

4. We now proceed to state in detail the principal alterations we have made in the Bill.
5. As the Bill now contains no clause prohibiting emigration save under the proposed Act, we have struck out the saving of contracts with Native seamen, domestic servants, and skilled artisans.
6. We have omitted from the interpretation-clause the definitions of "employer," "vessel," and "master;" we have shortened the definition of "immigrant;" and we have defined "Chief Commissioner."
7. We have provided that the Emigration Agent shall be removeable at the pleasure of the Chief Commissioner, and that the Medical Inspector of Emigrants shall be remunerated as the Government of India may direct.
8. We have relieved the Emigration Agent from the duty of spontaneously instituting inquiries into the treatment of emigrants on the return-voyage. He will, however, receive and enquire into any complaints actually made.
9. We have struck out the clause as to recruiters' badges, which are objected to in many parts of the country as favouring oppression and fraud.
10. We have empowered officers who have countersigned recruiters' licenses to require them to produce the licenses, and either to cancel the signature or impound the license for cancellation by the Emigration Agent.
11. Under the new system to which we have referred it is impossible to specify in the emigrant's contract (*vide* section 13) the district in which he is to serve or the nature of his work, and in Burma it is unnecessary to specify the price of his food. We have therefore struck out the provisions relating to these matters.
12. We have provided for the medical examination of persons accompanying a recruit as his dependants.
13. We have reduced to 8 annas the fee for registering a recruit, and struck out the provision for refunding it in case of his desertion.
On the latter point we are clear enough. There is no reason why if the fee is proper to be paid for the work done, it should be repaid because of the subsequent misbehaviour of one of the parties who required the work. But it may be questioned whether the work should not be done without any fee at all. If the matter were new, we should be of opinion that the district officers might properly be called upon to discharge it gratuitously. But inasmuch as a fee is, under the General Emigration Act, charged for similar services, we have not ventured to omit it altogether from this Bill, though we are of opinion that a smaller one may properly be charged. We are not informed in what manner the fees are disposed of. The point is one on which the local authorities will have full information, and we shall be glad to receive advice whether it is desirable to abolish the fee altogether, or to lower it as now proposed.
14. We think that the Medical Inspector should examine in detail and individually all emigrants and their dependants immediately after their arrival at the depôt, but that any subsequent inspection by him should be of a more general character, and for the purpose mainly of seeing that there is no danger of infectious diseases. We have made provision for the case of emigrants or dependants suffering from such disease. We have struck out the penalty imposed on the Emigration Agent by section 27 of the Bill as introduced; and we have provided a procedure where a dependant is dangerously ill.
15. We have slightly modified the procedure of the Emigration Agent in registering contracts.
16. In section 35 we have declared that when any contract has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with him on behalf of the Chief Commissioner to proceed to British Burma, and there to labour according to the terms of his contract in any place and mode which, consistently with such terms and with the provisions of the proposed Act, the Chief Commissioner may from time to time direct.
17. We have struck out the sections relating respectively to suits against the Emigration Agent for breach of contract and to the recovery of certain sums payable by him to emigrants.
18. We have provided that Emigration Agents shall furnish the masters of emigrant vessels with proper lists of the emigrants on board.
19. We have struck out the provisions contained in section 40 of the original Bill that the Emigration Agent is to ascertain that the emigrants are in a fit state of health to proceed to Burma. All duties of this kind should be discharged by the Medical Inspector.
20. We have made it clear that the offices of Emigration Agent and of Medical Inspector of Emigrants may be held by the same person.
21. Considering the shortness of the voyage from peninsular India to Burma and the circumstance that the emigrants will be under the care of Government until their arrival, we have struck out the sections (35—44) of the Bill as introduced, relating to emigrant-vessels and the embarkation of emigrants. All that they do can be done by subsidiary rules to be framed by the Local Government.
22. In section 48 we have modified the clause relating to the assignment of immigrants, and have authorized the Chief Commissioner to make rules regulating the terms on which immigrants shall be allowed to labour on their own account. We have provided (in section 49) that in assigning immigrants to particular employers, the Immigration Agent shall, so far as practicable, take care that they are not separated from their dependants.
23. For reasons similar to those stated in paragraph 21 of this report, we have struck out the clauses (51—65) of the Bill as introduced, relating to the transit of immigrants to the place of labour. The matter will be more fitly provided for by rules to be made by the Chief Commissioner.

24. We think that under the changed aspect of the Bill no labour-rate will be wanted. The expenses will be recovered from the employers under the terms of the assignments. If they are not recoverable from any employer, we have empowered the Chief Commissioner to declare the assignment of immigrants to such employer to be void. In such case their labour will again be at the disposal of the Chief Commissioner.

25. We have struck out the clauses relating to the books to be kept and the reports to be made by Inspectors of Immigrants. These matters can, if necessary, be provided for by subsidiary rules or by simple executive orders.

26. We have also omitted the two sections (74, 75) of the Bill as introduced, which relate to the fixing of the immigrant's daily tasks and to the revision of the schedule of tasks. They are inconsistent with the conditions under which emigrants are now and will be employed in British Burma.

27. By section 60 where an Inspector finds an immigrant to be permanently unfitted for labour, he will report the case to the Local Government, which will then either provide for the employment and support of the immigrant and his dependants or send them back to the place at which they were registered.

28. Fines for breach of rules as to house-accommodation will, where the persons fined are agents and fail to pay, be charged on the employers' lands and be recoverable as if they were land-revenue.

29. We have struck out, as unnecessary in Burma, the clauses relating to unhealthy estates (sections 83 and 84 of the original Bill).

30. We have struck out the clauses (sections 85, 89 of the Bill as introduced) empowering the employer of an immigrant convicted of absence from labour or desertion to assign him to another employer.

31. We think it inexpedient to provide that the punishment for desertion shall in all cases be rigorous.

32. We have simplified the procedure in cases of complaints against employers. When any such complaint is frivolous and vexatious, we have provided (in section 77) a small penalty for the complainants. Compensation awarded where wages are in arrear for more than two months, will be paid to the immigrant.

33. By sections 83 and 84 we have completely altered the redemption clauses contained in section 102 of the original Bill. The contract being made with Government, who will also in many cases be the actual employer of labour, it is intended to make it redeemable, as the present practice is, on repayment by the immigrant of the expenses properly chargeable to him according to accounts kept by the Immigration Agent. When the immigrant has been assigned to a private employer, the proper compensation to that employer for the loss of his labour will be best ascertained by the special conditions of the assignment, or by rules whenever the Local Government can find its way to some general principle applicable to all cases.

34. We have struck out the clause (section 104 of original Bill) providing for a return passage for immigrants whose contracts have been completed. Such a provision is not only not required, but would be inexpedient in the case of British Burma—at all events under the contemplated system.

35. We have struck out, as useless, the section empowering the Governor General in Council to make subsidiary rules, and we think it unnecessary to require the sanction of the Government of India of rules made by the Chief Commissioner under the proposed Act.

36. We have expressly empowered the Chief Commissioner to make rules to regulate the notice to be given and forms to be observed on the termination of assignments of immigrants and the terms on which contracts and assignments of service may be redeemed. We have provided a penalty for wilfully contravening any rule for the breach whereof no penalty is specially provided.

37. We have added four clauses (89, 90, 91, 92) to the Bill: the *first* providing for the renewal of instruments which have been lost or destroyed; the *second* declaring that copies made under the proposed Act shall be evidence of the contracts to which they respectively relate; the *third* providing for the recovery of money due under the Act from employers of immigrants; and the *fourth* supplying a technical defect in the contracts for service in British Burma under Government which have heretofore been entered into by emigrants from peninsular India.

38. The schedule giving a form of a pass permitting immigrants to proceed to their labour-district has been struck out in consequence of the omission of the section (51) which refers to it.

39. We have made, besides these substantial changes, several transpositions and verbal amendments.

40. We think that the Bill has been so altered as to require republication: we accordingly recommend that it be republished, as now amended, in the *Gazette of India*, the *Calcutta Gazette*, the *Fort Saint George Gazette*, and the *British Burma Gazette*, and that its further consideration should be postponed for the present.

SMILA, }
The 12th July 1875. }

A. HOBHOUSE.
A. EDEN.
A. J. ARBUTHNOT.
A. CLARKE.

No. II.
BRITISH BURMA LABOUR LAW;
1875.

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A Bill to regulate the transport of Native Labourers to British Burma, and their employment therein.

Whereas it is expedient to regulate the transport of Native labourers to British Burma, and their employment therein under contracts of service; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The British Burma Labour Law, 1875:"
Short title.
Local extent.
Commencement.
It extends to the whole of British India; And it shall come into force at once.
2. Madras Act No. V. of 1866 (*to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Fort St. George, for labour to be performed in any part of India beyond the territorial limits of the Presidency of Madras*) is repealed as to engagements hereafter made in the Presidency of Madras for labour to be performed in British Burma and as to the emigration of Natives of India from such Presidency to British Burma.
Repeal of Madras Act No. V. of 1866, so far as it affects British Burma.
3. In this Act, unless there be something repugnant in the subject or context—
"Chief Commissioner" means the Chief Commissioner of British Burma.
"Emigrants" and "emigration" respectively mean emigrants and emigration under this Act.
"Magistrate" means a Magistrate of a district or of a division of a district, or any Magistrate deputed by the Magistrate of the district for the control of emigration or labourers, or any Magistrate of Police for a Presidency Town.
"Immigrant" means any emigrant who has gone to British Burma in accordance with a contract made under the provisions of this Act.
"Immigrant." means any emigrant who has gone to British Burma in accordance with a contract made under the provisions of this Act.

PART II.

OF EMIGRATION.

Emigration Agents, Medical Inspectors and Depôts.

4. At every port of embarkation the Chief Commissioner shall, with the consent of the Local Government, appoint an Emigration Agent, to whom such remuneration shall be assigned as the Government of India may from time to time direct. Such Agent shall be removeable at the pleasure of the Chief Commissioner.
Appointment of Emigration Agent.

At every such port the Local Government shall appoint a competent person to be Medical Inspector of Emigrants, and such remuneration shall be assigned to him as the Governor General in Council may from time to time direct.

5. Every such Emigration Agent and Medical Inspector shall be a public servant within the meaning of the Indian Penal Code.

6. In addition to the special duties hereinafter assigned to him, every such Emigration Agent shall—

(a) protect and aid with his advice all emigrants;

(b) cause, so far as he can, all provisions of this Act to be complied with;

(c) inspect on arrival all vessels bringing return emigrants to the port at which he is Agent;

(d) receive and enquire into the complaints (if any) of the treatment of such emigrants during the voyage and (if necessary) report thereon to the Local Government;

(e) aid and advise such returned emigrants when requested by them to do so.

7. Every Emigration Agent, and all persons in charge of, or employed in, any depôt or in any vessel licensed to carry emigrants as hereinafter provided, shall give the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford him all such information as may be reasonably required by him.

8. At each port of embarkation the Emigration Agent shall establish a suitable depôt for emigrants.

9. Each Emigration Agent shall license as many fit persons as he thinks necessary to be recruiters of labourers for British Burma.

Every recruiter shall be licensed to obtain labourers from one or more districts to be named in the license.

10. The license granted to a recruiter, under section nine, may be in the form set forth in Schedule A hereto annexed.

No license shall be in force for a longer period than one year, and in case of misconduct on the part of the recruiter the Emigration Agent may cancel his license before the expiration of the period for which it was granted.

11. A recruiter shall not be deemed to have obtained authority in any place other than a Presidency town to engage or attempt to

engage a Native of India to become an emigrant until his license has been countersigned by the Magistrate of the district or of the division of the district, or to have obtained such authority in any Presidency town until his license has been countersigned by the Commissioner or Deputy Commissioner of Police.

12. No such officer shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any officer who has countersigned a license, afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every such officer refusing to countersign a recruiter's license, or cancelling his signature, shall without delay report his refusal or cancellation and the grounds of it to the Emigration Agent to whose authority the recruiter is amenable.

Contracts and Registration and Journey to Depôts.

13. Any person desiring to emigrate under this Act may enter into a contract with a recruiter to proceed to British Burma and there serve for a fixed period of not more than three years from the date of his arrival at the port of debarkation.

Every such contract shall be in writing and shall specify—

(a) The term of service.

(b) The number of days and hours of work.

(c) The monthly wages in money.

(d) The persons (if any) intending to accompany the recruit as his dependants.

The monthly rate of wages shall in no case be less than seven rupees for an adult male labourer.

No recruit shall be required to work more than six days in one week, or more than six consecutive hours, or more than nine hours a day.

No deduction shall be made from the wages of a recruit on account of the rest for one day in each week. The obligation to provide on holidays for the care of animals, and the necessities of daily life, shall not be considered as work.

No emigrant shall not be bound by the provisions of this Act unless he has entered into a contract in accordance with this section.

14. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before the Civil Surgeon of the district or such other medical officer as the Local Government appoints in that behalf or, in default of such appointment, before such medical Officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to British Burma and to work there.

If it is intended that any persons shall accompany the recruit as his dependants, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to British Burma; and the medical officer shall examine the dependants and shall give or refuse certificates according to his opinion as to their fitness and ability.

Certificates shall be in the form set forth in Schedule B hereto annexed, and the recruiter shall pay to the medical officer such fee for each person examined as the Local Government may from time to time prescribe.

15. Every certified recruit and every accompanying dependant shall appear with the recruiter to appear before a Magistrate before a Magistrate in the district or Presidency town within which the contract with the recruit was entered into.

16. The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract, and if it appears that the recruit understands the nature of the contract he has entered into as regards the particulars specified in section thirteen, and that he is willing to fulfil the same, the Magistrate shall register—

(a) the name, the father's name, and the age of such recruit;

(b) the name of the village or place in which he resides;

(c) the port of embarkation to which it is intended that he shall proceed;

(d) the several particulars specified in the instrument of contract made under section thirteen.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of his contract, or has been induced to enter into it by fraud or misrepresentation, he shall refuse to register him.

17. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

If the Magistrate is satisfied as to the said dependence and willingness, he shall register the dependant as a dependant on such emigrant.

But if the Magistrate sees reason to doubt such dependence or willingness, he may refuse to register the alleged dependant.

18. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections sixteen and seventeen.

Such copy is hereinafter called "the emigrant's instrument" or the "immigrant's instrument."

Another authenticated copy of the matters so registered, together with the original certificate of the medical officer, shall be forthwith forwarded by the Magistrate to the Emigration Agent at the port of embarkation to which the emigrant is about to proceed.

For each registration of a recruit under this Act the recruiter shall pay to the officer making it a fee of eight annas.

19. When the registration under this Act is completed, the emigrant and his dependants may be moved to the depôt at their port of embarkation.

20. The recruiter himself, or a competent person appointed by him with the approval of the Magistrate by whom such emigrants have been registered, shall accompany and take care of all emigrants and their dependants while journeying to the depôt.

The Magistrate shall give to every person so appointed a certificate under his signature, stating that he has been appointed to accompany and take care of certain emigrants during their journey to the depôt.

Every recruiter by whom any emigrant or dependant is forwarded to a depôt shall, throughout the journey, provide him with proper and sufficient food and lodging.

21. Whoever being a duly licensed recruiter, removes for the purpose of emigration any recruit before the completion of such registration as aforesaid;

and whoever by means of intoxication, violence, fraud, false pretences, or misrepresentation induces any Native of India to enter into a contract for labour to be performed in British Burma, or to proceed to or towards any seaport for the purpose of proceeding to British Burma without having entered into any contract;

and whoever wilfully neglects to supply any emigrant or dependant under his care with proper and sufficient food and lodging, or otherwise ill-treats such emigrant or dependant on his journey to the depôt;

and whoever forwards, sends, or conveys any such emigrant or dependant with intent to contravene the provisions of this Act;

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Procedure on arrival of Emigrants at Depôt.

22. The Emigration Agent shall, within twenty-four hours after the arrival at the depôt of any emigrant, give to the Medical Inspector notice in writing of such arrival.

23. The copy of the matters so registered and the medical certificate of every emigrant forwarded to the Emigration Agent, as provided by section eighteen, shall be shown to the Medical Inspector at the port of embarkation, and all emigrants and their dependants shall be

examined by the Medical Inspector immediately after their arrival at the depôt.

24. The Medical Inspector of emigrants shall also, at least once in every week, inspect the emigrants in the depôt, and examine into the state of the depôt and the manner in which the emigrants are therein lodged, fed, clothed, and otherwise provided for and attended to.

25. It shall be the special duty of the Medical Inspector to take care that no emigrant or dependant is suffering from any disease calculated to be dangerous to his neighbours, and to isolate or to exclude from the depôt and from embarkation persons who are so suffering.

Any person so suffering may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

26. If the Medical Inspector has reason to think that any emigrant is in such a state of health that his journey to British Burma, or

Emigration Agent to pay return expenses of rejected emigrants. detention in the depôt, would be dangerous to himself or others, or that he is unfit for labour in British Burma, he shall so certify to the Emigration Agent; and in case any emigrant is in such a state of health as aforesaid the Emigration Agent shall pay to such emigrant such sum as is necessary to enable him to return to the place at which he was registered:

And any emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake such journey shall be entitled to be fed, lodged, and attended to at the port of embarkation at the expense of the Emigration Agent until he is reported by the Medical Inspector fit to undertake such journey.

27. If a dependant has accompanied such emigrant, the Emigration Agent shall pay such sum as is necessary to enable him to return to the place at which he was registered, as well as to feed and lodge him during the detention (if any) of the emigrant in the depôt.

28. If the Medical Inspector sees reason to think that any dependant is in such a state of health that his journey to British Burma or his detention in the depôt would be dangerous to himself or others, he shall so certify to the Emigration Agent; and thereupon the emigrant to whom such dependant is attached shall be entitled, if he so wishes, to return as if he himself had been certified to be unfit to proceed under section twenty-six.

Procedure where dependant is dangerously ill. health that his journey to British Burma or his detention in the depôt would be dangerous to himself or others, he shall so certify to the Emigration Agent; and thereupon the emigrant to whom such dependant is attached shall be entitled, if he so wishes, to return as if he himself had been certified to be unfit to proceed under section twenty-six.

If the emigrant still desires to proceed, then the dependant shall be kept and be returned to the place at which he was registered as if he were an emigrant falling under section twenty-six.

29. If the Medical Inspector see no reason to certify in the manner provided in section twenty-six or section twenty-eight of any emigrant or dependant, he shall countersign

Countersignature by Medical Inspector where emigrant or dependant is passed by him.

the copy of the emigrant's instrument which is in the possession of the Emigration Agent.

30. If, upon the arrival of any emigrant or dependant at the depôt, it appear that he has suffered any ill-treatment or that the recruiter has failed to provide him with proper and sufficient food and lodging during the journey to the depôt, Local Government may order the Emigration Agent to pay him a reasonable sum by way of compensation.

31. When the copy of an emigrant's instrument has been countersigned by the Medical Inspector under section twenty-nine, the Emigration Agent shall ratify the contract into which the emigrant has entered, by countersigning the emigrant's instrument and the authenticated copy thereof forwarded to the Emigration Agent under section eighteen.

32. A copy of every such instrument shall be entered in a register to be kept by the Emigration Agent for the purpose, and a copy of such entry authenticated by himself shall be forwarded by him to the Immigration Agent at the port of debarkation.

33. Any emigrant who, without reasonable cause, refuses to produce his instrument when required by the Emigration Agent, or in any respect to comply with the terms of his contract, shall be punished with a fine equal in amount to the cost incurred in engaging, registering, and conveying him to the depôt, and in default of payment of such fine with imprisonment which may extend to two months, and such emigrant may forthwith be discharged from the depôt.

A certificate signed by the Emigration Agent that reasonable cause for refusing to produce the emigrant's instrument has not been shown, shall be admissible as *prima facie* evidence in any proceeding taken under this section.

A certificate signed by the Emigration Agent stating the cost incurred in engaging, registering and conveying the emigrant to the depôt shall be conclusive evidence of the amount of such cost.

Every fine levied under the provisions of this section shall be paid to the Emigration Agent.

34. If within thirty days after the arrival at the depôt of any emigrant, the Emigration Agent does not offer to ratify such contract in manner

aforesaid, or if the Emigration Agent, without the consent of the Local Government, refuses to be bound by the contract made with the emigrant,

the Local Government may order the Emigration Agent to pay to such emigrant such sum of money as is necessary to enable him, together with the dependants (if any) upon him, to return to the place where he was registered, and in such case the emigrant shall be released from his contract.

Ratification of contracts of emigrants passed by Medical Inspector.

Registration of contracts.

Procedure if emigrant refuses to produce instrument.

Procedure if Agent neglects to ratify contract.

35. When the contract has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma, and there to labour according to the terms of his contract in any place and mode which, consistently with such terms and with the provisions of this Act, the Chief Commissioner or any officer appointed by him in that behalf may from time to time direct.

Emigrant vessels and embarkation of Emigrants.

36. When the contract of any emigrant has been duly ratified as aforesaid, he may be forwarded to British Burma, together with his registered dependants if any.

37. It shall not be lawful to receive any emigrant on board any vessel unless a license to carry emigrants in such vessel has been obtained from the Local Government of the port of embarkation.

The granting or withholding of any such license shall be in the discretion of the Local Government.

38. Every person obtaining a license under the last preceding section shall be bound to comply with the provisions of this Act and the rules made hereunder, so far as such provisions and rules relate to him.

And any such person failing to comply with any of such provisions or rules shall be liable to a fine not exceeding one thousand rupees.

39. Before leaving the port of embarkation, the Emigration Agent shall furnish the master of any vessel licensed to carry emigrants with a list specifying as accurately as may be the names, ages and occupations, and the names of the fathers of the emigrants on board,

and the master shall obtain from the Emigration Agent and the Medical Inspector of Emigrants certificates under their respective hands, to the effect that they have in respect of the emigrants proceeding in such vessel done all that is hereinbefore required to be done on the part of such Emigration Agent and Medical Inspector respectively, and that, to the best of their knowledge, all the directions herein contained for ensuring the health, comfort and safety of the emigrants have been duly complied with, as well as all rules for the time being in force under section eighty-six.

40. If any emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such emigrant or his dependants (if any) to embark, or to put him or them on boardship against his will, or to detain him or them against his or their will at the depôt or elsewhere; but nothing in this section shall diminish or affect the civil or criminal liabilities which such emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Explanation.—The arbitrary refusal of any such dependant to embark shall not be deemed 'sufficient cause' within the meaning of this section.

Every case in which an emigrant is charged under this section before a Magistrate of Police in a Presidency town shall be heard and determined in a summary manner, and every such emigrant shall on conviction, whether by such Police Magistrate or any other Magistrate, be punished in the manner provided in section 492 of the Indian Penal Code for the punishment of offences under that section.

41. The Emigration Agent shall, before the embarkation of any emigrant, ascertain that he has in his possession the instrument mentioned in section eighteen.

If it appear to the satisfaction of the Emigration Agent that any emigrant has lost such copy, the Agent may furnish him with another copy of such instrument to be made from the copy forwarded by the Magistrate under section eighteen, and shall thereupon allow such emigrant to embark.

42. The offices of Emigration Agent and of Medical Inspector of Emigrants may be held by the same person; but in such case he shall perform only such of the duties hereinbefore prescribed for the two offices as are necessary for carrying out in substance the provisions of this part.

PART III.

DEBARKATION AND TRANSIT TO DISTRICTS OF UP LABOUR.

Officers and Depôts at ports of debarkation.

43. The Chief Commissioner shall, at each port of debarkation, appoint an Immigration Agent and a Medical Inspector of Immigrants, and shall, by notification in the *British Burma Gazette*, define the local limits within which every such Agent and Inspector shall exercise the powers conferred upon him by this Act.

44. At every such port the Immigration Agent shall establish a suitable depôt at port of debarkation for immigrants under this Act, and provide them with proper and sufficient lodging, food, clothing and medical attendance in such depôt until they are despatched to the place of labour.

Such depôt shall be at all times open to the inspection of the Medical Inspector of Immigrants.

Procedure on arrival of Vessel carrying Immigrants.

45. Upon the arrival at any port of debarkation of any vessel carrying immigrants, the master of such vessel shall at once report his arrival to the Immigration Agent, and no immigrant on board shall be allowed to land without the permission of such Agent first obtained.

Any Master of a vessel who allows any immigrants to land without such permission may be punished by a fine which may extend to fifty rupees for each person so landed.

46. Upon receipt of the report of arrival of any vessel carrying immigrants, the Immigration Agent or such other officer as he deposes in this behalf shall forthwith go on board such vessel and satisfy himself that the vessel has on board its proper list of immigrants, and shall compare the immigrants on board with the list.

The Medical Inspector shall also, as soon as they are suffering from contagious or infectious disease, Examination by Medical Inspector. may be, examine the immigrants, in order to ascertain whether any of them are suffering from contagious or infectious disease.

Any immigrant suffering under any such disease may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

47. The Immigration Agent may, if he thinks fit, and shall on complaint made by any of the immigrants, inquire into the treatment of the immigrants during the voyage, and submit a report thereon to the Chief Commissioner. Enquiry into treatment of immigrants on the voyage.

Assignment of Immigrants.

48. The Chief Commissioner may from time to time make rules consistent with this Act regulating— Assignment of immigrants to employers.

(a) applications to the Immigration Agent by persons desiring to employ immigrants,

(b) the terms on which the Agent shall assign immigrants to such persons respectively,

(c) the terms on which immigrants shall be allowed to labour on their own account.

All such rules shall be published in the *British Burma Gazette*.

49. In assigning immigrants to particular employers, the Immigration Agent shall, so far as may be practicable, take care that they are not separated from their dependants. Immigrants not to be separated from dependants.

50. The assignment may be made in such form as the Chief Commissioner shall by rule direct, and the Immigration Agent shall send each employer a copy authenticated by himself of the entry forwarded to him by the Emigration Agent under section thirty-two. Form of assignment.

Such copy is hereinafter called "the employer's instrument."

51. The Immigration Agent shall endorse on the instrument of every immigrant assigned under section fifty an entry showing— Entry of assignment in immigrant's instrument.

(a) the name and residence of his employer, and
(b) the period for which the immigrant is so assigned.

PART IV.

THE LABOUR DISTRICTS AND RELATIONS OF EMPLOYER AND IMMIGRANT.

Inspectors of Immigrants.

52. The Chief Commissinner may appoint so many Inspectors and Assistant Inspectors of Immigrants as he thinks proper, and may from time to time define, by notification in the *British Burma Gazette*, the local limits within which each such Inspector and Assistant Inspector shall exercise and perform the powers and duties conferred and imposed on him by this Act. Appointment of Inspectors and Assistant Inspectors.

The Chief Commissioner may confer all or any of the powers of a Magistrate on such Inspectors and Assistant Inspectors; and they shall be public servants within the meaning of the Indian Penal Code. Powers of Inspectors.

53. Every employer of immigrants under this Act shall, on such days and in such mode as may be prescribed by rule, under section eighty-seven, make out in writing, and deliver to the Inspector of immigrants, a return of the number of immigrants so employed by him, and a return of the sickness and mortality among them during the preceding six months. Return of immigrants to be sent in by employer, &c., to Inspector.

54. Any employer refusing, or wilfully omitting, to send in any such return as mentioned in the last preceding section, or knowingly sending in an incorrect return, shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees; Penalty for refusing or omitting to send in return, or sending in incorrect return.

and a certificate under the hand of the Inspector to whom such return ought to have been sent, stating that such return has not been received, or is incorrect as aforesaid, shall be received as *prima facie* evidence of the truth of such statement.

55. Every Inspector of Immigrants shall, so often as may be directed by the Chief Commissioner, visit all lands and houses within the limits of his authority on or in which any immigrant is employed, and inspect every building or place in any way used by or for any such immigrants, or in or on which any such immigrants are employed and investigate the condition of such immigrants; and for such purpose the Inspector may require that any immigrant shall be produced before him with all papers relating to his contract under this Act, and may make such enquires as may to him seem proper. Inspector's visits.

56. Any Magistrate exercising jurisdiction in the district, and any person authorized by him in writing in this behalf may at any time— Power to inspect buildings, &c., and make enquiries as to immigrants.

(a) enter and inspect any building or place wholly or partially used by or for immigrants,

(b) require that any immigrant be brought before him aud,

(c) make any enquiries which he thinks proper touching the condition or treatment of any immigrant.

57. Any employer, and any person acting under his orders or on his behalf, who wilfully obstructs or impedes any visit, entry, inspection or enquiry under section fifty-five or section fifty-six, shall be liable for every such offence to a fine which may extend to five hundred rupees.

Suspension or Cancellation of Assignment.

58. The Inspector of Immigrants, within the local limits of whose authority any immigrant is employed, may suspend, for such period as he thinks fit, the assignment of such immigrant, or any particular term of his contract under this Act, if he be in the judgment of the Inspector temporarily incapacitated for the performance thereof by reason of sickness, or other sufficient cause :

Provided that every such immigrant shall, during such incapacity, receive from his employer such subsistence money not exceeding his wages as the Inspector thinks sufficient.

59. If any immigrant is compelled to perform any species of labour for which he is at the time manifestly unfit, or which is at variance with the terms of his assignment, the person so compelling him shall, on conviction by a Magistrate, be liable to a fine not exceeding one hundred rupees.

60. If, in the opinion of the Inspector of Immigrants, any immigrant is permanently incapacitated for the performance of his contract, according to the terms of his assignment, the Inspector shall certify to that effect in writing, and deliver such certificate to the employer of such immigrant, or to his manager or agent, and from the date of such delivery the assignment of such immigrant shall be wholly vacated.

The Inspector shall report every such case to the Local Government, and the Local Government shall either provide for the employment and support of the immigrant and his dependants, or return them to the place at which they were registered.

Provisions for the health and comfort of Immigrants.

61. Every employer of immigrants shall be bound to provide for them sufficient and proper house-accommodation, water-supply and sanitary arrangements, and such food as the Chief Commissioner may from time to time direct.

62. Any Inspector or Assistant Inspector who is himself a Magistrate, may institute within the local limits of his jurisdiction, a local enquiry whether any employer has provided for his immi-

grants sufficient and proper house-accommodation, water-supply, sanitary arrangements or food

At the instance of any Inspector or Assistant Inspector, a similar enquiry may be made by any Magistrate.

Every such enquiry shall be dealt with and conducted as an enquiry by a Magistrate under the Code of Criminal Procedure.

63. Any person disobeying rules passed under section eighty-seven, clause (c), shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may order compliance with such rules by the person bound to obey the same within a reasonable time to be fixed in the order.

If such person wilfully omits to comply with such order, he shall be liable to a fine not exceeding fifty rupees a day for every day that such omission continues.

If such person is an agent and fails to pay the fine, such fine shall be charged on the employer's land and shall be recoverable in the manner provided by section ninety-one.

64. Wherever such hospital accommodation or medical charge, as required by rules made under section eighty-seven, or medicines of such quality and kind and according to such scale as aforesaid have not been provided, the employer or other person wilfully neglecting to provide the same shall be liable to a fine not exceeding one hundred rupees for every week during which any such default continues.

Complaints against Immigrants.

65. Any immigrant who voluntarily and without reasonable cause absents himself from his employer's service, or without reasonable cause neglects or refuses to labour as required by his employer or according to the terms of his contract,

may, on conviction by a Magistrate, be sentenced to lose all claim to wages or allowances during such absence, neglect or refusal, and also to forfeit to his employer a sum not exceeding eight annas for each day during which such absence, neglect or refusal has continued; and in case such absence, neglect or refusal has exceeded seven days, or in case such immigrant has been already convicted of the same offence within a period of three months, he may be further sentenced at the request of the employer to imprisonment for fourteen days.

Explanation.—Ill-treatment of such immigrant by his employer, or the neglect of the employer to fulfil any condition of the contract may be 'reasonable cause within the meaning of this section.'

66. If any immigrant deserts or attempts to desert from his employer's service, such employer or any other person acting in his behalf may, without warrant, and without the assistance of any police

officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such immigrant wherever he may be found:

Provided that if he be found in the service of another employer, he shall not be arrested without a warrant.

Proviso.

The employer or other person apprehending an immigrant under this section shall, within a reasonable time after such apprehension, give him in charge at the nearest police station, and there enter the charge upon which he has been apprehended.

67. Any immigrant so given in charge shall be conveyed, without delay, to the nearest Magistrate having jurisdiction. If the place from which such immigrant is charged with having deserted be within the jurisdiction of such Magistrate, he shall himself adjudicate upon the charge; but if not, he shall forward the said immigrant under custody, to the Magistrate within the local limits of whose jurisdiction such place is situate, who shall adjudicate upon such charge.

68. Every immigrant deserting from his employer's service shall be liable to imprisonment which may extend to one month.

Every immigrant who after having been so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to two months.

Every immigrant who after having been twice so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to three months.

69. Whenever any immigrant has actually suffered imprisonment amounting in the whole to six months for desertion or unlawful absence from his employer's service, the Inspector shall, if the employer so desire, cancel the assignment of such immigrant by endorsement on the immigrant's instrument, or, if that is not forthcoming, by any writing under his hand.

70. All the provisions of this Act regarding the desertion or unlawful absence of immigrants shall apply to immigrants who desert while in transit to the district in which they are assigned to labour;

and such immigrants may be tried either in such district or in the district in which they may be apprehended.

71. Whoever knowingly and wilfully entices away, harbours, or employs, or attempts to entice from his employment any immigrant before he has been lawfully released from his contract, shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may award to the employer of such immigrant the whole or any portion of such fine.

72. The employer, or any person authorized to act for the employer, of any immigrant sentenced to imprisonment for any offence under this Act, may apply to the Magistrate, at any time before the expiry of such sentence, that such immigrant be made over to him for the purpose of completing his term of labour;

and the Magistrate may, if he see good cause, make over such immigrant to his employer, and in that case the Magistrate shall cancel the remainder of the sentence passed on the immigrant, and shall endorse on his instrument, or, if such instrument is not forthcoming, shall give him, a memorandum of such cancellation.

73. When any immigrant has been sentenced to imprisonment for any offence under this Act, the Magistrate shall (subject to the provisions of section sixty-nine) make over such immigrant on the termination of his imprisonment to any person appointed on the part of his employer to receive charge of him;

and no conviction under this Act, or imprisonment under such conviction, shall, save as aforesaid, operate as a release to any immigrant from the terms of his contract:

The period of imprisonment shall in no case be prolonged by reason of there being no person present on the part of the employer to take charge of the immigrant at the expiry of his sentence; but such immigrant shall, in that case, be sent to the place, or principal place of business of such employer, and the expense of so sending him shall be levied from the employer in the manner provided by section ninety-one.

74. The duration of every unlawful absence from labour, of which any immigrant may be convicted, and every period of imprisonment for any offence under this Act, shall, on the request of the employer, be endorsed by the convicting Magistrate on the employer's instrument,

and no such period of imprisonment or unlawful absence so endorsed shall be reckoned as part of the term for which the immigrant is bound to serve, but such term shall extend to such further period as is equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Complaints against employers.

75. If any immigrant states to his employer, or to any person acting for such employer, that he desires to make a complaint to the Inspector of

Immigrants of personal ill-usage or breach of any provision of this Act on the part of such employer or other person, the person to whom such statement has been made shall, within forty-eight hours, send notice thereof in writing to the Inspector, and in default of so doing, such person shall be liable to a fine not exceeding one hundred rupees.

76. Whenever any Inspector of Immigrants receives such notice in writing as aforesaid, or has other reasonable grounds for believing that any immigrant within the local limits of his jurisdiction has been injured by personal ill-usage or breach of any provision of this Act as aforesaid, he shall, so soon as conveniently may be, make full enquiry into the matter complained of.

77. If, upon such enquiry, the Inspector finds that the complaint is untrue or frivolous or vexatious, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his finding respecting it, and shall dismiss the complaint ;

and in such case shall endorse on the employer's instrument the number of days during which the complainant has been absent from work in consequence of such enquiry,

and such number of days shall be added to the period for which the complainant had contracted to serve,

and every such endorsement shall be conclusive evidence that such immigrant has absented himself from his labour without sufficient cause during the number of days so endorsed.

When the complaint is frivolous and vexatious, the complainant shall be liable on conviction before a Magistrate to a fine not exceeding five rupees.

78. If, upon enquiry as aforesaid, the Inspector is of opinion that the complaint is well founded, he shall, if a Magistrate, dispose of the case in due course of law.

If the Inspector is not a Magistrate, he shall without delay send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon dispose of the case in due course of law.

79. If, upon the complaint of any immigrant it is proved to the satisfaction of the Magistrate

that the wages of such immigrant are in arrear to an amount exceeding the total of his wages for two months, such Magistrate may award to the complainant the amount which appears to be then due to him ; and also, by way of compensation, such further sum, not exceeding that amount, as appears to the Magistrate to be just ; and in case of

default, the entire sum shall be recovered in manner provided by section ninety-one, and shall be paid to the complainant.

80. If any employer, or any person placed in authority over any immigrant by such employer is convicted of any offence causing injury to the person or property of such immigrant triable under the Code of Criminal Procedure by the Court of Session ;

or if any such employer, or other person as aforesaid, is twice convicted of any such offence against such immigrant triable under the said Code by a Magistrate ;

or if it be proved before a Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of such wages for three months ;

or if a Magistrate, on the report of the Inspector and after due enquiry in the presence of the parties, is satisfied that any immigrant has been subjected to ill-usage by such employer or any other person placed in authority over the immigrant by such employer, or has been compelled by such employer or person to perform any labour when known to such employer or person to be unfit for it,

the Magistrate may, if he think fit, on the application of the immigrant, in each of such cases cancel the assignment of such immigrant, and award to him, in addition to the wages (if any) due for service performed, compensation not exceeding thirty rupees.

Every such cancellation shall be certified by the Magistrate on the back of the immigrant's instrument, or if such instrument be not forthcoming, by writing under the Magistrate's hand delivered to the immigrant.

The compensation may be recovered in manner provided by section ninety-one.

Determination of Assignments and Contracts.

81. Every immigrant assigned under this Act, Immigrant who has on completing the term completed his assignment of his assignment or on may have such completion of the avoidance of the same endorsed. may appear before the Inspector or Immigration Agent, who shall, on being satisfied that the term has come to an end, make an entry to that effect on the immigrant's instrument.

82. Any employer or agent forcibly or fraudulently detaining an immigrant after the completion or avoidance of his assignment, or wilfully failing to give notice of such completion in accordance with rules prescribed under section eighty-seven, shall be liable to fine not exceeding five hundred rupees.

83. Any immigrant who is not assigned under this Act may redeem the unexpired term of his contract of service by paying to the Immigration Agent such sum of money as will repay the expense incurred by Government under this Act and chargeable to such immigrant after taking into account any repayment already made by him ; and the certificate of the Immigration Agent shall be conclusive evidence of the sum so chargeable.

84. Any immigrant who is assigned under this Act, and who is desirous to redeem the unexpired term of his contract, may demand to be taken or allowed to go before the Inspector of Immigrants within the local limits of whose authority he may be employed.

The Inspector shall then inform him what is the price at which his contract may be redeemed ;

and on his depositing that price in the hands of the Inspector, the Inspector shall give notice to the employer that such immigrant requires him, within one week, to show cause why such immigrant should not redeem his contract for the sum so deposited ;

and if no sufficient cause be shown within that time or such enlarged time as the Inspector deems reasonable, he shall require the production of the immigrant's instrument and endorse thereon a certificate of redemption, and out of the sum in deposit the employer of such immigrant shall be paid the value of the unexpired term of assignment.

From and after the date of such endorsement the immigrant's contract shall be deemed to have determined.

The value of the unexpired term of assignment shall be such as is provided for by the terms of the assignment or as may be fixed by any rules made, under section eighty-seven, clause (g), and in force at the date of the assignment.

85. Every immigrant whose contract has been completed or otherwise determined, shall be entitled to receive forthwith from the Immigration Agent a certificate of release in such form as may from time to time be prescribed by the Chief Commissioner.

PART V.

SUBSIDIARY RULES.

86. The Local Government of every port of embarkation under this Act may from time to time make rules consistent with this Act to regulate the following matters—

- (a) the fees payable under section fourteen ;
- (b) the form of notice of the arrival of emigrants at depôts ;
- (c) the management and regulation of depôts ;
- (d) the medical care of emigrants during their residence at the depôts and during transport ;
- (e) the clothing to be supplied to emigrants during transport ;
- (f) the mode of applying for licenses under section thirty-seven ;
- (g) the survey of emigrant vessels ;
- (h) the procedure on embarkation ;
- (i) the space to be provided for emigrants on board ships sailing from ports of embarkation under this Act ;

(j) the [provisions, fuel, and water to be laden on board such vessels, and the daily allowance to be issued to each emigrant ;

(k) the medical officers, medicines and medical requirements to be on board such vessels ;

(l) the ventilation and cleanliness of vessels during the journey, the control of officers, cooks and other servants, and generally the accommodation of emigrants.

87. The Chief Commissioner may, from time to time, make rules consistent with this Act to regulate the following matters :—

(a) the transport of immigrants from ports of debarkation under this Act to the places of their respective employments, their medical inspection during such transport, their detainer at any place on the way on account of sickness, and the accommodation, support and medical treatment of immigrants so detained ;

(b) the diet, clothing, medical attendance and management of immigrants in transit ;

(c) the hospital-accommodation, medicine and medical attendance to be provided by employers for their immigrants at the place of employment ;

(d) the periodical inspection of immigrants : the books to be kept by Inspectors of Immigrants ; and the returns to be made by employers of immigrants ;

(e) the house-accommodation, water-supply, sanitary arrangements and supply of suitable food to be provided by employers for their immigrants ;

(f) the notice to be given and forms to be observed on the termination of assignments of immigrants ;

(g) the terms on which contracts and assignments of service may be redeemed ;

(h) the hospital-accommodation and medical care of labourers, and the nature, quality and quantity of medical drugs and other stores to be provided for them ;

(i) and generally to provide for the security, well-being, and protection of immigrants.

88. All rules made under sections eighty-six and eighty-seven shall be published—
in the case of rules made under section eighty-six in the local official *Gazette* ;

in the case of rules made under section eighty-seven in the *British Burma Gazette*.

and shall thereupon have the force of law.

Whoever wilfully contravenes any of the said rules, for the breach whereof no penalty is herebefore specially provided, may for every such offence be punished with fine which may extend to one thousand rupees, and in default of payment, with imprisonment for a term which may extend to six months.

PART VI.

MISCELLANEOUS.

89. If any employer's instrument or any immigrant's instrument be lost or destroyed, the Immigration Agent shall, on application of the employer or immigrant (as the case may be), and on payment of such fee as the Chief Commissioner may fix in this behalf, send the applicant a copy of the instrument so lost or destroyed; and for the purposes of this Act, every copy so delivered shall be deemed to be the original.

90. All copies made under this Act shall be evidence of the contracts to which they respectively relate.

91. All balances due from any employer of immigrants under the terms of the assignments made to him under this Act, may be levied by the Deputy Commissioner either by distress and sale of any moveable property belonging to such employer, or as if they were land-revenue due on account of the estate on which the immigrants assigned to such employer are placed.

If the full amount is not recovered by the means aforesaid, the Chief Commissioner may declare the assignment of immigrants to such employer to be void so far as regards all or any of such immigrants, and the labour of the immigrants whose assignment is so vacated shall be again at the disposal of the Chief Commissioner according to section thirty-five.

92. All contracts for service in British Burma under the Chief Commissioner which have heretofore been entered into, shall be construed as if, after the words "Secretary of State for India," the words "in Council" were inserted.

SCHEDULE A.

(See Section 10.)

RECRUITER'S LICENSE.

Office of the Emigration Agent for British Burma at

A. B. is hereby licensed under the British Burma Labour Law, 1875, to act as a recruiter in the district of _____ for the purpose of inducing and engaging persons to proceed to British Burma for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the _____ day of _____

(Sd.) C. D.,

Emigration Agent.

SCHEDULE B.

(See Section 14.)

CERTIFICATE OF MEDICAL OFFICER AS TO HEALTH OF INTENDING EMIGRANT.

I hereby certify that I have this day examined A. B., and that he is, to the best of my belief and judgment, in a fit state of health, and able, in point of physical condition, to proceed to British Burma [and to work there].*

(Sd.) C. D.,

[Here add designation of examining officer.]

* These words to be omitted in case of women and children not engaging for labour.

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th July 1875, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

Bill No. 5 of 1875.

THE INDIAN TELEGRAPH BILL,
1875.

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For sending fabricated messages.
21. For retaining messages, &c., delivered by mistake.

A Bill to amend the law relating to Telegraphs in India.

Whereas it is expedient to amend the law relating to Telegraphs in India; It is hereby enacted as follows:—

I.—Preliminary.

Short title. 1. This Act may be called "The Indian Telegraph Act, 1875."

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty;

Local extent. And it shall come into force at once.

Commencement. 2. Act No. VIII of 1860 (for regulating the establishment and management of Electric Telegraphs in India) is hereby repealed.

But all licenses granted, declarations made, and rules framed under the said Act or under Act No. XXXIV of 1854 and now in force, shall be deemed to have been respectively granted, made and framed under this Act.

Saving of existing licenses and rules. Interpretation clause. 3. In this Act—
"Telegraph" means an Electric or Magnetic
"Telegraph."

"Telegraph Officer" means any person employed either permanently or temporarily* in connection with a Telegraph establishment, or maintained and worked by the Government, or by a Company or person licensed under this Act; and

"Message" means any communication sent by Telegraph, or given to a Telegraph Officer to be sent by Telegraph or to be delivered.

II.—Privileges and Powers of Government.

4. Within British India, the Governor General in Council shall have the exclusive privilege of establishing lines of Telegraph.

Provided that the Governor General in Council may grant a license to any person or Company to establish or to maintain a line of Telegraph within any part of British India, which license shall be revocable on the breach of any of the conditions therein contained.

5. On the occurrence of any public emergency (as to which an order signed by a Secretary to the Government of India shall be conclusive evidence), the Governor General in Council may take temporary possession of any line of Telegraph established or maintained by any Company or person licensed under this Act.

6. Any Railway Company on being required so to do by the Governor General in Council, shall permit the Government to establish upon the land of such Company adjoining the line of Railway a line of Telegraph, and shall give every reasonable facility for establishing and using the same.

7. The Governor General in Council may from time to time frame rules consistent with this Act, for the conduct of Telegraphs heretofore or hereafter established by Government, and may therein prescribe the regulations, conditions and restrictions according to which all messages and signals shall be transmitted thereby.

8. The Governor General in Council may from time to time, by notification in the Gazette of India,

(a) prescribe rules for the conduct of any Telegraphs established or maintained by any Company or person licensed under this Act;

(b) declare what portions of this Act shall be applicable to such Telegraph and to persons using the same, or employed in connexion therewith;

(c) declare that this Act or such portions thereof as may be specified in the notification shall be applicable to any Telegraph established or to be established within British India by any Foreign Prince or State with the consent of the Government of India, and to persons using such Telegraph or employed in connexion therewith.

All rules prescribed under this section shall have the force of law.

9. The Government of India shall not be responsible for any loss or damage which may occur in consequence of any Telegraph Officer failing to transmit with accuracy or to deliver any message given to him for transmission or delivery; and no such officer shall be responsible for any such loss or damage, unless he cause the same negligently, maliciously, or fraudulently.

III.—Penalties.

10. Whoever otherwise than under a license duly granted as aforesaid establishes, or after revocation of such license maintains, a line of Telegraph within British India, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained shall be liable to a further fine not exceeding five hundred Rupees.

11. Whoever, knowing or having reason to believe that a Telegraph has been established or is maintained in contravention of this Act, uses such Telegraph for the purpose of sending or receiving messages, or performs any service incidental thereto, shall for every such offence be liable to a fine not exceeding fifty Rupees.

12. Any Railway Company neglecting or refusing to comply with the provisions of section six shall be liable to a fine of one thousand rupees for every day during which such neglect or refusal continues.

13. Whoever, without permission enters the signal-room of a Telegraph Office of the Government, or of a Company or person licensed under this Act,

and whoever refuses to quit such room on being requested to do so by any officer or servant employed therein,

and whoever wilfully obstructs or impedes any such officer or servant in the performance of his duty,

shall be liable to a fine not exceeding one hundred Rupees.

14. Whoever unlawfully cuts, breaks, throws down, destroys, injures or removes any battery, machinery, wire, cable, post or other thing whatsoever, being part of or used in or about any Telegraph or in the working thereof,

and whoever unlawfully prevents or obstructs for preventing the sending, conveyance sending, &c., of messages or delivery of any message,

shall be liable to imprisonment for a term which may extend to two years, or to fine, or to both.

15. Whenever any act causing or likely to cause wrongful damage to any Telegraph is repeatedly committed in any place, and it appears to the Director General of Telegraphs that the employment of an additional police force in such place is thereby rendered necessary, the Local Government may, on the application of the said Director General, send such additional force to such place, and employ the same therein so long as such necessity continues,

and the inhabitants of such place shall be charged with the cost of such additional police force;

and the Magistrate of the District, after enquiry if necessary, shall assess the proportion in which such cost is to be paid by the said inhabitants according to his judgment of their respective means.

All monies payable under this section shall be recoverable either under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the local limits of such Magistrate's jurisdiction, or by suit in any competent Court, and shall be applied to the maintenance of the Police force, or otherwise as the Governor General in Council may from time to time direct.

16. Any Telegraph Officer who wilfully secretes, omits to transmit or deliver or omits to transmit any messages, message which he may have received for transmission or delivery,

or wilfully or otherwise than by the official order of a Secretary to the Government of India or to the Local Government, or of such other officer as the Governor General in Council authorizes to give such order, intercepts any message, or any part thereof,

or divulges any message, or the purport of any message or of any part thereof, to any person not entitled to receive the same,

or divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

shall be liable to imprisonment for a term not exceeding two years, or to fine, or to both.

17. Every Telegraph Officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code. And in the definition of "legal remuneration" contained in the said section 161 the word "Government" shall, for the purposes of this Act, be deemed to include a person or company licensed under this Act.

18. Any Telegraph Officer guilty of any act of drunkenness, carelessness, or other misconduct whereby the transmission or delivery of any message is endangered, or who loiters or makes delay in the transmission or delivery of any message, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred Rupees, or to both.

19. Any Telegraph Officer who transmits by Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

20. Whoever transmits or causes to be transmitted by a Telegraph a message which he knows to be false or fabricated, shall be liable to imprisonment for a term which may extend to two years, or to fine, or to both.

21. Whoever fraudulently retains, or wilfully secretes, or makes away with, or keeps, or detains a message which ought to have been delivered to some other person,

or being required by a Telegraph Officer to deliver up any such message neglects or refuses to do so,

shall be liable to imprisonment for a term which may extend to two years, or to fine, or to both.

STATEMENT OF OBJECTS AND REASONS.

Doubts having been raised whether under the present Telegraph Act (VIII. of 1860) rules can be framed for Telegraphs established under the repealed Act XXXIV. of 1854, the present Bill has been prepared with the primary object of repealing and re-enacting Act VIII. of 1863, with such change as will preclude all question as to the extent of the power above referred to.

The opportunity has been taken to make certain other alterations in the law, of which the chief are as follows:—

The present law declares that Railway Companies shall permit Government to establish Telegraphs on their land, but provides no penalty for refusing such permission; the Bill (section 12) supplies this defect.

The section relating to injuries to Telegraphs has been made more specific, the wording of 24 & 25 Vic., cap. 97, section 37, being here followed.

A clause founded on sections 14 and 15 of the Police Act V. of 1861 has been introduced to empower the Local Government to employ additional Police in places where mischief to Telegraphs is repeatedly committed, and to charge the inhabitants with the cost of the Police so employed.

The clause imposing penalties for sending fabricated messages has been made to apply to messages sent by Telegraphs established by a Company or person licensed under the proposed Act, as well as to messages sent by Government Telegraphs.

Fraudulently retaining or wilfully secreting telegraphic messages is made penal. An analogous clause is contained in the Post Office Act (XIV of 1866), section 45.

Sections 16, 17, 18, 19 and 20 of Act VIII of 1860, which relate to fines and jurisdiction, have been omitted, as rendered unnecessary by Acts I of 1868 and X of 1872.

SMILA, } A. HOBHOUSE,
The 5th July 1875. }

WHITLEY STOKES,

Secretary to the Government of India.