

ACT NO. VIII OF 1915.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th March, 1915.)

An Act further to amend the Assam Labour and Emigration Act, 1901.

WHEREAS it is expedient further to amend the Assam Labour and Emigration Act, 1901 ; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Assam Labour and Emigration (Amendment) Act, 1915.

(2) It shall come into force at once, with the exception of section 7, which shall come into force on such day as the Governor General in Council may, by notification in the *Gazette of India*, appoint in this behalf.

Amendment of section 2 (1), Act VI, 1901.

2. In section 2 (1) of the Assam Labour and Emigration Act, 1901 (hereinafter called the said Act), the following amendments shall be made, namely:—

(a) After clause (c) the following clause shall be added, namely:—

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

(b) To clause (e) the following Explanation shall be added, namely:—

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

(c) After

(c) After clause (n) the following clause shall be added, namely :—

“(m) ‘native district,’ in the case of a person who, having proceeded from a Native State into territories in which this Act is in force, emigrates therefrom, includes such Native State.”

(d) After clause (t) the following shall be added, namely :—

“and

(u) ‘Supervisor’ means a Supervisor appointed under this Act.”

3. For sub-section (1) of section 64 of the said Act, the following sub-sections shall be substituted, Amendment of section 64, Act VI, 1901. namely :—

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

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

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

and the existing sub-section (2) of the same section shall be renumbered (4).”

4. In section 67 (1) of the said Act there shall be substituted for the words “the employer,” the Amendment of section 67, Act VI, 1901. words

words "his employer or the association or firm which has applied in respect of such Local Agent under section 64, sub-section (2)" and for the words from "or if" to the end of the sub-section, the following words, namely :—

"or if the District Magistrate is satisfied that the conduct of the Local Agent has been such as to render him unsuitable to hold a license."

Insertion of
new Chapter
VI-A in Act
VI, 1901.

5. After section 116 of the said Act the following provisions shall be inserted, namely :—

"CHAPTER VI-A.

ASSAM LABOUR BOARD.

Constitution
of Assam
Labour
Board.

116-A. (1) There shall be a Board, to be called the Assam Labour Board, for the supervision of Local Agents, and of the recruitment, engagement and emigration to labour districts of natives of India under this Act.

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

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

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

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

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

(4) The

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

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

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

- (a) one of the Indian Tea Association, Calcutta ;
- (b) one of the Indian Tea Association, London ;
- (c) one of the Assam Branch, Indian Tea Association ; and
- (d) one of the Surma Valley Branch, Indian Tea Association.

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

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

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

“116-C. (1) The Board may appoint so many persons as it thinks necessary to be Supervisors, with ^{Appointment and functions of Supervisors.} such

such powers and duties in respect of the supervision of Local Agents and the other matters mentioned in section 116-A (1) as may be conferred and imposed on them by rules made under this Chapter.

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

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

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

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Endorsement
of Local
Agents'
licenses.

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

(2) If the Local Agent fails to produce his license when called upon under sub-section (1), he shall be punishable with fine which may extend to two hundred rupees.

Cess.

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

(2) Such

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

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

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

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

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

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

Rules.

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

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

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

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

(d) for

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

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

Repeal of section 90, Act VI, 1901. Consequential repeals and amendments.

6. (1) The following portions of the said Act are hereby repealed, namely, section 90; in section 91, the words "notwithstanding anything contained in section 90," and in clause (b) thereof, the words "or holding permits granted and countersigned under section 90," and the words "or of that section, as the case may be;" and clause (a) of section 174.

(2) In section 92 of the said Act for the words and figures "sections 90 and 91" there shall be substituted the word and figures "section 91."

Repeal of Chapter III, Act VI, 1901. Consequential repeals and amendments.

7. (1) The portions of the said Act specified in the Schedule to this Act are hereby repealed to the extent mentioned in the second column of the Schedule.

(2) The following amendments shall be made in the said Act, namely:—

(i) In the heading to Chapter V, and in section 92 there shall be substituted for the words and figures "Chapters III and IV" the word and figures "Chapter IV."

(ii) In section 93 (2) there shall be substituted for the words and figures "Chapters II to IV inclusive," the words and figures "Chapter II or IV" and for the words and figures "Chapters VI to X" the words and figures "Chapters VI (except Chapter VI-A) to X."

(iii) For section 172 of the said Act, the following section shall be substituted, namely:—

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

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

(a) makes over to the Garden-sardar or Local Agent of any employer other than the employer
by

by whom his certificate was granted, or, without authority from his employer, to any other person, any person whom he has engaged or intends to engage as a labourer or whom he has assisted or intends to assist to emigrate under Chapter IV as modified by any notification issued under section 91 ; or

(b) places any such person as aforesaid in a place of accommodation used in connection with the unlawful recruitment or engagement of labourers ; or

(c) allows any person unlawfully recruited or engaged as a labourer to share the accommodation provided by him under section 62 ;

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

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

THE SCHEDULE.

THE SCHEDULE.

PORTIONS OF ACT VI OF 1901 REPEALED.

[See section 7 (1).]

1	2
Chapter or Section.	Extent of repeal.
S. 2 (1)	Clause (c). In clause (d) the words "contractor, sub-contractor, recruiter." In clause (l) the words and figures "section 34 or." Clauses (o) and (s.)
S. 12 (1)	Clause (a). In clause (c) the words from "or if the labourer" to the end of the clause.
S. 12 (2)	The whole.
S. 12 (3)	The whole.
Chapter III	The whole.
S. 65	The whole.
S. 91	Clause (a).
S. 163 (2)	In clause (b) the words "contractors or." Clause (f). In clauses (m) to (r) the word "contractors," wherever it occurs.
S. 163 (3)	The word "contractor" in both places where it occurs.
Ss. 165 to 168	The whole.
S. 171	The words and figures "section 55 or."
S. 174	Clause (a).
S. 175	The whole.