

ACT No. X OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th October, 1902.)

An Act further to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1883, and to make better provision for the departure by sea out of India of Natives of India engaged for certain purposes; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Indian Emigration (Amendment) Act, 1902; and

(2) It extends to the whole of British India.

Addition to preamble, Act XXI, 1883.

2. To the preamble to the Indian Emigration Act, 1883, the words "and to regulate their departure by sea out of India in certain cases" shall be added.

Addition of new clause to section 6, Act XXI of 1883.

3. In section 6 of the said Act, after the word "context" the following clause shall be inserted, namely:—

"(1) 'labour' means 'unskilled labour' and does not include any work or other occupation of the nature hereinafter referred to in Chapter XIV:" and the existing clauses (1) to (9) shall be renumbered clauses (2) to (10), respectively.

Amendment of clause (2), section 6, Act XXI, 1883.

4. For the proviso to clause (2), as renumbered, of the same section, the following proviso shall be substituted, namely:—

"Provided that, in case of any doubt or dispute as to whether any person should be deemed so to emigrate, the question shall be referred to the Local Government, whose decision shall be final."

Repeal of clause (a) of proviso to section 105, Act XXI of 1883.

5. In the proviso to section 105 of the said Act, clause (a) is hereby repealed.

6. After

6. After Chapter XIII of the said Act the following Chapter shall be added, namely :—

Addition of Chapter after Chapter XIII, Act XXI, 1883.

“CHAPTER XIV.

“NATIVES OF INDIA ENGAGED AS ARTISANS OR FOR EXHIBITIONS, ENTERTAINMENTS OR SERVICE IN PLACES OF PUBLIC RESORT OR DOMESTIC SERVICE ABROAD.

“107. (1) Whoever desires to engage any Native of India to depart by sea out of India for the purpose—

Application for permission to engage Natives of India to depart abroad for certain purposes.

- (a) of working as an artisan, or
- (b) of any exhibition or entertainment, or
- (c) of service in any restaurant, tea-house or other place of public resort, or,
- (d) save as provided in sub-section (2), of domestic service,

in any place beyond the limits of India other than the Island of Ceylon or the Straits Settlements, shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart (which shall be a port from which emigration is lawful) and shall state in his application—

- (i) the number of the persons whom he proposes so to engage ;
- (ii) the place or places beyond the limits of India to which such persons and their dependents are to proceed ;
- (iii) the accommodation to be provided for such persons and their dependents until their departure out of India and during the voyage ;
- (iv) the provision to be made for the health and well-being of such persons and their dependents during the period of the proposed engagement, and for their repatriation at the end of such period ;
- (v) the terms of the agreements under which such persons are to be engaged ; and

(vi) the

(vi) the security in British India which he proposes to furnish for the due observance of such agreements and for the proper treatment of the persons to be engaged and their dependents.

(2) Nothing in sub-section (1) shall be deemed to apply to any person who in good faith—

(a) engages a Native of India to accompany him out of India as his personal domestic servant, or

(b) engages in compliance with the request of some other person, not being in India, a Native of India to depart out of India for the purpose of becoming the personal domestic servant of such other person.

Explanation.—For the purposes of this Chapter, the words “emigrant” and “emigrate” in the definition of “dependent” in section 6, clause (4), shall be read as referring to the departure by sea out of India of a person whom it is desired to engage under this Chapter.

Applications
how to be
disposed of.

“108. On receiving an application under section 107, the Local Government may, after such inquiry as may be necessary, grant the permission applied for on such terms and conditions (if any) as it thinks fit, or withhold such permission, and the decision of the Local Government shall be final.

Appearance
of engaged
persons
before, and
registration
of names
by, Protector
of Emigrants.

“109. (1) Before any Native of India departs from India in accordance with permission granted under section 108, the person by whom he has been engaged shall appear before the Protector of Emigrants at the port of embarkation with such Native of India, and with any persons intending to accompany him as his dependents.

(2) If it appears to the Protector of Emigrants that permission to engage such Native of India has been duly obtained and that the terms of the agreement under which such Native of India has been engaged are in accordance with the terms of the permission granted, and that the conditions on which such permission was granted

granted have been complied with, he shall register in a book to be kept for the purpose such particulars concerning such Native of India and his dependents (if any) and concerning the person engaging him in such form as the Governor General in Council by rules made under this Chapter prescribes.

“110. Where such security as is referred to in section 107, sub-section (1), sub-clause (vi), has been furnished, the Local Government may, after such inquiry as may be necessary, pass orders in regard to the forfeiture of the security and the application of the same or of any part thereof, or may order the return of the security or of any part thereof to the person by whom it was furnished, or to his representative.

Provisions
as to security.

“111. (1) Whoever,—

- (a) without having first obtained the permission of the Local Government referred to in section 107, sub-section (1), enters or attempts to enter into an agreement purporting to bind any Native of India to depart by sea out of India for any of the purposes specified in the said sub-section, or
- (b) causes any Native of India engaged by him for any such purpose as aforesaid to depart from any port which is not a port from which emigration is lawful, or
- (c) causes any Native of India engaged by him, after grant of the permission referred to in section 108, to depart by sea out of India without registration of the particulars required by section 109, sub-section (2),

Penalties
and restriction
on
prosecutions.

shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred and fifty rupees for each Native of India in respect of whom the offence is committed.

(2) Prosecutions under this section shall not be instituted except by the Protector of Emigrants or
by

by an officer appointed for the purpose by any Local Government.

Delegation
to Protector
of Emigrants
of authority
to receive or
dispose of
applications.

"112. The Local Government may, by notification in the local official Gazette, authorize a Protector of Emigrants to receive or dispose of applications made under this Chapter :

Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

Rules.

"113. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) All rules under this section shall be made subject to the condition of previous publication."