

THE ASSAM LABOUR AND EMIGRATION ACT,
1901 (VI OF 1901).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Local Government may prohibit recruitment, etc., for emigration to any labour-district or part thereof either absolutely or otherwise than under certain provisions of Act.
4. Appointment of officers.

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

5. Essentials of labour-contracts.
6. Contracts not enforceable as labour-contracts unless made in accordance with section 5.
7. In absence of specific obligation, under-ground labour not obligatory.
8. Where contract does not specify estate, labourer to be deemed to have contracted to labour on any estate in charge of employer and situate in labour-district.
9. Persons who may enter into labour-contracts.
10. Power of Local Government to cancel contract in case of wrongful recruitment.
11. Power to cancel contract of labourer related to labourer whose contract is cancelled.
12. Repatriation of labourers whose contracts are cancelled.
13. Escort for repatriated labourer.

CHAPTER III.

RECRUITMENT BY CONTRACTORS, SUB-CONTRACTORS AND RECRUITERS.

Contractors and Sub-contractors.

14. Licensing of contractors and sub-contractors.

15. Fee

SECTIONS.

15. Fee for, and form of, contractors' and sub-contractors' licenses.
16. Duration of contractors' and sub-contractors' licenses and cancellation thereof.
17. Duties of contractors.
18. Sub-contractor to act on behalf of only one contractor.
19. Contractor or sub-contractor acting as recruiter.
20. Liability of contractors for sub-contractors' and recruiters' acts and defaults.
21. Contractor to establish depôts.
22. Inspection and supervision of depôts.
23. Establishment of hospital-depôts.
24. Contractor to contribute towards establishment and maintenance of hospital-depôt.

Recruiters.

25. Licensing of recruiters.
26. Form of, and fee for, recruiter's license.
27. Duration of recruiter's license.
28. Recruiter to hold certificate from contractor or sub-contractor.
29. Magistrate's countersignature of recruiter's license.
30. Magistrate to supervise accommodation.
31. Cancellation of Magistrate's countersignature in certain cases.

Procedure before Arrival at Depôts.

32. Intending labourer to be taken for examination to medical officer.
33. If certified to be fit, intending labourer to be brought before Registering-officer.
34. Examination and registration of intending labourer.
35. Arrangements to be made for return to home of intending labourer whose registration is refused.
36. Copy of registration to be given to labourer.
37. Copy of registration and medical certificate to be sent to Superintendent.
38. Fee for registration.
39. Recruiter when to remove person to depôt.
40. Conveyance of labourer to depôt.
41. Recruiter to provide food and lodging for labourer on journey.

Procedure at Contractors' Depôts.

42. Contractor to report arrival of labourer.
43. Duties of Medical Inspector.

44. On

SECTIONS.

44. On grant of certificate, labourer to enter into labour-contract.
45. Contract to be explained to labourer by Superintendent, and abstract and copies to be made.
46. Power for employer to require further medical certificate as to fitness to labour previous to contract.
47. Fee of medical officer when in Government service for examination under section 46.
48. Power to cancel contract and order payment of expenses of return of labourer in certain cases.
49. Labourer when to be lodged, etc., at depôt till he can return home.
50. Like provisions in case of dependants and relatives.
51. Compensation to labourer for ill-treatment on the journey.
52. Procedure when dependant declared unfit to proceed to labour-district.
53. Labourer and relatives entitled to be returned with dependant.
54. Failure of contractor to pay sums ordered to be paid under sections 48 to 53.
55. Provisions as to escort on journey and way-bill.

CHAPTER IV.

RECRUITMENT BY GARDEN-SARDARS AND LOCAL AGENTS.

Garden-sardars.

56. Employer may grant certificate to garden-sardar.
57. Form and particulars to be contained in such certificate.
58. Certificate to be accepted and signed in presence of Inspector or Magistrate.
59. Inspector's or Magistrate's countersignature of certificate.
60. Provision for grant of fresh certificate.
61. Certificate when to come into force, and duration thereof.
62. Accommodation to be provided by garden-sardar.
63. Cancellation of certificate in certain cases.

Local Agents.

64. Licensing and duties of local agents.
65. Selecting agent.
66. Prosecution of garden-sardars by local agents.
67. Cancellation of licenses of local agents.

Procedure to be followed by Garden-sardars.

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

69. Examination

SECTIONS.

69. Examination and registration of persons engaged by garden-sardar.
70. Medical examination.
71. Fee to be paid for every labourer produced for registration.
72. Labour-contract to be executed.
73. Procedure when employer requires medical examination previous to registration.
74. Fee of medical officer when in Government service for examination under section 73.
75. Garden-sardar when to remove labourer to labour-district.
76. Garden-sardar to accompany labourers or send competent person with them.
77. No restriction on number of persons engaged by garden-sardar.
78. Appointment in certain cases of garden-sardar to accompany labourers not engaged by him.
79. Provision for way-bill.
80. Garden-sardar to provide food and lodging for labourers and dependants on journey.
81. Power for Magistrate in certain cases to award compensation or cancel contract.
82. Procedure on failure of garden-sardar to comply with order.
83. Medical inspection of labourers *en route*.
84. Detention and return of labourer declared when *en route* to be unfit to travel.
85. Dependants of labourer when to be fed, etc.
86. Payment of expenses of detention and return journey of labourer.
87. Representative of employer may procure order from Superintendent cancelling the labour-contract on payment of expense of return.
88. Cancellation of contracts of relatives.
89. Cost of escort for repatriated labourer.

CHAPTER V.

ENGAGEMENT OF EMIGRANTS OTHERWISE THAN UNDER CHAPTERS III AND IV.

90. Special provisions as to engagement of emigrants through garden-sardars.
91. Special provisions as to engagement of emigrants through approved agencies or associations.
92. Saving of engagement of emigrants otherwise than under foregoing provisions of Act.
93. Application

SECTIONS.

93. Application of Act to persons engaged under this Chapter.

CHAPTER VI.

TRANSPORT.

Routes, etc.

94. Routes to be followed and rules observed.

Transport by River.

95. Transport by sea to labour-districts.
96. Vessels to carry more than twenty passengers to be ordinarily licensed.
97. Application for license.
98. Grant of license.
99. Fee for license.
100. Embarkation Agent may limit number to be received on board on any particular voyage.
101. Master to make returns.
102. Provisions, clothing, medical and other officers, cooks, etc.
103. Medical officer to be licensed.

Departure of Passenger-vessels and Procedure during Voyage.

104. Embarkation Agent may order departure of vessel if delay occurs.
105. Master to receive way-bills from Embarkation Agent.
106. Labourers not finally to leave vessel at any place other than that mentioned in way-bill.
107. Master to stop his vessel at certain places where there is a Magistrate.
108. Power for Magistrates to inspect vessels.
109. Power for Magistrates to regulate communication between vessels and land.
110. Power for Magistrates to detain vessels for inspection and to detain sick native passengers.
111. Detention of sick labourers by Magistrate.
112. Power for Magistrate to detain vessel to be cleansed and disinfected.
113. Measures to be taken if excess number of native passengers is found on board.
114. Infraction of the Act and rules to be reported.
115. Power to make rules regulating disembarkation and other matters.
116. Deputation of other officer to discharge the functions of a Magistrate under sections 107 to 114.

CHAPTER VII.

CHAPTER VII.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

Annual Rate payable by Employers.

SECTIONS.

117. Annual rate payable by employer.

Local Labour-contracts.

118. Labour-contracts executed in labour-districts between employer and native direct.

119. Verification and cancellation of such contracts.

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

121. Labour-contracts executed within labour-district before Inspector or Magistrate.

Employers' Returns and Magistrates' Inspections.

122. Registers to be kept and returns made by employers.

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

Regulation of Labour.

124. Schedule of daily tasks to be prepared.

125. Limitations on tasks and payment of wages.

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

127. Committee to revise schedule.

128. Provision for weakly labourers.

Incapacity for Labour.

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

130. Labourer absent from sickness.

131. Discharge of labourer permanently incapacitated.

Accommodation for Labourers.

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

133. Supply of food-grain for labourers.

134. Provisions for rationing.

135. Provision for hospital-accommodation and medical attendance.

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

Localities unfit for the Residence of Labourers.

137. Report by Inspector and enquiry by Committee.

138. Enquiry

SECTIONS.

- 138. Enquiry by Committee by order of Local Government.
- 139. Proceedings of Committee.
- 140. Finding of Committee and consequences.
- 141. Power for Local Government to pass orders on proceedings of Committees.
- 142. Excessive mortality on estates.
- 143. Medical officer to report.
- 144. Power for Local Government to declare estate unfit for residence.
- 145. Power for Inspector to certify fitness of estate or portion found or declared to be unfit.

Complaints made by Labourers.

- 146. Labourer wishing to complain of personal ill-usage or breach of Act to be sent by employer to Inspector or Magistrate.
- 147. Inspector or Magistrate how to proceed in case of complaint.
- 148. Untrue or frivolous complaints.
- 149. Award of compensation to employer.
- 150. Complaints disclosing grounds for further proceedings.
- 151. Recovery of arrears of wages and compensation.
- 152. Power to cancel contract on conviction of employer or accumulation of arrears of wages.
- 153. Power to Local Government to cancel contracts of labourers whose condition is unsatisfactory owing to insufficiency of earnings.
- 154. Power to cancel contract of labourer related to labourer whose contract is cancelled or determined.

Determination of Labour-contracts.

- 155. Endorsement of determination on labour-contract.
- 156. Power to redeem labour-contract.
- 157. Power to equalize terms of contract in case of husband and wife.

Repatriation of Labourers and Others.

- 158. Repatriation of labourer whose labour-contract has determined under section 131.
- 159. Repatriation of persons emigrating not under labour-contract who are physically incapacitated.
- 160. Repatriation of labourers wrongfully recruited.
- 161. Repatriation of persons not under labour-contract wrongfully recruited.
- 162. Arrangements may be made for escorting persons ordered to be repatriated.

CHAPTER VIII.

RULES.

SECTIONS.

163. General power for the Local Government to make rules.

CHAPTER IX.

PENALTIES AND PROCEDURE.

164. Recruitment, etc., in contravention of Act or notification.
165. Wilful misdescription by recruiter.
166. Recruiter removing, etc., unregistered person.
167. Recruiter not supplying proper food, etc.
168. Labourer refusing without reasonable cause to execute contract at depôt.
169. Labourer refusing to execute contract with garden-sardar.
170. Garden-sardar failing to report himself, etc.
171. Garden-sardar, etc., abandoning labourers, etc.
172. Garden-sardar making over labourers to contractors, etc.
173. Garden-sardar failing to comply with instructions endorsed on way-bill.
174. Unlawful engagement of emigrants by garden-sardar.
175. Local agent or selecting agent working with contractor.
176. Master receiving native passengers on board in contravention of Act.
177. Fraudulent alteration of vessel after grant of license.
178. Master not complying with section 102.
179. Master not complying with order under section 104.
180. Master permitting labourer to leave vessel contrary to section 106.
181. Master wilfully omitting to stop vessel at certain places.
182. Person disobeying Magistrate's order as to communication between vessel and land.
183. Master or medical officer disobeying or neglecting to enforce rules.
184. Labourer deserting, etc., after registration.
185. Employer refusing or omitting to keep registers, etc.
186. Employer or other person obstructing inspection under section 123.
187. Employer or other person compelling labourer to perform labour for which he is unfit.
188. Persons buying labourer's rations.
189. Employer

SECTIONS.

189. Employer omitting to provide house-accommodation, etc.
190. Employer neglecting to provide hospital-accommodation.
191. Employer causing labourer to reside on estate declared unfit for residence.
192. Unlawful absence from work.
193. Labourer absent without cause.
194. Statement of deserters.
195. Deserter may be apprehended without warrant.
196. Procedure at police-station.
197. Procedure on complaint of desertion.
198. Punishment for desertion.
199. Compensation for wrongful arrest.
200. Cancellation of contract by desertion.
201. Penalty for drunkenness or neglect of sanitary regulations.
202. Portion of sentence may be cancelled on application of employer.
203. Expense of forwarding labourer to be paid by employer.
204. Conviction not to operate as a release.
205. Endorsement on contract of imprisonment for offence against Act.
206. Endorsement on contract of period of any other imprisonment.
207. Periods endorsed to be added to term of contract.
208. Other person enticing away, harbouring or employing labourer under labour-contract.
209. Failure to forward contract under section 118 or to cause labourer to appear under section 120.
210. Employer or other person neglecting to send labourer before Magistrate as provided by section 146.
211. Employer refusing to endorse labour-contract, etc.
212. Employer or other person neglecting to comply with request of labourer wishing to redeem unexpired term.
213. Abetment.
214. Place of trial for offences.

CHAPTER X.

MISCELLANEOUS.

215. Recovery of sums due under Act.
216. Wages due under labour-contract a charge upon estate.
217. Owner of estate for time being has all rights and remedies in respect of labour-contracts charged on it.
218. Fines,

SECTIONS.

- 218. Fines, fees and rates to be credited to Labour Transport Fund.
- 219. Duty of Assistant Inspector.
- 220. Powers of officers under this Act to be exercisable from time to time.
- 221. Power to exempt labour-district from Act.
- 222. Notifications not to affect prior acts, etc.
- 223. Repeal.

THE FIRST SCHEDULE.—FORM OF LABOUR-CONTRACT BETWEEN LABOURER AND EMPLOYER.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

ACT No. VI OF 1901.*

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

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

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

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

CHAPTER I.

PRELIMINARY.

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

Short title, extent and commencement.

(2) It extends—

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

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

(3) It shall come into force—

(i) in the territories mentioned in clause (a) of sub-section (2), at once; and,

(ii) in any territories to which it may be extended by a notification under clause (b) of the said sub-section, on such day as may

be

be specified in that behalf in the notification.

Definitions.

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

- (a) "agent" means a garden-sardar or other person engaging or assisting any native of India to emigrate under Chapter V :
- (b) "Assistant Inspector" means an Assistant Inspector of Labourers appointed under this Act :
- (c) "contractor" means a contractor licensed under this Act :
- (d) "dependant" includes any woman (not being a labourer), any child and any aged or incapacitated relative or friend accompanying any labourer with the consent of a contractor, sub-contractor, recruiter, local agent or garden-sardar, or accompanying any emigrant with the consent of an agent :
- (e) "emigrate" denotes the departure of any native of India (not being a native of a labour-district) of the age of sixteen years or upwards from any part of the territories in which this Act may for the time being be in force, for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant :
- (f) "employer" means the chief person for the time being in charge of any estate upon which labourers or more than fifty other persons are employed :
- (g) "estate" means the land upon which any labourers or more than fifty other persons have been engaged to labour :
- (h) "garden-sardar" means a person employed on an estate and deputed by his employer to engage labourers :
- (i) "Inspector"

(Chapter I.—Preliminary.—Section 2.)

- (i) "Inspector" means an Inspector of Labourers appointed under this Act :
- (j) "labour-contract" means a contract, penally enforceable under this Act, to labour for hire in a labour-district otherwise than as a domestic servant :
- (k) "labour-district" means any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam :
- (l) "labourer" means any person bound by a labour-contract, and includes any person registered as such under ~~section 54~~ or section 69 :
- (m) "local agent" means a local agent licensed under this Act :
- (n) "Magistrate" means a District Magistrate, Subdivisional Magistrate or other person appointed by the Local Government to perform the functions of a Magistrate under this Act :
- (o) "recruiter" means a recruiter licensed under this Act :
- (p) "recruiting district" means a district in which this Act is for the time being in force, other than a labour-district :
- (q) "Registering-officer" means a Registering-officer appointed under this Act :
- (r) "sign" and "signature" include, in the case of persons unable to write, finger-impressions :
- (s) "sub-contractor" means a sub-contractor licensed under this Act : and
- (t) "Superintendent" means a Superintendent of Emigration appointed under this Act.

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

3. The

(Chapter I.—Preliminary.—Sections 3-4. Chapter II.—Labour-contracts generally.—Section 5.)

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

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

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

Appointment
of officers.

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

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

XLV of 1860.

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

Essentials of
labour-
contracts.

5. (1) Every labour-contract shall be in writing in the form set forth in the first schedule, and shall
be

(Chapter II.—Labour-contracts generally.—Section 5.)

be executed as hereinafter provided in duplicate on substantial paper.

(2) Every labour-contract shall specify—

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

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

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

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

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

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

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

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

Provided further that any labour-contract made before the first day of April, 1903, may stipulate for a rate of monthly wages of not less than five rupees
in

in the case of a man and four rupees in the case of a woman for the second and third years of the term of such contract.

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

In absence of specific obligation, underground labour not obligatory.

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

Persons who may enter into labour-contracts.

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

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

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

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

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

9. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, any person of the age of sixteen years or upwards may enter into a labour-contract : IX of 1904

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

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

(Chapter II.—*Labour-contracts generally.*—*Sections 11-12.*)

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 order in writing, direct the labour-contract of the labourer to be cancelled.

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

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

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

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

Repatriation of labourers whose contracts are cancelled.

(a) in the case of a labourer in a recruiting district, if the labourer has been recruited under Chapter III, from the contractor at whose depôt the labourer executed his labour-contract ;

(b) in

D

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

(c) in the case of a labourer in a labour-district, from the employer on whose estate the labourer is under contract to labour, or, if the labourer has been recruited under Chapter III, either from such employer or from the contractor at whose depôt the labourer executed the labour-contract, as to the Inspector or Magistrate may seem expedient.

(2) In the case of a labourer recruited under Chapter III, when the whole or any part of such expenses have been recovered from the employer, the employer shall be entitled to recover the same from the contractor at whose depôt the labourer executed the labour-contract.

(3) A certified copy of the order in writing of the Local Government under section 10 or section 11 and the receipt granted to the employer for such expenses shall be conclusive evidence of the title of the employer to recover such expenses from the contractor.

Escort for
repatriated
labourer.

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

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

CHAPTER III.

(Chapter III.—*Recruitment by Contractors, Sub-contractors and Recruiters.*—Sections 14-17.)

CHAPTER III.

RECRUITMENT BY CONTRACTORS, SUB-CONTRACTORS AND RECRUITERS.

Contractors and Sub-contractors.

14. Any Superintendent specially empowered in this behalf by the Local Government may grant to persons fitted by character to act as contractors licenses to be contractors within the whole or any part of the local area for which the Superintendent has been appointed; and may also, on the application of any contractor, grant to persons fitted by character to act as sub-contractors licenses to be sub-contractors, on behalf of the contractor, within the whole or any part of the local area for which the contractor is licensed.

Licensing of contractors and sub-contractors.

15. Every license granted under section 14 shall be in such form, and subject to the payment of such fee, not exceeding, in the case of a contractor, one hundred rupees, and, in the case of a sub-contractor, fifty rupees, as the Local Government may, by rule, prescribe.

Fee for, and form of, contractors' and sub-contractors' licenses.

16. (1) No license shall be granted under section 14 for a longer period than one year from the date thereof, and, if the licensee fails to comply with any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, his license may be cancelled by the Superintendent who granted the same.

Duration of contractors' and sub-contractors' licenses and cancellation thereof.

(2) A contractor or sub-contractor may, within one month from the date of any order of a Superintendent cancelling his license under sub-section (1), appeal against the order to the Local Government, and the decision of the Local Government thereon shall be final.

17. Every contractor shall, in addition to the special duties imposed upon him by this Act, afford such information to the Superintendent and furnish him with such returns and reports as the Superintendent

Duties of contractors.

may,

36 *Labour and Emigration (Assam).* [ACT VI
(Chapter III.—Recruitment by Contractors, Sub-
contractors and Recruiters.—Sections 18-22.)

may, subject to any rules made by the Local Government in this behalf, require.

Sub-con-
tractor to act
on behalf of
only one
contractor.
Contractor or
sub-con-
tractor acting
as recruiter.

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

Liability of
contractors
for sub-con-
tractors'
and re-
cruiters'
acts and
defaults.

19. A contractor or sub-contractor may act as a recruiter, and shall, when so acting, be subject to all the provisions of this Act relating to recruiters.

20. (1) Every contractor shall be liable for the acts and defaults as a sub-contractor or recruiter of any person licensed to be a sub-contractor or recruiter on his behalf, and all payments which, under this Act or any rule thereunder, any person so licensed is required to make, may, in case of default, be recovered from the contractor concerned.

(2) The Superintendent may cancel the license of any contractor where the license of any person so licensed on behalf of the contractor is liable to be cancelled under this Act.

(3) Nothing in this section shall be deemed to render a contractor criminally liable for any act or default on the part of any person so licensed on his behalf.

Contractor to
establish
depôts.

21. Every contractor shall establish and maintain, at such places and for such local areas as the Local Government may direct, suitable depôts for the reception and lodging, previous to their despatch to the labour-districts, of labourers engaged by him or by sub-contractors or recruiters licensed on his behalf, and shall provide at his own expense all necessary food, clothing and medical treatment for any labourers so engaged during their stay at the depôts.

Inspection
and supervi-
sion of
depôts.

22. (1) No depôt shall be used for the reception and lodging of labourers until it has been inspected and approved of by the Superintendent and the Medical Inspector.

(2) Every depôt shall be under the supervision of
the

(Chapter III.—*Recruitment by Contractors, Sub-contractors and Recruiters.*—Sections 23-25.)

the Superintendent, the Magistrate or such other officer as the Local Government may appoint in this behalf, and shall be open at all times to inspection by the Superintendent, the Magistrate or such officer as aforesaid, and the Medical Inspector.

(3) Where the Superintendent considers that any depôt is unhealthy, or has become unsuitable for the purpose for which it was established, he may, by order in writing, prohibit the use of the depôt for the reception and lodging of labourers.

23. In addition to the depôts hereinbefore provided for, the Local Government may establish separate hospital-depôts for the reception of labourers suffering from dangerously infectious or contagious diseases. Establishment of hospital-depôts.

24. (1) Where a hospital-depôt is established under section 23, the Local Government may require any contractor having a depôt in the neighbourhood of the hospital-depôt to contribute to the expense of the establishment and maintenance of the hospital-depôt such reasonable sum as it may direct, and may recover the same from the contractor. Contractor to contribute towards establishment and maintenance of hospital-depôt.

(2) Every hospital-depôt established under section 23 shall be under the charge of a medical officer appointed by the Local Government.

(3) Any Medical Inspector may direct the transfer of any labourer from a depôt established within the local limits of his jurisdiction to a hospital-depôt established under section 23 within the said local limits.

Recruiters.

25. Any Superintendent empowered in this behalf by the Local Government may, on the application of a contractor or of any sub-contractor acting on behalf of a contractor, grant to persons fitted by character to be employed in engaging labourers licenses to be recruiters on behalf of the contractor within the whole or any specified part of the local area for which the contractor has been licensed: Licensing of recruiters.

Provided

(Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 26-30.)

Provided that no person shall be granted a license under this section to be a recruiter on behalf of more than one contractor or to act as such within the local limits of more than one district.

Form of, and fee for, recruiter's license.

26. Every license granted under section 25 shall be in such form, and subject to the payment of such fee, not exceeding sixteen rupees, as the Local Government may, by rule, prescribe.

Duration of recruiter's license.

27. No license shall be granted under section 25 for a longer period than one year from the date thereof; and, if the licensee fails to comply with any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, his license may be cancelled by the Superintendent who granted the same.

Recruiter to hold certificate from contractor or sub-contractor.

28. Every recruiter shall hold a certificate in writing authorizing him to act as such and signed by the contractor or sub-contractor on whose application he was licensed.

Magistrate's countersignature of recruiter's license.

29. (1) No recruiter shall engage or attempt to engage any person as a labourer unless his license bears the countersignature of a Magistrate having jurisdiction in the district or sub-division for which he is licensed.

(2) No Magistrate 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, that he holds the certificate prescribed by section 28, and that sufficient and proper accommodation has been provided in a suitable place and is available for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a depôt.

Magistrate to supervise accommodation.

30. (1) Every Magistrate shall have, for the supervision, inspection and regulation of any place within the local limits of his jurisdiction in which accommodation is provided under section 29, sub-section (2),
the

1901.] *Labour and Emigration (Assam).*

(Chapter III.—*Recruitment by Contractors, Sub-contractors and Recruiters.*—Sections 31-32.)

the same powers as are by this Act conferred on the Superintendent in respect of depôts.

(2) The District or any Subdivisional Magistrate may authorise any Magistrate subordinate to him, or any officer of police above the rank of sub-inspector, to visit and inspect such places as aforesaid at any time; and all recruiters or other persons in charge of such places as aforesaid shall afford to subordinate Magistrates and officers of police so authorized every facility for visiting and inspecting them.

31. (1) Where any Magistrate who has countersigned a recruiter's license afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided under section 29, sub-section (2), has become insufficient or improper or has ceased to be available, or that the place in which it is provided has become unsuitable, he may require the licensee to produce his license and may cancel his countersignature thereon, or he may impound the license and send it for cancellation to the Superintendent who granted the same.

Cancellation of Magistrate's countersignature in certain cases.

(2) Every Magistrate refusing to countersign a recruiter's license or cancelling his countersignature thereon shall at once report his refusal or cancellation and the grounds thereof to the Superintendent who granted the license.

Procedure before arrival at Depôts.

32. (1) Every recruiter who desires to engage any person as a labourer shall appear with the person before such medical officer as the Local Government may appoint in this behalf within the local limits of the jurisdiction of the Magistrate by whom the recruiter's license was countersigned, or, if no medical officer has been so appointed, before such medical officer as the Registering-officer before whom

Intending labourer to be taken for examination to medical officer.

the

40 *Labour and Emigration (Assam).* [ACT VI
(Chapter III.—*Recruitment by Contractors, Sub-
contractors and Recruiters.*—Sections 33-34.)

the person is taken for registration as hereinafter provided may direct.

(2) The medical officer shall thereupon examine the person, and shall, if satisfied that he is in a fit state of health to proceed to the labour-district in which he intends to labour, and is not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, give him a certificate to that effect.

If certified
to be fit, in-
tending
labourer to
be brought
before Regis-
tering-officer.

33. Every person who obtains a certificate under section 32, together with any persons about to proceed to a labour-district as his dependants, shall thereupon be brought by the recruiter before the Registering-officer having jurisdiction within the local area for which the recruiter is licensed, or before such other Registering-officer as the Local Government may appoint for that local area. The recruiter shall, at the same time, produce and show his license to the Registering-officer.

Examination
and regis-
tration of
intending
labourer.

34. (1) The Registering-officer shall thereupon inspect the certificate given under section 32 and the license of the recruiter, and, if he finds that the certificate has been duly given and that the recruiter is duly licensed, shall then examine the person brought before him under section 33 with reference to his intended labour-contract, and explain the same to him.

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

persons (if any) whom he wishes to have registered as his dependants as the Local Government may, by rule, prescribe; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.

(3) Where any woman is produced before a Registering-officer for the purpose of being registered under this section, the Registering-officer shall, after such inquiry as may be necessary to satisfy him of the identity of her husband or lawful guardian, as the case may be, and, after such examination as may be necessary to satisfy him of the consent of such husband or lawful guardian, place on record in writing under his own signature that such husband or lawful guardian has consented to her entering into a labour-contract, and such record shall also be subscribed by the husband or lawful guardian with his signature.

(4) In the case of any such woman who is alleged to be a widow or of an unmarried woman who is stated to have no lawful guardian living, the Registering-officer shall satisfy himself by the evidence of at least one witness that her husband is dead or that she has no lawful guardian, as the case may be, and shall record such evidence in writing under his own signature.

35. (1) Where the Registering-officer refuses to register a person as a labourer under this Act, he shall report his refusal to the District or Subdivisional Magistrate or other officer appointed by the Local Government in this behalf, and such Magistrate or officer as aforesaid may make such arrangements as he may think necessary for ensuring the return of the person and his dependants (if any) to their homes and for their proper housing and support in the interval. In the case of any male under the age of sixteen years or any female recruited in circumstances which appear to be suspicious, the arrangements may include the provision of an escort home.

Arrangements to be made for return to home of intending labourer whose registration is refused.

(2) Any

(2) Any expenditure incurred under sub-section (1) may be recovered from the contractor or recruiter concerned, or both.

Copy of registration to be given to labourer.

36. The Registering-officer shall furnish to every person registered under section 34, sub-section (2), a certified copy written on substantial paper of the particulars referred to therein.

Copy of registration and medical certificate to be sent to Superintendent.

37. Every Registering-officer registering a person under section 34, sub-section (2), shall forthwith forward a certified copy of the particulars referred to therein and the original certificate of the medical officer regarding the person to the Superintendent having jurisdiction over the depôt to which the person is to proceed.

Fee for registration.

38. For every person produced before a Registering-officer for the purpose of being registered under section 34, sub-section (2), the recruiter shall pay to the Registering-officer such fee, not exceeding one rupee, as the Local Government may, by rule, prescribe.

Recruiter when to remove person to depôt.

39. No recruiter shall remove or attempt to remove any person to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Registering-officer before whom he ought to be brought under section 33, or aid or attempt to aid him in going to a depôt, or leaving any such local limits as aforesaid, unless and until he has been registered under section 34, sub-section (2).

Conveyance of labourer to depôt.

40. (1) After a labourer has been registered under section 34, sub-section (2), the Registering-officer shall direct the recruiter to convey the labourer with all convenient despatch to a depôt established by the contractor on whose behalf the recruiter has been licensed, and shall specify the depôt to which the labourer is to be conveyed.

(2) Every labourer shall, while proceeding to the depôt, be accompanied throughout the journey either
by

(Chapter III.—*Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 41-43.*)

by the recruiter himself or by a competent person deputed by him with the approval of the Registering-officer by whom the labourer has been registered.

(3) The Registering-officer shall give to every person so deputed a certificate, under his signature stating that he has been deputed for the journey to the depôt.

41. Every recruiter or person deputed by him under section 40, sub-section (2), shall, throughout the journey to the depôt, provide the labourer and his dependants (if any) with proper and sufficient food and lodging.

Recruiter to provide food and lodging for labourer on journey.

Procedure at Contractors' Depôts.

42. Within twenty-four hours after the arrival of a labourer at a depôt, the contractor by whom the depôt is maintained, or the person in charge thereof, shall give to the Superintendent, within the local limits of whose jurisdiction the depôt is situate, a notice in writing, in such form and containing such particulars as the Local Government may, by rule, prescribe, of the arrival of the labourer.

Contractor to report arrival of labourer.

43. (1) The Medical Inspector shall, as soon as may be after the arrival of a labourer at a depôt, examine the labourer and his dependants (if any) to ascertain that they are in a fit state of health to undertake the journey to the labour-district to which they intend to proceed, and, in the case of the labourer, that he is also not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts.

Duties of Medical Inspector.

(2) The Medical Inspector shall give a certificate to the Superintendent stating whether he is or is not satisfied that the labourer and his dependants (if any) are in a fit state of health to undertake the journey, and, in the case of the labourer, that he is also not incapacitated as aforesaid.

44. Where

44 *Labour and Emigration (Assam).* [ACT VI
(Chapter III.—*Recruitment by Contractors, Sub-
contractors and Recruiters.*—Sections 44-46.)

On grant of
certificate,
labourer to
enter into
labour-con-
tract.

44. Where the Medical Inspector gives a certificate under section 43, sub-section (2), with respect to any labourer, and there is, in the opinion of the Superintendent, no valid reason why the labourer should not enter into the intended labour-contract, the labourer and the employer with whom he intends to contract, or the person appearing on behalf of the employer, shall, after the lapse of three, and within thirty, days after the date of the arrival of the labourer at the depôt, execute the labour-contract in the presence of the Superintendent :

Provided that no labour-contract shall be executed as aforesaid except in the district in which the labourer was registered under section 34, sub-section (2), or at such other place within the Province as the Local Government may direct.

Contract to
be explained
to labourer
by Superin-
tendent, and
abstract and
copies to be
made.

45. (1) Before any labourer executes a labour-contract, under section 44, the Superintendent shall personally explain it to him, and shall, after the same has been executed by him and by his employer or the person appearing on behalf of his employer, attest the labour-contract and certify at the foot thereof that he has personally explained the same to the labourer.

(2) An abstract of every labour-contract so executed shall be entered in a register to be kept by the Superintendent for the purpose ; and, after the abstract has been so entered, one copy of the labour-contract shall be given to the labourer and the other to his employer or the agent of his employer.

Power for
employer to
require fur-
ther medical
certificate as
to fitness to
labour pre-
vious to
contract.

46. Where the employer with whom any labourer intends to contract, or a person appearing on behalf of the 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 medical man selected by such employer or person appearing on behalf of the employer and shall be certified by him to be physically and constitutionally fit for labour in the labour-
district

district in which the estate of the employer is situate, the Superintendent shall not permit the labourer to execute a labour-contract, until such medical certificate as aforesaid has been produced and shown to him.

47. Where the employer or the person appearing on his behalf has directed that the examination referred to in section 46 shall be made by a medical officer in the service of the Government, such officer as aforesaid making the examination shall be entitled to receive from the employer or such person such fees as may be agreed upon, or, if no agreement has been entered into, then such fee for each labourer so examined as the Local Government, by general or special order, may direct.

Fee of medical officer when in Government service for examination under section 46.

48. In any of the following cases, namely :—

- (a) where the Medical Inspector, on making the examination required by section 43, subsection (1), or at any subsequent time during the stay at the depôt of a labourer, finds that the labourer is or has become unfit to undertake the journey to the labour-district to which he intends to proceed, or that the labourer is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, and the Superintendent considers that the labourer has not dishonestly represented himself as fit to undertake the journey; or
- (b) where the Superintendent finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of a labourer as makes it just to refuse to permit a labour-contract to be executed or to rescind a labour-contract which has been executed; or
- (c) where the contractor on whose behalf or by whom a labourer has been registered does

Power to cancel contract and order payment of expenses of return of labourer in certain cases.

not,

not, after the lapse of three, and within thirty, days after the date of the arrival of the labourer at the depôt, tender to him a labour-contract for execution under section 44, or the employer or the person appearing on his behalf refuses or neglects to execute the contract as required by that section ;

the Superintendent may cancel the labour-contract executed by the labourer, and in that event, or if no labour-contract has been executed, may order the contractor at once to pay the labourer such reasonable sum as the Superintendent may think necessary to enable the labourer to return to the place at which he was registered or to his native district, as to the Superintendent may seem fit, and such further sum by way of compensation as the Superintendent thinks reasonable ; and may take such other steps as he may think necessary for the conveyance of the labourer to such place or district as aforesaid.

Labourer when to be lodged, etc., at depôt till he can return home.

49. (1) Any labourer who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the return journey, shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the depôt at the expense of the contractor by whom the depôt is maintained, until he is reported by the Medical Inspector to be fit to undertake the return journey.

(2) Where the contractor negligently or wilfully omits to provide food, lodging, clothing or medical treatment for the labourer, the Superintendent may order the contractor at once to pay such reasonable sum as the Superintendent may think necessary to provide such food, lodging, clothing or medical treatment as aforesaid.

Like provisions in case of dependants and relatives.

50. Where an order is made under section 48 with reference to a labourer, any person registered as his dependant,

(Chapter III.—*Recruitment by Contractors, Sub-contractors and Recruiters.*—Sections 51-53.)

dependant, or any other labourer, being his or her wife, husband, son or daughter, may claim—

- (a) to be conveyed, at the expense of the contractor, with the labourer to the same place as the labourer; and,
- (b) if the labourer is unable to travel, to be fed, lodged, clothed and (if necessary) medically treated in the depôt at the expense of the contractor until the labourer is able to travel;

and the Superintendent may include such expenses as aforesaid in an order made under section 48 or section 49 with respect to the labourer.

51. Where, upon the arrival of a labourer at a depôt, it appears that during the journey to the depôt the labourer or any person registered as his dependant has suffered ill-treatment at the hands of the recruiter or person deputed by the recruiter to accompany the labourer, or that the recruiter or such person as aforesaid has failed to provide the labourer or any person registered as his dependant with proper and sufficient food and lodging, the Superintendent may order the contractor by whom the depôt is maintained to pay the labourer a reasonable sum by way of compensation.

Compensation to labourer for ill-treatment on the journey.

52. Where the Medical Inspector has reason to think that any person registered as the dependant of a labourer is not in a fit state of health to undertake the journey to the labour-district to which the labourer intends to proceed, the Medical Inspector shall so certify to the Superintendent to whom notice of the arrival of the labourer was given. The provisions of sections 48 and 49 shall thereupon apply to the dependant as if he were a labourer, and the Superintendent may make such orders regarding him as he may make under those sections with regard to a labourer.

Procedure when dependant declared unfit to proceed to labour-district.

53. In any such case as is provided for by section 52, Labourer and relatives entitled to be

48. *Labour and Emigration (Assam)*. [ACT VI
(Chapter III.—Recruitment by Contractors, Sub-
contractors and Recruiters.—Sections 54-55.)

returned
with depend-
ant.

52, the labourer to whom the dependant is attached shall further be entitled, if he or she so wishes, and if he or she is the husband, wife, son or daughter of the dependant, to receive from the contractor at whose depôt he or she arrived, such reasonable sum as the Superintendent may think necessary to enable him or her to return to the place where he or she was registered, or to his or her native district, as to the Superintendent may seem fit. If the labourer so returns, then any other persons registered as his or her dependants, and any other labourer, being his or her wife, husband, son or daughter, shall also be entitled to receive a like sum from the contractor.

Failure of
contractor to
pay sums
ordered to
be paid
under sec-
tions 48 to
53.

54. On the failure of a contractor for the space of twenty-four hours to comply with an order of the Superintendent to pay any sum required to be paid, under section 48, section 49, section 50, section 51, section 52 or section 53, the Superintendent may pay the same to or on behalf of the labourer or dependant concerned, and may recover it from the contractor.

Provisions
as to escort
on journey
and way-bill.

55. (1) All labourers despatched from a contractor's depôt to a labour-district shall during their journey to the place where they are to labour be accompanied by a person appointed by the contractor, and no person shall be so appointed unless he holds a certificate of fitness signed by the Superintendent, who may cancel such certificate for any reason which seems to him sufficient.

(2) Every person appointed under sub-section (1) shall take with him a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe; he shall present the way-bill at all such places and to all such officers as may be thereupon indicated; and he shall carry out all instructions therein contained for his guidance.

CHAPTER IV.

CHAPTER IV.

RECRUITMENT BY GARDEN-SARDARS AND LOCAL AGENTS.

Garden-sardars.

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

Employer may grant certificate to garden-sardar.

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

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

Form and particulars to be contained in such certificate.

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

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

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

59. The Inspector or Magistrate shall inquire into the facts stated in the certificate, and, upon being satisfied

Inspector's or Magistrate's

50 *Labour and Emigration (Assam). [ACT VI*
(Chapter IV.—Recruitment by Garden-sardars and
Local Agents.—Sections 60-62.)

counter-
signature
of certificate.

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

Provision for
grant of
fresh certi-
ficate.

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

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

Certificate
when to
come into
force, and
duration
thereof.

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

Accommoda-
tion to be
provided by

62. (1) Every garden-sardar shall provide sufficient and proper accommodation in a suitable place
for

for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district. garden-sardar.

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

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

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

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

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

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

Local

Local Agents.

Licensing
and duties
of local
agents.

64. (1) Any Superintendent authorized in this behalf by the Local Government may, on the application of one or more employers, grant licenses to suitable persons to be local agents for the purpose of representing employers in all matters connected with the supervision of garden-sardars under this Chapter or section 90 or section 91 within such local area and for such period as the employer or employers so applying may desire :

Provided that no contractor and no person who in the opinion of the Superintendent has a share or interest in any contractor's business shall be licensed as a local agent.

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

Selecting
agent.

65. Any Superintendent authorized in this behalf by the Local Government may, on the application of one or more employers, grant licenses, for such period as the employer or employers may desire, to suitable persons to be selecting agents, for the selection, on behalf of the employer or employers, of labourers recruited by contractors, and such selecting agent shall furnish such information and make such returns as the Local Government may by rule prescribe :

Provided that no contractor or local agent and no person who in the opinion of the Superintendent has a share or interest in any contractor's business shall be licensed as a selecting agent :

Provided also that no such license shall be granted for more than one year from the date thereof :

Provided also that a license granted under this section may be cancelled by the Superintendent for any reason which seems to him sufficient.

Prosecution
of garden-
sardars by
local agents.

66. Where any garden-sardar to whom a certificate has been granted under this Chapter by an employer commits

(Chapter IV.—*Recruitment by Garden-sardars and Local Agents.*—Sections 67-68.)

commits any offence punishable under this Act, any local agent of the employer may prosecute the garden-sardar for that offence.

67. (1) The District Magistrate of any district within which a local agent acts as such may, by order in writing, cancel the license of the local agent if the employer so requires, or if it is shown to the satisfaction of the District Magistrate that the local agent has—

Cancellation
of licenses of
local agents.

- (a) employed any contractor's recruiter to recruit or engage on his behalf persons to be labourers; or
- (b) permitted persons engaged as labourers by or on behalf of any contractor to use the accommodation provided for the persons engaged as labourers by any garden-sardar under the local agent's control; or
- (c) allowed any garden-sardar under his control to transfer persons engaged as labourers by the garden-sardar to contractors or to their recruiters or to any employer other than the employer by whom the garden-sardar's certificate was granted; or
- (d) himself taken over persons engaged as labourers by any garden-sardar with intent to despatch them to any employer other than the employer by whom the garden-sardar's certificate was granted.

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

Procedure to be followed by garden-sardars.

68. Every garden-sardar who desires to engage any person as a labourer shall appear with the person, together

Garden-sardar and labourer to appear before Registering-

officer for
registration.

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

Examination
and registra-
tion of per-
sons engaged
by garden-
sardar.

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

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

Medical
examination.

70. (1) Where it appears to the Registering-officer that any person brought before him under section 68 is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, or, in the case of a labourer, that he is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, the Registering-officer may, before registering him under section 69, sub-section (2), if himself a medical man,
medically

medically examine him, or, if not himself a medical man, send him to a medical man for medical examination.

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

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

Fee to be paid for every labourer produced for registration.

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

Labour-contract to be executed.

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

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

(4) Where

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

Procedure when employer requires medical examination previous to registration.

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

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

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

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

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

or

or aid or attempt to aid him in proceeding to a labour-district.

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

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

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

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

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

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

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

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

Provision for way-bill.

(2) Every

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

Garden-sar-
dar to pro-
vide food and
lodging for
labourers and
dependants
on journey.

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

Power for
Magistrate in
certain cases
to award
compensation
or cancel con-
tract.

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

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

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

83. Any

(Chapter IV.—*Recruitment by Garden-sardars and Local Agents.*—Sections 83-85.)

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

Medical inspection of labourers *en route*.

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

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

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

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

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

Dependants of labourer when to be fed, etc.

(a) until the labourer is in a fit state of health to undertake the journey, to be fed, lodged,

(Chapter IV.—*Recruitment by Garden-sardars and Local Agents.*—Section 86.)

lodged, clothed and (if necessary) medically treated at the place where the labourer is detained, and at the cost of the employer with whom the labourer has contracted to labour, and

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

(2) Where an order has been made under subsection (1) with reference to any dependant, the labourer to whom the dependant is attached shall thereupon, until the dependant is in a fit state of health to undertake the journey to the labour-district, be entitled, if the labourer so wishes, and if he or she is the husband, wife, son or daughter of the dependant, to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained and at the cost of the employer with whom the labourer has contracted to labour; and the labourer shall, if he or she so wishes and if he or she is the husband, wife, son or daughter of the dependant, be sent back to the same place (if any) as the dependant.

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

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

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

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

86. Where a garden-sardar or person appointed by a garden-sardar accompanying any labourer or dependant fails to provide the labourer or dependant with

with

(Chapter IV.—Recruitment by Garden-sardars and Local Agents.—Sections 87-88.)

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

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

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

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

88. (1) Where the Superintendent declares the labour-contract of any labourer to be cancelled, any other labourer who is the wife, husband, father, mother, son or daughter of the labourer and has entered

Cancellation of contracts of relatives.

entered into a labour-contract at the same place with the same employer, may claim to have her or his labour-contract cancelled at the same time.

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

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

Cost of escort
for repa-
triated
labourer.

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

CHAPTER V.

ENGAGEMENT OF EMIGRANTS OTHERWISE THAN UNDER CHAPTERS III AND IV.

Special pro-
visions as
to engage-
ment of

90. When a notification has been published under section 3, prohibiting the recruiting, engaging, inducing

(Chapter V.—Engagement of Emigrants otherwise than under Chapters III and IV.—Section 90).

inducing or assisting, natives of India, or any specified class of natives of India, to emigrate from the whole or any specified part of a Province to any labour-district or any specified portion of a labour-district otherwise than in accordance with the provisions of this Act therein specified, the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that specially employed garden-sardars, not being garden-sardars holding certificates granted under Chapter IV, may, in the part of the province specified in the notification under section 3, engage persons on behalf of their employers and assist persons so engaged to emigrate to such labour-district or specified portion of a labour-district subject to the following provisions, namely:—

emigrants
through
garden-
sardars.

- (a) The employer shall grant each garden-sardar specially employed by him under this section a permit in writing, in such form as the Chief Commissioner of Assam may by rule prescribe, signed and dated, specifying the name of the garden-sardar and the recruiting district in which alone the garden-sardar may engage persons on behalf of his employer and assist them to emigrate: Provided that no such permit shall be granted to a garden-sardar who has not resided at least six months on the estate of the employer.
- (b) The employer shall in the permit certify that the garden-sardar named therein is a person employed on his estate, and shall specify the nature of his employment and the period of his residence on the estate.
- (c) Every permit shall be presented by the garden-sardar named therein in person for countersignature to the Inspector or to the Magistrate having jurisdiction in the place where the garden-sardar resides, and shall

not

(Chapter V.—Engagement of Emigrants otherwise than under Chapters III and IV.—Section 90.)

not be valid or have effect unless and until it is so countersigned.

- (d) The Inspector or Magistrate may refuse to countersign any permit, for any reason, to be recorded in writing, which he may think sufficient, and shall refuse to countersign a permit unless he is satisfied that the garden-sardar named therein is employed on the estate of his employer and has resided at least six months on the estate and is a fit person to engage persons and assist them to emigrate.
- (e) When a permit is duly countersigned the garden-sardar named therein may proceed to the recruiting district and there himself engage persons on behalf of his employer and assist them to emigrate, subject to the provisions of this Chapter.
- (f) Every garden-sardar so authorized shall, on his arrival in the recruiting district and before he engages any person to emigrate, in person or in writing, report his arrival, and the place at which he intends principally to reside, to the District or Subdivisional Magistrate, and shall, at least three days before his departure from the recruiting district, similarly report his intended departure and furnish a list, in such form as the Local Government may prescribe, containing the names and descriptions of the persons whom he has engaged and is assisting to emigrate.
- (g) Every garden-sardar shall either himself accompany all persons so engaged by him to the labour-district in which the estate of his employer is situate, or send them there in charge of another garden-sardar holding a permit under this section from the same employer

Chapter V.—Engagement of Emigrants otherwise than under Chapters III and IV.—Section 91.)

employer to engage persons in the same recruiting district.

(h) No permit shall have effect for more than six months from the date of countersignature by the Inspector or Magistrate as aforesaid.

(i) Any permit granted under this section may be cancelled in the recruiting district by the District Magistrate for any reason, to be recorded in writing, which he may think sufficient. The fact of cancellation shall be endorsed by such Magistrate as aforesaid on the permit, and the permit shall thereupon become invalid and cease to have effect. A District Magistrate who cancels a permit under this clause shall give notice of such cancellation to the employer by whom it was signed and to the Inspector or Magistrate by whom it was countersigned.

91. The Local Government may, by notification in the local official Gazette, declare, in the case of any specified agency or any association of employers for purposes of engaging persons to emigrate formed and conducted in accordance with rules approved by the Local Government,—

Special provisions as to engagement of emigrants through approved agencies or associations.

(a) that garden-sardars working in the Province under the control of such agency or association as aforesaid and holding permits granted and countersigned under section 90 may, subject to such conditions as may be prescribed in the notification, engage persons and assist them to emigrate; and

(b) that, in the case of garden-sardars holding certificates under Chapter IV and working

working in the Province under such control as aforesaid, any of the requirements of that Chapter may be dispensed with or relaxed in such manner as may be prescribed in the notification.

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

92. Subject to the provisions of section 3 and of any notification issued thereunder, nothing in this Act shall be deemed to prohibit any person from engaging or assisting natives of India to emigrate to a labour-district otherwise than in accordance with the provisions of Chapters III and IV and of sections 90 and 91.

Application of Act to persons engaged under this Chapter.

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

(a) in CHAPTER VI (TRANSPORT):—

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

(b) in CHAPTER VII (LABOUR-DISTRICTS):—

- (i) section 122 (registers and returns);
- (ii) section

(Chapter VI.—Transport.—Section 94.)

- (ii) section 123 (inspection); and
- (iii) sections 159, 161 and 162 (repatriation);
- (c) in CHAPTER VIII (RULES):—
all powers conferred by section 163, except in so far as the same relate exclusively to labourers and their dependants;
- (d) in CHAPTER IX (PENALTIES AND PROCEDURE):—
 - (i) sections 176, 177, 181, 182 and 183 (offences connected with transport by river); and
 - (ii) sections 185 and 186 (offences by employers); and
- (e) in CHAPTER X (MISCELLANEOUS):—
 - (i) section 215 (recovery of sums due); and
 - (ii) sections 218 to 223 (fines, etc., Assistant Inspector, officers' powers, exemption, prior notifications, and repeal).

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

CHAPTER VI.

TRANSPORT.

Routes, etc.

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

Routes to be followed and rules observed.

Transport

Transport by River.

Transport by
sea to labour-
districts.

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

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

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

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

Application
for license.

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

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

Grant of
license.

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

Fee for
license.

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

Provided that a license may, with the previous sanction of the Local Government, be granted under
the

the said section to the master of any vessel for any term not exceeding one year, on payment of such fee, not exceeding one hundred rupees, and on such conditions, as the Local Government may, by rule, prescribe.

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

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

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

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

Master to make returns.

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

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

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

Medical officer to be licensed.

Departure

Departure of Passenger-vessels and Procedure during Voyage.

Embarkation Agent may order departure of vessel if delay occurs.

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

Master to receive way-bills from Embarkation Agent.

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

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

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

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

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

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

Provided also that every such accident or necessity as aforesaid shall forthwith be reported by the
master

(Chapter VI.—Transport.—Sections 107-110.)

master to the Embarkation Agent by whom he was licensed, and to the nearest Magistrate in the district within which the accident has occurred or the necessity has arisen.

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

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

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

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

Power for Magistrates to inspect vessels.

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

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

Power for Magistrates to regulate communication between vessels and land.

110. (1) Any Magistrate may, if he has reason to believe that any passengers, being natives of India, on board a vessel within the local limits of his jurisdiction,

Power for Magistrates to detain vessels for

Inspection
and to detain
sick native
passengers.

jurisdiction, in respect of which a license is granted under this Chapter, are, or are likely to be, affected with any dangerously infectious or contagious disease, detain the vessel and depute the civil medical officer of the district or any other qualified medical officer to inspect such passengers as aforesaid and to report on their health, stating whether any or what measures are requisite for the removal or prevention of the dangerously infectious or contagious disease.

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

Detention of
sick labourers
by Magis-
trate.

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

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

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

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

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

113. (1) Where

(Chapter VI.—Transport.—Sections 113-115.)

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

Measures to be taken if excess number of native passengers is found on board.

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

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

Infraction of the Act and rules to be reported.

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

Power to make rules regulating disembarkation and other matters.

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

(2) Any expenditure incurred in pursuance of any rules

74 *Labour and Emigration (Assam).* [ACT VI
(Chapter VI.—Transport.—Section 116. Chapter
VII.—Provisions as to the Labour-districts.—
Sections 117-118.)

rules made under sub-section (1) may be recovered from the employers of the labourers concerned.

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

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

CHAPTER VII.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

Annual Rate payable by Employers.

Annual rate payable by employer.

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

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

Local Labour-contracts.

Labour-contracts executed in labour-districts between employer and native direct.

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

(2) Where an employer has under sub-section (1) executed a labour-contract within a labour-district, he shall, within one month from the date of the execution of the labour-contract, forward it in duplicate

to

(Chapter VII.—Provisions as to the Labour-districts.
—Sections 119-121.)

to the Inspector within the local limits of whose jurisdiction the estate is situate. On receipt of the labour-contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the labour-contract to the labourer and the other to his employer.

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

Verification and cancellation of such contracts.

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

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

121. (1) Notwithstanding the provisions of section 118, an employer may enter into a labour-contract with

Labour-contracts executed within

labour-dis-
trict before
Inspector or
Magistrate.

with any native of India in a labour-district for a term not exceeding four years commencing from the date of the execution of the labour-contract, if he appears, or deposes some person to appear on his behalf, with the native of India before the Inspector or Magistrate within the local limits of whose jurisdiction the estate to which the labour-contract refers is situated.

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

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

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

Employers' Returns and Magistrates' Inspections.

Registers to
be kept and
returns made
by employers.

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

(2) The Inspector may examine the registers so kept and muster all labourers and other persons employed on any estate within the said local limits, and
may

may verify the accuracy of the entries in the registers, or in any prescribed periodical return.

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

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

Regulation of Labour.

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

Schedule of daily tasks to be prepared.

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

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

ascertained by deducting the number of Sundays from the whole number of days in the month.

Limitations
on tasks and
payment of
wages.

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

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

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

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

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

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

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

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

(4) Where the employer fails to nominate a person within seven days after being thereunto requested in writing

writing by the Inspector, the Inspector, instead of the employer so failing, may nominate a person.

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

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

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

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

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

Incapacity for Labour.

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

(2) Every

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

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

Labourer
absent from
sickness.

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

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

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

Provided that an employer, who omits to apply for such endorsement as aforesaid at the time when the Inspector is actually visiting the estate, shall, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, be debarred from applying afterwards for endorsement in so far as days

of

of absence which occurred prior to the date of the Inspector's last visit are concerned.

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

Discharge of labourer permanently incapacitated.

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

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

Accommodation for Labourers.

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

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

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

Supply of food-grain for labourers.

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

134. (1) Subject

Provisions
for rationing.

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

- (a) direct that, on any specified estate within the local limits of his jurisdiction, all labourers or any specified class of labourers shall be furnished by their employers with rations, cooked or uncooked, on such scale and for such period, not exceeding three months from the date of their arrival on the estate, as may be specified in the order ;
- (b) direct that any specified labourer shall be exempt from the effect of any general order so made, if he is satisfied that the labourer is able to earn a full wage and desires to provide himself with proper and sufficient food ;
- (c) direct that any specified labourer shall be furnished with rations for any term not exceeding six months, and renew that direction for a like term.

(2) The cost of each labourer's ration furnished to him in accordance with any direction given under sub-section (1) shall be calculated at current rates as determined by the Inspector, and shall be deducted from any wages earned by the labourer during the period for which the direction is in force.

Provision
for hospital-
accommoda-
tion and
medical
attendance.

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

the

the number of labourers so employed, as it thinks fit.

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

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

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

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

Localities unfit for the Residence of Labourers.

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

Report by Inspector and inquiry by Committee.

(2) The District Magistrate may also of his own motion summon a Committee, where, either from his own observation or upon the report of an Inspector, Magistrate or medical officer, he is of opinion that an estate or portion of an estate is, for any of the reasons aforesaid, unfit for the residence of labourers or of any particular class of labourers.

(3) Every

84 *Labour and Emigration (Assam).* [ACT VI
(Chapter VII.—Provisions as to the Labour-districts.
—Sections 138-139.)

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

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

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

Inquiry by
Committee
by order of
Local
Government,

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

- (a) that an estate or portion of an estate is, for any of the reasons given in section 137, unfit for the residence of labourers or of any particular class of labourers, or
- (b) that the percentage of mortality of labourers or of any particular class of labourers employed on an estate or on portion of an estate is such as would justify the institution of an inquiry by a medical officer under section 142,

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

Proceedings
of Com-
mittee

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

140. (1) Where

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

Finding of Committee, and consequences.

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

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

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

Power for Local Government to pass orders on proceedings of Committees.

142. Where

Excessive
mortality on
estates.

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

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

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

Medical
officer to re-
port.

143. The medical officer deputed under section 142 shall, as soon as may be, inquire into the matters referred to therein and shall hear and record such information relating to those matters as the owner of the estate or portion, or the employer in charge of the same, or the Inspector, may place before him, and

shall

shall visit and inspect the estate or portion, and shall make a report expressing the reasons for his opinion, and transmit the same to the Local Government together with the information so recorded and the notes of his inspection of the estate or portion, and the Local Government shall cause the employer to be furnished with a certified copy of such report.

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

Power for Local Government to declare estate unfit for residence.

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

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

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

Complaints

Complaints made by Labourers.

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

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

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

Inspector or
 Magistrate
 how to
 proceed in
 case of
 complaint.

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

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

whose

whose jurisdiction the ill-usage or breach has been committed.

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

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

Untrue or
frivolous
complaints.

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

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

Award of
compensation
to employer.

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

150. (1) Where, upon an inquiry made under section 147 by a Magistrate or by an Inspector who is a Magistrate, the Magistrate or Inspector is of opinion

Complaints
disclosing
grounds for
further
proceedings.

that

that there is sufficient ground for proceeding with the case, he shall dispose of the same according to law.

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

Recovery
of arrears of
wages and
compensa-
tion.

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

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

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

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

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

(b) that an employer or any person placed by an employer in authority over a labourer has been twice convicted of any such offence

offence as aforesaid against the labourer and under the said Code triable by a Magistrate; or

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

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

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

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

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

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

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

154. Where the labour-contract of a labourer is or has been cancelled or has determined under section 119, section 120, section 131 or section 152, the Inspector or Magistrate, as the case may be, may

Power to cancel contract of labourer related to labourer

in

whose con-
 tract is can-
 celled or
 determined.

in his discretion and on the application of the labourer concerned cancel the labour-contract of any labourer employed on any estate belonging to the same employer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or has so determined.

Determination of Labour-contracts.

Endorsement
 of deter-
 mination on
 labour-
 contract.

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

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

Power to
 redeem
 labour-con-
 tract.

156. (1) Where a labourer is able and desirous to redeem the unexpired term of his labour-contract, or the labour-contract of any member of his family, by payment of a sum equivalent to the value of the unexpired term, the labourer may require his employer to take him, or allow him to go, before the Inspector within the local limits of whose jurisdiction he is employed; and, on his depositing such sum as aforesaid with the Inspector, the Inspector shall give notice to the employer to show cause within one week why the labourer should not be released from his contract.

(2) If no sufficient cause is shown as aforesaid, the Inspector shall require the labourer's copy of the contract to be produced, and on production thereof shall endorse thereon a certificate that he has been released under this section from his contract, or, if that copy is not forthcoming, shall deliver to the labourer

labourer a certificate under his hand to the like effect; and shall, in either case, hold the sum so deposited to the credit of the employer of the labourer.

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

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

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

Power to equalize terms of contract in case of husband and wife.

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

Repatriation

Repatriation of Labourers and Others.

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

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

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

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

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

Repatriation
of labourers
wrongfully
recruited.

160. (1) Subject to any orders which the Local Government may make in this behalf, the Inspector

or

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

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

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

Repatriation of persons not under labour-contract wrongfully recruited.

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

(3) Subject

(Chapter VII.—Provisions as to the Labour-districts.—Section 162. Chapter VIII.—Rules.—Section 163.)

(3) Subject to any orders which the Local Government may make in this behalf, any expenditure incurred under this section may be recovered from the employer on whose behalf the person concerned was induced to emigrate or to whose estate he was being or had been conveyed, or, if the employer is not known, or if there is no employer, the person who is accompanying or conveying the person concerned or has forwarded or otherwise assisted him to emigrate to any labour-district or estate.

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

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

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

CHAPTER VIII.

RULES.

General
power for the
Local Gov-
ernment to
make rules.

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

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

(a) define and regulate the powers and duties of the several officers appointed by it under this Act;

(b) prescribe what returns and reports shall be made under this Act by any such officers as aforesaid or by any contractors or local agents

(Chapter VIII.—Rules.—Section 163.)

agents within the Province and the form in which they shall be respectively so made ;

- (c) prescribe the forms of all registers, licenses, certificates, permits and notices required under this Act with respect to the Province ;
- (d) prescribe the fees to be paid for any license granted under this Act by any officer appointed by it and for the registration of labourers or their dependants in any district in the Province ;
- (e) prescribe the particulars to be registered by a registering-officer in respect of each person who is brought before him in any district in the Province for registration as a labourer or dependant ;
- (f) provide for the management and regulation of contractors' depôts and of hospital depôts situate within the Province, and for the support and medical treatment of labourers and their dependants passing through such depôts ;
- (g) provide for the accommodation, food, clothing and medical treatment of all labourers and their dependants detained on account of sickness by order of a Magistrate at any place within any district in the Province ;
- (h) prescribe the conditions upon which any officer appointed by it may grant licenses to masters of vessels carrying passengers to any labour-district ; provide for the ventilation, cleanliness and water-supply of such vessels in respect of which licenses are granted hereunder by any such officer ; and prescribe the lists, returns and reports to be kept and submitted by the masters of such vessels ;

(i) prescribe

- (i) prescribe the description, quantity and quality of provisions, medical drugs and other stores to be taken on board such vessels carrying labourers when such vessels are within the Province, and the daily allowance to be issued to each labourer and dependant during the journey through the same; prescribe the number of officers, cooks and other servants to be carried on board such vessels; and provide generally for the accommodation of labourers and their dependants on such vessels;
- (j) provide for the detention and inspection of such vessels and of all the passengers, being natives of India, carried in such vessels, while in transit through the Province;
- (k) declare the routes through the Province by which labourers, emigrants under Chapter V and dependants shall travel to the labour-districts;
- (l) prescribe the clothing to be supplied to labourers, emigrants under Chapter V and dependants while proceeding to the labour-districts through the Province;
- (m) require depôts and rest-houses to be provided by and at the cost of employers, contractors or agents for the accommodation of labourers, emigrants under Chapter V and dependants on any prescribed route, and provide for the sanitation and superintendence of such depôts and rest-houses;
- (n) prescribe the mode and the numerical strength of the parties in which labourers, emigrants under Chapter V and dependants are to travel, the arrangements to be made by and at the cost of employers, contractors or agents for facilitating the journey of labourers, emigrants under Chapter V and dependants, the length of daily marches by

(Chapter VIII.—Rules.—Section 163.)

by road, and the provision to be made by and at the cost of employers, contractors or agents for the carriage of labourers, emigrants under Chapter V and dependants when suffering from sickness;

- (o) regulate the food to be supplied by and at the cost of employers, contractors or agents to labourers, emigrants under Chapter V and dependants, and the provision to be made for the proper cooking of such food;
- (p) regulate the water-supply to be maintained by and at the cost of employers, contractors or agents for the use of labourers, emigrants under Chapter V and dependants;
- (q) require suitable hospital-accommodation, medical treatment and maintenance to be provided by and at the cost of employers contractors or agents for labourers, emigrants under Chapter V or dependants when suffering from sickness on their journey to a labour-district;
- (r) regulate the arrangements to be made by and at the cost of employers, contractors or agents in case of the death of any labourer, emigrant under Chapter V or dependant during the journey to a labour-district;
- (s) prescribe the house-accommodation, water-supply, sanitary arrangements and amount and kind of food-grains to be provided by employers for their labourers, and regulate the rations to be supplied to labourers under this Act in the labour-districts in the Province; and
- (t) provide for the hospital-accommodation and medical treatment of labourers in such labour-districts, and prescribe the nature, quality and quantity of medical drugs and

other stores to be provided for such labourers.

(3) Where an employer, contractor, agent or other person fails to perform any act which he is by any rule made under sub-section (2) required to perform, the Local Government may cause the act to be performed and the cost may be recovered from the employer, contractor or agent, as the case may be.

(4) In making any rule under this Act the Local Government may direct that every breach thereof shall be punishable with fine not exceeding in any case five hundred rupees.

(5) All rules made by the Local Government under this Act shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

CHAPTER IX.

PENALTIES AND PROCEDURE.

Recruitment,
etc., in con-
travention of
Act or noti-
fication.

164. Whoever knowingly recruits, engages, induces or assists, or attempts to recruit, engage, induce or assist, any person to emigrate in contravention of any of the provisions of this Act or of any notification for the time being in force thereunder, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Wilful mis-
description
by recruiter.

165. Whoever, being a recruiter, wilfully gives false information to a Registering-officer regarding the name, caste, native district or village of any person produced before such officer for registration as a labourer or regarding any other particulars required to be entered in the register prescribed by section 34, sub-section (2), shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

166. Whoever,

166. Whoever, being a recruiter,—

(a) removes, or attempts to remove, any person to a depôt before he has been registered under section 34, or induces or attempts to induce him to go to a depôt or to leave the local limits of the jurisdiction of the Registering-officer before whom he ought to be brought under section 33, or aids or attempts to aid him in going to a depôt or in leaving any such local limits as aforesaid before he has been so registered ; or

Recruiter removing, etc., unregistered person.

(b) induces or attempts to induce any person who has been so registered to proceed to any place other than the depôt which has been established by the contractor on whose behalf the recruiter is licensed, or conveys or attempts to convey him to such place ;

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

167. (1) Whoever, being a recruiter or a person deputed by a recruiter to accompany labourers to a depôt, fails to provide any labourer or any dependant whom he accompanies on the journey to the depôt with proper and sufficient food and lodging, or otherwise ill-treats the labourer or dependant on the journey, shall be punishable with fine which may extend to fifty rupees ; and, in default of payment of the fine within twenty-four hours, with imprisonment for a term which may extend to one month.

Recruiter not supplying proper food, etc.

(2) The convicting Magistrate may award the whole or any portion of any fine levied under subsection (1) as compensation to the labourer in respect of whom, or of whose dependant, the failure or ill-treatment has occurred.

168. (1) Any

Labourer re-
fusing
without rea-
sonable cause
to execute
contract at
depôt.

168. (1) Any labourer engaged by a recruiter who, having been registered under section 34, without reasonable cause refuses or neglects when at the depôt to execute, in accordance with the provisions of section 44, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to the amount of the expense incurred in registering him and conveying him to the depôt and maintaining him therein; and, in default of payment of the fine, with imprisonment for a term which may extend to one month.

(2) Any labourer so punished may be forthwith discharged from the depôt.

(3) Every fine levied under sub-section (1) shall be paid to the contractor, sub-contractor or recruiter by whom such expense as aforesaid was incurred.

Labourer re-
fusing to
execute con-
tract with
garden-
sardar.

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

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

Garden-sar-
dar falling to
report him-
self, etc.

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

(a) fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate; or

(b) fails,

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

(c) fails to account for the money advanced to him by his employer for the purpose of engaging labourers;

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

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

171. Whoever, being a garden-sardar holding a certificate under Chapter IV or a person appointed under section 55 or section 76 to accompany labourers to a labour-district,—

Garden-sardar, etc. abandoning labourers, etc.

(a) wilfully abandons any labourer or his dependant on the way to the labour-district; or

(b) removes or attempts to remove any person to a labour-district before he has executed a labour-contract in accordance with section 72; or

(c) induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of the garden-sardar before he has executed a labour-contract as aforesaid or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area as aforesaid before he has executed such a labour-contract;

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

172. (1) Whoever,

Garden-sardar making over labourers to contractors, etc.

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

(a) 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, without authority from his employer, to any other person, any person whom he has engaged or intends to engage as a labourer; or

(b) places any such person as aforesaid in a contractor's depôt or in the place of accommodation provided by a recruiter in accordance with the provisions of section 29, sub-section (2); or

(c) allows any person engaged as a labourer by any contractor or sub-contractor or recruiter to share the accommodation provided by him under section 62;

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

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

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

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

Unlawful engagement of emigrants by garden-sardar.

174. Whoever,—

(a) being a garden-sardar employed under a permit to engage persons and assist them
 to

to emigrate in accordance with the provisions of section 90, infringes any of the provisions of that section ; or

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

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

175. Whoever, being a local agent licensed under section 64 or a selecting agent licensed under section 65, retains or acquires any interest in the business of a contractor or works for a contractor for hire or reward shall be punishable with fine, which may extend to one thousand rupees.

Local agent
or selecting
agent work-
ing with
contractor.

176. (1) Whoever,—

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

Master
receiving
native
passengers
on board in
contravention
of Act.

- (b) being a master licensed as aforesaid, knowingly receives on board his vessel any such passengers in excess of the number specified in his license or in any order of an Embarkation Agent under section 100 for the purpose of transporting them to a labour-district ;

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

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

177. Whoever,

Fraudulent
alteration of
vessel after
grant of
license.

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

Master not
complying
with section
102.

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

Master not
complying
with order
under section
104.

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

Master
permitting
labourer to
leave vessel
contrary to
section 106.

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

Master wil-
fully omitting
to stop ves-
sel at certain
places.

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

Person dis-
obeying
Magistrate's
order as to
communica-
tion between
vessel and
land.
Master or
medical

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

183. Whoever, being a master licensed under section

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

officer disobeying or neglecting to enforce rules.

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

Labourer deserting, etc., after registration.

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

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

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

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

Employer refusing or omitting to keep registers, etc.

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

Employer or other person obstructing inspection under section 123.

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

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

188. Whoever

Persons
buying
labourer's
rations.

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

Employer
omitting to
provide
house-accom-
modation,
etc.

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

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

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

Employer
neglecting
to provide
hospital-ac-
commoda-
tion.

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

Employer
causing
labourer to
reside on es-
tate declared
unfit for
residence.

191. Where any estate or portion thereof has been found under section 140, or declared under section 144, unfit for the residence of labourers, or any class of labourers, as the case may be, every employer who, until a certificate has been given under section 145, causes or permits such labourers or class of labourers to reside or labour upon the estate or portion shall be punishable with fine which may extend to two hundred rupees.

192. (1) Every

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

Unlawful
absence from
work.

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

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

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

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the em-

ployer,

ployer, shall be deemed to be reasonable cause within the meaning of this section.

Labourer
absent with-
out cause.

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

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

Statement of
deserters.

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

Deserter may
be appre-
hended with-
out warrant.

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

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

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

(3) Whoever

(3) Whoever arrests a labourer under this section shall without delay take him to the police-station nearest to the place of the arrest; and if he fails to do so shall be punishable with fine which may extend to two hundred rupees.

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

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

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

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

(5) On

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

Procedure on
complaint of
desertion.

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

Punishment
for desertion.

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

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

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

Compensa-
tion for
wrongful
arrest.

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

(2) The

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

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

Cancellation of contract by desertion.

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

Penalty for drunkenness or neglect of sanitary regulations.

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

Portion of sentence may be cancelled on application of employer.

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

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

203. Every

Expense of forwarding labourer to be paid by employer.

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

Conviction not to operate as a release.

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

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

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

Endorsement on contract of imprisonment for offence against Act.

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

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

(3) In a case of desertion falling under sub-section

section

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

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

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

206. Where a labourer is sentenced to imprisonment for any time not exceeding three years for any offence other than an offence under this Act, the Court or Magistrate so sentencing him shall, if the employer or a person acting on behalf of the employer so requests, endorse on the employer's copy of the labour-contract the period for which the labourer is sentenced to imprisonment, or, if that period exceeds the unexpired term of the labour-contract on the date of the sentence, so much of that period as is equal to the unexpired term.

Endorsement on contract of period of any other imprisonment.

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

Periods endorsed to be added to term of contract.

208. (1) Whoever, knowing that a labourer is bound by his labour-contract to labour for any employer, voluntarily entices or attempts to entice the labourer to leave his employer, or harbours or employs any labourer who has, in contravention of the terms of his labour-contract, left his employer, shall be

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

punishable

punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

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

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

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

Employer or other person neglecting to send labourer before Magistrate as provided by section 146. Employer refusing to endorse labour-contract, etc.

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

211. Whoever, being an employer,—

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

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

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

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

Employer or other person neglecting to

212. Whoever, being an employer or a person acting for an employer, refuses or neglects to comply with

(Chapter IX.—Penalties and Procedure.—Sections 213-214. Chapter X.—Miscellaneous.—Sections 215-217.)

with the request of a labourer made under section 156, shall be punishable with fine which may extend to two hundred rupees.

comply with request of labourer wishing to redeem unexpired term. Abetment.

LV of 1860. 213. Whoever abets, within the meaning of the Indian Penal Code, any offence against this Act or any rule hereunder, shall be punishable with the punishment provided for the offence.

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

Place of trial for offences.

CHAPTER X.

MISCELLANEOUS.

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

Recovery of sums due under Act.

216. All arrears of wages due under any labour-contract shall be a charge upon the estate upon which the labourer to whom the labour-contract relates has been engaged to labour; or, if he has engaged to labour upon any one of several estates managed by the same employer, shall be a charge upon that estate upon which he for the time being actually labours.

Wages due under labour-contract a charge upon estate.

217. (1) Whenever an estate on which any labourer has under this Act contracted to labour is transferred by act of parties or operation of law or devolves, the person to whom it is so transferred or on whom it devolves shall be bound by the labour-contract of the labourer in the same manner and to the same extent

Owner of estate for time being has all rights and remedies in respect of labour-

as

contracts
charged on
it.

as the person by or from whom it is transferred or devolves would have been bound thereby, and shall have the same rights and remedies under it as such person would have had thereunder, if the estate had not been transferred or had not devolved.

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

Fines, fees
and rates to
be credited to
Labour
Transport
Fund.

218. (1) Subject to the power of a Magistrate under this Act or the Code of Criminal Procedure, 1898, to award fines in whole or in part as compensation to or for the benefit of any complainant or other person, the Local Government shall credit all fines, fees and rates levied and paid under this Act in the territories under its administration to a fund to be called the "Labour Transport Fund." V of 1

(2) The Labour Transport Fund shall be at the disposal of the Local Government, in such manner as the Government of India may direct, for paying the salaries and allowances of all officers and establishments appointed by it under this Act and their pensionary and leave-allowances, for meeting the cost of sending labourers and other persons back to their native districts, and generally for defraying the expenses of carrying out the purposes and objects of this Act and any rules made by the Local Government hereunder.

(3) The annual surplus accruing in the Labour Transport Fund shall be applied to reducing the annual rate or the registration-fees leviable under this Act, and not otherwise.

Duty of
Assistant
Inspector.

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

220. All

(Chapter X.—Miscellaneous.—Sections 220-223.
*The First Schedule.—Form of Labour-contract
between Labourer and Employer.*)

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

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

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

Power to exempt labour-district from Act.

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

Notifications not to affect prior acts, etc.

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

Repeal.

THE FIRST SCHEDULE.

FORM OF LABOUR-CONTRACT BETWEEN LABOURER AND EMPLOYER.

(See section 5.)

This contract, made under the Assam Labour and Emigration Act, 1901, between *A B* (hereinafter called the labourer) of

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

for a completed daily task regulated in accordance with the provisions of the said Act, || and, when such task as aforesaid is not completed, monthly wages calculated at the same rate in proportion to the amount of work actually done, and that during the said period he, the said employer, will supply to the said labourer rice at a price of Rs. _____ per maund and will faithfully comply with all rules regarding house-accommodation, medical treatment and the supply of food-grains or rations to the said labourer which the Local Government may prescribe; and this contract further witnesseth that the said labourer doth hereby, in consideration of the aforesaid promise, agree so to remain and labour for the said employer. In witness whereof the said parties to these presents have hereunto set their hands at this _____ day of _____ 19 _____.

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

Form

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

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

‡ As the case may be.

§ State rates for various periods of contract.

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

Form of Description of Labourer.

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

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

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

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

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

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

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

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

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

THE

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 223.)

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