

ACT NO. VII OF 1893.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th March, 1893.)

An Act to amend the Inland Emigration Act, 1882.

WHEREAS it is expedient to amend the Inland Emigration Act, 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Inland Emigration Act, 1893; and

(2) It shall come into force at once.

Substitution of new section for section 1, Act I of 1882.

2. For section 1 of the said Inland Emigration Act, 1882, the following shall be substituted, namely:—

Short title.

“1. This Act may be called the Assam Labour and Emigration Act, 1882.

Local extent

“It extends—

(a) to the territories respectively administered by the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces and Assam, and to the district of Ganjam; and

(b) to such other portions of the territories administered by the Governor of Fort St. George in Council as the Governor in Council, with the previous sanction of the Governor General in Council, may, by notification in the Fort St. George Gazette, from time to time direct.

“It

(Sections 3-5.)

“It shall come into force—

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

Commencement.

3. (1) In section 3 of the said Act, in the definition of the expression “the labour-districts,” the words “Chittagong, the Chittagong Hill Tracts,” and “Khasi Hills” are hereby repealed.

Amendments of section 3.

(2) In the same section of the said Act, in the definition of the word “emigrate,” the words “not being a labour-district” are hereby repealed; and for the words “Chief Commissioner of Oudh” the following shall be substituted, namely:—

“Chief Commissioners of Oudh and the Central Provinces, or from any portion of the territories administered by the Governor of Fort St. George in Council in which this Act may, for the time being, be in force.”

(3) In the same section of the said Act, in the definition of the word “dependent,” for the word “means” the word “includes” shall be substituted.

4. In section 4 of the said Act, after the word “labour-district,” where it first occurs, the words “or specified area thereof,” and after the same word where it afterwards occurs, the words “or area,” shall be respectively inserted.

Amendments of section 4.

5. For the penultimate paragraph of section 9 of the said Act the following shall be substituted, namely:—

Amendment of section 9.

“No such contract shall be made for a term exceeding four years or, if the contract is entered into under the provisions of section 111 of this Act, for a term exceeding one year, commencing from the date of its execution; or shall stipulate for a less rate of
monthly

(Sections 6-7.)

monthly wages for a completed daily task regulated in accordance with the provisions of this Act than five rupees in the case of a man and four rupees in the case of a woman, for the first three years of the term of the contract, and six rupees in the case of a man and five rupees in the case of a woman for the fourth year of such term."

Addition of new section after section 9.

In absence of specific obligation, underground labour not obligatory.

6. After the same section of the said Act the following shall be inserted, namely :—

"9A. Unless the contract contains a specific obligation to this effect, no labourer shall be bound by any labour-contract entered into under this Act to undertake any work involving underground labour in mines."

Addition of new sections after section 11.

Power of Local Government to cancel contract for wrongful recruitment.

7. After section 11 of the said Act the following sections shall be inserted, namely :—

"11A. If the Local Government, after such enquiry as it thinks sufficient, is of opinion that any labourer was recruited or conveyed to a labour-district, or compelled or induced to enter into a labour-contract, by any coercion, undue influence, fraud or misrepresentation, or that any such irregularity has occurred in connection with his recruitment or the execution of his contract as makes it just to rescind his contract, the Local Government may, by an order in writing, direct the labour-contract of such labourer to be cancelled.

" On receipt of any such order by the Local Government, the Superintendent, Inspector or Magistrate shall cancel the contract referred to, and shall thereupon make an endorsement that it has been so cancelled on the labourer's copy of the contract or, if the same be not forthcoming, shall give to the labourer a certificate to that effect.

Power to cancel contract of

"11B. When the labour-contract of any labourer is or has been cancelled under the last foregoing section,

the

(Section 7.)

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

labourer related to labourer whose contract is cancelled.

“11C. Subject to any orders which the Local Government may issue in this behalf, the Superintendent, Inspector or Magistrate may send back to his native district any labourer, together with his dependents (if any) whose contract has been cancelled under section 11A, and may recover the whole or any part of the expenses incurred in so sending him back, as follows, namely:—

Repatriation of labourers whose contracts cancelled for wrongful recruitment.

- (a) when the contract has been cancelled before the labourer has reached the labour-districts, in accordance with the provisions of section 49 or section 79, as the case may be, as if it were a sum recoverable under one of those sections;
- (b) when the contract has been cancelled in a labour-district, from the employer on whose estate the labourer was under contract to labour, as if it were an arrear of wages.

“11D. In any case in which a labourer is sent back to his native district under the provisions of the last foregoing section, the Superintendent, Inspector or Magistrate may provide an escort or make such other arrangements as may appear to him to be necessary for ensuring that such labourer is actually conveyed to such district. Any expenditure incurred in providing such escort or making such arrangements may be recovered as part of the amount expended in sending such labourer back to his native district.”

Escort for repatriated labourer.

8. For

(Sections 8-12.)

Substitution of new section for section 16.

Sub-contractor only to represent one contractor.

Addition of new sections after section 42.

Employer may require medical certificate as to fitness to labour previous to contract.

Medical officer entitled to fee.

Amendment of section 84.

Amendment of section 86.

Substitution of new sections for sections 111 and 112. Labour-contracts executed in

8. For section 16 of the said Act the following shall be substituted, namely :—

“16. No sub-contractor shall be licensed to act on behalf of more than one contractor.”

9. After section 42 of the said Act the following shall be inserted, namely :—

“42A. If the employer with whom any labourer intends to contract, or the agent of such employer, has given notice to the Superintendent that before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a competent medical man and certified by him to be in a fit state of health and able in point of physical condition to reside and labour for hire in the labour-district in which the estate of such employer is situate, the Superintendent shall not permit such labourer to execute a labour-contract until such certificate from such medical man as aforesaid has been produced and shown to him.

“42B. If the employer or his agent has directed that such examination shall be made by any medical officer in the service of Government, such officer making the examination shall be entitled to receive from such employer or his agent such a fee not exceeding eight annas for each labourer so examined as the Local Government may fix.”

10. In section 84 of the said Act, after the word “registered” the words “and such further sum (if any) by way of compensation as the Superintendent thinks reasonable” shall be inserted.

11. In section 86 of the said Act all the words after the word “labour-districts” are hereby repealed.

12. For sections 111 and 112 of the said Act the following shall be substituted, namely :—

“111. Any employer may enter into a labour-contract

(Section 12.)

contract for any term not exceeding one year commencing from the date of the execution of the contract with any native of India within the labour-district in which the estate on which such native contracts to labour is situated. When any employer has executed any such contract with any such native within a labour-district, he shall, within one month from the date of the execution of such contract, forward it in duplicate to the Inspector within the local limits of whose jurisdiction such estate is situated. On receipt of the contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the contract to the labourer and the other copy to his employer.

labour-districts between employer and native direct.

Registration of such contracts.

“111A. When, for the first time after the registration of any such contract with a labourer, the Inspector visits the estate on which such labourer is employed, the employer shall cause such labourer to appear before the Inspector for the purpose of having his contract verified, and such labourer may thereupon apply to the Inspector to cancel the contract; and, if he shows cause sufficient in the opinion of the Inspector to justify the cancellation, the Inspector shall cancel the contract, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if such copy be not forthcoming, shall give to the labourer a certificate to that effect.

Verification and cancellation of such contracts.

“111B. The Inspector or Magistrate may at any time, either on the application of the employer or the labourer or of his own motion, require the employer to cause any labourer who has entered into a contract under section 111 and is employed upon any estate within the local limits of the jurisdiction of the Inspector or Magistrate to appear before him for the purpose of having his contract verified; and, if such labourer applies to the Inspector or Magistrate to cancel his contract and shows cause sufficient in the opinion of the Inspector or Magistrate to justify such cancellation,

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

(Section 12.)

cancellation, the Inspector or Magistrate shall cancel the contract as provided in the last preceding section.

Labour-
contracts
executed
within la-
bour-dis-
tricts before
Inspector or
Magistrate.

“112. Notwithstanding the provisions of section 111, any employer may enter into a labour-contract with any native of India in a labour-district for any term not exceeding four years commencing from the date of the execution of the contract if he appears either in person or by agent with such native before the Inspector or Magistrate within the local limits of whose jurisdiction the estate upon which such native is about to contract to labour is situated.

“Such Inspector or Magistrate shall thereupon explain the labour-contract to such native, and shall, if satisfied that he is competent to enter into and understands the same, call upon him and the employer or his agent to execute it in his presence; and, if they execute it, shall attest such execution with his signature.

“An abstract of every such labour-contract shall be entered in a register to be kept by the Inspector or Magistrate for the purpose; and one copy of such contract shall then be given to the labourer and the other copy to his employer or his agent.

“In respect of every labour-contract an abstract whereof is registered under section 111 or under this section, the employer who executes such contract in person or by agent shall pay to the Inspector or Magistrate such fee, not exceeding one rupee, as the Local Government may from time to time direct.

Execution of
labour-con-
tract before
Inspector or
Magistrate of
Dhubri.

“112A. For the purposes of the last preceding section an estate situated in any one of the following districts of the Assam Valley Division, namely, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur, shall be deemed to be also situate within the local limits of the jurisdiction of the Inspector and Magistrate resident at the civil station of Dhubri in the Goalpara District; and, subject to such rules as the Local Government may prescribe in this behalf,

contracts

(Section 12.)

contracts to labour on any estate in any of the labour-districts above named may be executed and registered before the Inspector or Magistrate at Dhubri in accordance with the provision of the last preceding section.

“112B. The Local Government may, after previous publication, make rules consistent with this Act with respect to all or any of the following matters, namely:—

Power of Local Government to frame rules in connection with the execution of labour-contracts at Dhubri.

- (a) the execution and registration of contracts under section 112A before the Inspector or Magistrate at Dhubri;
- (b) the medical examination at Dhubri by the Civil Surgeon or other competent medical man of labourers and persons intending to become labourers and their dependents;
- (c) the conditions under which depôts, rest-houses and other places may be established and maintained at Dhubri for the reception and lodging of labourers and persons intending to become labourers and their dependents; the sanitation and management of such depôts, rest-houses and other places; the arrangements for food, water and conservancy therein; the clothing and necessary utensils to be supplied to persons lodged therein; and the hospital accommodation for and medical treatment of such persons;
- (d) the control and inspection by officers of Government of such depôts, rest-houses and other places; and
- (e) the registers to be kept, and the reports and returns to be made, by the persons in charge of such depôts, rest-houses and other places.”

13. For

D

(Sections 13-15.)

Substitution
of new sec-
tion for
section 114.

13. For section 114 of the said Act the following shall be substituted, namely :—

Powers of
Inspector
or Magistrate
to inspect
lands and
houses and
to make
requisitions
and inquiries.

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

Amendment
of section
115.

14. In section 115 of the said Act, for the words “whole number of days in the current month,” the following shall be substituted, namely :—“number of working days in the current month. The number of working days in any month shall be ascertained by deducting the number of Sundays from the whole number of days in the month.”

Amendment
of section
121.

15. For the last sentence of section 121 of the said Act the following shall be substituted, namely :—

“The Inspector shall from time to time, when visiting the estate, on the application of the employer, and may also at any other time on the application of either the employer or the labourer, endorse on the labourer’s labour-contract, after such enquiry as may be necessary, the number of days so to be added to the term thereof :

“Provided that an employer who omits to apply for the endorsement of such days on any labourer’s labour-contract, when the Inspector is actually visiting the estate, shall, in the absence of sufficient reasons to the contrary shown to the satisfaction of the

Inspector,

(Sections 16-18.)

Inspector, be debarred from applying afterwards for such endorsement in so far as days of absence which occurred prior to the date of the Inspector's last visit are concerned."

16. Between the first and second paragraphs of section 128 of the said Act the following shall be inserted, namely:—

Amendment of section 128.

"The Magistrate of the District may also of his own motion summon such a Committee, if, either from his own observation or upon the report of an Inspector, Magistrate or Medical Officer, he is of opinion that any estate or portion of an estate is, for any of the reasons aforesaid, unfit for the residence of labourers or of any particular class of labourers."

17. After the same section of the said Act the following shall be inserted, namely:—

Addition of new section after section 128.

"128A. If it appears to the Local Government, upon the report of an Inspector, Magistrate or Medical Officer,—

Local Government may order Committee.

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

(b) that the percentage of mortality of labourers or of any particular class of labourers employed on any estate or on any portion of an estate is such as would justify the institution of an inquiry by a medical officer under section 130 of this Act,

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

18. To the last paragraph of section 129 of the said Act the following shall be added, namely:—

Addition to section 129.

"Where the finding relates to the whole of any estate and the employer has no other estate in the same

(Sections 19-21.)

same labour-district on which the labourer may be employed, the Inspector shall cancel the labour-contract of such labourer, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if such copy be not forthcoming, shall give to the labourer a certificate to that effect."

Addition of new section after section 129.
Local Government may pass orders on proceedings of Committee.

19. After section 129 of the said Act the following shall be inserted, namely :—

"129A. The Local Government may call for the proceedings of any Committee summoned under section 128 or section 128A of this Act, and, if the finding of such Committee is not unanimous, the Local Government may record any finding thereon which such Committee was competent to record, and such finding shall have the same effect as the finding of a Committee under section 129."

Amendments of section 130.

20. In section 130 of the said Act, after the words "Local Government" each time they occur the words "or the Magistrate of the District" shall be inserted, and to the same section the following shall be added, namely :—

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

Amendments of section 132.

21. (1) In section 132 of the said Act, for the words "and that such estate or portion is thereby rendered" the words "or that such estate or portion is" shall be substituted.

(2) In the same section, for the words following the word "labourers" the first time it occurs down to and including the same word the second time it occurs, the words "or of any particular class of labourers, it may make a declaration in writing to that effect," shall be substituted.

22. For

(Sections 22-25.)

22. For section 133 of the said Act the following shall be substituted, namely :—

“133. If it at any time appears to the Inspector that any estate or smaller area, which has been found or declared under any of the preceding provisions to be unfit for the residence of labourers or of any particular class of labourers, has become fit for the residence of such labourers or class of labourers, as the case may be, he shall, with the previous sanction of the Magistrate of the district in which such estate or area is situate, give a certificate to that effect signed by him. Thereupon all such labourers as are mentioned or referred to in the last paragraph of section 129, and whose contracts have not been cancelled by the Inspector under that section, shall again be bound to labour on the estate or area, as the case may be, to which the certificate relates for the unexpired periods (if any) of their respective contracts.”

Substitution of new section for section 133. Power to certify fitness of estate or portion found or declared to be unfit.

23. After section 140 of the said Act the following shall be inserted, namely :—

“140A. When the labour-contract of any labourer is or has been cancelled or determined under section 111A, 111B, 122 or 140, the Inspector or Magistrate, as the case may be, may, at his discretion, and on the application of the labourers concerned, cancel the labour-contract of any labourer employed on any estate belonging to the same employer being a wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or determined.”

Addition of new section after section 140. Power to cancel contract of labourer related to labourer whose contract is cancelled or determined.

24. In the last paragraph of section 142 of the said Act, for the words “third, fourth and fifth years” the words “third and fourth years” shall be substituted.

Amendment of section 142.

25. After section 142 of the said Act the following shall be inserted, namely :—

“142A. In any case in which the contract of a labourer

Addition of new sections after section 142. Power to equalize

(Section 25.)

terms of contract in case of husband and wife.

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

“Every such addition or deduction from the term of any contract shall be certified by such Inspector or Magistrate on the back of both the employer’s and the labourer’s copies of the contract, or, if the same be not forthcoming, by writing under the Inspector or Magistrate’s hand, copies of which shall be delivered to the employer and the labourer.

“F.—*Repatriation of Labourers and others.*

Repatriation of labourers whose contract is determined under section 122.

“142B. If any labourer, not being a native of the labour-districts, whose contract is determined under section 122, desires to be sent back to his native district, the Inspector may, instead of awarding a sum as receivable by such labourer from his employer, as provided by that section, order the employer to deposit such amount, whether in excess of the three months’ wages awardable under that section or otherwise, as shall, in the Inspector’s opinion, be sufficient to cover the entire expenses of sending the labourer to such district. Such amount shall be deposited by the employer in the Inspector’s office and shall be expended by the Inspector in sending the labourer back to his native district.

“On failure of the employer to deposit such amount within twenty-four hours in accordance with any such order, the Inspector may pay the same, and any amount so paid shall be recoverable from the employer as if it were an arrear of wages.

Repatriation of immigrants not

“142C. If any person, being a native of India but not being a labourer, who has emigrated from his native

(Section 25.)

native district to a labour-district for the purpose of labouring for hire in any estate situate therein, or being a dependent of any person who has so emigrated, has no means of subsistence and is, in the opinion of the Inspector or Magistrate, permanently incapacitated from earning his livelihood in a labour-district, the Inspector or Magistrate may, on the application of such person, send him back, together with his dependents (if any) to his native district, and may, subject to the control of the Local Government, charge the expenses incurred in so doing to the Inland Labour Transport Fund.

under contract who are physically incapacitated.

“142D. Subject to any orders which the Local Government may issue in this behalf, the Inspector or Magistrate may send back to his native district any labourer, together with his dependents (if any), whose contract has been cancelled under section 111A or 111B on the ground of coercion, undue influence, fraud or misrepresentation, or of any irregularity in connection with his recruitment or the execution of his contract, and may recover, as if it were an arrear of wages, from the employer on whose estate such labourer was under contract to labour, the whole or any part of the expenses incurred in so sending him back.

Repatriation of labourers wrongfully recruited.

“142E. If it appears to the Inspector or Magistrate, on complaint made before him or otherwise, that there is reason to suppose that any native of India, not being a labourer, has been induced by any coercion, undue influence, fraud or misrepresentation to emigrate to a labour-district, the Inspector or Magistrate shall call upon the employer on whose behalf such person was made or induced to emigrate, or to whose estate he is being or has been conveyed, or, if the employer cannot be communicated with without undue delay, upon his agent or any one accompanying such person or conveying him to any labour-district or estate, to appear before the Inspector or Magistrate and show cause why such person should not be sent back to his native district.

Repatriation of persons not under contract wrongfully recruited.

“ If

(Section 26.)

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

“Subject to any orders which the Local Government may issue in this behalf, the whole or any part of the amount expended in sending a person back to his native district under this section may be recovered as if it were an arrear of wages from the employer on whose behalf such person was induced to emigrate or to whose estate he was being or had been conveyed ; or if the employer is not known, or if there is no such employer, by distress and sale of any moveable property belonging to the person accompanying such person or conveying him to any labour-district or estate.

Arrange-
ments may
be made for
escorting
persons
ordered to be
repatriated.

“142F. In any case in which a labourer or other person is sent back to his native district under the provisions of section 142D or section 142E, the Inspector or Magistrate may provide an escort or make such other arrangements as may appear to him to be necessary for ensuring that such labourer or person is actually conveyed to such district. Any expenditure incurred in providing such escort or making such arrangements may be recovered as part of the amount expended in sending such labourer or other person back to his native district.”

Amendment
of sections
143 and 145.

26. To section 143 of the said Act the words “In addition to any other power to make rules conferred by this Act” shall be prefixed ; and in section 145 of the said Act, for the word “hereunder” the words “under this Act” shall be substituted.

27. For

(Sections 27-28.)

27. For section 151 of the said Act the following shall be substituted, namely:—

“151. Whoever, being a garden-sardar, fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate, or

fails without sufficient cause to return to his employer within the time specified in his certificate, or

fails to account for the money advanced to him by his employer for the purpose of engaging labourers, and

whoever, being a garden-sardar or a person appointed under section fifty or section seventy-three to accompany labourers to a labour-district, wilfully abandons any labourer or his dependent on the way to such district, or

removes or attempts to remove any person to a labour-district before he has been registered as provided by section sixty-six, or

induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of such sardar before he has been so registered, or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area before he has been so registered,

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

28. For section 152 of the said Act the following shall be substituted, namely:—

“152. Any garden-sardar who makes over to any contractor, sub-contractor or recruiter, or to the garden-sardar or local agent of any employer other than the employer by whom his certificate was granted

or,

Substitution of new section for section 151. Garden-sardar failing to report himself, etc.

Substitut of new section f section 152. Garden-sardar making over labourers contract

(Sections 29-30.)

or committing like offences.

or, without authority from his employer, to any other person, any persons whom he has engaged or intends to engage as labourers, or

places any such person in a contractor's depôt or in the place of accommodation provided by a recruiter in accordance with the provisions of section 27, or

allows any persons engaged as labourers by any contractor or sub-contractor or recruiter to share the accommodation provided by him under section 57,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both; and his certificate may be impounded by the convicting Magistrate.

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

Amendment of section 164.

29. In section 164 of the said Act, after the word “inquiry” the words “or omits to comply with any requisition” shall be inserted.

Amendment of section 170.

30. In the second paragraph of section 170 of the said Act, after the words “any Inspector who receives any such statement shall” the words “if the employer so desires” be inserted, and to the same section the following shall be added, namely:—

“The Inspector may also at any time other than that of his visit to the estate, on the application of either the employer or the labourer, after due enquiry, endorse such days of absence on, and add them to the term of, the labour-contract: Provided that an employer who omits to apply for the endorsement of such days on any labourer's labour-contract when the Inspector is actually visiting the estate shall be debarred, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, from applying afterwards for such endorsement so far as days of absence reported in statements sent to the Inspector

(Sections 31-32.)

spector previous to the date of his last visit are concerned."

31. After section 171 of the said Act the following section shall be inserted, namely:—

Addition of new section after section 171.

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

Statement of deserters.

32. For section 173 of the said Act the following shall be substituted, namely:—

Substitution of new section for section 173.

"173. The police-officer in charge of such station shall, on the appearance of the parties, take down in writing the statements of the labourer arrested and of the person arresting the labourer.

Procedure at police-station.

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

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

"If

(Sections 33-34.)

“If the estate on which the labourer is under contract to labour is not situate within the local limits of the jurisdiction of the Magistrate referred to in the last two preceding paragraphs, such Magistrate shall forward the statements and report received by him from the police to the Magistrate within the local limits of whose jurisdiction such estate is situate. He shall also, when the labourer has been sent to him by the police, either forward the labourer to, or take security for his appearance before, such Magistrate.

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

Additions to
section 175.

33. In section 175 of the said Act—

- (a) after the words “one month” the words “or with fine which may extend to twenty rupees, or with both,”
- (b) after the words “two months” the words “or with fine which may extend to fifty rupees, or with both,”
- (c) after the words “three months” the words “or with fine which may extend to one hundred rupees, or with both,”

shall be added, respectively.

Substitution
of new sec-
tions for sec-
tion 182.
Endorsement
on contract
of period of
unlawful
absence or
imprison-
ment for
offence
against Act.

34. For section 182 of the said Act the following shall be substituted, namely:—

“182. When any labourer is convicted under section 171 of absence from labour or is sentenced to imprisonment for an offence under this Act, the Magistrate so convicting or sentencing him shall endorse on the employer's copy of the labour-contract the period during which such labourer is convicted under

(Section 34.)

under the section aforesaid of being absent from his labour or the term for which he is sentenced to imprisonment, or both, as the case may be.

“182A. When any labourer is convicted under section 175 of desertion from his employer’s service, the Magistrate convicting him shall, on the application of the employer or his agent, endorse on the employer’s copy of the labour-contract (in addition to the term of imprisonment to which the labourer may be sentenced for such desertion), the period during which the Magistrate finds that the labourer was absent from his labour in contravention of his contract owing to such desertion :

Endorsement on contract of desertion or imprisonment for desertion.

“Provided that no such endorsement shall be made in any case in which the labour-contract has been cancelled under the provisions of section 177 or in any case in which the original term of the labour-contract has expired on the date of the conviction, and more than three years have elapsed from the date of the labourer’s desertion to that of his arrest :

“Provided also that the employer has duly reported the particulars of the desertion in the monthly statement provided for in section 171A.

“182B. When any labourer is sentenced to imprisonment for any time not exceeding three years for any offence other than an offence under this Act, the Court or Magistrate so sentencing him shall, if the employer or his agent shall so request, endorse on the employer’s copy of the labour-contract the period for which the labourer is sentenced to imprisonment, or, if such period exceeds the unexpired term of the labour-contract on the date of the sentence, so much of such period as is equal to such unexpired term.

Endorsement on contract of period of any other imprisonment.

“182C. The periods endorsed under the three last preceding sections shall be added to the term for which the labourer contracted to serve; and such labourer shall not be deemed to have performed his labour-contract till he has served for the term specified therein in addition to the period so endorsed.”

Periods endorsed to be added to term of contract.

35. After

(Sections 35-37.)

Addition of
new section
after section
183.

35. After section 183 of the said Act the following shall be inserted, namely :—

Failure to
forward con-
tract under
section 111
or to cause
labourer to
appear under
section 111B.

“183A. Whoever, being bound under section 111 to forward any labour-contract to the Inspector, or under section 111B to cause any labourer to appear before the Inspector or Magistrate, wilfully omits or neglects so to forward such labour-contract to the Inspector at or within the time specified, or to cause such labourer to appear before the Inspector or Magistrate within a reasonable time, shall be punished with fine which may extend to two hundred rupees.”

Amendment
of section
192.

36. In section 192 of the said Act, after the words “leave allowances” the words “for meeting the cost of sending labourers and other persons back to their native districts” shall be inserted.

Amendments
of schedule.

37. (1) In the schedule to the said Act, opposite the word “labour” where it first occurs, the following note shall be inserted, namely :—

“* State nature of labour if the labourer is to be required to work under the ground.

(2) In the same schedule, for the portion which follows the tabular statement, headed “*Form of Description of Labourer*,” the following shall be substituted, namely :—

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

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

Dated at
This day of

} Signed _____
Registering Officer or Inspector
or Magistrate.

[Endorsements

1893.]

Inland Emigration.

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(Section 38.)

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

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

*Dated at
This day of*

*Signature of employer
or Inspector.*

I hereby certify that the foregoing contract has been cancelled under the provisions of section of Act

*Dated at
This day of*

*Signature of Inspector
or Magistrate."*

38. Act XXII of 1891 (*an Act to extend the In-*
land Emigration Act, 1882) is hereby repealed.

Repeal of Act
XXII of
1891.