section into any dwelling-house in actual occupation unless with the consent of the occupier without twenty-four hours previous notice in writing to such occupier specifying the hour as near as may be of such intended entry.
- Penalty for not furnishing returns, etc.** (iii) Whoever refuses or fails to furnish such return within the time limited in that behalf upon the prescribed form, and whoever knowingly makes a false or incorrect return, and whoever hinders, obstructs or prevents the Valuer-General or any person authorized by him in writing from entering on or inspecting any land shall be liable to a fine not exceeding one hundred dollars.
- Valuation rolls.** 12. (i) A valuation roll, in such form as the Valuer-General decides, shall (as soon as practicable) be prepared for each valuation area, and shall contain as far as practicable the following particulars:
- (a) the name and address of the owner of the land,
 - (b) the situation, description and area of the land,

- (c) the nature and date of the improvements on the land,
 - (d) the unimproved value of the land,
 - (e) the improved value of the land,
 - (f) the annual value of the land.
- (ii) Such roll may also contain a statement of
- (a) the name and address of each lessee,
 - (b) the name and address of the occupier, if any,
 - (c) such additional particulars as the Valuer-General may decide.
- (iii) The value shewn in the valuation roll of any land shall be either ten dollars or a multiple of ten dollars.

13. The valuation roll shall be open for inspection during office hours at the office of the Valuer-General, or at any place prescribed for that purpose, and the Valuer-General shall permit the owner or occupier of any land included therein, or his agent, to inspect the same and to make extracts therefrom without the payment of any fee.

Valuation rolls to be open to inspection.

14. (i) The Valuer-General may amend valuation rolls whenever amendment is necessary by reason of changes in the ownership, occupation or boundaries of the land, or alteration in the improvements thereon, or whenever in the opinion of the Valuer-General any sufficient cause renders amendment necessary.

Amendments.

(ii) The Valuer-General may also make in a roll such alterations or adjustments of entries or of values in respect of land leased or subject to any terminable charge or interest as are necessary for a correct statement therein of the values of the respective interests of owners at any specified time.

15. (i) A valuation, or any alteration thereof, shall be deemed to be made when an entry thereof has been made in the valuation roll and has been signed or initialled and dated by the Valuer-General or by an official valuer.

Valuation when made.

(ii) The valuation roll so signed or initialled and dated shall be conclusive proof of the making of the valuation.

(iii) Every alteration, amendment or adjustment in any roll made with respect to the value of the land shall be deemed to be a valuation.

16. A new valuation of any land may be made by the Valuer-General at any time, and shall be made whenever necessary in order that the valuation rolls, shall as nearly as may be, represent correct values and ownership of all lands entered therein.

New valuations at any time.

17. (i) Any owner may by notice substantially in the prescribed form and on payment of the prescribed fee require the Valuer-General to make a new valuation of his land, and in such case the roll shall be amended in accordance with such new valuation.

New valuation on application.

(ii) A Sanitary Board or other public authority may in like manner require the Valuer-General to make at any time a new valuation of any land within the area of such Sanitary Board or public authority.

18. The value of the interest of a lessor who is not also a lessee is the improved value of that land less the interest of his lessee.

Lessor's interest in improved value.

Lessee's interest in improved value.

19. The value of the interest of a lessee in the improved value of land is the present value of the excess, if any, of seven per centum per annum, or such lower rate as may be prescribed, upon such improved value over the rent payable by the tenant under his lease for the unexpired term plus the present value of any right to compensation or of purchase or other valuable consideration to which he is entitled under the lease and minus

- (a) the detrimental value of any restrictions to which the leased land may be put,
- (b) the value of any unfulfilled onerous condition to which the lessee is liable under the lease,
- (c) the value of the interest (if any) of a sub-lessee holding under or through him.

Illustration.

A rents a plot of land, the unimproved value of which is \$10,000, from the Selangor Golf Club on a 99 years lease at a rental of \$480 per annum and builds a house on it of the value of \$25,000.

The value of A's interest in the improved value of the land is the present value of \$1,970 per annum (being the excess of 7 per cent. on \$35,000 over \$480) for the unexpired term of the lease.

The value of the Selangor Golf Club's interest in the improved value of the land is \$35,000 less the interest of A as calculated above.

Interests in unimproved value.

20. In apportioning the values of the interests of lessors and lessees in the unimproved value of land the values of such interests respectively shall be proportionate to the interests of the lessors and lessees respectively in the improved value of the land.

Basis for computing present values.

21. (i) All computations of the present values of the interests of lessors and lessees shall be made on a seven per centum per annum basis, or on the basis of such lower rate as may be prescribed, with annual rests.

(ii) Where a lease contains a provision for re-appraisalment of the rent at the expiration of a certain period the value of the interests of the lessor and lessee shall be calculated as if the lease determined at the expiration of the said period; on any such re-appraisalment being made the value of the said interests shall be calculated as in the case of a new lease commencing at the date of re-appraisalment and at the rent so re-appraised.

(iii) Where a lease may at the option of the lessor or lessee be cancelled after a definite date the value of the interests of the lessor and lessee shall be calculated as if the lease determined at the said date.

Where lands are to be included in one valuation.

22. Unless the Valuer-General otherwise directs

- (i) Where several portions of land adjoin, are owned by the same person, are held under the same class of title and where no part is leased they shall be included in one valuation;

Provided that any such portions of land shall be valued separately if buildings are erected thereon which are obviously adapted to separate occupation;

- (ii) Where several portions of land adjoin, are owned by the same person, are held under the same class of title and are all let to one person they shall be included in one valuation.

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Gazette of December 20, 1922, No. 28, Vol. XIV, Notification No. 7876.*

FEDERATED MALAY STATES.

“THE VALUATION OF LAND ENACTMENT, 1922.”

WITH reference to section I of “The Valuation of Land Enactment, 1922,” published in Notification No. 7867 of the *Gazette* of the 20th December, 1922, the Chief Secretary to Government hereby notifies that the said Enactment shall come into force on the 1st day of January, 1923.

KUALA LUMPUR :

Printed by the Superintendent, Government Printing Department,
Federated Malay States.

1922.

23. (i) Where several portions of land owned by the same person are not held under the same class of title or are separately let to different persons they shall be separately valued. Where lands are to be separately valued.

(ii) Portions which do not adjoin or which are separated by a public road or street or are separately owned shall be separately valued.

(iii) Where a part of a portion of land which has been valued is sold, transferred or resumed fresh valuations shall be made of the part sold, transferred or resumed and of the part remaining.

24. (i) The Valuer-General shall serve upon every owner and every lessee notice of all valuations in respect of his land or lease. Notice of valuation to owner.

(ii) Every such notice shall state the time within which such owner or lessee may lodge with the Valuer-General written objection to such valuation.

(iii) In the case of State or reserved land the notice shall be served upon such person as may be appointed for that purpose by the Resident, and such person may within the prescribed time object to the valuation.

(iv) The omission to serve any notice of valuation as required by this section shall not render any valuation invalid.

25. The Chairman or any Sanitary Board officer, appointed by him in writing in that behalf, may within the prescribed time after the receipt of a valuation list as hereinafter provided object to any valuation and shall at the time of making objection give notice of such objection to every person who is liable for any rates which may be payable to such Board in respect of the land. Objection by Sanitary Board.

26. Objections shall be substantially in the form approved by the Valuer-General, and a copy of such form shall be supplied by him free of charge on application from any person having the right to object. Form of objection.

27. The only grounds upon which objection to a valuation may be made are Grounds of objection.

- (i) that the values assigned are too high or too low;
- (ii) that the interests of the owners or lessees, where there is more than one owner or lessee, have not been correctly apportioned;
- (iii) that the apportionment of the valuations is not correct;
- (iv) that portions of land which should be included in one valuation have been valued separately;
- (v) that portions of land which should be valued separately have been included in one valuation;
- (vi) that the person named in the notice of valuation is not the owner or lessee of the land.

28. (i) On objection being made to any valuation the Valuer-General may, if he thinks fit, alter such valuation. Objection to be heard by Court.

(ii) If the Valuer-General does not alter a valuation within three months after service of an objection thereto to the extent claimed in the objection or to such extent as may be agreed upon, the objection shall be heard by the Supreme Court.

Rates and duties to be paid notwithstanding objection.

29. The fact that an objection has been made shall not affect the valuation which is objected to and rates shall be fixed, levied and recovered and duties charged and recovered on such valuation as if no objection had been made: provided that if the valuation is altered on objection or by the order of the Supreme Court a due adjustment shall be made, and amounts paid in excess shall be refunded and amounts short paid shall be recoverable as arrears.

Lists of objections.

30. The Valuer-General from time to time and at intervals of not less than one month shall furnish to the Registrar or an Assistant Registrar of the Supreme Court a list of all objections to be heard by the Court.

Appointment of assessors.

31. (i) If the valuation to which objection is made is not less than five thousand dollars the Court shall appoint two assessors to assist it in determining the objection.

(ii) Such assessors may also be appointed in any other case in which the Court may consider it desirable to make such appointment.

(iii) Every person so appointed shall be legally bound to attend and serve as an assessor unless excused for some reason to be approved by the Court.

Death or incapacity of assessor.

(iv) If an assessor dies or becomes incapable of acting or is excused by the Court some other qualified person shall be appointed in his stead.

Notice to objectors.

32. The Registrar or an Assistant Registrar of the Supreme Court shall give notice of the date fixed for the hearing of objections to each objector, to the Valuer-General and to the official valuer (if any) for the area.

Powers of Court.

33. (i) The Court shall hear and determine all objections brought before it as to which it has jurisdiction and if it decides that any valuation is erroneous shall order the valuation to be altered accordingly.

(ii) The person objecting and the Valuer-General may appear and be heard before the Court either personally or by a duly appointed solicitor.

Decision of Court.

34. (i) The opinion of each assessor shall be given orally and shall be recorded in writing by the Court.

(ii) If the Court and one or both of the assessors agree as to the amount of any valuation their decision thereon shall be final.

(iii) In case of difference of opinion between the Court and both of the assessors the decision of the Court shall prevail.

Assessor's fees.

35. Every assessor shall receive for his services such fee as the Court shall direct provided that such fee shall not exceed one hundred dollars a day. Such fees shall be deemed to be costs in the proceeding.

VALUATION OF LAND.

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36. (i) The Court may make such order as it thinks fit with regard to the payment of costs.

Costs.

(ii) The costs, if any, payable by the objector may be recovered as if they were costs incurred in a suit in the Supreme Court and as if the order were the decree therein.

37. (i) Save as otherwise in this Enactment provided where the amount of a valuation as determined by the Court is more than two thousand five hundred dollars the objector or the Valuer-General may appeal therefrom to the Court of Appeal.

Appeal to Court of Appeal.

(ii) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court.

38. The Registrar or an Assistant Registrar of the Supreme Court shall furnish to the Valuer-General a certified copy of all decisions of the Court and of the Court of Appeal, and the Valuer-General shall amend the valuation roll in accordance with the same.

Notification of decisions to Valuer-General.

39. If on the hearing of any objection the Court or the Court of Appeal orders any valuation to be altered the Valuer-General shall make all such consequential alterations as are necessary for the purpose of fixing the unimproved value, the improved value and the annual value of the land.

Consequential alterations.

40. Where any valuation area is situated within a Sanitary Board area the Valuer-General shall as soon as the valuation is completed and thereafter at least once in every three years furnish to the Board a list, hereinafter referred to as a valuation list, giving the particulars within his knowledge of the ownership, occupation, title, area, situation, description and value of all lands within such valuation area.

Valuation list to be furnished.

41. The Valuer-General shall at such times as may be arranged between him and the Board, or in default of such arrangement at such times as the Resident may determine, supply to the Board a supplementary list containing information as to all changes of ownership, occupation and values which have been made in the valuation roll of the valuation area since the last list was furnished to the Board.

Supplementary valuation lists.

42. (i) Except as to changes of ownership or occupancy, or as to the addresses of owners or occupiers, the Board shall not, without the written consent of the Valuer-General make any alteration in any valuation list.

No unauthorized alteration in valuation list.

(ii) The Board may forward to the Valuer-General particulars of any alterations which it may desire to make in any valuation list, and may with the written consent of the Valuer-General make such alterations.

43. Notwithstanding anything contained in "The Sanitary Boards Enactment, 1916," or any enacted modification thereof where a valuation list has been furnished to any Board

Valuation list to be basis for rating.

(i) the Board shall not make any such record of valuation and assessment as is in such Enactment prescribed in respect of any land contained in the valuation list,

- (ii) the valuation list shall be the basis of any rate levied in respect of any land contained therein, and the value stated in the valuation list shall be deemed to be the value fixed or determined under such Enactment without any necessity to give any notice thereof,
- (iii) no complaint, objection or appeal shall lie except as to a matter which would not be admissible as a ground of objection under this Enactment,
- (iv) where a rate is assessed upon the capital value of land the amounts shall be calculated in accordance with the unimproved value shewn in the valuation list without any deduction on account of any lease to which the land may be subject,
- (v) where a rate is assessed upon the annual value of land the amounts shall be calculated in accordance with the annual value shewn in the valuation list.

Stamp duties on value of land.

44. In every case where under the Stamp Enactments, 1897, or any enacted modification thereof duty becomes payable on account of the death of any owner or lessee of land the affidavit for the Collector shall be chargeable with duty—

- (a) where the owner of the land has died, upon the improved value of the land after deduction of the interest of the lessee, if any, as shewn in a certificate of valuation,
- (b) where the lessee has died, upon the value of the lease as shewn in a certificate of valuation.

Valuation for compulsory acquisition.

45. (i) Where by any Enactment authorizing the acquisition of land any person or Court authorized to assess compensation is directed to ascertain or take into account for such purpose the market value of the land or of a lease thereof, the improved value of the land after deduction of the interest of the lessee, if any, and the present value of the lease as shewn in each case in a certificate of valuation shall be deemed to be the market value of the land and of the lease respectively, and shall notwithstanding anything in any such Enactment contained be taken as such by all such persons or Courts.

(ii) Nothing in this section contained shall prevent any such person or Court from having regard to all other matters which he or it may be directed by any such Enactment to take into consideration.

Certificates of valuation.

46. (i) On application in writing and on payment of the prescribed fee the Valuer-General shall supply to any person, in such form as the Valuer-General may determine, a certified copy of any entry in a valuation roll.

(ii) Such certificate of valuation shall in all proceedings and for all purposes be evidence of the matters therein stated and that the valuation therein mentioned has been duly made in accordance with this Enactment.

47. (i) Whenever any land is transferred or transmitted or any lease is transferred, surrendered or assigned, the transferee, transmittee, surrenderee or assignee, as the case may be, shall furnish such particulars of the transaction as the Valuer-General may in writing require. Changes of ownership.

(ii) Whoever refuses or fails to furnish such particulars as may be required shall be liable to a fine not exceeding one hundred dollars.

48. (i) Every notice, order or document required or authorized by this Enactment to be served on any person may be served by registered post or personally upon the person to whom it is addressed or be left at his usual place of abode with some adult member or servant of his family, or if it cannot be so served may be affixed in some conspicuous part of such place of abode, and shall thereby be deemed to be duly served; provided that if the place of abode of the owner or lessee of any land in respect of which such notice, order or document is required to be served be unknown, or if the owner or lessee of such land be not resident within a valuation area every such notice, order or document shall be deemed to be duly served if affixed in a conspicuous position upon such land. Service of notice, etc.

(ii) If the owner or lessee be a corporation the notice, order or document may be addressed to the Secretary or to any Director of such corporation resident within the valuation area or to any person appearing to have the control or management of the land, and may be served in the manner prescribed.

49. (i) The Chief Secretary may make rules for all or any of the following purposes: Rules.

- (a) to define the powers and duties of the Valuer-General and persons appointed under this Enactment,
- (b) to prescribe the forms to be used under this Enactment,
- (c) to make provision for anything expressed in this Enactment to be prescribed,
- (d) to determine the fees payable under this Enactment and the mode in which the same may be payable,
- (e) to prescribe the tables to be used in calculating the values of the interests of lessors and lessees,
- (f) to prescribe the method of calculating the value of improvements,
- (g) to provide for the application of this Enactment to land held under mining lease or other mining title,
- (h) generally for carrying this Enactment into effect.

(ii) All such rules shall be published in the *Gazette* and shall thereupon have the force of law.

(iii) All such rules shall be laid before the Federal Council at the first meeting after such publication and may be amended or disallowed by resolution of the said Council.

(iv) Any rule so amended shall come into force as amended from the date of the passing of such resolution, and any rule disallowed shall cease to have force or effect from the date of such resolution.

Provisions as to
actions.

50. (i) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

- (a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

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1922.

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FEDERATED MALAY STATES.

ENACTMENT No. 20 OF 1922.

An Enactment to amend the law as to the acquisition of land and the assessment of the compensation to be made on account of such acquisition.

L. N. GUILLEMARD.

[11th December, 1922.]

President of the Federal Council.

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

PART I.

PRELIMINARY.

1. (i) This Enactment may be cited as "The Land Acquisition Enactment, 1922," and shall come into operation upon such date as the Chief Secretary to Government may by notification in the *Gazette* appoint. Short title and commencement.

(ii) Upon the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed to the extent specified in the last column thereof.

2. In this Enactment unless there is something repugnant in the subject or context: Interpretation.

"Collector" means any Collector or Assistant Collector duly appointed under "The Land Enactment, 1911."

"The Court" means the Court of a Judicial Commissioner.

"Land" means land held under a registered title and includes things attached to the earth or permanently fastened to things attached to the earth and also every interest of every kind, whether created by a charge, lease, sub-lease or otherwise, in land.

"Person interested" includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Enactment, but does not include a tenant by the month or at will.

"Resident" means the Resident of a State.

The following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided—

(a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

(b) the guardians of minors and the committees of lunatics shall be deemed respectively the persons so entitled to act to the same extent as the minors or lunatics themselves could have acted if free from disability;

Provided that—

- (i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of the Civil Procedure Code relating thereto shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Enactment; and
- (iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to transfer the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

ACQUISITION.

Acquisition of land.

3. (i) The Resident may acquire any land whenever it is needed for a public purpose.

(ii) The Resident with the approval of the Ruler of the State in Council may acquire any land:

- (a) for a residential area,
- (b) for a factory area,
- (c) for vegetable gardens,
- (d) for any person undertaking a work of public utility.

(iii) The Resident with the approval of the Ruler of the State in Council may acquire any town or country land for the purpose of leasing the same as mining land.

(iv) Provided that before acquisition under the two last preceding sub-sections may be proceeded with, a Committee of not less than three members shall be appointed by the Resident to investigate and report on the proposed acquisition.

(v) The said Committee shall proceed to serve notices on the owners of the land affected, to attend at a place and time to be stated in the notice and shall record their evidence and in particular that of any of those objecting to the said acquisition.

(vi) The Committee shall forward their report to the Resident who with the approval of the Ruler of the State in Council may authorise the acquisition.

(vii) The cost of any acquisition under sub-section (ii) (a), (b) or (c) or sub-section (iii) may be paid by the State or from some Municipal fund.

(viii) The cost of any acquisition under sub-section (ii) (d) shall be paid by the person undertaking the work.

(ix) No land shall be acquired for the purpose specified in sub-section (ii) (d) unless the Resident be satisfied by the report of the Committee hereinbefore mentioned :

- (a) that such land is needed for the construction of some work,
- (b) that such work is likely to prove useful to the public.

(x) The provisions of sections 6 to 46 (both inclusive) shall not be put in force in order to acquire land for the purpose specified in sub-section (ii) (d) unless the person undertaking the work shall have executed an agreement providing to the satisfaction of the Resident for the following matters :

- (a) the payment to Government of the cost of acquisition,
- (b) the alienation on such payment of the land to such person,
- (c) the terms on which the land shall be held by such person,
- (d) the time within which and the conditions on which the work shall be executed and maintained,
- (e) the terms on which the public shall be entitled to use the work.

(xi) Every such agreement shall, as soon as may be after its execution, be published in the *Gazette*, and shall thereupon, so far as regards the terms on which the public shall be entitled to use the work, have the same effect as if it had formed part of this Enactment.

PRELIMINARY INVESTIGATION.

4. (i) Whenever it appears to the Resident that land in any locality is likely to be needed for any of the purposes specified in section 3 a notification to that effect shall be published in the *Gazette* and the Collector shall cause public notice of the substance of such notification to be given at convenient places in such locality, and thereupon any officer or other person either generally or specially authorised by the Resident in this behalf and his servants and workmen may

Power to enter and survey.

- (a) enter upon and survey and take levels of any land in such locality ;
- (b) dig or bore into the sub-soil ;
- (c) do all other acts necessary to ascertain whether the land is adapted for such purpose ;
- (d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed to be made thereon ;
- (e) mark such levels, boundaries and line by placing marks and cutting trenches ; and
- (f) cut down and clear away any standing crop, fence or jungle, where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked.

Previous notice of entry.

(ii) No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

5. So soon as conveniently may be after any entry made under section 4 the officer or other person so authorised as aforesaid shall pay for all damage done and, in case of dispute as to the amount to be paid for such damage, he shall at once refer the dispute to the decision of the Collector whose decision shall be final subject to an appeal to the Resident.

DECLARATION OF INTENDED ACQUISITION.

Declaration that land is required for a public purpose.

6. (i) Subject to the provisions of section 3, whenever it appears to the Resident that any particular land is needed for any of the purposes specified therein, he shall make a declaration to that effect under his signature.

Contents of declaration.

(ii) The declaration shall be published in the *Gazette* and shall state the district or other territorial division in which the land is situate, the particular purpose for which it is needed, its approximate area and all other particulars necessary for identifying it, and if a plan has been made of the land the place and time where and when such plan may be inspected.

Declaration to be evidence.

(iii) The said declaration shall be conclusive evidence that the land is needed for the purpose specified in such declaration.

(iv) Upon the publication of such declaration in the *Gazette* the Collector or Registrar of Titles as the case may be shall make a memorial thereof upon the registered title for the land affected.

After declaration Collector to proceed to acquire.

7. Whenever any land has been so declared to be needed for a purpose specified in section 3, the Resident shall direct the Collector to take proceedings for the acquisition of the land.

Land to be marked out and measured.

8. The Collector shall thereupon cause the land, unless it has been already marked out under section 4, to be marked out and measured and a plan to be made thereof, if no plan exists.

Notice to persons interested.

9. (i) The Collector shall then cause notices to be posted at convenient places on or near the land to be taken stating that the Government intends to take possession thereof and that claims to compensation for all interests therein may be made to him.

Contents of notice.

(ii) Every such notice shall state the particulars of the land and shall require all persons interested therein to appear personally or by agent before the Collector at a time and place in such notice mentioned, such time not being earlier than twenty-one days after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections, if any, to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

Valuation by owner.

(iii) The Collector may also require the registered owner of the land to furnish a statement in writing of his valuation of the land and of the improvements thereon (such values to be calculated separately) showing the basis upon which such valuation is made.

(iv) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the State in which the land is situate, provided that if any such person resides elsewhere and has no such agent the notice may be sent to him by registered post if his address can be ascertained after reasonable enquiry. Provided further that no proceedings under this Enactment shall be invalid on account of the omission or failure to serve any such notice as is in this section referred to.

Notice to occupiers.

10. (i) The Collector may also require any such person to deliver to him within a time to be specified, being not less than fifteen days, a statement in writing containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-owner, chargee, lessee, sub-lessee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

Power to require statements as to names and interests.

(ii) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code.

Persons required to make statements to be deemed legally bound to do so.

ENQUIRY INTO MEASUREMENTS, VALUE AND CLAIMS, AND AWARD BY THE COLLECTOR.

11. (i) On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8 and into the value of the land and into the respective interests of the persons claiming the compensation and shall make an award under his hand of

Enquiry and award by Collector.

- (a) the true area of the land ;
- (b) the compensation which in his opinion should be allowed for the said land ;
- (c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether or not they have respectively appeared before him ;
- (d) the amount of the costs incurred in the proceedings and by what persons and in what proportion they are to be paid.

(ii) When the amount of compensation has been settled under the preceding sub-section if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

12. (i) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land and the apportionment of the compensation among the persons interested.

Award of Collector when to be final.

(ii) The Collector shall serve a copy of his award on all persons interested provided that their addresses can be ascertained after reasonable enquiry when the award is made.

Adjournment of enquiry.

13. The Collector may for any cause he thinks fit from time to time adjourn the enquiry to a day to be fixed by him.

Power to summon and enforce attendance of witnesses and production of documents.

14. For the purpose of enquiries under this Enactment the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Court under the Civil Procedure Code.

Matters to be considered and matters to be neglected.

15. In determining the amount of compensation the Collector shall take into consideration the matters mentioned in section 27 and shall not take into consideration any of the matters mentioned in section 28.

TAKING POSSESSION.

Power to take possession.

16. When the Collector has made an award under section 11 he may take possession of the land.

Power to take possession in cases of urgency.

17. In cases of urgency whenever the Resident so directs, the Collector, though no such award has been made, may on the expiration of fifteen days from the publication of the notice mentioned in section 9 (i) take possession of any unoccupied land needed for any of the purposes specified in section 3.

Notice of taking possession of land to be given to Registrar of Titles.

18. (i) Immediately on taking possession of any land under sections 16 or 17 the Collector shall give notice thereof to the Registrar of Titles for the State, who shall make an entry in the Register of Titles that such land has vested in the Ruler of the State.

Entry in the books of the Land Office.

(ii) In the case of land held by entry in the mukim register the Collector shall instead of giving such notice to the Registrar of Titles himself make a like entry in the books of the Land Office.

Vesting.

(iii) Upon such entry being made as in this section is mentioned the land shall vest in the Ruler of the State free of encumbrances.

Collector's award final in certain cases.

19. If the total of the amount claimed for compensation under the provisions of section 9 (ii) does not exceed five hundred dollars the award of the Collector shall be final with regard to the true area of the land and the amount of compensation to be awarded.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference to Court.

20. (i) If the total of the amount claimed for compensation under the provisions of section 9 (ii) exceeds five hundred dollars, any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(ii) The application shall state the grounds on which objection to the award is taken.

(iii) Every such application shall be made—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 11 (ii) or within six months from the date of the Collector's award,
- (c) whichever period shall first expire.

21. (i) In making the reference the Collector shall state for the information of the Court in writing under his hand

Collector's statement to the Court.

- (a) the situation and extent of the land with particulars of any trees, buildings or standing crops thereon;
- (b) the names of the persons whom he has reason to think interested in such land and the addresses of such persons;
- (c) the amount awarded for damages and paid or tendered under section 5 and the amount of compensation awarded under section 11;
- (d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(ii) To the said statement shall be attached a Schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

22. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons:

Service of notice.

- (a) the applicant;
- (b) all persons interested in the objection, except such, if any, of them as have consented without protest to receive payment of the compensation awarded; and
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

23. If the objection is in regard to the amount of compensation and the award of the Collector is not less than \$5,000 the Court shall also appoint two assessors for the purpose of aiding it in determining the objection. Such assessors may also be appointed in any other case in which the Court shall consider it desirable to make such appointment. Every person so appointed shall be legally bound to attend and serve as an assessor unless excused for some reason to be approved by the Court.

Appointment of assessors.

24. If an assessor dies or becomes incapable of acting or is excused by the Court some other qualified person shall be appointed in his stead.

Death or incapacity of assessor.

Restriction on
scope of
proceedings.

25. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings to
be in open
Court.

26. Every such proceeding shall take place in open Court.

Matters to be
considered in
determining
compensation.

27. (i) In determining the amount of compensation to be awarded for land acquired under this Enactment the Court shall take into consideration

(a) the market value at the date of the publication of the notification under section 4 (i), if such notification shall within six months from the date thereof be followed by a declaration under section 6 in respect of the same land or part thereof, or in other cases the market value at the date of the publication of the declaration made under section 6 ;

(b) any increase in the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;

(c) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing such land from his other land ;

(d) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property whether moveable or immovable in any other manner or his actual earnings ; and

(e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(ii) For the purposes of paragraph (a) of sub-section (i) of this section —

(a) if the market value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the declaration under section 6 was published, such increase shall be disregarded unless it be proved that the improvement was made *bona fide* and not in contemplation of proceedings for the acquisition of the land being taken under this Enactment ;

(b) when the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any Court or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health the amount of that increase shall not be taken into account ;

(c) the effect of any expressed or implied condition of title restricting the use to which the land may be put shall be taken into account.

28. In determining the amount of compensation to be awarded for land acquired under this Enactment the Court shall not take into consideration :

Matters to be neglected in determining compensation.

- (a) the degree of urgency which has led to the acquisition ;
- (b) any disinclination of the person interested to part with the land acquired ;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action ;
- (d) any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 6 by or in consequence of the use to which it will be put ;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;
- (f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the declaration under section 6, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.

29. (i) Where the applicant has made a claim to compensation pursuant to any notice under section 9, the amount awarded to him shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

Rules as to amount of compensation.

(ii) Where the applicant has refused to make such claim or has omitted without sufficient reason, to be allowed by the Court, to make such claim, the amount awarded by the Court may be less than and shall in no case exceed the amount awarded by the Collector.

(iii) Where the applicant has omitted for a sufficient reason, to be allowed by the Court, to make such claim, the amount awarded to him by the Court may be less than or may exceed the amount awarded by the Collector.

(iv) The provisions of this and the two preceding sections shall be read and explained to the assessors (if any) by the Court before they give their opinions as to the amount of compensation to be awarded.

30. The opinion of each assessor shall be given orally and shall be recorded in writing by the Court.

Record of assessor's opinion.

31. In case of a difference of opinion between the Court and the assessors or either of them upon a question of law or practice or usage having the force of law the opinion of the Court shall prevail.

Difference on questions of law.

32. In case the Court and one or both of the assessors agree as to the amount of compensation or as to the amount of any item thereof their decision thereon shall be final.

Agreement as to the amount of compensation.

33. In case of difference of opinion between the Court and both of the assessors as to the amount of compensation or as to the amount of any item thereof the decision of the Court shall prevail.

Difference as to the amount of compensation.

Assessor's fees. **34.** Every assessor shall receive such fee for his services as the Court shall direct provided that such fee shall not exceed one hundred dollars a day. Such fee shall be deemed to be costs in the proceeding.

Awards to be in writing. **35.** Every award made under this Part shall be in writing signed by the Court and the assessor or assessors (if any) concurring therein and shall specify the amount awarded under sub-section (a) of section 27 (i), the amount (if any) deducted under sub-section (b) and the amounts (if any) respectively awarded under sub-sections (c), (d) and (e) of the same section together with the grounds of awarding or deducting the said amounts.

Award to state amount of costs. **36.** (i) (a) Every award shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid.

(b) The amount of costs and all questions relating thereto shall be determined by the Court.

(ii) (a) When the amount awarded does not exceed the sum awarded by the Collector, the costs of all proceedings under this Part shall be paid by the applicant.

(b) When the amount awarded exceeds the sum awarded by the Collector, the costs shall ordinarily be paid by the Collector but if the Court is of opinion that the claim of the applicant was so excessive or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs, the Court may at its discretion make such order as to costs as it may think fit.

(c) If the claim of the applicant exceeds by 20 per centum or more the amount awarded, he shall not be entitled to his costs.

Recovery of costs. (iii) The costs, if any, payable by the applicant may be recovered as if they were costs incurred in a suit in the Supreme Court and as if the award were the decree therein.

Appeal from decision as to compensation. **37.** (i) Save as otherwise in this Enactment provided where the amount of compensation awarded exceeds \$2,500 the Collector or the person interested (as the case may be) may appeal therefrom to the Court of Appeal.

(ii) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court.

Collector may be directed to pay interest on excess compensation. **38.** If the sum which in the opinion of the Court the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of eight per cent. per annum from the date on which he took possession of the land to the date of payment of such excess to the Court or to the person interested.

Provisions of Civil Procedure Code made applicable. **39.** Save in so far as they may be inconsistent with anything contained in this Enactment, the provisions of the Civil Procedure Code shall apply to all proceedings before the Court under this Enactment.

*Published in Supplement to the Federated Malay States Government
Gazette of December 20, 1922, No. 28, Vol. XIV, Notification No. 7875.*

FEDERATED MALAY STATES.

"THE LAND ACQUISITION ENACTMENT, 1922."

WITH reference to section 1 of "The Land Acquisition Enactment, 1922," published in Notification No. 7866 of the *Gazette* of the 20th December, 1922, the Chief Secretary to Government hereby notifies that the said Enactment shall come into force on the 1st day of January, 1923.

KUALA LUMPUR:

Printed by the Superintendent, Government Printing Department,
Federated Malay States.

1922.

PART IV.

APPORTIONMENT OF COMPENSATION.

40. (i) When the amount of the compensation has been settled and there is any dispute as to the apportionment thereof the Court shall decide the proportions in which the persons interested are entitled to share in such amount. Determination of proportions.

(ii) An appeal shall lie from such decision to the Court of appeal. Appeal to lie.

(iii) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court. Appeal how to be presented.

41. The costs of all proceedings for apportioning the amount of compensation shall be borne by such of the persons interested in such proportions as the Court shall determine. Costs of apportionment to be borne by parties.

PART V.

PAYMENT.

42. (i) On making an award under section 11 the Collector shall make a written offer of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by one or more of the contingencies mentioned in the next sub-section. Payment of compensation or deposit thereof with Court.

(ii) If they do not consent to receive it or if there be no person competent to transfer the land or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in Court.

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount, otherwise than under protest shall be entitled to make any application under section 20:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Enactment to pay the same to the person lawfully entitled thereto.

(iii) Notwithstanding anything in this section, the Collector instead of awarding a money compensation in respect of any land may enter into any arrangement with a person having an interest therein in such a way as may be equitable having regard to the interests of the parties concerned.

43. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of eight per cent. per annum from the time of so taking possession until it has been so paid or deposited. Payment of interest.

PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary occupation of unoccupied land.

44. (i) Subject to the provisions of section 3, whenever it appears to the Resident that temporary occupation and use of any unoccupied land are needed for any of the purposes specified therein, he may direct the Collector to procure the occupation and use of the same for such term as he shall think fit not exceeding three years from the commencement of such occupation.

Notice to be given by Collector.

(ii) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall for the occupation and use thereof for such term as aforesaid and for the materials, if any, to be taken therefrom pay to them such compensation, either in a gross sum of money or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

Difference as to compensation.

(iii) In case the Collector and the persons interested differ as to the sufficiency of the compensation or the apportionment thereof the Collector shall refer such difference to the decision of the Court.

Power to enter and take possession.

45. (i) On payment of such compensation or on executing such agreement or on making a reference under section 44, the Collector may enter upon and take possession of the land and use or permit the use thereof in accordance with the terms of the said notice.

Restoration of land taken.

(ii) On the expiration of the term the Collector shall make or tender to the persons interested compensation for the damage, if any, done to the land and not provided for by the agreement and shall restore the land to the persons interested therein.

Land permanently injured by occupation to be permanently acquired.

(iii) If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Resident shall proceed under this Enactment to acquire the land as if it was needed permanently for a purpose specified in section 3.

Difference as to condition of land.

46. If the Collector and the persons interested differ as to the condition of the land at the expiration of the term or as to the compensation mentioned in sub-section (ii) of section 45 or as to any matter connected with the said agreement the Collector shall refer such difference to the decision of the Court.

PART VII.

MISCELLANEOUS.

Service of notice.

47. (i) Service of any notice under this Enactment shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer or other person therein mentioned, and, in the case of any other notice by or by order of the Collector or the Court.

(ii) Whenever practicable, the service of the notice shall be made on the person therein named.

(iii) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the Collector and also in some conspicuous part of the land to be acquired :

Provided that, if the Collector or the Court so directs a notice may be sent by registered letter addressed to the person named therein at his last known residence, address or place of business, and service of it may be proved by the production of the registration receipt.

48. Whoever wilfully obstructs any person in doing any of the acts authorised by section 4 or section 8 or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4 shall on conviction by the Court of a Magistrate be liable to imprisonment of either description for a term which may extend to one month or to a fine not exceeding fifty dollars or to both.

Obstructing survey, etc., filling trenches, destroying land-marks.

49. If the Collector is opposed or impeded in taking possession under this Enactment of any land, he shall apply to the Chief Police Officer who shall enforce the surrender of the land to the Collector.

Police to enforce surrender.

50. (i) Except in the case provided for in section 45, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

Government not bound to complete acquisition.

(ii) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage, if any, done to such land under section 4 or section 8 and not already paid for under section 5, and shall pay such amount to the person injured and shall pay to the persons interested all such costs as shall have been incurred by them by reason or in consequence of the proceedings for acquisition together with compensation for the damage, if any, which they may have sustained by reason or in consequence of such proceedings.

Compensation when acquisition is not completed.

(iii) The provisions of Part III shall apply, so far as may be, to the determination of the compensation payable under this section.

51. (i) The provisions of this Enactment shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building which is reasonably required for the full and unimpaired use of the house, manufactory or other building, if any person interested desires that the whole of such house, manufactory or building shall be so required.

Acquisition of part of house or building.

Provided that such person interested may at any time before the Collector has made an award under section 11 by notice in writing withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so required.

(ii) The question whether a part of any house, manufactory or building is reasonably required for the full and unimpaired use of the house, manufactory or building shall if the parties cannot agree be referred by the Collector for the determination of the Court.

(iii) If any question arises as to whether any land proposed to be taken under this Enactment does or does not form part of a house, manufactory or building which is reasonably required for the full and unimpaired use of the house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

Acquisition of whole or any additional portion of land where claim for severance of part is excessive.

52. (i) If, in the case of any claim under section 27 (i) (c) by a person interested on account of the severing of the land to be acquired from his other land, the Resident is of opinion that the claim is unreasonable or excessive, the Resident may at any time before the Collector has made his award order the acquisition of the whole or any additional portion of the land of which the land first sought to be acquired forms a part.

(ii) No fresh declaration or other proceedings under sections 6 to 10 both inclusive shall be necessary; but the Collector shall without delay furnish a copy of the order of the Resident to the person interested and shall thereafter proceed to make his award under section 11.

Exemption from stamp duty and fee.

53. No award or agreement made under this Enactment shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Bar of suits to set aside awards under Enactment.

54. No suit shall be brought to set aside an award or apportionment under this Enactment.

Rules.

55. (i) The Chief Secretary may make rules generally for carrying out the provisions of this Enactment and without prejudice to such general power may make rules for the guidance of officers in all matters connected with the Enactment.

(ii) Rules made under this Enactment shall not come into force until they have been published in the *Gazette*.

(iii) All such rules shall be laid before the Federal Council at the first meeting after such publication, and may be amended or disallowed by resolution of the said Council.

(iv) Any rule so amended shall come into force as amended from the date of the passing of such resolution, and any rule disallowed shall cease to have force or effect from the date of such resolution.

Provisions as to actions.

56. (i) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

(a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;

(b) after the expiration of three months from the date of the accrual of the cause of action;

(c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

()

THE SCHEDULE.

No. and year.	Short title.	Extent of repeal.
11 of 1911 ...	The Land Enactment, 1911	Sections 81 to 115
12 „ ...	The Mining Enactment, 1911	„ 27A and 27B

KUALA LUMPUR:

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1922.



MINUTES

OF

FIFTEENTH ANNUAL GENERAL MEETING

HELD AT

12, MARKET STREET, KUALA LUMPUR,

ON

X9(J4).434

21st JUNE, 1922, AT 11 A. M.

THE PLANTERS' ASSOCIATION OF MALAYA
MINUTES
OF
FIFTEENTH ANNUAL GENERAL MEETING,
HELD AT
12, MARKET STREET, KUALA LUMPUR,
ON
June 21st 1922, at 11. a.m.

PRESENT :

Mr. T. J. Cumming - - (Chairman).
The Hon. Mr. C. Bradbery - (Vice-Chairman),

and the following *Members* :—

From the Batang Padang D.P.A.—Mr. H. Miller Mackay;
 „ „ Central Pahang P.A.:— „ G. M. Harding;
 „ „ Central Perak P.A.:— Messrs. J. S. Ferguson, Percival J. Roy
 Waugh and C. Kenneth Cox;
 „ „ Johore P.A.:— The Hon. Dato W. N. Gawler and Mr.
 W. Miller Mackay;
 „ „ Kajang D.P.A.:— Messrs. G. L. O'Hara Hickson, C. R.
 Ferrers, E. N. T. Cummins, E. G.
 Leyne and Capt. K. G. Furley;
 „ „ Klang D.P.A.:— Messrs. E. C. Wakefield, G. H. Bennett,
 C. A. Buxton, W. E. Hilton-Ross,
 Alec. Douglas, W. S. Reeve-Tucker,
 Chris. Harrison, J. G. Ord, R. Napier
 Hendrie, C. N. Crush, J.M. Bathgate,
 W. H. Bragg, V. Utterson Kelso and
 Lt. Col. E. A. Ash;
 „ „ Kuala Langat D.P.A.:—Mr. A. Keightley Smith;
 „ „ Kuala Lumpur D.P.A.:—Messrs. F. S. Ritchie, D. S. Gardner,
 W. D. Magill, G. R. S. Whittle, N. C.
 Athorne, C. J. Arnold & F. M. Riley;
 „ „ Negri Sembilan P.A.:—The Hon. Mr. C. Ritchie, Messrs. C.W.
 Keppel-Powis, V. A. Taylor, G. W.
 Hingston, R. C. Wright, and
 D. Farquharson;
 „ „ Ulu Selangor D.P.A.:— Messrs. L. W. Tivy, R. M. Newton,
 A. A. Mulloy and F. S. Gread;

Honorary Members :—The Hon. Mr. R. C. M. Kindersley, Mr. John Bruce and
 the Controller of Labour F. M. S. & S. S. (Mr. E. W. F. Gilman);

Visitors:—Messrs. D. M. Montgomerie (Barlow & Co.,); W. Thomson, Fred.
 Knocker and H. M. Newton;
 with Mr. C. Ward-Jackson (*Secretary*).

I. MINUTES.

On the motion of Mr. WAKEFIELD, seconded by Mr. LEYNE, the Minutes of the Ordinary General Meeting held on Feb. 27th and the Special General Meeting held on April 26th, 1922, are confirmed.

2. ANNUAL REPORT AND ACCOUNTS, 1921/22.

Mr. CUMMING says he will not take up time by making a long speech before putting the Report and Accounts to the meeting. These have been circulated and will, he presumes, be taken as read. He apologises for the delay in holding this meeting which should have been held in May; but it was hoped Reconstruction of the P.A.M. would have been an established fact, only it has proved a much bigger task than was anticipated. However, it is on the Agenda today and will be dealt with later.

This comprehensive Report, for which we have to thank our Secretary, Mr. Ward-Jackson, deals very fully with all that happened of interest to the P.A.M. and the rubber and planting industries during the year.

The crisis in the labour position which appeared imminent when we met in November did not eventuate, and probably at the present moment there is sufficient labour for the work available, but in a country where there is no indigenous labour there must always be a certain amount of anxiety. One outcome of that particular meeting, he is very pleased to record, is the formation of local Labour Boards, and he sincerely hopes these will grow in usefulness and make for the better conditions both of employers and employed.

The Indian Emigration Bill has now become law and how far the free emigration of labour to this country will be affected is at present unknown. We have been exempted from the terms of the Bill until the 5th of March next, but after that it is very probable grave difficulties will be encountered in our present method of recruiting. The Standing Committee has discussed the matter, with Government, and every one may rest assured that all possible will be done to maintain a free influx of Indian labour. Before leaving the subject of labour, he would especially mention the services rendered to planters by Mr. Peel, the late Controller of Labour, and the kindly and sympathetic manner in which he was always willing to discuss any matters brought before him. The Committee's appreciation has been recorded in the Report which will be found on page 50, and he is sure all here will heartily endorse what has been said and join with him in wishing Mr. Peel every success in his new office. He also takes this opportunity of extending a welcome to Mr. Gilman who has now been appointed Controller of Labour and who is present today.

As regards the rubber industry, the position is worse to-day than ever, and it is greatly to be hoped some method of keeping stocks off the market will be devised. All products and industries are of course suffering from the world trade depression-the aftermath of war-but surely it is suicidal policy to keep piling up stocks on a market already overburdened.

With regard to the Accounts, a special Sub-Committee drew up fresh estimates at the beginning of the year and made various reductions including the Secretary's salary. These estimates have on the whole been carefully adhered to. The Report may strike some as being extravagant in these days of rigid economy, but the Standing Committee is of opinion that this Report is the only complete record and review of matters affecting the planting and agricultural industries in Malaya and therefore justifies the expenditure.

It is to be regretted that certain D.P.As. found it necessary to discontinue their membership of the P.A.M. Presumably it is for reasons of economy, but personally he fails to see where the economy is effected. The benefits derived from membership of D.P.As. or the P.A.M. may be difficult to determine in hard cash, but not the least is the opportunity of freely talking "shop" and thus keeping one's mind alive and one's ideas up to-date. The small subscription necessary should not materially affect the financial resources of any estate. He again points out that whatever benefits the P.A.M. obtains for the planting industry are available to members and non-members alike, and for that reason it seems unfair to break away and leave the burden on a few.

MR. MILLER MACKAY agrees that the Report is an able and interesting one and points out that the figures shewn in the production of plantation rubber by the whole of Malaya for 1921 which appear on page 24 of the Report differ from figures that have been published elsewhere. He requests the Secretary to inform the meeting how the figures were arrived at.

THE SECRETARY states that he must have due notice of questions like that asked by Mr. Miller Mackay.

MR. HARRISON thinks that the expenditure incurred in producing so elaborate a Report was inexcusable at the present time. He says most of those present have read everything contained in the Report elsewhere in newspapers and periodicals and he is unable to see what useful purpose such a Report can serve. He suggests that in future the Annual Report of the Association should be confined to a brief summary of the work of the Association and not an extensive review of the rubber industry which he considers to be beyond the scope of the Association and, as he said before, a waste of money. He says the Chapter about Diseases and Pests

was absolutely unnecessary. In addition there were free advertisements given to various people who should have paid for them thus reducing the cost of the Report.

Mr. CUMMINS asks the previous speaker to point out the free advertisements to which he refers.

Mr. HARRISON states that it is impossible for him to go over the Report, but he draws attention to the notice about the Peachey, and other rubber processes, the packing of rubber etc.

Mr. FERGUSON takes the opposite view to Mr. Harrison and thinks the Association is big enough to issue a comprehensive report like that placed before it and he has pleasure in congratulating the Standing Committee on having prepared so comprehensive and interesting an Annual Report.

Mr. CUMMINS entirely agrees with Mr. Ferguson.

Mr. TAYLER is of opinion that it is the duty of the Standing Committee to cause a complete review of not only the rubber industry but all planting industries of Malaya to be placed before the Association year by year.

Mr. RITCHIE does not wish to anticipate the Secretary's reply to Mr. Miller Mackay, but he thinks that the figures given in Appendix VII on page 83 may refer to estates only of over 100 acres in extent. If this were so they were faced with the unpleasant fact that more than 78,000 tons of rubber were produced by estates of under 100 acres in extent over which estates they had no control.

Mr. CUMMING, in reply to Mr. Harrison, says that the Report under discussion purports to be a compilation, and while it may be true that several members of the Association have read about many of the subjects dealt with therein, he is convinced that to have so much information in so handy and convenient a form is a great convenience and the Report should be of much value both as a record and for purposes of reference.

The Report is not confined to the rubber industry: all manner of agricultural undertakings are reviewed therein. He totally differs from Mr. Harrison's views as to the references made in the Report to the various vulcanisation processes, etc., being free advertisements. He also thinks that the chapter on Diseases and Pests is both interesting and of value.

Mr. O' HARA HICKSON refers to page 64 of the Report which contains particulars of the European Unemployment Committee for the inception of which, he says, the Incor-

porated Society of Planters had a lot to do. It is understood that the Unemployment Fund is closing down at the end of the present month. It is probably true that a fewer number of people now require assistance but he thinks that the few cases to which he has referred are in more desperate need than ever before. He points out that the Chairman has told the meeting that the industry is in a far worse position at the present time than it was ever in before and he submits that the necessity for the European Unemployment Fund is greater now than at any time before. He protests against the closing down of the Fund and suggests that it might be kept going by appealing for subscriptions.

Mr. REEVE-TUCKER enquires whether anyone is able to state the reasons why the Fund is closing down.

Mr. CUMMING says he is a member of the European Unemployment Committee which is not closing down for the present; but as funds were fast running out and as few fresh cases were being brought to the notice of the Committee and as those cases which came were becoming chronic, it was considered advisable to inform the public that the Fund would not be open to grant casual financial assistance but only passages after the 30th instant. He is sure that if Mr. O' Hara Hickson's fears are realised, and there is need for the Fund, it will be kept open.

Mr. HICKSON enquires whether any steps are being taken by the Committee to collect more funds.

Mr. CUMMING says the reply is in the negative.

Mr. TIVY suggests that in future the Annual Report should be sent out earlier so that all members may have the opportunity of studying it closely before the meeting at which it is to be considered.

Mr. CUMMING promises that the Report will be sent out earlier in future and on the Secretary's behalf he wishes to say that not a little of the delay was due to the fact that many D. P. As. did not send to the Secretary the information for which he asked until the last moment.

On the proposal of Mr. FERGUSON, seconded by Capt. FURLEY, the Annual Report and Accounts for the year 1921/22 as presented are carried *nem dis*.

3. LABOUR MATTERS.

INDIAN EMIGRATION ACT.

The CHAIRMAN states that full particulars about this Act appear in the labour section of the Annual Report. He says

that before the Act was passed, the Standing Committee discussed its provisions and took such actions as was deemed advisable. Later, the Standing Committee appointed a special Sub-Committee consisting of Messrs. V. A. Tayler, C. B. Graburn, the Hon. Mr. R. C. M. Kindersley, himself and the Secretary. This Sub-Committee had an interview with the Hon'ble the Chief Secretary to Government on the 8th inst, as a result of which the Chief Secretary kindly promised to communicate with His Excellency the Viceroy of India. He asks the Secretary to read the cables exchanged between His Excellency the Officer Administering the Government, Straits Settlements, and H. E. the Viceroy.

The SECRETARY reads the following :—

From : The Officer Administering the Government, S. S.

To : His Excellency the Viceroy of India, Simla.

Dated 14th June, 1922.

Understand Standing Committee Meeting Simla to discuss rules under Emigration Bill. Would be glad if you will agree to Deputation from here consisting of Controller of Labour and Representative Planting Industry from here meeting Committee at Simla for purpose expressing views. Immigration Committee also urge that Marjoribanks Report condition Indian Labour brought to notice of each member of Standing Committee and that their attention drawn to fact Penal Clauses for labour offences referred to in para. thirty-eight of Report now have been abolished. Please wire early.

JAMES,

High Commissioner.

From : The Viceroy & Governor-General of India.

To : The High Commissioner for the Malay States.

Dated 17th June, 1922.

Recd. 18th June, 1922.

Reference your telegram of 13th (14th ?) June, Emigration Committee meets on June 19th and will consider Draft Rules under Emigration Act and Memorandum sent with Sir Laurence Guillemard's letter dated the 17th August, 1921 along with correspondence that had passed between Straits Settlements & Federated Malay States Governments and India. They would suggest provisional terms and conditions to be imposed under Section 10 of Emigration Act. These

we propose to forward to you for examination as soon as possible. Marjoribanks and Marakkayar will both attend meeting and attention of any member will be drawn to the abolition of imprisonment as penalty for labour offences. It is too late to arrange for Singapore deputation on June 19th but the Committee will probably meet again in September to consider reply of Straits Settlements and Federated Malay States Governments and to make their final recommendations. Copies of draft rules under Emigration Act will be forwarded also to all Colonial Governments affected after the draft has been revised by Emigration Standing Committee. If there are any important points on which you are unable to concur with the recommendations I should welcome a deputation to explain point of view of Government or of planting industry or of any other interested party. It seems to me more convenient that deputation should arrive in September when points at issue are clearly defined.

VICEROY OF INDIA.

Mr. TAYLER thinks the reply is highly satisfactory—in fact more satisfactory than was anticipated. He says it may seem to some members that the Standing Committee had unduly delayed action in this matter but members of the Standing Committee and others are aware that matters arose which prevented any vigorous action being taken by the P.A.M. until quite recently, and he would point out that immediately the Association was in a position to do so action was taken with the result revealed by the cables.

Mr. CUMMINS enquires who will choose the planting representative, and points out that it would be absurd to send anyone who is not thoroughly conversant and in touch with Indian labour.

Mr. CUMMING says it is understood that the matter will be referred to the Association which will select the planting representative.

Mr. MILLER MACKAY says that if a representative of the Indian Legislative Councils were to come to Malaya and see the conditions now obtaining here he could not but have a really splendid impression of how labour is being treated in this country at the present moment, notwithstanding the adverse market conditions, and he trusts that any deputation that goes to India will impress these facts upon any Council members with whom they confer.

GENERAL :

(a) The SECRETARY refers to the Minutes of Meeting held in Penang on February 27th last and to the fact that the matter of amending Section 60 (ii) of the Labour Code was

left to the Standing Committee. He states that the Standing Committee duly communicated with the Indian Immigration Committee which discussed the matter at a meeting held on the 12th inst, when it decided to postpone the subject for further consideration until the next meeting.

(b) THE SECRETARY reads the following extracts from a letter from the Klang D.P.A:--

" It is believed that a question will be asked at the approaching Meeting of the Federal Council concerning the cessation of work on Sundays. The Committee consider this to be a matter which should be left to the discretion of individual Managers and are against it being enforced. They wish this point to be brought up at the Annual General Meeting of the P.A.M. on the 21st instant and trust, as they consider the matter both urgent and important, you will introduce it."

(c) Mr. BRADBERRY thinks that members of the Association should be informed of the nasty snub which has been administered to it by the Indian Immigration Committee. He says the Standing Committee, after discussion, came to the conclusion that the best interests of planting community and the Indian Immigration Committee would be well served if the gentleman who holds office as Chairman of the Association were made a member of that Committee during his period of office. The Standing Committee duly communicated with the Chief Secretary and also with the Indian Immigration Committee and has been informed by the Indian Immigration Committee that that Committee supported the views of the Chief Secretary and the Colonial Secretary that the application should not be granted but the Indian Immigration Committee would be prepared to recommend the appointment of the Chairman of the P.A.M. as a member of that Committee if the P.A.M. became truly representative of the whole planting community of Malaya. He thinks that the Indian Immigration Committee should have realised that the Chairman of the P.A.M. represents the planting industries by 100% more than any other member. He has brought up the matter today because he wishes to know whether it is the desire of the Association that the Standing Committee should pursue the matter.

Mr. HILTON-ROSS is strongly in favour of the Standing Committee doing all in its power to press the matter.

Mr. BENNETT would go further and say that all the planting members of the Indian Immigration Committee should be elected by the P.A.M.

Mr. GARDNER enquires how and in what manner the present planting members of the Committee are elected and whether any qualifications are required of them.

Mr. CUMMING points out that power is with the High Commissioner under Section 151 of the Labour Code to appoint "such persons as he may think fit to be members of such Committee and to add members to.....such Committee."

Mr. CUMMINS enquires who advises the High Commissioner as to the appointments.

There being no reply.

Mr. CUMMING asks Mr. Gilman to express his opinion on the matter under discussion.

Mr. GILMAN states that only a few days ago he assumed duty as Controller of Labour and was not present at the meeting of the Indian Immigration Committee at which the matter was discussed. His own personal opinion is that the Chairman of the P. A. M. should be a member of the Committee. He says he will bear the matter in mind if it comes up for discussion later.

Mr. KINDERSLEY strongly favours the matter being pressed especially now that the opinion of the whole Association is behind it. He thinks it should be obvious to anyone that, in view of the close touch the Indian Immigration Committee should keep with the planting community, the Chairman of the P.A.M. should be a member of that Committee. If he were a member of that Committee it would be a great advantage not only to employers of estate labour generally but also to the Indian Immigration Committee.

It is unanimously decided to instruct the Standing Committee to press the matter.

(d) Mr. COX refers to a recommendation made by Mr. Peel when he was Controller of Labour to the effect that a large number of recruiters should be sent to India with licences. He says the Central Perak Planters' Association acted on the recommendation and have recruited a large number of labourers. In fact, at the present time they have more labour than they can find work for. If compulsory restriction of output is introduced, consideration will have to be given as to the disposal of any surplus labour that should be left in the country. He merely mentions the matter in order that it may not be lost sight of.

Mr. CUMMING assures Mr. Cox that the Standing Committee will bear it in mind.

(e) Mr. LEYNE points out that the Kajang D. P. A. had urged the P. A. M. to place the various district labour boards into touch with one another and he enquires what has been done in the matter.

The SECRETARY replies to the effect that all District Associations had been written to and had been asked for particulars of the Labour Committees or Boards formed in their respective districts but few replies have been received. He had not issued to Constituent Associations the incomplete list but he could do so if it were desired.

Mr. CUMMING states he has taken a keen interest in local Labour Committees which have been formed in various parts of the country and it has been his intention all along to arrange a meeting of representatives of such Committees. Owing to the many calls upon his time in connection with Reconstruction and other urgent Association matters delay has occurred. However he is prepared to arrange an informal meeting of representatives of all Labour Committees if this meets with the wish of the Association.

Mr. LEYNE considers that the easiest way of getting together Labour Committees is to allow the Committees of local D. P. As. to constitute the local Labour Boards.

Mr. TAYLER is not quite sure whether the P. A. M. should act as a central sorting office for D. P. As. and points out that D.P.As. could themselves address other D.P.As. on the subject direct and quite as effectively as the P.A.M. He says this is the attitude of the Negri Sembilan Planters' Association and is, he thinks, the proper procedure.

Mr. CUMMING states that he is prepared to call a meeting of representatives of the Labour Boards as an individual if this meets with the views of the meeting.

This is agreed to.

4. RECONSTITUTION.

Mr. CUMMING states that the Second Report of the Select Committee on Reconstruction has been circulated among members and he calls upon Mr. Tayler to address the meeting on the subject.

Mr. TAYLER thinks there has been a good deal of misapprehension with regard to the proposed reconstruction scheme and to a certain extent it was probably his own fault for not having attended additional meetings and expounded the matter further. It seems to him to be necessary to explain the circumstances which made it necessary for a scheme of reconstruction to be brought forward. It started first with the defection of certain District Planters' Associations. They were all aware that the P.A.M., as it stood to-day, was solely supported by D.P.As. and by nobody else. The reason for the defection to which he has referred is twofold. In the first place this Peninsula is ruled by several Govern-

ments. The F.M.S. is the largest. Then there are Johore, Kelantan and Kedah, to name only three important Governments in addition to the Colony, and from various inquiries he has made at different places, he thinks these District Planters' Associations felt that the P.A.M. could not have any influence with their particular Governments regarding purely parochial matters. Of course, it is a matter for consideration whether the P.A.M. should have any say at all in parochial matters. The P.A.M., he considers, should essentially and solely deal with matters affecting the planting community and the planting industries of the whole of the Peninsula and it should not and could not attempt to undertake any matter solely affecting any particular district. That is the work which the ordinary D.P.As. should undertake. If there is no D.P.A. in a district, one might assume that there is no need for such an Association. The second reason for the defection is the high cost of the annual subscription which membership of the P.A.M. entailed to District Associations. That, of course, arose from the fact that the P.A.M. was solely supported by the District Planters' Associations. No organisation could be carried on without funds, and when the organisation grew larger, like the P.A.M. had done, then extra funds were required and that caused an increase of subscriptions by the District Associations. These seem to him to be the two reasons which caused the question of reconstruction to be brought forward. Therefore, it became necessary to consider whether there was any other method by which the P.A.M. might be carried on, other than by subscriptions only from the District Planters' Associations.

The Select Committee appointed a Sub-Committee to go into the matter which, after considerable discussion, has put forward a scheme which enables the P.A.M. to be supported by individual estates, and by those connected with the planting industry and not by the District Planters' Associations alone. The basis of the reconstruction proposed is before the meeting. Unfortunately that basis has been to a certain extent overshadowed by the Articles of Association under the incorporation proposals. The whole question that has to be decided is "Is the P.A.M. worth while; does it serve any practical purpose to the planting community as a whole?" He does not think that the reply to that question could be given solely by the members of the Association. It should come from someone outside. If the present proposals for the reconstruction of the P.A.M. were accepted, it would be necessary to go to the country before the matter became an accomplished fact. The P.A.M. in the past has dealt with very many important questions. To mention one only of these, the P.A.M. has taken an active part in connection with labour legislation, which affects the whole country. He does not think there were sufficient differences between the North and the South to make such questions inapplicable to the whole Peninsula.

As an example of the value of the work of the P.A.M. he would mention the Indian Emigration Bill. They have all heard the result of the action by the P.A.M. Assuming there were no P.A.M., he wonders whether any action would have been possible or whether the Government would have acted so rapidly as it had done. He does not think the Government would have acted so rapidly even if it had acted at all. That alone shows that the P.A.M. is of some value. He wishes to emphasise that, because as a result of decisions arrived at by some D.P.As. it seemed that there was a feeling that the P.A.M., was not worth while. He, as a supporter of the P.A.M., holds a different view. The proposal for incorporation was so decided by the Committee because the Committee thought it would be necessary to revise the rules completely, and in view of the advantages which had been shewn to accrue from incorporation it was thought to be better to go the whole hog and incorporate while at the same time reconstructing on the new basis. He thinks that was well advised because there is no difficulty in obtaining incorporation and no cost in getting the necessary Bill passed, while it would give the Association a legal status. The members of the P.A.M. had accepted those Articles in an excellent spirit. There were very few amendments put forward and those which had been suggested have been carefully considered. Lacking a trumpeter, he thinks he might say that they—the Chairman, the Secretary and himself—the Sub-Committee which drafted the proposals—can congratulate themselves on the results. He commends the great deal of work put in by the Secretary with his usual efficiency, although he has a small criticism to offer and that is with regard to the suggested amendments being printed on both sides of the paper. If they had been printed on one side only they could have been embodied in the original copies of the Report.

The very able editor of the *Straits Times* who criticised their proposals for reconstruction appears to have missed the point and to have looked at the subject entirely from the point of view of the rubber industry alone. He contends that the P.A.M. is not the representative of, nor does it attempt to represent, the rubber industry. But it does attempt to represent the planting industry of this country as a whole. He reminds members that the Association was started in the days of coffee, when rubber was not even thought of, and he hopes that the P.A.M. will continue to represent the planting industries, not only rubber, but various other industries which are being started in the country. Mr. Still went on to say, "the P.A.M. may discuss questions affecting the planting industry and may come to decisions and make recommendations to the Government. But these decisions do not bind the planting industry and the Government is well aware of this." He wishes to say that the P.A.M. does not hope to make its decisions binding upon the planting industry but it

hopes to arrive at decisions which will be accepted by the planting industry. If they are not accepted then they would seem not worthy of being put forward.

The Government was well aware that the P.A.M. had no executive power. The *Straits Times* asked: "What do we really want in the rubber industry?" They all knew what the rubber industry wanted, but that was really not all that they (the P.A.M.) wanted. Mr. Still continued:—It is a question therefore for consideration whether the incorporation of the P. A. M. is worth struggling for..... but is the P. A. M. what the industry needs?" He says the rubber industry alone may not need the P.A.M., but the P.A.M. can assist the rubber industry.

It is possible that in the course of time it will be necessary to revise the Articles of Association very largely. If this were not so the P. A. M. would become stagnant. Conditions are constantly changing in the country, and doubtless it will be absolutely necessary to meet these changes by amending their Articles. The Select Committee had met Mr. Cavendish and they had discussed thoroughly the question of Co-operation. The Committee was unanimously against the Association being registered under the Co-operative Societies Bill on the ground that it is not suitable for the requirements of the P. A. M. since the Association is purely an advisory body. The Committee thought that the work of Co-operative Societies should start with small-holders and not with an organisation such as the P. A. M. He has no doubt that the meeting will endorse that view. If, however, the meeting accepts the Reconstruction Scheme will that be sufficient? He does not think so. They must go to the country to find out whether sufficient support would be accorded the scheme. If there is not general support, then the P. A. M. is not required and it will be time to hold the obsequies of the Association and to provide it with a decent burial. For their work, propaganda is necessary. If the country as a whole expresses itself in favour of the scheme submitted then the P. A. M. will consist of a very large number of members, and that would result in reduced subscriptions from D. P. As. Exactly what the rate of subscriptions should be he does not know. A suggestion was put forward in the first Report but he thinks that will require amendment. The D. P. As. would, however, be able to carry on very cheaply.

He points out that it was sometimes asked: "What is the P. A. M. doing? It was a very old cry regarding every public institution working in English countries. It is obvious that the work of the P.A.M. has to be done by Committees. The Standing Committee members are elected once a year. The real work of the Association is done by this Committee and by Sub-Committees appointed by it. Unfortunately it is against the idea of the Englishman

to advertise his work. He is content always to depend on the results to show what the work was and he does not wish to advertise the methods by which the results are obtained. He is familiar with the work of the Association having been associated with it for many years and he knows what the P. A. M. has done. It might be a complete answer to the question put forward to instance the work that had been done in connection with labour alone. Under the new scheme there would be a large General Committee and meetings of the General Committee. An Annual General meeting of members as a whole would be held for the purpose of receiving the reports of the various Committees that would be set up. He does not think there is anything more for him to say as he has explained all the points in the proposals to the best of his poor ability. He proposes:—

“That this meeting of the Planters’ Association of Malaya agrees that the Association should be incorporated, accepts the Articles of Association as amended, authorises the Standing Committee to take all necessary steps to obtain support by the Malay Peninsula generally, and if justifies it, to arrange the passing of the Enabling Bill.”

Mr. RITCHIE has pleasure in seconding the resolution and expresses the Association’s gratitude to those gentlemen who have done this work. He does not propose to go into the details of the Scheme as Mr. Tayler has already done that. He thinks that the P. A. M. would be acting wisely if it adopted the principles of the scheme submitted to it.

Mr. KELSO says there is one point on which Mr. Tayler has failed to touch in connection with the secession of D. P. As. He takes the view that those Associations which seceded did so because they expected the P. A. M. to do all sorts of things which were outside the scope of such a body, *e.g.*, restriction, cess for propaganda, etc. He says such things are not within the power of estate managers to decide and it is not for managers of estates to express capitalistic points of view. He thinks it should be laid down quite clearly and precisely what the P. A. M. can do.

Mr. MILLER MACKAY is unable to see any reason why D. P. As. should secede from the P. A. M. and he considers that the cost of running the Association is a mere nothing compared with the capital invested in the rubber industry in Malaya.

Mr. GARDNER states that the Kuala Lumpur D.P.A. wrote to the Select Committee on Reconstruction pointing out that it thought that the membership of the Association should be strictly limited to genuine agricultural producers. He observes that Article 3 (i) has not been altered in accordance with the suggestion referred to.

Mr. CUMMING replies that the letter referred to by Mr. Gardner and the subject in question were carefully considered by the Select Committee which decided that the Article should remain as drafted having regard to the powers of election vested in the General Committee.

Mr. GARDNER fully realises that the Committee would doubtless exercise its powers with discretion with regard to the election of members but he takes the view that this Article should make it quite clear that only genuine agricultural producers would be admitted to membership of the Association.

Mr. COX observes that the Select Committee invited members of Agency Houses and also a representative of the Incorporated Society of Planters to become members of the Committee. He asks for information as to what measure of support can be expected from agency houses and from other bodies in the event of the Enabling Bill being passed.

Mr. CUMMINS enquires whether any Agency houses in this country have issued instructions to their managers not to pay any further subscriptions to District Planters' Associations.

Mr. HARRISON thinks that the Secretary of the Klang D.P.A. might be able to give the information for which Mr. Cummins asks.

Mr. HILTON-ROSS regrets that he has not with him the records of the Klang D.P.A. and is therefore unable to reply to Mr Cummins.

Mr. RITCHIE believes that the General Committee is given very wide powers in respect of agency firms and other bodies joining the Association and can practically do what it likes in the matter of the number of representatives to be allotted to them.

The SECRETARY, in reply to Mr. Cox, states that it would be imprudent for the Standing Committee to make any pronouncement on this subject until the country has been canvassed in the manner suggested by Mr. Tayler.

In reply to Mr. Cummins, he says that Messrs. Whittall & Co., Klang, instructed a number of estates for which they act as agents or secretaries not to pay subscriptions to D.P.As. during the current year.

In reply to Mr. Ritchie, he states that Articles 9 & 35 empower the General Committee to decide from time to time the number of representatives to general meetings and delegates to the General Committee which firms, associations, corporations and bodies other than planters associations shall be entitled to appoint or nominate as the case may be.

Mr. CUMMINS says, arising out of the answer given to his enquiry, the question is whether the agency firm referred to was authorised by the Directors of the various rubber companies concerned to order estates not to support the D.P.As. He proposes that the Standing Committee be requested to inquire into the matter.

This is agreed to.

Mr. FERGUSON would be pleased if the meeting could be informed of the main reasons why the Association could not be registered under the Co-operative Societies Bill.

Mr. TAYLER says the paragraph of the Report to which Mr. Ferguson refers was not meant to convey the impression that the P.A.M. could not be registered under the Co-operative Societies Bill but that the best interests of the Association would not be served by having it so registered because the Association is a purely consultative and advisory body. Co-operative Societies are not advisory: they are essentially active. The position is that it is difficult to say exactly what co-operation means. He recollects that at the discussions we had we were unable to arrive at what co-operation would mean as applied to the P.A.M. Mr. Cavendish did not know and none of us exactly knew. Co-operation is explained fairly well if it is realised that it takes a variety of forms. The able editor of the *Straits Times* in the leading article to which he previously referred gave the following definition: "It would be co-operation, for instance, if the whole of the estate owners agreed to pool their capital. Equally it would be co-operation if the whole of the estates kept themselves financially independent but consented to be ruled by a governing body which would direct such matters as the rate of production, the sale and delivery of produce and the like." That definition of co-operation could not reasonably be applied to the P.A.M. Moreover, we could register under the Co-operative Societies Enactment and then apply for a ruling from the Chief Secretary exempting us from the provisions of the Enactment. Then we should be in the exact position that we were in before. It seemed therefore to be better for us to have our own Bill instead of registering under that Enactment. If we so registered and if we at any time wished to alter our rules we could not adopt such alterations without the consent of the Registrar from whose decision no appeal could be made. He trusts he has fully replied to Mr. Ferguson's inquiry.

Mr. BENNETT says no one who has read the draft rules to be made under Section 42 of the Co-operative Societies Bill would be the least surprised that the Select Committee decided to recommend that the Association be not registered under the Bill. He points out that one rule empowers the Registrar to rescind any resolution or action of any officer or Committee of the Society who may order the action or resolution to be deleted in the records of the Society.

The resolution proposed by Mr. Tayler and seconded by Mr. Ritchie is then put to the meeting and carried, there being one dissident.

5. MOTOR AMBULANCES.

The SECRETARY states that at the meeting held in Penang it was unanimously resolved that this matter be pursued by the Standing Committee and accordingly correspondence ensued between the Standing Committee and the Under Secretary to Government to whom the resolution passed at the Penang meeting was duly forwarded. He says the Under has Secretary forwarded the following returns conveyed shewing the number of persons treated in the Hospitals by 3rd class motor ambulances during the first three months of 1921. The Under Secretary stated that the maintenance of these cars is very expensive and that the expense cannot be justified at the present time.

PERAK.				<i>No. Treated.</i>
*PARIT BUNTAR	...	...	...	...
LARUT	...	...	...	65
KUALA KANGSAR	...	...	...	32
IPOH	...	...	...	9
*BATU GAJAH	...	...	...	...
TAPAH	...	...	...	32
TELOK ANSON	..	...	...	32
				170
SELANGOR.				
*KUALA LUMPUR	...	...	...	...
KLANG	...	...	...	8
N. SEMBILAN.				
SEREMBAN	...	...	...	45
PORT DICKSON	...	...	...	19
KUALA PILAH D. H. & W. H. (Appr:)	...	...	...	110
TAMPIN	...	..	...	+ 50
				224
PAHANG.				
KUALA LIPIS	...	...	...	25
RAUB	...	...	...	15
*KUANTAN	...	...	...	...
				40
Grand Total ...				442

*No record was kept.

Sd: F. E. Wood.
 Ag: Principal Medical Officer,
 Federated Malay States.

Mr. HILTON ROSS relates his experience in Klang when an ambulance came to his estate on three different occasions insisting that some one on the estate had telephoned for it when in fact no one had so telephoned.

Mr. BENNETT points out that the returns sent in by Government cover the period from January to March 1921 at which time very few people were aware that ambulances were available. He also calls attention to the fact that in many important centres no records were kept. He therefore considers that the returns do not prove that the service of 3rd class ambulances has not been used by the public. Further he fails to understand why the cost of maintaining the ambulances should be so great, as it is believed that estates requiring the ambulances pay for the petrol consumed.

It is agreed that the matter should be referred back to the Standing Committee.

6. CESS ON RUBBER FOR PROPAGANDA PURPOSES.

The Secretary states that at the meeting of the Association held on Feb. 27th last, the matter of the imposition on an export tax on rubber for propaganda purposes was referred to the Standing Committee.

The Standing Committee, after consideration, resolved to recommend that the Governments of the F. M. S. and S. S. impose a cess on all rubber exported from Malaya and that the money so collected be administered for the entire purpose of rubber propaganda on the lines of the scheme propounded by the Rubber Growers' Association and that a copy of this resolution be forwarded to R. G. A., London, and to the Governments concerned.

He says the text of the R. G. A. Propaganda Scheme referred to may be found on pages 28 & 29 of the Annual Report.

Mr. TAYLER refers to the opinion expressed by Mr. Kelso that it is not within the scope of members of the P. A. M. to deal with matters like this. He totally differs from Mr. Kelso and takes the view that the expression of opinion on this subject by the planting industry has done good. In fact, the action taken in this matter by the P. A. M. had received the support of the Rubber Shareholders' Association at a large meeting held in London recently. All this shewed that even in the present depreciated value of its opinion the P. A. M. did carry some weight.

The SECRETARY understands that Government forwarded papers in relation to this matter to all unofficial members of the Federal Council for their opinion.

Mr. RITCHIE says the papers referred to were circulated by Government but he could say no more than to express himself entirely in favour of the principle of a cess.

7.—RICE.

(a) The SECRETARY tables copy of a circular by the Secretary for Agriculture on the subject of a small rice mill for estates.

(b) POLISHED RICE AND BERI-BERI.

The SECRETARY refers to the Minutes of meeting held in Penang on Feb. 27th when it was decided to refer this matter to the Standing Committee which should obtain figures showing the number of cases of beri-beri during the year 1921 and particularly for the last six months. He states that the following statement of beri-beri cases and deaths at the various hospitals during 1921 and January and February, 1922 were kindly forwarded by the Principal Medical Officer: He says now that these figures are available the Standing Committee will doubtless go into the matter with a view to its being referred to the Health Committee of the League of Nations as suggested by Mr. Bradbery at the Penang meeting.

STATEMENT OF BERI-BERI CASES AND DEATHS AT THE VARIOUS HOSPITALS DURING
1921 AND JANUARY AND FEBRUARY 1922.

Hospitals.	1921.		1922.			
	Cases.	Deaths.	January.		February.	
			Cases.	Deaths.	Cases.	Deaths.
PERAK.						
General Hospital, Taiping	...	...	...	...	...	...
District Hospital, Taiping	1	1	...	...	...	...
Parit Buntar	1	...	1	...	1	...
Bagan Serai	2	...	1	...	1	...
Kuala Kangsar	5	...	2	...	1	...
Women Hospital, K. Kangsar	..	...	...	...	...	1
Lenggong	...	...	...	...	...	...
Grik	...	...	...	...	...	...
Klian Intan	2	...	1	1	...	...
Kroh	3	...	...	...	...	...
Selama	1	1	...	...	...	...
Ipoh	20	3	9	...	7	1
Gopeng	2	...	1	...	1	...
Batu Gajah	23	3	15	...	12	1

HOSPITALS	1921		1922			
	Cases	Deaths	JANUARY		FEBRUARY	
			Cases	Deaths	Cases.	Deaths
NEGRI SEMBILAN						
Seremban Hospital	84	12	6	...	5	...
Kuala Pilah	63	9	30	...	32	2
Port Dickson	16	7	5	1	5	...
Kuala Pilah (W. H.)	1	...	...	...	...	...
Mantin	12	...	1	...	...	...
Tampin	34	6	8	...	6	...
Gemas	2	...	1	...	2	...
Jejebu	15	2	...	...	...	...
TOTAL N. S.	227	36	51	1	50	2
PAHANG.						
Kuala Lipis	9	5	1	...	2	...
Raub	4	...	...	...	4	...
Bentong	37	5	8	...	8	1
Kuantan	16	...	7	...	7	...
Pekan	9
Kuala Tembeling	1
TOTAL PAHANG ...	76	10	16	...	21	1

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Office of the Principal Medical Officer.
Kuala Lumpur, 12th May, 1922.

(Signed) F. E. WOOD.
Ag: Principal Medical Officer,
Federated Malay States.

HOSPITALS.	1921		1922			
	Cases	Deaths	JANUARY		FEBRUARY	
			Cases	Deaths	Cases	Deaths
Kampar	11	6	2	...	3	...
Tapah	3	1	1	...	1	...
Sungkai	1	...	...	...	...	...
Tanjong Malim	12	3	4	...	4	...
Teluk Anson	4	3	1	...	1	...
Bagan Datoh ... .. .	...	...	...	...	...	...
Sitiawan ... .. .	...	...	...	...	...	...
Pondok Tanjong ... .. .	...	...	...	...	...	...
Total Perak ...	91	21	38	1	32	2
SELANGOR.						
European Hospital, Kuala Lumpur ... .. .	...	...	...	...	...	...
General Hospital, Kuala Lumpur	34	8	8	...	4	...
Prison Hospital, Kuala Lumpur	15	...	1	...	1	1
Vagrant Ward, Kuala Lumpur	38	9	...	...	1	1
District Hospital, Kuala Lumpur	154	13	49	4	57	1
Malay Hospital, Kuala Lumpur	3	1	2	...	2	...
Tai Wah Ward, Kuala Lumpur	3	...	3	...	3	...
Leper Hospital, Kuala Lumpur ... .. .	...	...	...	...	...	...
Infectious Disease Hospital ... .. .	...	...	...	...	...	...
District Hospital, Sungei Besi	42	...	...	...	...	...
District Hospital, Klang	16	1	...	...	...	...
District Hospital, Kajang	6	...	1	1	...	...
District Hospital, Kuala Selangor	3	1	1	...	...	...
District Hospital, Kuala Kubu	70	11	19	2	21	3
District Hospital, Serendah	15	1	2	...	4	...
District Hospital, Rawang	8	...	...	...	2	...
Total Selangor ...	407	45	86	7	95	6

8. TODDY.

The SECRETARY states that Government forwarded to the Association a number of copies of Memoranda entitled "Government's Policy with regard to Toddy" with a request that the Chief Secretary be favoured with the observations of the Association thereupon. He says the Standing Committee duly considered the Memoranda and wrote to the Government to the effect that the Association is in entire agreement with the recommendations contained in the Memoranda and is strongly in favour of all "Off" licences being abolished; and further, that the Standing Committee would be pleased to co-operate with Government in any way towards eliminating abuses by Indian estate labourers of the custom of toddy drinking. He says the contents of the Memoranda can be well gauged from the following extracts from a Minute by the Chief Secretary to Government (the Hon. Mr. W. George Maxwell, C.M.G.):—

"1. I want to make it quite clear that I am not a "pussy-foot" in respect of toddy. My point is that the Government, for some unknown reason, tolerates in respect of toddy an amount of public bestial drunkenness that it would not tolerate round a liquor shop. It is absurd. But it is true. So long as Ramasamy can hold his toddy like a gentleman, I have no complaint to make against the toddy or him.

2. It is for this reason that I favour any system under which the manager of an estate manages the estate toddy shop. The two-fifths system seems to be popular; and on the whole I daresay that it is working well. The objection to it to my mind is that there is a no inducement under it to keep down the consumption of toddy. On the contrary, the inducement would appear to be to sell as much as possible, in order to increase the "Temple" or the "Cinematograph" fund thereby. The managers should try to keep down the consumption per head of toddy drinker as much as possible, and might very well make it a rule that no one was to have more than a specified quantity.

3. In the towns, I agree with the consensus of opinion expressed in this paper in favour of abandoning the "tender" system, and of letting a contract at a reasonable monthly rate to some reputable person who will personally manage the toddy shop, and who will be responsible for conducting the business in such a way that there is no drunkenness. Every liquor-shop in the country, and in England, is subject to this condition; and we must insist upon it in respect of toddy.

4. Of course this system of letting a toddy shop contract at some more or less arbitrary rate is a dangerous one. It amounts to licensing a toddy shop at a stipulated monthly rental. It is obviously open to terrible abuse; and there will

doubtless be all sorts of charges of favouritism and corruption. The danger is obviated if the local authorities will give the matter their personal attention.

5. Under the present system, the Government lays itself open to the charge that the revenue is of more importance than the public health. Under the new system, the public health should be the only matter of real importance.

6. There would be less drunkenness if more importance were attached by the local authorities to there being cake-sellers round a toddy shop. It is when Ramasamy takes his toddy on an empty stomach that he feels the effect of it.

7. Possibly the toddy shop people will say that it is impossible to prevent Ramasamy from getting drunk, and that he goes to the toddy shop for that purpose. In that case, the answer must be, I think, that unless drunkenness can be separated from toddy, toddy must stop.

8. I presume that a toddy shop-keeper has the legal power to refuse to serve a person who has already had too much. He should be warned that, unless he exercises that power he will lose his licence.

9. Every toddy shop-keeper ought to employ as many watchmen as will enable him to keep order, for it is fairly certain that at first in certain places the coolies won't understand why they are refused another bottle.

10. There must be a great deal more supervision (i) by the police (ii) by the Inspector under the Toddy Shop Rules, and (iii) by Health Officers under the Food and Drugs Enactment. As to (i) it will be convenient if the Residents will communicate direct with the Commissioner of Police."

Mr. BRADBERRY suggests that copies of the Memoranda should be printed and made available to members of the Association.

Mr. TAYLER states that while he agrees as to the value of such printed papers he does not think it would be wise at the present time to incur so much expense in printing the requisite number for each member of the Association.

Mr. BRADBERRY wonders whether the Memoranda can be printed as an Appendix to the Minutes.

The SECRETARY says this would cost almost as much. He suggests that the matter be left to the Chairman and himself to see as to how best to acquaint D.P.As. with the contents of the Memoranda. He thinks it may be possible to obtain further copies from the Government.

This is agreed to.

Mr. WAKEFIELD asks whether the P. A. M. will request Government to provide a report on the health in Klang, Kapar and Batu Tiga Districts.

Mr. TAYLER thinks that this is a matter which might be taken up by the Klang D.P.A. itself.

9. TELEPHONES.

Mr. KINDERSLEY calls attention to the question he asked at the recent meeting of the Federal Council and to the answer given thereto which are as follows:—

“Q. In view of the proposed reduction of telephone rates in the United Kingdom will this Government reconsider the recent increases in the telephone rates, which are a great hardship in the present depressed and critical states of business?

A. The charges were raised because wages of the staffs and the general expenses of the service had increased greatly since the time when the charges were fixed. In fact, the result was that the charges no longer bore any proportion to the cost of the service. It is true that the charges have been reduced in the United Kingdom, but even the reduced charges there are higher than those charged in the Federated Malay States.”

He also calls attention to his remarks on the motion for adjournment, namely, that “he was not in a position to say whether the rates here compared unfavourably with the rates in the United Kingdom, but he did think there was one great mistake in the way things were run in this country. They found they were not covering expenses, and the remedy adopted was to raise rates. What they should do first of all was to do their utmost to reduce expenditure and when they had satisfied themselves that it was impossible to get expenditure down any further then it was time to consider the question of raising rates. People in this country such as small shopkeepers felt such increases very heavily, and in his opinion it was a great mistake to raise the rates.”

He believes that in the P. & T. Department, as in many other Government Departments, did not know where they were, whether they were running at a loss or not. This, he says, is due to the system or lack of system on which they kept their accounts, and it is to be hoped that this state of affairs will be remedied. In the circumstances he fears there is not much chance of the old telephone rates being restored.

Mr. O'HARA HICKSON understands that Government stated that no figures were available with regard to the P. &

T. Department. He wonders therefore how Government knew that the Department was being run at a loss.

Mr. KINDERSLEY says Government did not know what capital was invested in the telephones. They worked right through the year and the end of it they found they were so much to the bad and this was regarded as a loss.

Mr. RITCHIE thinks that all such departments should know the capital invested and the actual expenditure and revenue of such services.

Mr. REEVE-TUCKER wonders whether Mr. Kindersley or Mr. Ritchie could inform the meeting whether Government paid for its telephones and also to the telephone service to the quarters of Government officers.

Mr. RITCHIE knows that the Police Department pays for this and presumes that other Departments also do so.

10. GENERAL.

(a) Mr. CUMMING states that the text of the Indian Emigration Act will be published as an Appendix to the Minutes of this Meeting.

(b) Mr. CUMMINS is of opinion that it would be advisable for the Association to take up vigorously the matter of the discontinuance of the night mail train to Penang on the grounds of the loss of considerable time and money and the very great inconvenience to business people and the public.

Mr. COX explains the action taken by the Central Perak Planters' Association in the matter and the reply sent by the General Manager, F.M.S. Railways, to the effect that in view of the heavy loss incurred by running the night mail there was no hope of its resumption until general trade conditions became more normal. The General Manager, however, stated that the goods trains would be re-timed so as to allow of mails being sent by them.

Mr. HICKSON thinks it extraordinary that the railways should proceed with the work of doubling the railway line between Kuala Lumpur and Singapore what time trains were curtailed and everybody was trying to carry on economically by reducing expenditure.

Mr. KINDERSLEY explains that the railway people must use the materials which had been bought otherwise they would rot, and he points out that the doubling of the line was sanctioned before the slump set in.

Mr. CUMMING agrees with Mr. Cummins that the Association should move in the matter and he suggests that the

subject be referred to the Standing Committee and that that Committee be advised to get into touch with the Chambers of Commerce and other public bodies so that united action might be taken.

Agreed to.

(c) Mr. HILTON-ROSS is aware that the Chairman, the Vice-Chairman and the present members of the Standing Committee have agreed to carry on the work of the Association until such time as the question of reconstitution is finally disposed of and he enquires whether the Chairman can say when the new elections are likely to take place.

Mr. CUMMING wishes he was able to give Mr. Hilton-Ross the information for which he asks.

(d) Mr. TAYLER enquires whether the Secretary has received a letter from the Negri Sembilan Planters' Association calling attention to the heavy increased charges in respect of machinery under the Machinery Enactment, 1913, which increases were published in the *Gazette* of May 5th 1922.

The SECRETARY says the reply is in the affirmative and that the letter in question will be placed before the Standing Committee at its next meeting.

(e) The SECRETARY announces having received the accounts of the F.M.S. War Relief Fund from 1st January to 31st March 1922 which shows a balance in hand of £43,686-6-4.

Mr. RITCHIE points out that the balance in hand is enormous and he believes that so large a sum will not be required by the F.M.S. War Relief for the purpose for which subscriptions were originally raised and he wonders whether anything could be done towards obtaining part of this fund for the relief of Europeans in Malaya.

The SECRETARY states that the sum of \$22,500/- was contributed by the F.M.S. War Relief Fund to the European Unemployment Committee last year and that it is understood that arrangements have now been made between the Unemployment Committee and the War Relief Fund Committee whereby passages etc. will be provided for deserving cases.

(f) Mr. REEVE-TUCKER calls attention to the fact that members of the P.A.M. hear little now-a-days of the Planters' Benevolent Fund of Malaya and asks for information about it.

Mr. CUMMING states that the Annual Accounts of the Corporation for the year 1921/22 will be published as an Appendix to the Minutes of this Meeting.

With a vote of thanks to the Chair, the Meeting terminates at 1.15 p.m.

C. WARD-JACKSON,

Secretary.

APPENDICES

APPENDIX I.

ACT No. VII OF 1922.

**PASSED BY THE GOVERNOR-GENERAL
OF INDIA IN COUNCIL.**

*(Received the assent of the Governor-General
on the 5th March 1922.)*

An Act to amend the law relating to emigration.

WHEREAS it is expedient to amend the law relating to emigration; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Indian Emigration Act, 1922. Short title and extent.
- (2) It extends to the whole of British India.
2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - a. "dependent" means any woman or child who is related to an emigrant and any aged or incapacitated relative of an emigrant;
 - b. "emigrant" means any person who emigrates or has emigrated or who has been registered as an emigrant under this Act, and includes any dependent of an emigrant, but does not include—
 - i. any person emigrating to a country in which he has resided for not less than five years or the wife or child of such person, or
 - ii. the wife or child of any person who has lawfully emigrated when such wife or child departs for the purpose of joining such person;
 - c. "emigrate" and "emigration" means the departure by sea out of British India of—

- i. any person who departs under an agreement to work for hire in any country beyond the limits of India, and
- ii. any person who is assisted to depart, otherwise than by a relative, if he departs for the purpose or with the intention of working for hire or engaging in agriculture in any country beyond the limits of India;
- d. "prescribe" means to prescribe by rules made under this Act;
- e. "work", with its grammatical variations, means skilled or unskilled work;
- f. "skilled work" means—
 - i. working as an artisan; or
 - ii. working as a clerk or shop assistant; or
 - iii. working for the purpose of any exhibition or entertainment; or
 - iv. service in any restaurant, tea-house, or other place of public resort; or
 - v. domestic service; or
 - vi. any other occupation which the Governor-General in Council may, by notification in the *Gazette of India*, declare to be skilled work;
- g. "unskilled work" includes engaging in agriculture.

(2) In case of any doubt or dispute arising otherwise than in the course of any legal proceeding, as to whether—

- a. any person is an emigrant, or
- b. any work is skilled or unskilled, or
- c. any person has been assisted otherwise than by a relative,

within the meaning of this Act, the question shall be determined by such person and in such manner as the Local-Government may prescribe, and such determination shall be final

CHAPTER II.

Protection of Emigrants and Medical Inspectors.

3. (1) Subject to the control of the Governor-General in Council, the Local Government may appoint a person to be the Protector of Emigrants for any port situate within the territories administered by it from which emigration is lawful.

Appointment of
Protectors of
Emigrants.

(2) The Local Government may define the area to which the authority of a Protector of Emigrants so appointed shall extend.

(3) Every Protector of Emigrants shall be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

4. Every Protector of Emigrants, in addition to the special duties assigned to him by or under this Act, shall—

General duties
of Protector.

- a. protect and aid with his advice all emigrants;
- b. cause, as far as he can, all the provisions of this Act and of the rules made thereunder to be complied with;
- c. inspect, at the time of arrival, to such extent and in such manner as the Local Government may prescribe, vessels bringing return emigrants to the port for which he is Protector;
- d. inquire into the treatment received by return emigrants both during the period of their residence in the country to which they emigrated, and also during the return voyage and report thereon to the Local Government;
- e. aid and advise return emigrants so far as he reasonably can; and
- f. on being satisfied that any person intending to depart by sea out of British India comes within one of the classes expressly excluded from the definition of emigrant in section 2, furnish such person with a certificate to the effect that such person is not an emigrant for the purposes of this Act.

5. (1) In any specified area where there is not a Protector of Emigrants, the Local Government, subject to the control of the Governor-General in

Power to appoint
persons to exer-
cise functions of
a Protector.

Council, may appoint any person to perform all or any of the duties of a Protector of Emigrants under this Act.

(2) Every person so appointed shall be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

6. (1) The Local Government may appoint one or more Medical Inspectors of Emigrants at any port from which emigration is lawful or at any other place, and, where more than one are appointed, may apportion their respective duties.

Appointment of Medical Inspectors.

(2) Every Medical Inspector of emigrants shall be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

7. The Governor-General in Council may, for the purposes of safeguarding the interests of emigrants in any place outside British India appoint persons to be agents in such places, and may define their powers and duties.

Agents in foreign countries.

8. The Local Government may, for the purposes of assisting any Protector of Emigrants appointed by it or any person appointed by it under section 5, constitute an Advisory Committee in such manner as it may think fit, and may prescribe the procedure to be followed and the functions to be performed by such committee.

Advisory Committee.

CHAPTER III

Emigration for the purpose of Unskilled Work.

9. (1) Emigration for the purpose of unskilled work, shall not be lawful except from the ports of Calcutta, Madras, Bombay, Karachi, Negapatam, Tuticorin and Dhanushkodi, and from such other ports as the Governor-General in Council may, by notification in the *Gazette of India*, declare to be ports from which such emigration is lawful.

Ports from which Emigration of unskilled workers is lawful.

(2) The Local Government may, by notification in the local official Gazette, fix for the purposes of this Act the limits of any port from which such emigration is lawful.

10. (1) Emigration, for the purpose of unskilled work, shall not be lawful except to such countries and on such terms and conditions as the Governor-General in Council, by notification in the *Gazette of India*, may specify in this behalf.

Countries to which emigration of unskilled workers is lawful.

(2) No notification shall be made under sub-section (1) unless it has been laid in draft before both Chambers of the Indian Legislature and has been approved by a resolution of each Chamber, either without modification or addition, or with modifications and additions to which both Chambers agree, but, upon such approval being given, the notification may be issued in the form in which it has been so approved.

11. (1) Where the Governor-General in Council has reason to believe that in any country to which emigration for the purpose of unskilled work is lawful plague or any other epidemic disease dangerous to human life has broken out, and that emigrants if allowed to emigrate to that country would be exposed to serious risk to life on arrival there, he may, by notification in the *Gazette of India*, declare that emigration to that country for the purpose of unskilled work shall cease to be lawful.

Power to suspend emigration of unskilled workers.

(2) Where a local Government has reason to believe that such a state of affairs as is described in sub-section (1) exists in any country to which emigration for the purpose of unskilled work is lawful, it may, by notification in the local official Gazette, declare that emigration to that country for the purpose of unskilled work from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor-General in Council.

(3) The Local Government publishing a notification under sub-section (2) shall forthwith report such notification with the reasons for it to the Governor-General in Council, who shall thereupon publish a notification in the *Gazette of India* confirming or cancelling the notification published by the Local Government.

12. Where the Governor-General in Council is satisfied that the ground on which a notification under sub-section (1) of section II, or a notification under sub-section (3) of section II confirming a notification of a Local Government has been made with respect to any country, has ceased to exist, he may, by notification in the *Gazette of India*, declare that emigration to that country for the purpose of unskilled work shall again be lawful from a date to be specified in the notification.

Revocation of prohibition.

13. (1) The Governor-General in Council may, by notification in the *Gazette of India*, prohibit, from

Powers of Governor-General in Council to prohibit emigration to specified country.

a date, and for reasons, to be specified in the notification, all persons or any specified class of persons from emigrating to any specified country from the territories under the administration of any Local Government or any specified part thereof, for the purpose of unskilled work.

(2) Every notification issued under this section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made.

14. A notification under section 10, section 11, section 12 or section 13 shall not affect any act done, offence committed, or legal proceedings commenced before the date on which such notification takes effect. Saving.

CHAPTER IV.

Emigration for the purpose of skilled work.

15. Emigration, for the purpose of skilled work, shall not be lawful except from a port from which emigration for the purpose of unskilled work is lawful and from such other ports as the Governor-General in Council may, by notification in the *Gazette of India*, specify in this behalf. Ports from which emigration of skilled workers is lawful.

16. (1) Whoever desires to engage, or to assist, any person to emigrate for the purpose of skilled work shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart, and shall state in his application— Emigration of skilled workers.

- a. the number of persons whom he proposes so to engage or assist;
- b. the place beyond the limits of India to which each such person and his dependents are to proceed;
- c. the accommodation to be provided for each such person and his dependents until their departure out of India and during the voyage.

(2) Whoever desires to engage any person for the purpose described in sub-section (1) shall, in addition to the information which he is required by that sub-section to supply in his application, further state therein—

- a. the provision to be made for the health and well-being of such person and his dependents

during the period of the proposed engagement and for their repatriation at the end of such period ;

- b. the terms of the agreement under which such person is to be engaged ;
- c. the security in British India which he proposes to furnish for the due observance of such agreement and for the proper treatment of the person to be engaged and his dependents.

17. On receiving an application under section 16, the Local Government may, after such inquiry as it may deem necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as it thinks fit, or withhold such permission and the decision of the Local Government shall be final.

Applications how to be disposed of.

18. (1) Before any person departs from British India in accordance with permission granted under section 17, the person by whom he has been engaged or assisted shall appear in person or by his duly authorized agent before the Protector of Emigrants at the port of embarkation with such first-mentioned person and with any persons intending to accompany him as his dependents.

Appearance of engaged persons before and registration of names by Protector of Emigrants.

(2) If it appears to the Protector of Emigrants—

- a. that permission to engage or assist such person has been duly obtained,
- b. in the case of an engagement, that the terms of the agreement under which such person has been engaged are in accordance with the terms of the permission granted and are understood by him, and
- c. that the conditions on which the permission was granted have been complied with,

he shall register in a book to be kept for the purpose such particulars concerning the person engaged or assisted and his dependents (if any) and concerning the person engaging or assisting him, and in such form, as the Local Government may prescribe.

19. Where such security as is referred to in sub-section (2) of section 16 has been furnished,

Provisions as to security.

the Local Government may, at any time after making such inquiry as it may deem necessary, pass orders in regard to the forfeiture of the security in whole or in part and the application of the same or any part thereof, and, on the expiry of the period to which the agreement relates and on being satisfied that no ground exists for forfeiting the security in whole or in part, order the return of the security or of any parts thereof to the person by whom it was furnished or to his representative.

20. The Local Government may, by notification in the local official Gazette, authorize a Protector of Emigrants to receive and dispose of applications made under this Chapter: Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

Delegation to Protector of Emigrants of authority to receive or dispose of applications.

21 (1) Where the Governor-General in Council has reason to believe that sufficient grounds exist for prohibiting emigration of skilled workers to any country, he may, by notification in the *Gazette of India*, declare that such emigration to that country shall cease to be lawful from a date specified in the notification, and from that date such emigration to that country shall accordingly cease to be lawful.

Power to prohibit emigration of skilled workers.

(2) Every notification issued under this section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made.

22. Nothing in this Chapter shall apply in any case in which a person engages another to accompany him out of India as his personal domestic servant.

Saving.

CHAPTER V.

Rules.

23. Subject to the control of the Governor-General in Council, the Local Government may, by notification in the local official Gazette, make rules consistent with this Act to prescribe the person by whom any doubt or dispute referred to in subsection (2) of section 2 shall be determined and the procedure to be followed and the proof to be required in such cases, and to provide for any other matter which the Local Government is by this Act empowered to prescribe.

Power of Local Government to make rules.

24. (1) The Governor-General in Council may, by notification in the *Gazette of India*, and after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

Power for the Governor-General in Council to make rules.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—
- a. the powers and duties of the several officers appointed by the Governor-General in Council under this Act;
 - b. the licensing, supervision and control of all persons employed in British India in connection with the inducement of persons to emigrate and with the conveyance and accommodation of persons so induced;
 - c. the establishment, supervision and regulation of any places of accommodation provided for emigrants and for their medical care while resident there;
 - d. the forms to be maintained and the returns to be submitted by persons licensed in accordance with rules framed under clause (b);
 - e. the information to be furnished by persons licensed in accordance with rules framed under clause (b) to emigrants and the language in which such information is to be furnished;
 - f. the production and examination of emigrants before District Magistrates or such other authorities as may be appointed in this behalf;
 - g. the age below which persons of either sex may not emigrate except as dependents;
 - h. the accommodation, the provisions, fuel and other necessaries, the medical stores and staff, the life-saving and sanitary arrangements, and the records to be maintained on any ship specially chartered for the transport of emigrants;
 - i. the reception and the despatch to their homes of return emigrants;
 - j. the fees if any, payable by Emigration Agents to Protectors of Emigrants for each emigrant departing from India; and

- k. generally, the security, well-being and protection of emigrants both up to the date of their actual departure from India and on their return to India.

CHAPTER VI.

Offences.

25. (1) Whoever, except in conformity with the provisions of this Act, or of the rules made under this Act, emigrates or attempts to emigrate shall be punishable with fine which may extend to fifty rupees.

Unlawful emigration or inducement to emigrate.

2. Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

- a. makes, or attempts to make, any agreement with any person purporting to bind that person, or any other person, to emigrate, or
 - b. induces, or attempts to induce, any person to emigrate or to attempt to emigrate or to leave any place for the purpose of emigrating or
 - c. causes any person engaged or assisted by him; after grant of the permission referred to in section 17, to depart by sea out of British India without registration of the particulars required by sub-section (2) of section 18,
- shall be punishable with fine, which may extend to five hundred rupees.

(3) If any person commits an offence under this section, any police-officer may arrest him without warrant.

26. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any person to emigrate, or enter into any agreement to emigrate, or leave any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Fraudulently inducing to emigrate.

27. Whoever falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government shall be punishable with imprisonment for a term which

False representation of Government authority.

may extend to six months, or with fine which may extend to five hundred rupees or with both.

28. No prosecution shall be instituted for any offence under this Chapter except with the sanction of a Protector of Emigrants or of a person appointed under section 5 and empowered in this behalf or, where there is no Protector or person so appointed and empowered, of the District Magistrate;

Sanction to prosecutions.

Provided that no sanction shall be required when an offence has been committed in respect of an emigrant or an intended emigrant and the complaint is filed by such emigrant, or intended emigrant or, on behalf of such emigrant, or intended emigrant by the father, mother, husband, wife or guardian of such emigrant or intended emigrant or, if such emigrant or intended emigrant is a member of a joint Hindu family, by the manager of that family.

29. All the powers for the time being conferred by law on officers of seacustoms with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.

Power for Customs-officers to search and detain for purposes of Act.

CHAPTER VII. *Supplemental.*

30. (1) The departure by land out of British India of any person under, or with a view to entering into, an agreement to work for hire, or when assisted, otherwise than by a relative, so to depart for the purpose or with the intention of working for hire or engaging in agriculture, in any country beyond the sea, is prohibited.

Prohibition of departure by land under an agreement to work for hire in some country beyond the sea.

(2) Whoever departs, or attempts to depart, by land out of British India in contravention of this section, shall be deemed to have committed an offence under sub-section, (1) of section 25.

(3) Whoever induces, or attempts to induce, any person to depart by land out of British India in contravention of this section shall be deemed to have committed an offence under sub-section (2) of section 25.

CHAPTER VIII. *Saving and Repeal.*

31. Nothing in this Act shall be deemed to apply to the departure out of British India of—

Application of Act.

- i. any person who is neither of Indian parentage nor a subject of a State in India ; or
- ii. any person enrolled under the Indian Army Act, 1921. VIII of 1911.

32. Notwithstanding anything contained in ^{Saving.} this Act, the provisions of this Act shall not apply for a period of twelve months from the date of the commencement of this Act to persons emigrating to Ceylon, the Straits Settlements, or any protected Native State adjoining the Straits Settlements.

33. The Indian Emigration Act, 1908, is ^{Repeal.} hereby repealed. XVII of 1908.

APPENDIX II.
 PLANTERS' BENEVOLENT FUND OF MALAYA.

BALANCE SHEET AS AT MARCH 31st., 1922.

LIABILITIES.				ASSETS.				
	\$.	c.	\$.	c.	At Valuation as at 31-3-22	At Cost		
					\$.	c.	\$.	c.
Balance per last Account	92,035	12						
Less Deficit this year	5,440	42						
			86,594	70				
Chartered Bank of India, Australia and China Overdrawn Current Account			14	33				
				INVESTMENTS:				
					28,650	00	30,000	00
					16,092	86	17,141	89
					13,178	57	12,857	14
					7,387	50	7,500	00
					5,225	00	5,000	00
					3,936	00	4,100	00
					4,000	00	4,000	00
					Nominal		5,000	00
					78,469	93	85,599	03
Loan to Mr. X @ 6% per annum.							1,000	00
Petty Cash Imprest							10	00
			\$86,609 03				\$86,609 03	

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REVENUE ACCOUNT FOR YEAR ENDED 31st, MARCH 1922.

	\$.	c.	\$.	c.		\$	c.	\$.	c.
TO ADMINISTRATION EXPENSES:					By INTEREST ON INVESTMENTS:				
" Secretary's salary	900	00			" S.S. 5½% War Loan	1,645	88		
" Treasurer's salary	300	00			" 4½% British War Loan	903	22		
" Office Rent	300	00			" 5% National War Loan	643	94		
" Postages and Telegrams	15	39			" 6% War Loan Investment Trust				
" Other Contingencies	17	50			of Malaya	450	00		
" Audit Fees	35	00			" 5½% S.S. Conversion War Loan ...	224	94		
			1,567	89	" 10% Mortgage	400	00		
GRANTS TO SUNDEY BENEFICIARIES:					" 6% F.M.S. War Loan	149	62		
Master A. (School Fees)	1,655	92			" 7% S.S. War Loan 1921.	147	03		
Mrs. B. and 2 children (Passages)	1,352	00			" Current Account	88	45		
Mrs. C. (Loan)	876	91						4,653	08
Mrs. D. (Education grant for					" Deficit for year			5,440	42
child)	750	00							
Mrs. E. (Passage)	700	00							
Mr. F. (Financial assistance) ...	700	00							
Mrs. G. (" ")	431	46							
Mr. H. (" ")	428	57							
Mr. I. (Passage)	385	71							
Miss. J. (School Fees)	301	34							
Mr. K. (Financial Assistance) ...	300	00							
Mrs. L. (" ")	216	70							
Mr. M. (" ")	168	00							
Mr. N. (Hospital fees)	159	00							
Mrs. O. (Financial assistance) ...	100	00							
			8,525	61					
			<u>\$10,093</u>	<u>50</u>				<u>\$10,093</u>	<u>50</u>

J. FRASER BROWN,
Treasurer.

We have examined the above Accounts with the Books and Vouchers relating thereto and have found same in order.
We have also verified the securities of the Fund, with the exception of those held in London.

Kuala Lumpur, 25th April 1922

NEILL & BELL
Chartered Accountants, Auditors.

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