

# THE INDIAN EMIGRATION ACT, 1908 (XVII OF 1908).

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## ACT No. XVII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 18th  
December 1908.)*

An Act to consolidate the enactments relating  
to the Emigration of Natives of India.

**WHEREAS** it is expedient to consolidate the enactments relating to the emigration of Natives of India and their departure by sea out of India for certain purposes ; It is hereby enacted as follows :—

### CHAPTER I.

#### PRELIMINARY.

Short title  
and extent.

1. (1) This Act may be called the Indian Emigration Act, 1908 ; and

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

Definitions.

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

(i) “dependent” means any of the following persons accompanying any emigrant, namely :—

(a) any woman who has not entered into an agreement to emigrate under this Act ;

(b) any child in whose name and on whose behalf any such agreement has not been entered into ; and

(c) any aged or incapacitated relative or friend :

(ii) “emigrant” means any Native of India who emigrates, or has emigrated, within the meaning of clause (iv), or who has been registered under this Act as an emigrant, and includes any dependent of an emigrant :

(iii) “emigrant-vessel”

*(Chapter I.—Preliminary.)*

(iii) "emigrant-vessel" means a vessel the master of which is licensed under this Act to carry emigrants therein :

(iv) "emigrate" and "emigration" denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the island of Ceylon or the Straits Settlements :

(v) "labour" means unskilled labour and does not include any work or other occupation of the nature hereinafter referred to in Chapter XI :

(vi) "Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a District Magistrate or a Sub-divisional Magistrate, and includes also any person appointed by the Local Government to perform in any area the functions of a Magistrate under this Act :

(vii) "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a vessel :

(viii) "recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons :

(ix) "Registering Officer" means any person appointed by the Local Government to perform in any area the functions of a Registering Officer under this Act : and

(x) "vessel" includes anything made for the conveyance by water of human beings or property.

(2) In case of any doubt or dispute as to whether any person should be deemed—

(a) to emigrate, or

(b) to be a Native of India,

within the meaning of this Act, the question shall be determined by such person and in such manner as the Governor General in Council may, by rules made under this Act, direct, and such determination shall be final.

## CHAPTER II.

(Chapter II.—Ports from which, and Countries to which, Emigration is lawful.)

## CHAPTER II.

### PORTS FROM WHICH, AND COUNTRIES TO WHICH, EMIGRATION IS LAWFUL.

Ports from which emigration is lawful.

3. (1) Emigration shall not be lawful except from the ports of Calcutta, Madras, Bombay and Karachi, and from such other ports as the Governor General in Council, by notification in the Gazette of India, declares to be ports from which emigration is lawful.

(2) The Local Government may, by notification in the local official Gazette, fix for the purposes of this Act the limits of any port from which emigration is lawful.

Countries to which emigration is lawful.

4. (1) Emigration shall not be lawful except to the countries specified in the first schedule and to such other countries as the Governor General in Council, by notification in the Gazette of India, declares to be countries to which emigration is lawful.

(2) Every notification under this section must contain a declaration that the Governor General in Council has been duly certified that the Government of the country to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of emigrants to that country during their residence therein.

Power for Governor General in Council to prohibit emigration to any country.

5. (1) Where the Governor General in Council has reason to believe that any of the grounds, hereinafter mentioned, for prohibiting emigration to any country to which emigration is lawful, exists, he may by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful from a day specified in the notification; and from that day emigration to that country shall accordingly cease to be lawful.

(2) The

(Chapter II.—Ports from which, and Countries to which, Emigration is lawful.)

(2) The grounds referred to in sub-section (1) are—

- (a) that the plague or any other epidemic disease dangerous to human life has broken out in the country ;
- (b) that the mortality among emigrants in the country is excessive ;
- (c) that proper measures have not been taken for the protection of emigrants immediately on their arrival in the country or during their residence therein ;
- (d) that the agreements made with emigrants as such before their departure from India are not duly enforced by the Government of the country ; and
- (e) that the Governor General in Council having either directly or through the Secretary of State for India in Council, addressed the Government of the country with a view to obtain information regarding the condition or treatment of emigrants therein, has not within a reasonable time received the information asked for.

6. (1) Where the Local Government has reason to believe that, in any country to which emigration is lawful, the plague or other epidemic disease dangerous to human life has broken out, and that emigrants, if allowed to emigrate to that country, would be exposed to serious risk of life on arrival there, it may, by notification in the local official Gazette, declare that emigration to that country from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor General in Council.

Power for Local Government to suspend emigration pending reference to Governor General in Council.

(2) The Local Government shall at once report the publication of a notification under this section, with

(Chapter II.—Ports from which, and Countries to which, Emigration is lawful. Chapter III.—Emigration Agents.)

with the reasons for it, to the Governor General in Council, who shall thereupon publish a notification in the Gazette of India confirming or cancelling the notification published by the Local Government.

Revocation of prohibition.

7. Where the Governor General in Council is satisfied that the ground on which a notification has been published by him under either of the two last foregoing sections with respect to any country has ceased to exist, he may, by notification in the Gazette of India, declare that emigration to that country shall again be lawful from a day to be specified in the notification.

Power for Local Government to prohibit emigration to specified country from the whole or any specified part of its territories. Saving for acts done before publication of notification.

8. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit, from a day specified in the notification, all Natives of India or any specified class of such Natives from emigrating from the whole or any specified part of the territories under its administration to any specified country.

9. The publication of a notification under any of the four last foregoing sections shall not affect any act done, offence committed or proceedings commenced before the publication.

### CHAPTER III.

#### EMIGRATION AGENTS.

Appointment of Emigration Agents.

10. (1) The Government of every country to which emigration is lawful may, from time to time, appoint a person to be Emigration Agent in any port from which emigration is lawful.

(2) An appointment under this section shall not take effect until the Local Government, by notification

(Chapter III.—*Emigration Agents.* Chapter IV.—*Protectors of Emigrants and Medical Inspectors.*)

tion in the local official Gazette, has declared its approval of the appointment.

11. The remuneration to be given to an Emigration Agent shall not depend on, or be regulated by, the number of emigrants sent by him, but shall be in the nature of a fixed salary :

Remuneration of Agents.

Provided that the Governor General in Council may authorize the payment to specified Emigration Agents of special fees for occasional work.

#### CHAPTER IV.

#### PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

12. (1) The Local Government may appoint a proper person to be the Protector of Emigrants for any port within the territories administered by it from which emigration is lawful.

Appointment of Protectors of Emigrants.

(2) The Governor General in Council may define the area to which the authority of any Protector of Emigrants so appointed shall extend.

(3) Every Protector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

13. Every Protector of Emigrants, in addition to the special duties assigned to him by this Act or the rules made under this Act, shall—

General duties of Protector.

- (a) protect and aid with his advice all emigrants ;
- (b) cause, so far as he can, all the provisions of this Act and of the rules made under this Act to be complied with ;
- (c) inspect, on arrival, all vessels bringing return emigrants to the port for which he is Protector ;

(d) enquire



(Chapter IV.—Protectors of Emigrants and Medical Inspectors. Chapter V.—Recruiters.)

(d) enquire into the treatment received by the return emigrants both during the period of their service in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government; and

(e) aid and advise the return emigrants so far as he reasonably can.

Appointment  
of Medical  
Inspector.

14. (1) The Local Government may appoint one or more Medical Inspectors of Emigrants at each port from which emigration is lawful and may apportion their respective duties.

(2) Every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

Protector and  
Medical In-  
spector to  
have faci-  
lities for  
inspection.

15. Every Emigration Agent and all persons in charge of, or employed in, any depôt established under this Act, or in charge of, or employed in, any emigrant-vessel, shall give the Protector of Emigrants and the Medical Inspector of Emigrants every facility for making such inspections, examinations and surveys as are required by this Act or by the rules made under this Act, or as those officers may deem necessary or proper, and shall afford them all such information as they may reasonably require.

## CHAPTER V.

### RECRUITERS.

Protector of  
Emigrants  
to license  
recruiters.

16. (1) The Protector of Emigrants at each of the ports from which emigration is lawful shall, on the application of the Emigration Agent for any country to which emigration is lawful, grant licenses to so many fit persons as to the Protector seems necessary to be recruiters of emigrants within the area to which the authority of the Protector extends.

(2) A person

## (Chapter V.—Recruiters.)

(2) A person shall not, unless he holds a license granted under this Chapter,—

- (a) enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate, or
- (b) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or
- (c) act or be employed in any other respect as a recruiter of emigrants.

(3) Every recruiter shall produce his license when called upon to do so by any Magistrate or officer in charge of a police-station.

17. Every license granted under this Chapter shall specify the particular country for which, and the area within which, the holder is licensed to recruit, and may be in the form set forth in the second schedule.

Form of license.

18. (1) A license granted under this Chapter shall not be in force for a longer period than one year from the day on which it comes into force.

Duration of license.

(2) The Protector of Emigrants may, on the ground of misconduct, cancel any license granted by him under this Chapter before the expiration of the period for which it is in force.

19. (1) A recruiter shall not, in any place beyond the limits of a port from which emigration is lawful, enter or attempt to enter into any agreement with any person purporting to bind him to emigrate, to induce or assist, or attempt to induce or assist, any person to leave any place for the purpose of emigrating, or act or be employed in any other respect as a recruiter of emigrants, unless his license bears the countersignature of the District Magistrate.

Countersignature of license.

(2) If a District Magistrate has satisfied himself, after such enquiry as he thinks necessary, that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, he may refuse to countersign a recruiter's license.

(3) If

## (Chapter V.—Recruiters.)

(3) If a District Magistrate has satisfied himself, after such enquiry as aforesaid, that sufficient and proper accommodation has not been provided in a suitable place, or is not available, for such intending emigrants or emigrants as may be collected by the recruiter pending their registration or removal to the depôt at the port of embarkation, he may refuse to countersign a recruiter's license or to decide whether he will countersign his license until after the expiration of such time as may in his opinion be reasonable.

(4) Before a Magistrate refuses to countersign, or defers his countersignature of, a recruiter's license, he shall record in writing his reasons for so doing.

Power for Magistrate to cancel countersignature in certain cases.

20. If any Magistrate, having countersigned a recruiter's license, afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided for intending emigrants or emigrants collected by him has become unsuitable or has ceased to be available, he may require the licensee to produce his license, and may cancel the countersignature on it, or may impound the license and send it for cancellation to the Protector of Emigrants who granted it.

Notice to Protector of Emigrants of countersignature, refusal to countersign or cancellation of countersignature. Recruiter to be supplied with statement of terms of agreement he is authorized to offer.

21. When a Magistrate countersigns, or refuses to countersign, a recruiter's license, or cancels the countersignature on it, he shall at once report the countersignature, or the refusal or cancellation, and the grounds of the refusal or cancellation, to the Protector of Emigrants who granted the license.

22. (1) The Emigration Agent on whose application any recruiter is licensed shall supply the recruiter with a written or printed statement, signed by the Agent, and countersigned by the Protector of Emigrants, of the terms of agreement which the recruiter is authorized to offer on behalf of the Agent to intending emigrants.

(2) The

(Chapter V.—Recruiters. Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)

(2) The statement shall be both in English and in the vernacular language or languages of the local area within which the recruiter is licensed to recruit.

(3) The recruiter shall give a true copy of the statement to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a police-station, when called upon to do so by the Magistrate or officer.

23. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrants or emigrants as may be collected by him pending their registration or removal to the port of embarkation.

Accommodation to be provided by recruiters.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate, and any subordinate Magistrate, or officer of Police authorized in this behalf by a rule made under this Act, shall have, for the supervision and regulation of the places where accommodation is provided under this section, the same powers as are by this Act conferred on a Protector of Emigrants in respect of depôts at the port of embarkation.

(4) All recruiters or other persons in charge of these places shall afford every Magistrate and any officer of Police authorized as aforesaid in this behalf every facility for visiting and inspecting them.

## CHAPTER VI.

### REGISTRATION OF EMIGRANTS AND EXECUTION OF AGREEMENTS TO EMIGRATE.

24. The Local Government may appoint any person to perform in a specified area, but subject

Power for Local Government to

(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)

appoint  
Registering  
Officers.

to the control of the District Magistrate or such other officer as the Local Government appoints in this behalf, the functions of a Registering Officer under this Act.

Execution of  
agreements.

25. Every agreement to emigrate entered into by any person must,—

- (a) if executed within the limits of any port from which emigration is lawful, be executed in the presence of the Protector ;
- (b) if executed elsewhere, be executed in the presence of a Registering Officer.

Appearance  
of intending  
emigrants  
before Regis-  
tering  
Officer.

26. Every recruiter who desires to engage any person to emigrate shall appear before a Registering Officer or the Protector of Emigrants (as the case may be) with that person, and with any persons intending to accompany that person as his dependents.

Examination  
and  
Registration  
of emigrant.

27. (1) The Registering Officer or Protector shall thereupon examine the person, apart from the recruiter, with reference to his intended agreement.

- (2) If on such examination it appears,—
  - (a) that such person is competent and willing to enter into the agreement and understands its nature,
  - (b) that he has not been induced to enter into it by any coercion, undue influence, fraud, misrepresentation or mistake, and
  - (c) that its terms are in conformity with law and are such as, according to the statement furnished to the recruiter under section 22, he was authorized to offer,

the Registering Officer or Protector shall, subject to the provisions of section 29, register in a book to be kept for the purpose, in such form as the Governor

General

(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)

General in Council, by rules made under this Act, prescribes,—

- (i) the name, sex, name of the father, caste, occupation and age of the intending emigrant,
- (ii) the name of the village or place of which he is a resident, and
- (iii) such other particulars (if any) concerning him and his dependents (if any) as the Governor General in Council, by rules made under this Act, prescribes.

28. (1) Notwithstanding anything contained in the last foregoing section, the Registering Officer or Protector may refuse to register any married woman under that section if he finds that her husband does not consent to her emigrating.

Power to refuse registration in cases of married women.

(2) The Registering Officer or Protector may also, in the case of any woman whom he believes to be married, refuse to decide whether he will register her until after the expiration of such time, not exceeding ten days, as he thinks fit.

29. (1) When any person appears before a Registering Officer or Protector under section 26 as a dependent of an intending emigrant, the Registering Officer or Protector shall, if the person is able to give intelligent answers to questions, examine him, apart from the recruiter, as to his dependence on the intending emigrant whom he is about to accompany, and as to his willingness to emigrate.

Examination of dependent.

(2) Where the Registering Officer or Protector sees reason to doubt the existence of the dependence or willingness, he may, if he thinks fit, refuse to register the intending emigrant, unless the name of the dependent is omitted from the register.

30. Where the Registering Officer or Protector refuses to register any intending emigrant, he shall record his reasons for the refusal.

Record of reasons for refusal to register.

31. (1) Where

(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)

Execution and attestation of agreement.

31. (1) Where the particulars concerning any intending emigrant and his dependents (if any) have been registered, the Registering Officer or Protector shall cause an agreement to be prepared in duplicate and shall call on the recruiter and the intending emigrant to execute the agreement in duplicate in his presence, and, if they execute it, shall attest the execution with his signature.

(2) An agreement to emigrate shall not be of any effect until the particulars concerning the intending emigrant and his dependents (if any) have been registered, and the agreement has been executed and attested under this Act.

(3) When the particulars concerning any intending emigrant and his dependents (if any) have been registered and an agreement has been executed and attested under this Act, the intending emigrant shall be deemed to be registered under this Act as an emigrant.

(4) Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may, with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument.

Contents of agreement.

32. Every agreement to emigrate shall contain a copy of the particulars registered concerning the intending emigrant and his dependents (if any) under section 27, and on the reverse such particulars concerning the nature, duration and term of service and the remuneration of the emigrant, and such other matters (if any) as the Governor General in Council, by rules made under this Act, prescribes.

Record of registrations and agreements.

33. When the agreement has been executed and attested,—

(a) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by

(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate. Chapter VII.—Emigration Depôts.)

by the Protector or sent by the Registering Officer to him ; and

- (b) a certified copy of the particulars registered under section 27, concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent.

34. For the preparation of every agreement under this Chapter the recruiter or Emigration Agent shall pay such fee as the Governor General in Council, by notification in the Gazette of India, prescribes :

Fee for preparation of agreement.

Provided that the Governor General in Council may at any time, by like notification, declare that the fee payable under this section shall be consolidated, either generally or in any specified area, with the fee payable under section 68.

35. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, it shall be lawful for any person of the age of sixteen years or upwards to enter in manner in this Act provided into an agreement to emigrate to any place to which emigration is lawful.

Power to make agreement if over sixteen.

36. Any person entering into an agreement to emigrate, and being the parent or guardian of a child under the age of sixteen years and above the age of ten years, may, in the name of and on behalf of the child, enter into an agreement in manner in this Act provided binding the child to emigrate with him.

Power to make agreement on behalf of child or ward

## CHAPTER VII.

### EMIGRATION DEPÔTS.

37. Every Emigration Agent shall establish at the port for which he is appointed a suitable depôt for the reception

Depôts to be established



*(Chapter VII.—Emigration Depôts.)*

at ports of  
embarkation.

reception and lodging of emigrants before embarkation for the country for which he is Emigration Agent, and shall provide all necessary food and clothing for all emigrants during their stay at the depôt.

Licensing of  
depôts.

38. (1) A depôt established under the last foregoing section shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and a license for its use has been granted by the Protector.

(2) A license under this section shall not be granted for a longer period than one year from the day on which it comes into force.

(3) The Protector of Emigrants may at any time cancel a license under this section—

(a) if he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable for the purpose for which it was established; or

(b) if the Emigration Agent fails, after reasonable notice, to comply with any of the requirements of this Act or of the rules made under this Act.

Inspection by  
Protector and  
Medical In-  
spector.

39. The Protector of Emigrants and the Medical Inspector shall from time to time, and at least once in every week during which any emigrants may be kept in any depôt at the port for which they are Protector and Medical Inspector, respectively, inspect the emigrants in that depôt and examine the state of the depôt and the manner in which the emigrants therein are lodged, fed, clothed and otherwise provided for and attended to.

Report by  
Medical In-  
spector.

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

41. (1) The

(Chapter VII.—*Emigration Depôts.* Chapter VIII.—*Conveyance of Emigrants to Depôts and Procedure on Arrival.*)

41. (1) The Medical Inspector may, if he thinks fit, direct that any emigrant suffering from any disease likely to be dangerous to his neighbours shall be isolated or excluded from the depôt. Treatment of emigrant suffering from disease.

(2) The Medical Inspector may, if he thinks fit, order the removal of any emigrant so suffering to a proper hospital for treatment at the expense of the Emigration Agent; and the expense (if any) incurred by the Protector of Emigrants in respect of the removal of the emigrant and his treatment in the hospital shall be recoverable from the Emigration Agent by the Protector of Emigrants, with interest thereon at the rate of six per centum per annum from the date on which the expense was incurred.

## CHAPTER VIII.

### CONVEYANCE OF EMIGRANTS TO DEPÔTS AND PROCEDURE ON ARRIVAL.

42. A recruiter shall not remove or attempt to remove any intending emigrant to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or aid him in going to a depôt, or in leaving any such local limits, until the intending emigrant has been registered under this Act as an emigrant. Emigrant not to be removed before registration.

43. (1) Every emigrant must, after he has been registered under this Act, be conveyed with all convenient despatch, by or under the orders of the recruiter or Emigration Agent, to the depôt established at the port of embarkation by the Emigration Agent on whose application the recruiter has been licensed. Conveyance of emigrant to depôt.

(2) When an emigrant has been registered at a place beyond the limits of the port of embarkation, he must, while proceeding to the depôt, be accompanied

*(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.)*

panied throughout the journey either by the recruiter himself, or by a competent person appointed by him with the approval of a Magistrate.

(3) The Magistrate shall give to the person so appointed a certificate signed by him stating that he has been appointed for the journey to the depôt.

(4) The recruiter or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

44. The arrival at a depôt of each emigrant must immediately be reported by the person in charge of the depôt to the Emigration Agent and by the Agent to the Protector of Emigrants.

45. (1) The copy of the particulars registered under section 27, received by the recruiter from the Registering Officer or Protector, must, as soon as conveniently may be after the arrival of the emigrant at the depôt, be shown by the Emigration Agent to the Medical Inspector of Emigrants.

(2) The Medical Inspector shall examine each emigrant whose name is entered in the said copy to ascertain whether he is fit, having regard to his age and state of health, to undertake the journey to the country to which he has agreed to emigrate.

(3) The Medical Inspector, if satisfied of his fitness, shall give a certificate to that effect to the Emigration Agent. If not so satisfied, he shall give a certificate to that effect to the Protector of Emigrants.

46. (1) In any of the following cases, namely:—

(a) if the Medical Inspector of Emigrants finds that an emigrant is, or has become, unfit to undertake the journey to the country to which he has agreed to emigrate, and if the Protector of Emigrants considers that the emigrant has not dishonestly represented himself as fit to undertake the journey, or

(b) if

Report of  
arrival at  
depôt.

Examination  
by Medical  
Inspector.

Power for  
Protector to  
order pay-  
ment of  
expenses of  
return of  
emigrant in  
certain cases.

*(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.)*

- (b) if the Protector finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any emigrant as makes it just to rescind the agreement to emigrate, or
- (c) if the Emigration Agent refuses to fulfil the agreement entered into with the emigrant, the Protector may order the Emigration Agent to pay to the emigrant such sum as the Protector deems reasonable as compensation, and, when the emigrant has been registered at a place beyond the limits of the port of embarkation, such reasonable sum as is necessary to enable him to return to the place at which he was registered, and may take any steps which he thinks necessary for the conveyance of the emigrant to that place.

(2) Any emigrant who has been registered at any place beyond the limits of the port of embarkation, and who from his state of health is, in the opinion of the Medical Inspector of Emigrants, unfit to undertake at once the return journey to the place at which he was registered, shall be entitled to be fed, lodged, clothed and attended to at the depôt at the expense of the Emigration Agent until he is reported by the Medical Inspector fit to undertake the return journey.

47. (1) Where any order is made under the last foregoing section with reference to any emigrant who was registered at any place beyond the limits of the port of embarkation—

Payment of expenses of dependents and relatives.

- (a) any emigrant who has been registered as his dependent, or
- (b) any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant,
- shall be entitled—

(i) to be conveyed at the expense of the Emigration Agent with the emigrant to the place at which he was registered, and

(ii) if

(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.)

(ii) if the emigrant is unable to travel, to be lodged, fed and clothed in the depôt at the expense of the Emigration Agent until the emigrant is able to travel.

(2) The Protector of Emigrants may include any expenses incurred under this section in an order made under the last foregoing section with respect to the emigrant.

Compensation to emigrant for ill-treatment on journey.

48. If it appears that during the journey to the depôt any emigrant has suffered any ill-treatment, or that, in the case of any emigrant who has been registered at a place beyond the limits of the port of embarkation, the provisions of section 43 have not been complied with, the Protector of Emigrants may order the Emigration Agent to pay—

(a) to the emigrant a reasonable sum by way of compensation, and

(b) to the Protector the expenses (if any) which may have been incurred by or under the orders of the Protector on behalf of the emigrant by reason of the neglect to comply with the provisions of section 43.

Power for Protector to pay and recover expenses incurred on behalf of emigrant.

49. (1) On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any sum to an emigrant under any of the last three foregoing sections, the Protector may pay the same to the emigrant.

(2) Every sum paid by the Protector to an emigrant under sub-section (1), and, on failure of the Emigration Agent for twenty-four hours to comply with an order for payment thereof under the last foregoing section, every sum which the Protector may have ordered the Emigration Agent to pay to him under that section, shall be recoverable from the Emigration Agent with interest thereon at the rate of six per centum per annum from the date of payment.

(3) Further

(Chapter VIII.—*Conveyance of Emigrants to Depôts and Procedure on Arrival.* Chapter IX.—*Emigrant-vessels.*)

(3) Further proof shall not be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay the sum, and that the Emigration Agent for twenty-four hours failed to comply with the order.

## CHAPTER IX.

### EMIGRANT-VESSELS.

50. An emigrant shall not be received on board any vessel unless a license to carry emigrants in the vessel has been obtained from the Local Government.

Master of emigrant-vessel to be licensed.

51. (1) When the master or owner of any vessel desires to obtain a license to carry emigrants in his vessel, he shall apply in writing through the Protector of Emigrants to the Local Government for the license.

Application for license.

(2) The application must state the number of emigrants which, according to the rules as to space contained in this Chapter, the applicant deems the vessel capable of carrying, and the tonnage and such other particulars respecting the vessel as the Governor General in Council, by rules made under this Act, prescribes.

52. (1) The Protector of Emigrants shall cause the vessel to be surveyed by a competent person at the cost of the master or owner, with a view to ascertain her seaworthiness, 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, apparel and furniture requisite for her intended voyage :

Survey and licensing of vessel.

Provided that, if the vessel is a steamship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the  
Indian

## (Chapter IX.—Emigrant-vessels.)

Indian Steamships Act, 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient.

(2) If the Local Government is of opinion that the vessel is in all respects suitable for the carrying of emigrants under this Act, and is properly manned and officered, it shall give to the master of the vessel a license to carry emigrants therein specifying the number of emigrants which may be received on board.

Accommodation required on board emigrant-vessel.

53. (1) A license shall not be granted under the last foregoing section unless—

- (a) there is provided for the emigrants, either between decks or, subject to the approval of the Protector of Emigrants and the Medical Inspector, in cabins on the upper deck, a space devoted to the exclusive use of the emigrants having in every part a height of not less than six feet;
- (b) a separate place is fitted up for a hospital; and
- (c) such arrangements are made for the separation of women (married or single) and children from the other emigrants as the Governor General in Council, by rules made under this Act, prescribes.

(2) The cabins on the upper deck provided under clause (a) of this section must be firmly secured and entirely covered in.

Rules as to space on board emigrant-vessel.

54. Every emigrant vessel shall contain within the space referred to in clause (a) of the last foregoing section at least twelve superficial feet and seventy-two cubic feet of space for each emigrant:

Provided

(Chapter IX.—*Emigrant-vessels.*)

Provided that two emigrants under the age of ten years shall for the purposes of this section count as one only.

55. There shall be on board every emigrant-vessel at the time of departure of the vessel from the port at which they embark, provisions, clothing, fuel and water for the emigrants (over and above the supply for the master, officers and crew, and of the cabin and other passengers, if any), in such quantity and of such description and quality as the Governor General in Council, by rules made under this Act, prescribes.

Provisions,  
clothing, fuel  
and water.

56. Every emigrant-vessel shall, at the time of departure of the vessel from the port at which the emigrants embark, have on board, and shall carry with her, a properly qualified surgeon, and also such compounders, interpreters and attendants subordinate to the surgeon, and such medicines and other stores, in such quantity and of such quality as the Governor General in Council, by rules made under this Act, prescribes.

Surgeons,  
attendants,  
medicines  
and stores.

57. The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of the last two foregoing sections are complied with.

Duty of Protec-  
tor and  
Medical In-  
spector with  
respect to  
enforcement  
of foregoing  
sections.  
Bond to be  
executed by  
master of  
emigrant-  
vessel

58. (1) Every master licensed under this Act shall, on the requisition of the Protector of Emigrants, and before any emigrant embarks on board his vessel, execute to the Protector in duplicate, a bond, in such form as the Local Government prescribes, binding himself and the owner of the vessel in a penal sum of ten thousand rupees, to perform the duties imposed by this Act or any rule made under this Act on a master and owner, respectively.

(2) The Protector of Emigrants shall forward one copy of the bond to such officer as may be appointed in this behalf by the Government of the country to which the emigrants are to be conveyed, or, in

the



## (Chapter X.—Embarkation and Departure.)

the case of a foreign colony, to the British Consular Agent, and the other copy to the Local Government.

## CHAPTER X.

## EMBARKATION AND DEPARTURE.

Time of embarkation after arrival.

59. An emigrant shall not embark, except with permission of the Protector of Emigrants, until seven days have elapsed from the date of his arrival at the depôt.

Time at which emigrant-vessels may leave India.

60. (1) An emigrant-vessel shall not sail from any port in British India—

(a) to any country west of the Cape of Good Hope, except at such seasons as the Governor General in Council, by rules made under this Act, prescribes as seasons during which it shall be lawful for emigrant-vessels generally, or of a class to which the vessel belongs, to sail to that country ;

(b) to any country during any season which the Governor General in Council, by notification in the Gazette of India, declares to be a season during which the sailing of emigrant-vessels to that country is prohibited.

Procedure if emigrant refuses to embark.

61. If any emigrant without sufficient cause refuses or neglects to embark when called on by the Emigration Agent to do so, it shall not be lawful to compel the emigrant to embark :

Provided that nothing in this section shall affect the civil or criminal liabilities which an emigrant incurs by reason or in respect of any such refusal or neglect.

List of, and passes for, emigrants.

62. (1) When any emigrants are about to embark on board any vessel, the Emigration Agent shall supply the master of the vessel with four copies of a list, specifying, as accurately as may be, the names,

ages

*(Chapter X.—Embarkation and Departure.)*

ages and occupations of the emigrants, and the names of their respective fathers.

(2) The master shall not receive any emigrant on board unless he is provided with a pass, signed by the Emigration Agent, and countersigned by the Protector, stating the name and age of the emigrant, the name of his father, and the country to which he has agreed to emigrate, and certifying that he is in a fit state of health to undertake the voyage to that country.

(3) Every emigrant shall on embarkation deliver the pass to the master.

(4) The master shall compare the emigrants who embark and the passes delivered by them with the list supplied by the Emigration Agent; and, if the list appears to be correct and to correspond with the passes delivered and with the emigrants embarked, the master shall sign the four copies of the list.

(5) The master shall not permit any emigrant to remain on board who has not delivered up his pass to the master or is not mentioned in the list.

63. (1) When the copies of the list have been signed, the master shall give two of the copies to the Protector of Emigrants, who shall sign them if he believes them to be correct.

Disposal of the two copies of list to be given by master to Protector.

(2) The Protector shall send one of the copies so signed by him by the vessel which carries the emigrants to such officer as may be appointed in this behalf by the Government of the country to which the emigrants have agreed to emigrate, or, in the case of a foreign colony, to the British Consular Agent, and shall file the other copy in his own office.

64. (1) The master shall give to the Emigration Agent the two remaining copies of the list.

Disposal of the two copies of list to be given by master to Emigration Agent.

(2) The Emigration Agent shall thereupon sign the copies, and shall return one of them to the master.

(3) The

*(Chapter X.—Embarkation and Departure.)*

(3) The master shall, on the arrival of the vessel at the country to which the emigrants have agreed to emigrate and before their disembarkation, deliver the copy so returned to him to such officer as may be appointed in this behalf by the Government of the country, or, in the case of a foreign colony, to the British Consular Agent.

Examination  
of emigrants  
by Medical  
Inspector.

65. (1) The Medical Inspector shall be present at the embarkation of all emigrants, and shall examine each emigrant to ascertain if he is in a fit state of health to undertake the voyage to the country to which he has agreed to emigrate; and, if he finds that he is not fit to undertake the voyage, he shall inform the Protector accordingly.

(2) The Protector may thereupon refuse to permit the emigrant to embark; and any emigrant, registered as a dependent of an emigrant whom the Protector has refused to permit to embark, or any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant, may, notwithstanding anything in this Act, refuse to embark.

(3) The provisions of sections 46, 47 and 49 shall apply to emigrants who under this section are not permitted to embark, and to any emigrants who under this section refuse to embark, and to the recovery of expenses incurred under this Act in respect of them.

Certificates  
from Protec-  
tor of Emi-  
grants and  
Emigration  
Agent.

66. Before any emigrant-vessel clears out of any port, the master of the vessel shall obtain from the Protector of Emigrants at the port and from the Emigration Agent for the country to which the emigrants are to be conveyed, certificates signed by the Protector and Emigration Agent, respectively, to the effect that the Protector and Agent have, in respect of all the emigrants embarking at that port in the vessel, done all that is required by the foregoing provisions of this Act, or by the rules made under this Act, to be done on the part of the Protector and Agent, respectively, and that all the directions for the security, well-

*(Chapter X.—Embarcation and Departure.)*

well-being and protection of emigrants which are contained in this Act or in the rules made under this Act have, in the case of that vessel, been complied with.

67. The master of every emigrant-vessel shall keep on board the vessel during the whole voyage two copies of this Act, and of all rules made under this Act, and two copies of a translation of this Act, and of those rules, in such language or languages as the Local Government directs, and shall, on request made at any reasonable time, produce one of those copies to any emigrant for his perusal.

Copies of Act and rules to be kept on board.

68. For each emigrant who embarks on board an emigrant-vessel the Emigration Agent shall pay to the Protector of Emigrants a fee of such amount as the Governor General in Council, by notification in the Gazette of India, prescribes :

Fee for each embarked emigrant.

Provided as follows :—

(a) the fee payable under this section shall not be more than is, in the opinion of the Governor General in Council, sufficient to raise the total income from fees under this Act to an amount which will cover the cost of any establishment or supervision which the Governor General in Council thinks necessary to provide for the control of emigration ;

(b) if it appears to the Governor General in Council expedient to provide, in the case of any country, any special establishment or expenditure for the protection of Indian emigrants to that country, the Governor General in Council may increase the fee payable in the case of emigrants to that country to an amount sufficient, in his opinion, to cover the cost of the special establishment or expenditure.

69. Every master licensed under this Act shall see that all the provisions of this Act and the rules made

Master to see to observance of Act

*(Chapter X.—Embarkation and Departure.)*

and rules on board his vessel.

made under this Act are observed on board his vessel during the voyage from British India to the country to which the emigrants are to be conveyed.

Return of pass to emigrant.

70. The master shall return his pass to each emigrant before he disembarks in the country to which he has agreed to emigrate.

*Special Provisions as to Vessels sailing from Calcutta.*

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

71. 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 have first embarked.

Emigrant-vessel sailing from Calcutta to be towed to sea.

72. Every sailing-vessel leaving the port of Calcutta with emigrants shall proceed from Garden Reach to sea under tow of a steamer declared to be competent by such officer as the Local Government appoints in this behalf.

Power of surgeon of emigrant-vessel leaving Calcutta to require sick emigrants to be sent to hospital.

73. (1) Where an emigrant-vessel leaves the port of Calcutta, if during her passage down the river, and while between Garden Reach and Diamond Harbour, the disease of measles, scarlet-fever or small-pox appears on board, the master shall, if so required by the surgeon in charge of the emigrants, send to the hospital at Diamond Harbour all emigrants suffering from the disease, with any emigrants registered as their dependents and any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of any such emigrant and who wishes to accompany him or her, and shall at once inform the Protector of Emigrants at Calcutta of the number and names of the emigrants so sent to hospital.

(2) The provisions of sections 46, 47 and 49 shall, so far as may be, apply to emigrants landed under this section, and to the recovery of expenses incurred in respect of them.

74. (1) In

(Chapter X.—Embarkation and Departure. Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes.)

74. (1) In the event of cholera in an epidemic form appearing among the emigrants on board any such vessel carrying emigrants from the port of Calcutta, the surgeon in charge of the emigrants may require the master to land all the emigrants on board the vessel at Diamond Harbour.

Power of surgeon of emigrant-vessel leaving Calcutta to require all emigrants to be landed when cholera appears.

(2) The master shall at once comply with the request of the surgeon, and shall immediately give notice of his having done so to the Protector of Emigrants at Calcutta, who shall take such action thereon as the Governor General in Council, by rules made under this Act, prescribes.

## CHAPTER XI.

### DEPARTURE OF NATIVES OF INDIA BY SEA OUT OF INDIA FOR CERTAIN PURPOSES.

75. (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, and shall state in his application—

- (i) the number of the persons whom he proposes so to engage;

(ii) the

(Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes.)

- (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 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—

- (i) the word “port” shall mean a port from which emigration is lawful or any port which the Governor General in Council, by notification in the Gazette of India, notifies in this behalf ; and

(ii) the

(Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes.)

- (ii) the words “emigrant” and “emigrate” in the definition of “dependent” in section 2, sub-section (1), clause (i), 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.

76. On receiving an application under section 75 the Local Government may, after such enquiry as may be necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as it thinks fit, or withhold such permission, and the decision of the Local Government shall be final.

Applications how to be disposed of.

77. (1) Before any Native of India departs from India in accordance with permission granted under section 76, 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.

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

- (2) If it appears to the Protector of Emigrants—
- (a) that permission to engage such Native of India has been duly obtained,
- (b) 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
- (c) that the conditions on which such permission was 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 Act, prescribes.

78. Where



(Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes. Chapter XII.—Rules.)

Provisions as to security.

78. Where such security as is referred to in section 75, 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.

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

79. 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.

Application of Chapter to ports from which emigration is not lawful.

80. For the purposes of the application of this Chapter at any port notified under clause (i) of the explanation to section 75—

- (a) such port shall be deemed to be a port from which emigration is lawful, and
- (b) such officer as the Local Government may appoint in this behalf shall be deemed to be the Protector of Emigrants.

## CHAPTER XII.

### RULES.

Power for Governor General in Council to make rules.

81. (1) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act—

- (a) to prescribe the person by whom any doubt or dispute referred to in sub-section (2) of section

*(Chapter XII.—Rules.)*

section 2 shall be determined and the procedure to be followed and the proof to be required in such cases ;

- (b) to provide for the supervision and regulation of places of accommodation provided under this Act, and to define the classes of Magistrates and the officers of Police to be authorized to visit and inspect those places ;
- (c) to prescribe the form of the register required under this Act, and the particulars to be entered therein, and to regulate the control to be exercised over Registering Officers by the District Magistrate or officer (if any) appointed in this behalf under this Act ;
- (d) to prescribe the forms of the agreements to be made under this Act, and the particulars to be contained therein, and the language or languages in which agreements must be expressed ;
- (e) to prescribe the conditions on which licenses for the establishment of depôts under this Act may be given, to provide for the supervision and regulation of depôts, and for the medical care of the emigrants during their residence there, and the measures to be taken on the outbreak of any epidemic or infectious disease there ;
- (f) to prescribe the forms to be supplied by Emigration Agents and recruiters for the purposes of this Act ;
- (g) to prescribe the particulars which the owner or master of a vessel applying for a license to carry emigrants in his vessel must state ;
- (h) to regulate the proportion of women to be ordinarily carried in any emigrant-vessel  
with

## (Chapter XII.—Rules.)

with male emigrants, and to prescribe the arrangements to be made for the separation of women (married or single) and children from the other emigrants on board an emigrant-vessel ;

- (i) to prescribe the description, quantity and quality of provisions, fuel and water to be taken by emigrant-vessels, the daily allowance of food and water to be issued, and the nature and amount of clothing to be supplied to each emigrant during the voyage ;
- (j) to fix the number of the compounders, interpreters and attendants subordinate to the surgeon to be carried for the care of the sick or weakly on board each emigrant-vessel ;
- (k) to prescribe the nature, quantity and quality of medicines and other stores to be carried on board emigrant-vessels ;
- (l) to provide for the ventilation and cleanliness of every emigrant-vessel during a voyage, and for its being furnished with a sufficient number of life-buoys, boats, water-buckets and other appliances to be used in case of shipwreck or fire ;
- (m) to prescribe the seasons at which alone emigrant-vessels or specified classes of emigrant-vessels may sail from any port in British India to any country west of the Cape of Good Hope to which emigration is for the time being lawful ;
- (n) to provide for the disposal of emigrants who may be landed under section 74 ;
- (o) to provide for the medical care of the emigrants on the voyage, and to provide for the measures to be taken on the outbreak of any epidemic or infectious disease on a voyage ;

(p) to

(Chapter XII.—Rules. Chapter XIII.—Offences.)

- (p) to provide for a journal being kept by the surgeon of every emigrant-vessel, recording the health of the emigrants, and his treatment of the sick, with full explanation of the causes of every death ; and to define the duties and powers of the surgeon in respect of the emigrants committed to his care ;
- (q) to define and regulate the powers and duties of the several officers appointed by the Government under this Act ;
- (r) generally to provide for the security, well-being and protection of emigrants ; and
- (s) to carry into effect the provisions of Chapter XI :

Provided that the Local Government may, in special cases, notwithstanding anything contained in rules made under clause (h) of this section, permit an emigrant-vessel to sail, though it does not carry the proportion of women required to be carried in ordinary cases.

(2) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

## CHAPTER XIII.

### OFFENCES.

82. (1) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

Unlawful  
recruiting.

- (a) makes, or attempts to make, any agreement with any Native of India, purporting to bind him to emigrate, or,
- (b) in consideration of any hire or reward, induces, or attempts to induce, any Native of India to leave any place for the purpose

of

## (Chapter XIII.—Offences.)

of emigrating, or otherwise acts or is employed as a recruiter of emigrants, or

- (c) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Act or the rules made under this Act, any person with a view to his being registered as an emigrant, or after his registration as an emigrant and before his departure for the depôt at the port of embarkation,

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

(2) If any person, other than a recruiter licensed under this Act, commits an offence under this section, any police-officer may arrest him without warrant.

83. Whoever, being a recruiter licensed under this Act, —

- (a) before any intending emigrant has been registered under this Act as an emigrant,—

(i) removes or attempts to remove him to a depôt, or

(ii) induces, or attempts to induce, him to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or

(iii) aids, or attempts to aid, him in leaving any such local limits or going to any depôt, or

- (b) fails to give a true copy of the statement with which he is provided under section 22 to any person whom he invites to emigrate, or

(c) fails

Recruiters  
removing  
unregistered  
emigrants to  
depôt.

*(Chapter XIII.—Offences.)*

- (c) fails to provide any emigrant whom he has engaged, and who has been registered at a place beyond the limits of the port of embarkation, with suitable lodging and food, or otherwise ill-treats any emigrant on his journey to the depôt,

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

84. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any Native of India to emigrate, or to enter into any agreement to emigrate, or to leave any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Fraudulently inducing Native to emigrate.

85. Whoever,—

- (a) without lawful authority, issues any written order to the Police to assist himself or any other person to procure emigrants, or
- (b) falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government,

False representation of Government authority.

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

86. Any master of a vessel who—

- (a) knowingly receives on board his vessel any emigrant who has not complied with the provisions of this Act or the rules made under this Act, so far as they are binding on him, or,
- (b) not being licensed under this Act, knowingly receives any emigrant on board his vessel, or,
- (c) being licensed under this Act, knowingly receives on board his vessel any emigrant

Receiving emigrants on board vessel in contravention of Act.

in

*(Chapter XIII.—Offences.)*

in excess of the number specified in his license,

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees for each emigrant so received, or with both; and the vessel, her tackle, apparel and furniture, may be declared by the Court before which the master is tried to be forfeited to His Majesty.

Fraudulent acts on part of master.

87. Any master licensed under this Act who fraudulently does, or suffers to be done, any act or thing whereby the license becomes inapplicable to the altered state of the vessel or other matter to which the license relates, shall be punishable with fine which may extend to five thousand rupees,

and he may also be sued on any bond which he may have executed under section 58.

Clearance without compliance with Act.

88. Any master of an emigrant-vessel who clears, or attempts to clear, his vessel outwards when any of the provisions of section 53, 55 or 56 have not been complied with in respect of his vessel, shall be punishable with fine which may extend to four thousand rupees.

Failure of master to comply with provisions as to lists and passes.

89. Any master who receives on board his vessel any emigrants and fails to comply with the requirements of sections 62, 63 and 64 in respect of those emigrants, shall be punishable with fine which may extend to two hundred rupees for each emigrant so received on board.

Master taking on board, after clearance, emigrants not entered in list.

90. Any master who, having cleared his vessel, takes on board any emigrant not entered in the list mentioned in section 62 or not furnished with a pass required by that section, shall be punishable with fine which may extend to two hundred rupees for each emigrant so taken.

Master landing emigrant at

91. Any master who lands any emigrant in any country other than the country for which he has

been

*(Chapter XIII.—Offences.)*

been shipped by the Emigration Agent, shall be punishable for every emigrant so landed with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both, unless the landing has been caused by stress of weather or unavoidable accident, or has taken place under the provisions of section 73 or 74. other than specified country.

92. Any master of a sailing-vessel leaving the port of Calcutta with emigrants on board who— Failure to comply with provisions as to leaving Calcutta.

- (a) does not leave Garden Reach with his vessel within the time prescribed in section 71, or,
- (b) without reasonable excuse, causes or allows his vessel to go below Garden Reach without being in tow of such a steamer as is referred to in section 72,

shall be punishable with fine which may extend to one thousand rupees.

93. (1) Any emigrant who—

- (a) deserts before arrival at depôt, or
- (b) refuses without reasonable cause to proceed to the depôt, Emigrant deserting or refusing to proceed to depôt.

shall be punishable with fine which may extend to twenty rupees, or to the cost incurred in entering into an agreement with, registering and conveying him to the depôt, whichever is greater, and, in default of payment of the fine, with imprisonment which may extend to one month.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

94. (1) Any emigrant who—

- (a) deserts from the depôt, or

(b) without Emigrant deserting from depôt or failing to embark.



## (Chapter XIII.—Offences:)

- (b) without reasonable cause, refuses or neglects to embark when called upon to do so by the Emigration Agent,

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or to double the amount of the cost incurred in entering into an agreement with, registering and conveying him to the depôt, and maintaining him therein, or with both.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

Causing, or permitting, embarkation of emigrant in contravention of section 59.

Offences against provisions of Chapter XI.

95. Any person who causes, or any master who knowingly permits, any emigrant to embark contrary to the provisions of section 59, shall be punishable with fine which may extend to two hundred rupees for each emigrant so embarked.

96. Whoever,—

- (a) without having first obtained the permission of the Local Government referred to in section 75, 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 which has not been notified under clause (i) of the explanation to section 75, or
- (c) causes any Native of India engaged by him, after grant of the permission referred to in section 76, to depart by sea out of  
India

*(Chapter XIII.—Offences.)*

India without registration of the particulars required by section 77, subsection (2),

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.

97. Prosecutions under sections 86 to 96 both inclusive shall not be instituted except as follows, namely:—

Institution  
of prosecu-  
tions.

- (a) prosecutions under sections 86 to 92, both inclusive, by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government;
- (b) prosecutions under section 93, by or with the sanction of a Magistrate or Registering Officer or of the Protector of Emigrants at the port of embarkation;
- (c) prosecutions under section 94, by the Emigration Agent with the sanction of the Protector;
- (d) prosecutions under sections 95 and 96, by the Protector of Emigrants or by an officer appointed for the purpose by the Local Government.

98. The following shall be good defences to charges under sections 93 and 94, respectively, namely:—

Defence to  
charges of  
desertion.

- (a) to a charge under section 93, that the accused person or other emigrants accompanying him has or have been ill-treated, deceived or defrauded by the recruiter or any person under his control;
- (b) to a charge under section 94, that the emigrant has suffered any ill-treatment or neglect in the depôt or on the journey thither.

(Chapter XIII.—Offences. Chapter XIV.—Supplemental.)

Power for Customs-officers to search and detain for purposes of Act.

99. All the powers for the time being conferred by law on officers of sea-customs with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.

## CHAPTER XIV.

### SUPPLEMENTAL.

Power for Local Government to appoint Magistrate for purposes of Act. Suits against Emigration Agent for breach of duty.

100. The Local Government may appoint any person to perform within a specified area the functions of a Magistrate under this Act.

101. (1) Where an Emigration Agent is chargeable with a breach of any duty to an emigrant arising from any agreement with the emigrant or imposed by this Act or the rules made under this Act, the Protector of Emigrants may, if he thinks fit, institute a suit on behalf of the emigrant against the Emigration Agent for the recovery of compensation for the breach.

(2) In awarding compensation under this section all sums ordered to be paid under section 46 or section 48 shall be taken into consideration.

Power for Governor General in Council to determine probable lengths of voyages for purposes of Act.

102. (1) The Governor General in Council may, by notification in the Gazette of India, determine what shall be held to be, for the purposes of this Act, the probable length of the voyages by sailing-vessels and vessels using steam power, respectively, from any port from which, to any country to which, emigration is for the time being lawful.

(2) Until otherwise determined under this section, the probable length of the voyage by sailing-vessels from the ports mentioned in the third schedule to the countries mentioned in that schedule, shall be deemed to be the lengths stated in that schedule.

103. On

*(Chapter XIV.—Supplemental.)*

103. On and from such a date as the Governor General in Council may, by notification in the Gazette of India, have fixed or may hereafter, by like notification, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any country for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India departing by sea out of British India under an agreement to labour for hire in any such State or country shall not, so long as the notification continues to apply to the State or country, be deemed to emigrate within the meaning of this Act.

Provisions supplementary to section 2, sub-section (1) (iv), of this Act. \*

104. The provisions of this Act shall apply to emigration from British Indian ports—

Application of Act to emigration from British ports to French and Dutch Colonies.

(a) to the French Colonies, under the terms of the Convention executed at Paris on the first day of July 1861, and ratified at the same place on the thirtieth day of July 1861, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French; and

(b) to the Netherlands colony of Dutch Guiana under the terms of the Convention executed at the Hague on the eighth day of September 1870, and ratified at the same place on the seventeenth day of February 1872, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the Netherlands;

Provided that emigration to the French Colonies, or any of them, shall not be lawful until a notification under section 4, sub-section (1), has been issued in respect thereof; but subject to this proviso, in any case in which there is any conflict between the provisions

*(Chapter XIV.—Supplemental.)*

provisions of this Act and those contained in either of those Conventions, the latter shall prevail.

Application of Act to proceedings in British India connected with emigration from French ports in India to French colonies.

105. The provisions of this Act shall, so far as they relate to proceedings which are to be conducted in British India, apply, in the case of Natives of India who depart by sea from a French port in India under an agreement to labour for hire in a French colony, under the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French referred to in the last foregoing section as if such Natives were emigrants within the meaning of this Act :

Provided that, in any case in which there is any conflict between the provisions of this Act and those contained in that Convention, the latter shall prevail.

Prohibition of departure by land of a Native of India under an agreement to labour for hire in some country beyond the sea.

106. (1) The departure by land out of British India of a Native of India under, or with a view to entering into, an agreement to labour for hire in some country beyond the sea other than the Island of Ceylon or the Straits Settlements is prohibited :

Provided that nothing in this section applies to the departure by land of a Native of India for the purpose of departing by sea from a French port in India under an agreement to labour for hire in a French colony in accordance with the Convention referred to in section 104, clause (a), and section 105.

(2) Whoever induces, or attempts to induce, any Native of India to depart by land out of British India in contravention of this section shall be deemed to have committed an offence under section 82.

Power to declare whole or part of Act and rules inapplicable to Natives of India engaged for His Majesty's Government to labour for hire in any

107. The Governor General in Council may, by notification in the Gazette of India, declare that all or any of the provisions of this Act or the rules thereunder shall not apply, or shall apply subject to such conditions, modifications or restrictions as to the Governor General in Council may seem expedient in the case of Natives of India departing out of British India under an agreement made with, or on behalf of,

His

(Chapter XV.—Savings and Repeals. The First Schedule.—Countries to which Emigration is lawful.)

His Majesty's Government to labour for hire in any country beyond the sea :

country  
beyond the  
sea.

Provided that no notification under this section shall be issued unless the Governor General in Council is first satisfied that the fair treatment of Natives of India so departing out of British India has, by rules or otherwise, duly been secured.

## CHAPTER XV.

### SAVINGS AND REPEALS.

108. Nothing in this Act or in any rule made under this Act shall apply to any vessel belonging to, or in the service of, His Majesty or of the Government of India.

Saving for  
Government  
vessels.

109. All contracts entered into under the Indian Emigration Act, 1871, and Act No. XIV of 1872 (to exempt the Straits Settlements from the Indian Emigration Act, 1871), or under any enactment hereby repealed, and in force at the commencement of this Act, shall, so far as they are consistent with this Act, be deemed to have been entered into under this Act.

Savings.

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

Repeals.

## THE FIRST SCHEDULE.

(See section 4.)

### COUNTRIES TO WHICH EMIGRATION IS LAWFUL.

- I.—The British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis, Fiji, and Seychelles.
- II.—The Netherlands Colony of Dutch Guiana.
- II.—The Danish Colony of St. Croix.

## THE SECOND SCHEDULE.



(The Third Schedule.—Probable Lengths of Voyage by Sailing Vessel under this Act.)

### THE THIRD SCHEDULE.

(See section 102.)

#### PROBABLE LENGTHS OF VOYAGE BY SAILING VESSEL UNDER THIS ACT.

##### FROM CALCUTTA—

To Mauritius . . . . . { From the month of April to the month of October, both inclusive, ten weeks ; and from the month of November to the month of March, both inclusive, eight weeks.

To Fiji, British Guiana, Trinidad, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana. } Eighteen weeks.

To Natal . . . . . Twelve weeks.

To Jamaica and St. Lucia . . . . . Twenty weeks.

##### FROM MADRAS—

To Mauritius . . . . . { From the month of April to the month of October, both inclusive, seven weeks ; and from the month of November to the month of March, both inclusive, six weeks.

To the Seychelles . . . . . { During the north-east monsoon, five weeks ; and during the south-west monsoon, six weeks.

To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana. } Nineteen weeks.

To Natal . . . . . Ten weeks.

To Fiji . . . . . Seventeen weeks.

##### FROM BOMBAY—

To Mauritius . . . . . { From the month of April to the month of September, both inclusive, five weeks ; and from the month of October to the month of March, both inclusive, six weeks.



(The Third Schedule.—Probable Lengths of Voyage by Sailing Vessel under this Act. The Fourth Schedule.—Enactments repealed.)

THE THIRD SCHEDULE—*contd.*

FROM BOMBAY—*contd.*—

To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	} Nineteen weeks.
To Natal . . . . .	
To Fiji . . . . .	Seventeen weeks.

THE FOURTH SCHEDULE.

(See section 110.)

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
1883	XXI	The Indian Emigration Act, 1883.	So much as has not been repealed.
1890	XVIII	The Indian Emigration Act (1883) Amendment Act, 1890.	The whole.
1896	I	The Indian Emigration Act (1883) Amendment Act, 1896.	Ditto.
1897	VII	The Indian Emigration Act Amendment Act, 1897.	Ditto.
1902	X	The Indian Emigration (Amendment) Act, 1902.	Ditto.
1904	XII	The Indian Emigration (Amendment) Act, 1904.	Ditto.
1908	XII	The Indian Emigration (Amendment) Act, 1908.	Ditto.