

## THE INDIAN EMIGRATION ACT.

### CONTENTS.

Preamble.

#### I.—PRELIMINARY.

##### SECTIONS.

1. Short title.  
Local extent.  
Commencement of Act.
2. Acts repealed.
3. Interpretation-clause.

#### II.—EMIGRATION AGENTS.

4. Appointment of Emigration Agents.
5. Remuneration of Agents.

#### III.—PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

6. Appointment of Protectors of Emigrants.
7. No Protector to hold other office without permission.
8. General duties of Protectors of Emigrants.  
Inspecting vessels with return emigrants.
9. Appointment of Medical Inspector.
10. Depôts to be established in Presidency Towns.
11. Licensing of depôts.
12. Inspection by Protector and Medical Inspector.
13. Report to be made by Medical Inspector.
14. Protectors and Medical Inspectors to be public servants.
15. And to have facilities for inspections, &c.

#### IV.—RECRUITERS OF EMIGRANTS.

16. Protector of Emigrants to license Recruiters.
17. Recruiter's license.
18. Duration and cancelment of license.
19. Form of license, and fee therefor.
20. Recruiter to wear badge.
21. Countersignature of Recruiter's license.

#### V.—CONTRACTS WITH EMIGRANTS.

22. Contracts for labour out of India unlawful, except under this Act.
23. Places for emigration to which contracts may be made with Natives.

24. Power

## SECTIONS.

24. Power to legalize emigration to other places.  
Proviso.
25. Contracts may be made for emigration to such other places.
26. From what ports emigration lawful.

## VI.—REGISTRATION OF EMIGRANTS.

27. Natives engaging to emigrate to appear before Magistrate.  
Examination and registration.
28. Copy of registration to be sent to Emigration Agent and Protector.
29. Registration of emigrants recruited in presidency towns.
30. Copy of registration by Protector to be forwarded to Agent.
31. Fee for registration.

## VII.—CONVEYANCE OF EMIGRANTS TO DEPÔTS.

32. Conveyance of emigrant to depôt.  
Emigrants to be accompanied by Recruiter.  
Recruiter to provide suitable food and lodging.

## VIII.—ARRIVAL AT DEPÔTS AND PROCEDURE THEREON.

33. Arrival at depôt to be reported.
34. Copy of registration to be shewn to Medical Inspector.  
Emigrants to be inspected by him.
35. When emigrant to be sent back to place of registration.
36. Failure of Emigration Agent to pay sum required to enable emigrant to return.
37. Duty of Emigration Agent.  
Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.  
Suits against Emigration Agent.
38. After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.
39. Protector of Emigrants to attend personally at examination and passing.  
And to countersign pass.

## IX.—EMIGRANT VESSELS.

40. Emigrant not to be received on board unlicensed vessel.  
Application for license.  
Contents of license.  
Survey of vessel.  
Report after survey, and certificate to Master.  
Bond to be executed by Master.
41. Space and accommodation required on board.
42. Provisions, fuel and water.

Surgeon,

## SECTIONS.

Surgeon, medicines and stores.  
 Supply of water for vessel calling at intermediate port.  
 Supply in vessel fitted with distilling apparatus.  
 Protector and Inspector of Emigrants to ensure compliance with above provisions.

43. Supply of extra clothing.  
 44. Certificates from Protector of Emigrants and from Emigration Agent.

## X.—EMBARKATION.

45. Emigrants refusing to embark.  
 Proviso.  
 46. Time of sailing for places east of Cape of Good Hope.  
 For other places.  
 47. Emigrant unfit to undertake voyage.  
 48. Provisions of Act to be explained.  
 49. Procedure on embarkation.  
 Emigrant to give his pass to Master.  
 Protector to be personally present.  
 Examination by Medical Inspector.  
 One copy of list of emigrants given to Protector, to be signed and returned to Master.  
 • Emigrant without pass not to remain on board.  
 Pass to be returned to emigrant on arrival at place of destination.  
 50. Copy of list of emigrants to be signed by Emigration Agent and returned to Master.  
 And by him to be delivered at place of destination.  
 51. Protector to send list of emigrants to Government of place to which they sail.  
 52. Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.  
 53. Vessels sailing from Calcutta to be towed to sea.  
 54. Copies of Act and rules to be kept on board.  
 55. Taking emigrants for Seychelles to quarantine-station of Mauritius.

## XI.—SUPPLEMENTARY POWERS.

56. Power of the Governor General in Council to make rules.  
 57. Power to prohibit emigration to any place to which emigration is allowed.  
 58. Emigration to place mentioned to be suspended.  
 59. During suspension, laws against emigration to be in force as to place specified.  
 60. Revocation of suspension.  
 61. Power to prohibit emigration.  
 62. Power to increase fees.

## XII.—SPECIAL PROVISIONS AS TO FRENCH COLONIES.

63. Nomination of Agents for Presidency Towns.

Proviso.

## SECTIONS.

- Proviso.
64. Powers of Agents.
  65. Operations of recruitment.
  66. Protector of Emigrants.
  67. Contracts of service, with certain exceptions, to be made in India.  
Effect of contract.
  68. Matters to be provided for in contract.
  69. Power to extend Act to French Colonies not expressly named.
  70. Vessel to carry European Surgeon and Interpreter.

## XIII.—PENALTIES.

71. For making unlawful contract of labour.
72. For recruiting without being licensed.
73. For Recruiter failing to take engaged labourers before Magistrate or Protector.  
For fraudulently inducing labourer to contract.  
For not supplying proper food.  
For not taking emigrant to dépôt.
74. For forwarding emigrants, or allowing them to go, without being duly registered.
75. For false representation of Government authority.
76. For receiving emigrants in unlicensed vessel.
77. For clearing ship without complying with rules.
78. For taking on board after clearance, emigrants not entered in list.
79. For fraudulent acts whereby certificate becomes inapplicable to vessel.
80. For proceeding to sea without steam.
81. Customs officers may search and detain for purposes of this Act.
82. Prosecutions under this Act where and how instituted.  
Mode of recovering fines.

## XIV.—MISCELLANEOUS.

83. Probable length of voyages to places mentioned in section 23.
84. Notification legalizing emigration to new place to give probable length of voyages thither.
85. Exercise of powers of Magistrate of the District under this Act.
86. Act and rules made under it not to apply to certain vessels.  
First Schedule (Acts repealed).  
Second Schedule (Form of Recruiter's license).  
Third Schedule (Convention as to Emigration to French Colonies).

## ACT No. VII OF 1871.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.  
*(Received the assent of the Governor General) on the 10th  
 March 1871).*

An Act to consolidate the laws relating to the Emigration of Native Labourers.

Preamble. WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

## I.—PRELIMINARY.

Short title. 1. This Act may be called “The Indian Emigration Act, 1871:”

Local extent. It extends to the whole of British India;

Commencement of Act. And it shall come into force on the passing thereof.

Acts repealed. 2. The Acts mentioned in the first schedule hereto annexed are repealed. All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

Interpretation-clause. 3. In this Act—

“Emigrate.” “Emigrate” denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word “emigrant” denotes any Native of India under engagement to emigrate:

“Magistrate.” “Magistrate” denotes any officer exercising the full powers of a Magistrate and in charge of a District, a Division, or a Sub-Division:

“Vessel.” “Vessel” includes anything made for the conveyance by water of human beings or property.

## II.—EMIGRATION AGENTS.

Appointment of Emigration Agents. 4. The Government of every place to which emigration is lawful under this Act may, from time to time,

time, appoint a person to act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

Remuneration of Agents.

### III.—PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may, with the sanction of the Governor General in Council, assign to such person such salary and establishment as shall be deemed proper.

Appointment of Protectors of Emigrants.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

No Protector to hold other office without permission.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all emigrants, and shall cause all the provisions of this Act to be duly complied with.

General duties of Protectors of Emigrants.

He shall also inspect on arrival all vessels bringing return emigrants to the port at which he is Protector, and enquire into the treatment received by such emigrants both during the period of their service in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

Inspecting vessels with return emigrants.

and he shall aid and advise such return emigrants so far as he reasonably can when called upon by them to do so.

9. At

Appointment  
of Medical  
Inspector.

9. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of Emigrants; and may, with the sanction of the Governor General in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.

X Depôts to be  
established in  
Presidency  
Towns.

10. In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable depôt for the persons engaged as labourers for such place.

✓ Licensing of  
depôts.

11. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants.

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

Inspection by  
Protector and  
Medical In-  
spector.

12. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the emigrants in the various depôts for the reception of emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

Report to be  
made by Me-  
dical Inspect-  
or.

13. The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the emigrants are treated with any neglect or oppression.

Protectors  
and Medical  
Inspectors to  
be public  
servants.

14. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

15. Every

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

And to have facilities for inspections, &c.

#### IV.—RECRUITERS OF EMIGRANTS.

16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,

Protector of Emigrants to license Recruiters.

and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.

17. Every Recruiter shall be licensed to obtain labourers for some particular place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.

Recruiter's license.

18. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

Duration and cancelment of license.

19. Every license shall be in the form set forth in the second schedule hereto annexed.

Form of license, and fee therefor.

For every license there shall be paid to the Protector a fee of fifteen rupees.

20. Every person holding a license as a Recruiter of labourers shall wear a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers:—“Recruiter of Emigrants for the Mauritius” (or other place, as the case may be).

Recruiter to wear badge.

21. No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first

Countersignature of Recruiter's license.

exhibited .



exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time.

V.—CONTRACTS WITH EMIGRANTS.

Contracts for labour out of India unlawful, except under this Act.

**22.** Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating :

provided that nothing in this Act shall apply—

to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India ;

to emigration to any such Settlement or State ;

to any contract for labour to be performed in, or to emigration to, the Island of Ceylon ; or

to any contract with or the emigration of any Native seaman or other person who of his own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

Places for emigration to which contracts may be made with Natives.

**23.** Contracts may be made with Natives of India to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles ;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix ;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

Power to legalize emigration to other places.

**24.** The Governor General in Council may, from time to time, by notification published in the *Gazette*

of

of India, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three :

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place. Proviso.

25. From the date of any such notification, contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place ; Contracts may be made for emigration to such other places.

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

26. Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay. From what ports emigration lawful.

#### VI.—REGISTRATION OF EMIGRANTS.

27. Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before a Magistrate, and no Recruiter shall remove such emigrant from the said District until he has so appeared. Natives engaging to emigrate to appear before Magistrate.

Upon so appearing, the Magistrate shall examine the intending emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes, Examination and registration.

(a) the name, name of the father, and the age, of such emigrant,

(b) the

(b) the name of the village or place of which such emigrant is a resident,

(c) the Emigration depôt to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the emigrant and the Recruiter.

If the Magistrate thinks that the intending emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the emigrant registered.

Copy of registration to be sent to Emigration Agent and Protector.

28. Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

Registration of emigrants recruited in presidency towns.

29. Every Native of India, who in the towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such emigrant from the said town, or to any Emigration depôt, until he has so appeared.

Upon his so appearing, the Protector of Emigrants shall examine the intending emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, the name of the father, and the age, of such emigrant,

(b) the name of the village or place of which such emigrant is a resident,

(c) the

(c) the Emigration depôt to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the emigrant registered.

**30.** An authentic copy of every such registration shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein has been engaged.

Copy of registration by Protector to be forwarded to Agent.

**31.** For the registration of every emigrant under section twenty-seven or section twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

Fee for registration.

On proof of the desertion of any emigrant before embarkation, the fee paid in respect of such emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General in Council.

#### VII.—CONVEYANCE OF EMIGRANTS TO DEPÔTS.

**32.** (1). Every emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such emigrant has contracted to emigrate.

Conveyance of emigrant to depôt.

(2). The registered emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom

Emigrants to be accompanied by Recruiter.

the

the emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter to provide suitable food and lodging.

(3). Every Recruiter by or through whom emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

#### VIII.—ARRIVAL AT DEPÔTS AND PROCEDURE THEREON.

Arrival at depôt to be reported.

**33.** The arrival of each emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Copy of registration to be shown to Medical Inspector.

**34.** The copy of the registration of every emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall, as soon as conveniently may be after the arrival of the emigrant, be shewn to the Medical Inspector of Emigrants; and the emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed.

Emigrants to be inspected by him.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

When emigrant to be sent back to place of registration.

**35.** If the Medical Inspector certifies that any emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depôt such emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the emigrant to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the emigrant to such place.

Failure of Emigration Agent to pay sum required to enable emigrant to return.

**36.** On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector

ector

lector for the payment of any such sum, the Protector may pay the same to or on behalf of the emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

**37.** The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each emigrant at the depôt, shall ascertain by personal communication with such emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt.

Duty of Emi-  
gration  
Agent.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the emigrant, as shown by the copy of the registration produced by the emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the  
Emigration

Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the emigrant.

Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

Suits against Emigration Agent.

The Protector shall also, in every case in which it seems to him proper to do so, institute a suit on behalf of the emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.

**38.** After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the emigrant to emigrate, the Emigration Agent shall deliver to the emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

Protector of Emigrants to attend personally at examination and passing.

**39.** The Protector of Emigrants shall attend personally at the examination and passing of emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the emigrants as it may be his duty to make.

And to countersign pass.

If such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

IX.—EMIGRANT

## IX.—EMIGRANT VESSELS.

40. (1). It shall not be lawful to receive any emigrant on board any vessel unless a license to carry emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.

Emigrant not to be received on board unlicensed vessel.

(2). The Master or owner of any vessel who desires to obtain a license to carry emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

Application for license.

(3). Every such application shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

Contents of license.

(4). The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for emigrants, and to ascertain that she is properly ventilated and is supplied with all the tackle requisite for her voyage.

Survey of vessel.

(5). The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

Report after survey, and certificate to Master.

(6). In consideration of his obtaining a license to carry emigrants, the Master of every vessel intended to carry emigrants shall, upon the requisition of the Protector of Emigrants and before any emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

Bond to be executed by Master.

41. (1). No



Space and  
accommoda-  
tion required  
on board.

41. (1). No certificate under section forty shall be granted, unless there be provided for the emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

(2). No compartment shall take more than one adult emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3). A distinct and separate place shall be fitted up for a hospital in every emigrant vessel.

(4). Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5). An emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

Provisions,  
fuel and  
water.

42. (1). There shall be actually laden and on board of every vessel carrying emigrants, at the time of the departure of such vessel from the port at which they embark,

(a) good and wholesome provisions for the use and consumption of the said emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any) in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General in Council under section fifty-six,

(b) fuel for cooking such provisions, and

(c) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every emigrant on board such vessel. Such water shall be carried in tanks to be approved by the Protector of Emigrants.

(2). Every

(2). Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

Surgeon,  
medicines  
and stores.

(3). When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place, shall be deemed to be a compliance with this section.

Supply of  
water for  
vessel calling  
at interme-  
diate port.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4). When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

Supply in  
vessel fitted  
with distil-  
ling appara-  
tus.

(5). The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with.

Protector and  
Inspector of  
Emigrants  
to ensure  
compliance  
with above  
provisions.

**43.** Before any vessel carrying emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Supply of  
extra cloth-  
ing.

Every emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

**44.** Before any vessel licensed to carry emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain

Certificates  
from Protect-  
or of Emi-  
grants and  
from Emigra-  
tion Agent.

from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

#### X.—EMBARKATION.

Emigrants refusing to embark.

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

Proviso.

Every case in which an emigrant is charged before a Magistrate of Police in a presidency town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such emigrant shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

Time of sailing for places East of Cape of Good Hope.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration is lawful under this Act, at all times of the year.

For other places.

For any such place West of the Cape of Good Hope, emigrants may leave only between the thirty-first day of July and the first day of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

Provided

Provided that, in cases of emergency, the Local Government may permit emigrants for any place West of the Cape of Good Hope to leave between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every emigrant before embarkation, ascertain that the emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

Emigrant unfit to undertake voyage.

If the Protector of Emigrants is of opinion that any emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation, and the husband, wife, father, mother, or child of such emigrant may, notwithstanding anything herein contained, refuse to embark.

The Protector of Emigrants shall also, before the embarkation of any emigrant, ascertain that he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any emigrant has lost such copy, the Protector may furnish such emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the register kept by himself under section twenty-nine, and shall thereupon allow such emigrant to embark.

48. The Protector of Emigrants shall explain to all emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such emigrants.

Provisions of Act to be explained.

49. (1). When any emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the emigrants about to embark on board such vessel.

Procedure on embarkation.

(2. On

Emigrant to give his pass to Master.

(2). On embarkation, every emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any emigrant on board unless he delivers up such pass. The Master shall compare the emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the emigrants embarked, the Master shall sign the five copies of the list.

Protector to be personally present.

(3). The Protector of Emigrants shall be personally present at the embarkation of all emigrants, and shall see that the Master duly compares the list with the passes and emigrants, and he shall himself also compare the list with the passes and emigrants.

Examination by Medical Inspector.

(4). The Medical Inspector shall also be personally present at the embarkation of all emigrants and shall examine each emigrant to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed; and the provisions of sections thirty-four, thirty-five and thirty-six shall apply, *mutatis mutandis*, to emigrants examined under this clause.

One copy of list of emigrants given to Protector, to be signed and returned to Master.

(5). When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

Emigrant without pass not to remain on board.

(6). The Protector of Emigrants shall not permit any emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

Pass to be returned to emigrant on arrival at place of destination.

(7). Every pass delivered up to the Master of a vessel under this section shall be returned by him to the emigrant by whom the same was delivered up, prior to such emigrant disembarking on the arrival of the vessel at her place of destination.

Copy of list of emigrants to be signed by Emigration Agent and returned to Master.

50. The Master of every vessel carrying emigrants shall, after the embarkation of the emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared

cleared out two others of the five copies of the list of emigrants mentioned in section forty-nine, duly signed by the Master.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

And by him to be delivered at place of destination.

51. The Protector of Emigrants shall, by every vessel which carries emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the emigrants embark, a correct and detailed list of all emigrants embarked in such vessel, compiled from the passes of the emigrants and from the list signed by the Master as aforesaid.

Protector to send list of emigrants to Government of place to which they sail.

52. The Master of every vessel carrying emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the emigrants as shall have first embarked.

Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

53. Every vessel sailing from the port of Calcutta with emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

Vessels sailing from Calcutta to be towed to sea.

54. Two copies of this Act and of all rules made by the Governor General in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

Copies of Act and rules to be kept on board.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any emigrant or passenger for his perusal.

55. In case of sickness breaking out on board of any vessel conveying emigrants to Seychelles, such emigrants may be taken to the quarantine-station of Mauritius.

Taking emigrants for Seychelles to quarantine-station of Mauritius.

In

In such case the emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such emigrants shall then be regarded and treated, in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

#### XI.—SUPPLEMENTARY POWERS.

Power of the  
Governor General in  
Council to  
make rules.

56. The Governor General in Council may from time to time make rules consistent with this Act,—

(1). To regulate the proportion of women to be taken with emigrants, the proportion of children to be taken with adults, and the age below or above which children shall not be taken ;

(2). To prescribe the description, quantity and quality of provisions to be taken by vessels carrying emigrants, the daily allowance of food and water to be issued to each emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the emigrants ;

(3). To provide for the medical care of emigrants during their residence at the depôts and on their voyages ;

(4). To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels ;

(5). To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire ;

(6). To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the emigrants, and of his treatment of the sick, together with full explanations of the causes of every death ;

(7). And generally to provide for the security, well-being, and protection of emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided

Provided that, in cases of emergency, the Local Government may permit any vessel carrying emigrants to leave port although the proportion of women or children embarked on board such vessel is not in accordance with the said rules.

57. Whenever the Governor General in Council has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

Power to prohibit emigration to any place to which emigration is allowed.

58. After any notification has been published under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

Emigration to place mentioned to be suspended.

59. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

During suspension, laws against emigration to be in force as to place specified.

60. Whenever the Governor General in Council is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to  
India

Revocation of suspension.



India for such emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

Power to prohibit emigration.

**61.** Whenever the Governor General in Council or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council or by the Local Government.

Power to increase fees.

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

increase any fee payable under sections eleven, nineteen and thirty-one and may also in like manner reduce to its present amount any fee so increased :

Provided that no fee shall be increased under this section by more than double such amount.

#### XII.—SPECIAL PROVISIONS AS TO FRENCH COLONIES.

**63.** The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

Nomination of Agents for Presidency Towns.

Proviso.

**64.** The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

Powers of Agents.

**65.** The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

Operations of recruitment.

**66.** The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

Protector of Emigrants.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

**67.** All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the emigrant

Contracts of service, with certain exceptions, to be made in India. Effect of contract.

either

either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

Matters to be provided for in contract.

68. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

(1). The duration of the engagement at the expiration of which the emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

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

(3). The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the emigrant.

(4). Gratuitous medical treatment for the emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5). In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

Power to extend Act to French Colonies not expressly named.

69. The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Such declaration shall have the same effect as if it formed part of this section.

Vessel to carry European Surgeon and Interpreter.

70. Every emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.

#### XIII.—PENALTIES.

For making unlawful contract of labour.

71. Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed

in

in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code ;

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

**72.** Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of labourers, or, contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

For recruiting without being licensed.

**73.** Whoever, being a duly licensed Recruiter, removes any emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such emigrant having appeared along with the Recruiter before a Magistrate in order that the emigrant might be examined and registered ;

For Recruiter failing to take engaged emigrants before Magistrate or Protector.

and whoever removes any emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depôt, without such emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the emigrant might be examined and registered ;

and whoever by means of intoxication, violence, fraud, or false pretences induces any Native of India to enter into a contract for labour to be performed by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract ;

For fraudulently inducing labourer to contract.

and whoever fails to supply any emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such emigrant on his journey to the depôt ;

For not supplying proper food.

and

For not taking emigrant to depôt.

and whoever forwards, sends or conveys any such emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the emigrants for the place at which such emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

For forwarding emigrants or allowing them to go, without being duly registered.

**74.** Whoever, being a duly licensed Recruiter, forwards or sends any emigrant from the district or town in which he has entered into an engagement, to any emigration depôt, without such emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

For false representation of Government authority.

**75.** Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

For receiving emigrants in unlicensed vessel.

**76.** The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any emigrant on board in order to convey such emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such emigrant received on board, and the vessel shall be liable to be forfeited.

For clearing ship without complying with rules.

**77.** If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any emigrant

grant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every emigrant so taken on board.

78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any emigrant without such emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every emigrant so taken on board.

For taking on board after clearance emigrants not entered in list.

79. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

For fraudulent acts whereby certificate becomes inapplicable to vessel.

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

80. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

For proceeding to sea without steam.

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

81. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of emigrants on board vessels bound for any place to

Customs officers may search and detain for purposes of this Act.

which

which emigration is lawful under this Act, and of other offences against this Act.

Prosecutions under this Act where and how instituted.

82. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before a Magistrate, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

Mode of recovering fines.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

#### XIV.—MISCELLANEOUS.

Probable length of voyages to places mentioned in section twenty-three.

83. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, and in the case of sailing vessels, be deemed to be as follows:—

FROM CALCUTTA:—

|  |     |     |  |
|--|-----|-----|--|
| To Mauritius, Seychelles and Réunion   | ... | ... | } Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks. |
| To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies | ... | ... |  |
| To French Guiana   | ... | ... | Twenty-six weeks.  |
| To Natal   | ... | ... | Twelve weeks.  |

FROM MADRAS:—

|                                      |     |     |  |
|--------------------------------------|-----|-----|--|
| To Mauritius, Seychelles and Réunion | ... | ... | } Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks. |
| To                                   |     |     |  |

|  |                       |
|--|-----------------------|
| To Jamaica, British Guiana,<br>Trinidad, St. Lucia, Grenada,<br>St. Vincent, St. Kitts, St.<br>Croix, Martinique, Guade-<br>loupe and its dependencies,<br>and French Guiana | ... } Nineteen weeks. |
| To Natal   | ... Ten weeks.        |

## FROM BOMBAY:—

|  |  |
|--|--|
| To Mauritius, Seychelles and<br>Réunion  | ... } Between the months of April<br>and September inclusive, five<br>weeks; and between the<br>months of October and March<br>inclusive, six weeks. |
| To Jamaica, British Guiana,<br>Trinidad, St. Lucia, Grenada,<br>St. Vincent, St. Kitts, St.<br>Croix, Martinique, Guade-<br>loupe and its dependencies,<br>and French Guiana | ... } Nineteen weeks.  |
| To Natal   | ... Ten weeks.   |

In the case of vessels propelled either wholly or in part by steam, the Local Government may, by notification in the official Gazette, fix, for the purposes of this Act, the probable length of the voyages aforesaid.

**84.** Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Notification legalizing emigration to new place to give probable length of voyages thither.

**85.** The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Exercise of powers of Magistrate of the District under this Act.

Every person so authorized shall, in all respects for the purposes of this Act, be deemed to be included in the words "the Magistrate."

**86.** Nothing in this Act or in any rule to be made by the Governor General in Council under section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

Act and rules made under it not to apply to certain vessels.

THE



## THE FIRST SCHEDULE.

(See section 2).

| Number and year. | Title.  |
|------------------|---|
| XLVI of 1860 ... | To authorize and regulate the Emigration of Native Labourers to the French Colonies.                                  |
| VII of 1862 ...  | To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies).      |
| XIII of 1864 ... | To consolidate and amend the laws relating to the Emigration of Native Labourers.                                     |
| VI of 1869 ...   | To amend the law relating to the Emigration of Native Labourers.  |
| VI of 1870 ...   | To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act. |

## THE SECOND SCHEDULE.

(See section 19).

Office of the Protector of Emigrants at the Port of  
*A B* is hereby licensed under the Indian Emigration Act, 1871,  
to be a Recruiter for engaging persons to proceed to  
for the purpose of labouring for hire.

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

Dated the        day of

(Signed)        *C. D.*,  
Protector of Emigrants.

## THE THIRD SCHEDULE.

(See sections 66, 67 and 68).

Convention between Her Majesty and the Emperor of the French relative to the Emigration of labourers from India to the French Colonies, with an additional Article thereto annexed.

*Signed at Paris, July 1861.*

[*Ratifications exchanged at Paris, July 30th, 1861.*]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861), his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring,

in

in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles, Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French ;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles :—

ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

ARTICLE VI.

No emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—

1. The duration of the engagement, at the expiration of which the emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.
2. The number of days and hours of work.
3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the emigrant.
4. Gratuitous medical treatment for the emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

ARTICLE IX.

1. The duration of the immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.
2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from

from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE X.

The immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

In British Ports, the arrangements which precede the departure of the emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every emigrant ship, deliver to the British Consular Agent a nominal list of the emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

ARTICLE XII.

In the ports of embarkation, the emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who, on their part, may at any reasonable hour visit the places in which the emigrants, subjects of Her Britannic Majesty, are collected or lodged.

ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only

only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every emigrant sailing from India for the Antilles, between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

ARTICLE XIV.

Every emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the port of embarkation for the British Consular Agent at the port of destination, and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of emigrants, subjects of Her Britannic Majesty, the emigrants shall occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI.

Each shipment of emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of emigrants.

ARTICLE XVIII.

## ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

## ARTICLE XIX.

On the arrival of an emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the emigrants before their distribution in the Colony.

A copy of the "List of Distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

## ARTICLE XX.

All immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

## ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

## ARTICLE XXII.

## ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

## ARTICLE XXIII.

The labour regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

## ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

## ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

## ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their

their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the first day of July, in the year of Our Lord one thousand eight hundred and sixty-one.

(L. s.) COWLEY.  
(L. s.) THOUVENEL.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in Her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July 1861.

(L. s.) COWLEY.  
(L. s.) THOUVENEL.