

LEGISLATIVE DEPARTMENT.

BRITISH MYANMAR LABOUR LAW, 1876.

ACT NO. III. OF 1876.

RANGOON, SATURDAY, FEBRUARY 26TH, 1876.

[Amendment : 18.06.1989]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 25th January 1876, and is hereby promulgated for general information:-
An Act to regulate the transport of Native labourers to British Myanmar, and their employment therein.

Preamble.

WHEREAS it is expedient to regulate the transport of Native labourers to British Myanmar, and their employment therein under contracts of service; It is hereby enacted as follows:-

PART I.-PRELIMINARY.

Short title.

1. This Act may be called "The British Myanmar Labour Law, 1876;"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

[**<Amendment 18.06.1989>**](#)

Repeal of Madras Act No. V of 1866, so far as it affects British Myanmar.

2. **Madras Act No. V. of 1866** (to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Fort St. George, for labour to be performed in any part of India beyond the territorial limits of the Presidency of Madras) is repealed as to engagements hereafter made in the Presidency of Madras for labour to be performed in British Myanmar, and as to the emigration of Natives of India from such Presidency to British Myanmar.

[**<Amendment 18.06.1989>**](#)

Interpretation- clause.

3. In this Act, unless there be something repugnant in the subject or context-

“Chief Commissioner.”

“Chief Commissioner” means the Chief Commissioner of British Myanmar:

“Emigrants.”

“Emigrants” and “emigration” respectively mean emigrants and emigration under this Act:

“Magistrate.”

“Magistrate” means a Magistrate of a district or of a division of a district, or any Magistrate deputed by the Magistrate of the district for the control of emigration or labourers, or any Magistrate of Police for a Presidency Town:

“Immigrant.”

“Immigrant” means any emigrant who has gone to British Myanmar in accordance with a contract made under the provisions of this Act.

[**<Amendment 18.06.1989>**](#)

PART II.-OF EMIGRATION.

Emigration Agents, Medical Inspectors, and Depots.

Appointment of Emigration Agent.

4. At every port of embarkation the Chief Commissioner shall, with the consent of the local Government, appoint an Emigration Agent, to whom such remuneration shall be assigned as the Government of India may from time to time direct. Such Agent may be suspended or removed at the pleasure of the Chief Commissioner.

Appointment of Medical Inspector.

At every such port the local Government shall appoint a competent person to be Medical Inspector of Emigrants, and such remuneration shall be assigned to him as the Governor-General in Council may from time to time direct. Such Medical Inspector may be suspended or removed at the pleasure of the local Government.

Emigration Agent and Medical Inspector to be deemed public servants.

5. Every such Emigration Agent and Medical Inspector shall be a public servant within the meaning of the Indian Penal Code.

Duties of Agent.

6. In addition to the special duties hereinafter assigned to him, every such Emigration Agent shall-

- (a) protect and aid with his advice all emigrants;

- (b) cause, so far as he can, all provisions of this Act to be complied with;
- (c) inspect on arrival all vessels bringing return emigrants to the port at which he is Agent;
- (d) receive and enquire into the complaints (if any) of the treatment of such emigrants during the voyage and (if necessary) report thereon to the local Government;
- (e) aid and advise such returned emigrants when requested by them to do so.

Emigration Agent, &c., to give information to Medical Inspector.

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

Establishment of depots for emigrants.

8. At each port of embarkation the Emigration Agent shall establish a suitable depot for emigrants.

Recruiters.

Licensing of recruiters.

9. Each Emigration Agent shall license as many fit persons (whether servants of Government, of individuals, or of companies) as he thinks necessary to be recruiters of labourers for British Myanmar.

<Amendment 18.06.1989>

Every recruiter shall be licensed to obtain labourers from one or more districts to be named in the license.

Form of license.

10. The license granted to a recruiter, under section nine, may be in the form set forth in Schedule A. hereto annexed.

Period for which it shall remain in force.

No license shall be in force for a longer period than one year, and in case of misconduct on the part of the recruiter the Emigration Agent may cancel his license before the expiration of the period for which it was granted.

Countersignature of Magistrate to recruiter's license.

11. A recruiter shall not be deemed to have obtained authority in any place other than a Presidency Town to engage or attempt to engage a native of India to become an emigrant until his license has been countersigned by the Magistrate of the district or of the division of the district, or to have obtained such

authority in any Presidency Town until his license has been countersigned by the Commissioner or Deputy Commissioner of Police.

License not to be countersigned until recruiter's fitness is ascertained.

12. No such Officer shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any Officer who has countersigned a license afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every such Officer refusing to countersign a recruiter's license, or cancelling his signature, shall, without delay, report his refusal or cancellation and the grounds of it to the Emigration Agent to whose authority the recruiter is amenable.

Contracts and Registration and Journey to Depots.

Contract to be entered into with intending emigrant.

13. Any person desiring to emigrate under this Act may enter into a contract with a recruiter to proceed to British Myanmar and there serve for a fixed period of not more than three years from the date of his arrival at the port of debarkation.

Every such contract shall be in writing and shall specify-

- (a) The recruit's term of service:
- (b) The number of days and hours which he is to work per week:
- (c) His monthly wages in money:
- (d) The persons (if any) intending to accompany him as his dependents:
- (e) Where the contract is made on behalf of a particular employer, the name of such employer.

The monthly rate of wages shall in no case be less than seven rupees for an able-bodied male labourer.

No recruit shall be required to work more than six days in one week, or more than six consecutive hours, or more than nine hours a day. The obligation to provide on holidays for the care of animals, and the necessities of daily life, shall not be considered as work.

No deduction shall be made from the wages of a recruit on account of the rest for one day in each week.

No emigrant shall be bound by the provisions of this Act unless he has entered into a contract in accordance with this section.

[**<Amendment 18.06.1989>**](#)

Medical examination of intending emigrant.

14. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before the Civil Surgeon of the district, or such other Medical Officer as the local Government appoints in that behalf or, in default of such appointment, before such Medical Officer as the Magistrate directs.

The Medical Officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to British Myanmar and to work there.

If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the Medical Officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to British Myanmar; and the Medical Officer shall examine the dependents and shall give or refuse certificates according to his opinion as to their fitness and ability.

Certificates shall be in the form set forth in Schedule B. hereto annexed, and the recruiter shall pay to the Medical Officer such fee for each person examined as the local Government may from time to time prescribe.

[**<Amendment 18.06.1989>**](#)

Recruiter and emigrant to appear before Magistrate.

15. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district or Presidency Town within which the contract with the recruit was entered into.

Examination by Magistrate of emigrants under contract.

16. The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract; and if it appears that the recruit understands the nature of the contract he has entered into as regards the particulars specified in section thirteen, and that he is willing to fulfill the same, the Magistrate shall register -

(a) the name, the father's name, and the age of such recruit:

(b) the name of the village or place in which he resides:

- (c) the port of embarkation to which it is intended that he shall proceed;
- (d) the several particulars specified in the instrument of contract made under section thirteen.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that recruit does not understand the nature of his contract, or has been induced to enter into it by fraud or misrepresentation, he shall refuse to register him, and record his reasons for such refusal.

Examination of dependents on emigrants.

17. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependents upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

If the Magistrate is satisfied as to the said dependence and willingness, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

Registration of emigrants.

18. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections sixteen and seventeen.

Such copy is hereinafter called "the emigrant's instrument" or the "immigrant's instrument."

Another authenticated copy of the matters so registered, together with the original certificate of the Medical Officer, shall be forth with forwarded by the Magistrate to the Emigration Agent at the port of embarkation to which the emigrant is about to proceed.

Registration fee.

For each registration of a recruit under this Act, the recruiter shall pay to the officer making it a fee of eight annas.

Journey to depot.

19. When the registration under this Act is completed, the emigrant and his dependents may be moved to the depot at their port of embarkation.

Care of emigrants on journey to depot.

20. The recruiter himself, or a competent person appointed by him with the approval of the Magistrate by whom such emigrants have been registered, shall accompany and take care of all emigrants and their dependents while journeying to the depot.

The Magistrate shall give to every person so appointed a certificate under his signature, stating that he has been appointed to accompany and take care of certain emigrants during their journey to the depot.

Every recruiter by whom any emigrant or dependent is forwarded to a depot shall, throughout the journey, provide him with proper and sufficient food and lodging.

Penalties for infringing provisions as to recruitment.

21. Whoever, being a duly licensed recruiter, removes for the purpose of emigration any recruit before the completion of such registration as aforesaid; and whoever by means of intoxication, violence, fraud, false pretences, or misrepresentation induces any native of India to enter into a contract for labour to be performed in British Myanmar, or to proceed to, or towards, any seaport for the purpose of proceeding to British Myanmar without having entered into any contract; and whoever wilfully neglects to supply any emigrant or dependent under his care with proper and sufficient food and lodging, or otherwise ill-treats such emigrant or dependent on his journey to the depot; and whoever forwards, sends, or conveys any such emigrant or dependent with intent to contravene the provisions of this Act- shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

[<Amendment 18.06.1989>](#)

Procedure on arrival of Emigrants at Depot.

Notice of arrival of emigrants at depot to be given to Medical Inspector.

22. The Emigration Agent shall, within twenty-four hours after the arrival at the depot of any emigrant, give to the Medical Inspector notice in writing of such arrival.

Medical Inspector to examine emigrants.

23. The copy of the matters so registered and the medical certificate of every emigrant forwarded to the Emigration Agent as provided by section eighteen, shall be shown to the Medical Inspector at the port of

embarkation, and all emigrants and their dependents shall be examined by the Medical Inspector immediately after he receives notice of their arrival at the depot.

Inspection of depots.

24. The Medical Inspector of Emigrants shall also, as least once in every week, inspect the emigrants in the depot, and examine into the state of the depot and the manner in which the emigrants are therein lodged, fed, clothed, and otherwise provided for and attended to.

Treatment of emigrant or dependent suffering from infections disease.

25. It shall be the special duty of the Medical Inspector to take care that no emigrant or dependent is suffering from any disease calculated to be dangerous to his neighbours, and to isolate or to exclude from the depot and from embarkation persons who are so suffering.

Any person so suffering may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

Emigration Agent to pay return expense of rejected emigrants.

26. If the Medical Inspector has reason to think that any emigrant is in such a state of health that his journey to British Myanmar, or detention in the depot, would be dangerous to himself or others, or that he is unfit for labour in British Myanmar, he shall so certify to the Emigration Agent; and in case any emigrant is in such a state of health as aforesaid, the Emigration Agent shall pay to such emigrant such sum as is necessary to enable him to return to the place at which he was registered.

And any emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake such journey, shall be entitled to be fed, lodged, and attended to at the port of embarkation at the expense of the Emigration Agent, until he is reported by the Medical Inspector fit to undertake such journey.

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Return expenses of dependents.

27. If a dependent has accompanied such emigrant, the Emigration Agent shall pay such sum as is necessary to enable him to return to the place at which he was registered, as well as to feed and lodge him during the detention (if any) of the emigrant in the depot.

Procedure where dependent is dangerously ill.

28. If the Medical Inspector sees reason to think that any dependent is in such a state of health that his journey to British Myanmar or his detention in the depot would be dangerous to himself or others, he

shall so certify to the Emigration Agent; and thereupon the emigrant to whom such dependent is attached shall be entitled, if he so wishes, to return as if he himself had been certified to be unfit to proceed under section twenty-six.

If the emigrant still desires to proceed, then the dependent shall be kept and be returned to the place at which he was registered as if he were an emigrant falling under section twenty-six.

[**<Amendment 18.06.1989>**](#)

Countersignature by Medical Inspector where emigrant or dependent is passed by him.

29. If the Medical Inspector sees no reason to certify in the manner provided in section twenty-six or section twenty-eight of any emigrant or dependent, he shall countersign the copy of the emigrant's instrument which is in the possession of the Emigration Agent.

Procedure in case of ill-treatment on journey.

30. If, upon the arrival of any emigrant or dependent at the depot, it appear that he has suffered any ill-treatment, or that the recruiter has failed to provide him with proper and sufficient food and lodging during the journey to the depot, the local Government or such Officer as it may from time to time appoint in this behalf may order the Emigration Agent to pay him a reasonable sum by way of compensation.

Ratification of contracts of emigrants passed by Medical Inspector.

31. When the copy of an emigrant's instrument has been countersigned by the Medical Inspector under section twenty-nine, the Emigration Agent shall ratify the contract into which the emigrant has entered, by countersigning the emigrant's instrument and the authenticated copy thereof forwarded to the Emigration Agent under section eighteen.

Registration of contracts.

32. A copy of every such instrument shall be entered in a register to be kept by the Emigration Agent for the purpose, and a copy of such entry authenticated by him-self shall be forwarded by him to the Immigration Agent at the port of debarkation

Procedure if emigrant refuses to produce instrument.

33. Any emigrant who, without reasonable cause, refuses to produce his instrument when required by the Emigration Agent, or in any respect to comply with the terms of his contract, shall be punished with a fine equal in amount to the cost incurred in engaging, registering, and conveying him to the depot, and in default of payment of such fine with imprisonment which may extend to two months, and such emigrant may forthwith be discharged from the depot.

A certificate signed by the Emigration Agent that reasonable cause for refusing to produce the emigrant's instrument has not been shown, shall be admissible as *prima facie* evidence in any proceeding taken under this section.

A certificate signed by the Emigration Agent, stating the cost incurred in engaging, registering, and conveying the emigrant to the depot, shall be conclusive evidence of the amount of such cost.

Every fine levied under the provisions of this section shall be paid to the Emigration Agent.

Procedure if Agent neglects to ratify contract.

34. If, within thirty days after the arrival at a depot of any emigrant, the Emigration Agent does not offer to ratify such contract in manner aforesaid,

or if the Emigration Agent, without the consent of the local Government, refuses to be bound by the contract made with the emigrant,

the local Government, or such Officer as it may from time to time appoint in this behalf, may order the Emigration Agent to pay to such emigrant such sum of money as is necessary to enable him, together with the dependents (if any) upon him, to return to the place where he was registered, and also to pay him a reasonable sum by way of compensation, and in such case the emigrant shall be released from his contract.

Consequence of ratification.

35. When the contract, not being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Myanmar, and there to labour according to the terms of his contract in any place and mode which, consistently with such terms and with the provisions of this Act, the Chief Commissioner or any Officer appointed by him in that behalf may from time to time direct.

When the contract, being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Myanmar and there to labour for such employer; and such employer shall be bound to repay to the Immigration Agent all expenses incurred under this Act in respect of the immigrant and his dependents up to the time when the immigrant is delivered to his employer.

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Emigrant vessels and embarkation of Emigrants.

When contract is ratified, emigrant may be forwarded to British Myanmar.

36. When the contract of any emigrant has been duly ratified as aforesaid, he may be forwarded to British Myanmar, together with his registered dependents (if any).

<Amendment 18.06.1989>

No vessel to carry emigrants without a license.

37. 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 of the port of embarkation.

The granting or withholding of any such license shall be in the discretion of the local Government.

Licensee bound to comply with provisions of Act and rules.

38. Every person obtaining a license under the last preceding section shall be bound to comply with the provisions of this Act and the rules made hereunder, so far as such provisions and rules relate to him.

And any such person failing to comply with any of such provisions or rules shall be liable to a fine not exceeding one thousand rupees.

List of emigrants.

39. Before leaving the port of embarkation, the Emigration Agent shall furnish the master of any vessel licensed to carry emigrants with a list specifying, as accurately as may be, the names, ages, and occupations, and the names of the fathers of the emigrants on board, and the names of their dependents (if any);

Certificates from Emigration Agent and Medical Inspector.

and the master shall obtain from the Emigration Agent and the Medical Inspector of Emigrants, certificates under their respective hands, to the effect that they have in respect of the emigrants and dependents proceeding in such vessel done all that is hereinbefore required to be done on the part of such Emigration Agent and Medical Inspector respectively, and that, to the best of their knowledge, all the directions herein contained for ensuring the health, comfort, and safety of the emigrants and dependents have been duly complied with, as well as all rules for the time being in force under section eighty-six.

Procedure if emigrant refuses to embark.

40. If any emigrant without sufficient cause refuses of neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such emigrant or his dependents(if any) to embark, or to put him or them on boardship against his will, or to detain him or them against his or their

will at the depot 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.

Explanation.-The arbitrary refusal of any such dependent to embark shall not be deemed 'sufficient cause' within the meaning of this section.

Every case in which an emigrant is charged under this section before a Magistrate of Police in a Presidency town shall be heard and determined in a summary manner; and every such emigrant shall on conviction, whether by such Police Magistrate or any other Magistrate, be punished in the manner provided in section 492 of the Indian Penal Code for the punishment of offences under that section.

Procedure as to emigrant's instrument.

41. The Emigration Agent shall, before the embarkation of any emigrant, ascertain that he has in his possession the instrument mentioned in section eighteen.

If it appear to the satisfaction of the Emigration Agent that any emigrant has lost such copy, the Agent may furnish him with another copy of such instrument to be made from the copy forwarded by the Magistrate under section eighteen, and shall thereupon allow such emigrant to embark.

Provision for offices of Emigration Agent and Medical Inspector being held by the same person.

42. The offices of Emigration Agent and of Medical Inspector of Emigrants may be held by the same person; but in such case he shall perform only such of the duties hereinbefore prescribed for the two offices as are necessary for carrying out in substance the provisions of this Part.

PART III.-DEBARKATION AND TRANSIT TO DISTRICTS OF LABOUR.

Officers and Depots at ports of debarkation.

Immigration Agent and Medical Inspector of Immigrants.

43. The Chief Commissioner shall, at each port of debarkation, appoint an Immigration Agent and a Medical Inspector of Immigrants, and shall, by notification in the British Myanmar Gazette, define the local limits within which every such Agent and Inspector shall exercise the powers conferred upon him by this Act. Such Agent and Inspector may be suspended or removed at the pleasure of the Chief Commissioner.

<Amendment 18.06.1989>

Depot at port of debarkation.

44. At every such port the Immigration Agent shall establish a suitable depot for immigrants under this Act, and provide them and their dependents (if any) with proper and sufficient lodging, food, clothing, and medical attendance in such depot until they are despatched to the place of labour.

Such depot shall be at all times open to the inspection of the Medical Inspector of Immigrants.

Procedure on arrival of Vessel carrying Immigrants.

Master to report arrival of vessel carrying immigrants.

45. Upon the arrival at any port of debarkation of any vessel carrying immigrants, the Master of such vessel shall at once report his arrival to the Immigration Agent, and no immigrant on board shall be allowed to land without the permission of such Agent first obtained.

Any Master of a vessel who allows any immigrant to land without such permissions may be punished by a fine which may extend to fifty rupees for each person so landed.

Examination of immigrants by Immigration Agent.

46. Upon receipt of the report of arrival of any vessel carrying immigrants, the Immigration Agent or such other Officer as he deputes in this behalf, shall forthwith go on board such vessel and satisfy himself that the vessel has on board its proper list of immigrants, and shall compare the immigrants on board with the list.

Examination by Medical Inspector.

The Medical Inspector shall also, as soon as may be, examine the immigrants, in order to ascertain whether any of them are suffering from contagious or infectious disease.

Any immigrant suffering under any such disease may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

Enquiry into treatment of immigrants on the voyage.

47. The Immigration Agent may if he thinks fit, and shall on complaint made by any of the immigrants, inquire into the treatment of the immigrants during the voyage, and submit a report thereon to the Chief Commissioner.

Assignment of Immigrants.

Assignment of immigrants to employers.

48. The Chief Commissioner may from time to time make rules consistent with this Act regulating-

- (a) applications to the Immigration Agent by persons desiring to employ immigrants,
- (b) the terms on which the Agent shall assign immigrants to such persons respectively,
- (c) the terms on which immigrants shall be allowed to labour on their own account,
- (d) the mode in and terms on which immigrants contracting to serve a particular employer shall be sent to their place of labour.

All such rules shall be published in the British Myanmar Gazette.

[**<Amendment 18.06.1989>**](#)

Immigrants not to be separated from dependents.

49. In assigning immigrants to particular employers, the Immigration Agent shall take care that they are not separated from their dependents.

Form of assignment.

50. The assignment may be made in such form as the Chief Commissioner shall by rule direct, and the Immigration Agent shall send each employer a copy authenticated by himself of the entry forwarded to him by the Emigration Agent under section thirty-two.

Such copy is hereinafter called "the employer's instrument."

Entry of assignment in immigrant's instrument.

51. The Immigration Agent shall endorse on the instrument of every immigrant assigned under section fifty an entry showing-

- (a) the name and residence of his employer, and
- (b) the period for which the immigrant is so assigned.

PART IV.-THE LABOUR DISTRICTS AND RELATIONS OF EMPLOYER AND IMMIGRANT.

Inspectors of Immigrants.

Appointment of Inspectors and Assistant Inspectors.

52. The Chief Commissioner may appoint so many Inspectors and Assistant Inspectors of Immigrants as he thinks proper, and may from time to time define, by notification in the British Myanmar Gazette, the local limits within which each such Inspector and Assistant Inspector shall exercise and perform the powers and duties conferred and imposed on him by this Act.

Powers of Inspectors.

The Chief Commissioner may confer all or any of the powers of a Magistrate on such Inspectors and Assistant Inspectors; and they shall be public servants within the meaning of the Indian Penal Code.

[**<Amendment 18.06.1989>**](#)

Return of immigrants to be sent in by employers, &c., to Inspector.

53. Every employer of immigrants under this Act shall, on such days and in such mode as may from time to time be prescribed by rule, under section eighty-seven, make out in writing, and deliver to the Inspector of

Immigrants, a return of the number of immigrants so employed by him and their dependents (if any), and a return of the sickness and mortality among them during, the preceding six months.

Penalty for refusing or omitting to send in return, or sending in incorrect return.

54. Any employer refusing, or wilfully omitting, to send in any such return as mentioned in the last preceding section, or knowingly sending in an incorrect return, shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees;

and a certificate under the hand of the Inspector to whom such return ought to have been sent, stating that such return has not been received, or is incorrect as aforesaid, shall be received as *prima facie* evidence of the truth of such statement.

Inspector's visits.

55. Every Inspector of Immigrants shall, so often as may be directed by the Chief Commissioner, visit all lands and houses within the limits of his authority on or in which any immigrant is employed, and inspect every building or place in any way used by or for any such immigrants, or in or on which any immigrants are employed and investigate the condition of such immigrants; and for such purpose the Inspector may require that any immigrant shall be produced before him with all papers relating to his contract under this Act, and may make such enquiries as may to him seem proper.

Power to inspect buildings, &c., and make enquiries as to immigrants.

56. Any Magistrate exercising jurisdiction in the district, and any person authorized by him in writing in this behalf may at any time-

- (a) enter and inspect any building or place wholly or partially used by or for immigrants,
- (b) require that any immigrant or dependent be brought before him, and
- (c) make any enquiries which he thinks proper touching the condition or treatment of any immigrant or dependent.

Penalty on person obstructing inspection, &c.

57. Any employer, and any person acting under his orders or on his behalf, who wilfully obstructs or impedes any visit, entry, inspection, or enquiry under section fifty-five or section fifty-six, shall be liable for every such offence to a fine which may extend to five hundred rupees.

Suspension or Cancellation of Assignment.

Inspector may suspend assignment of any immigrant temporarily unfit for labour.

58. The Inspector of Immigrants, within the local limits of whose authority any immigrant is employed, may suspend, for such period as he thinks fit, the assignment of such immigrant, or any particular term of his contract under this Act, if he be in the judgment of the Inspector temporarily incapacitated for the performance thereof by reason of sickness, or other sufficient cause:

Provided that every such immigrant shall, during such incapacity, receive from his employer such subsistence money not exceeding his wages as the Inspector thinks sufficient.

Penalty for compelling immigrant to perform work for which he is unfit.

59. If any immigrant is compelled to perform any species of labour for which he is at the time manifestly unfit, or which is at variance with the terms of his assignment, the person so compelling him shall, on conviction, by a Magistrate, be liable to a fine not exceeding one hundred rupees.

Power to discharge immigrants permanently unfitted for labour.

60. If, in the opinion of the Inspector of Immigrants, any immigrant is permanently incapacitated for the performance of his contract, according to the terms of his assignment, the Inspector shall certify to that effect in writing, and deliver such certificate to the employer of such immigrant, or to his manager or agent, and from the date of such delivery the assignment of such immigrant shall be wholly vacated.

The Inspector shall report every such case to the local Government, and the local Government shall either provide for the employment and support of the immigrant and his dependents, or return them to the place at which they were registered.

Provisions for the health and comfort of Immigrants.

Sufficient house accommodation, &c., to be provided.

61. Every employer of immigrants shall be bound to provide for them sufficient and proper house accommodation, water-supply, and sanitary arrangements, and such food as the Chief Commissioner may from time to time direct.

Powers of Inspector as to house-accommodation, &c.

62. Any Inspector or Assistant Inspector, who is himself a Magistrate, may institute within the local limits of his jurisdiction, a local enquiry whether any employer has provided for his immigrants sufficient and proper house-accommodation, water-supply, sanitary arrangements, or food.

At the instance of any Inspector or Assistant Inspector, a similar enquiry may be made by any Magistrate. Every such enquiry shall be dealt with and conducted as an enquiry by a Magistrate under the Code of Criminal Procedure.

Penalty for breach of rules as to house-accommodation.

63. Any person disobeying rules passed under section eighty-seven, clause (e), shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may order compliance with such rules by the person bound to obey the same within a reasonable time to be fixed in the order. If such person wilfully omits to comply with such order, he shall be liable to a fine not exceeding fifty rupees a day for every day that such omission continues.

If such person is an agent and fails to pay the fine, such fine shall be charged on the employer's land, and shall be recoverable in the manner provided by section ninety-one.

Penalty for breach of rules as to hospital.

64. Wherever such hospital accommodation or medical charge, as required by rules made under section eighty-seven, or medicines of such quality and kind, and according to such scale as aforesaid, have not been provided, the employer or other person wilfully neglecting to provide the same shall be liable to a fine not exceeding one hundred rupees for every week during which any such default continues.

Complaints against Immigrants.

Penalty on immigrant absenting himself without sufficient cause.

65. Any immigrant who voluntarily and without reasonable cause absents himself from his employer's service,

or neglecting to labour.

or without reasonable cause neglects or refuses to labour as required by his employer or according to the terms of his contract,

may, on conviction by a Magistrate, be sentenced to lose all claim to wages or allowances during such absence, neglect, or refusal, and also to forfeit to his employer a sum not exceeding eight annas for each day during which such absence, neglect, or refusal has continued; and in case such absence, neglect, or refusal has exceeded seven days, or in case such immigrant has been already convicted of the same offence within a period of three months, he may be further sentenced at the request of the employer to imprisonment for fourteen days.

Explanation.-III-treatment of such immigrant by his employer, or the neglect of the employer to fulfil any condition of the contract, may be 'reasonable cause' within the meaning of this section.

Immigrant deserting may be apprehended without warrant.

66. If any immigrant deserts or attempts to desert from his employer's service, such employer or any other person acting in his behalf may, without warrant, and without the assistance of any Police Officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such immigrant wherever he may be found:

Proviso.

Provided that if he be found in the service of another employer, he shall not be arrested without a warrant.

Further proviso.

The employer or other person apprehending an immigrant under this section shall, within a reasonable time after such apprehension, give him in charge at the nearest police station, and there enter the charge upon which he has been apprehended.

Immigrant, when made over to police, to be taken before nearest Magistrate.

67. Any immigrant so given in charge shall be conveyed, without delay, to the nearest Magistrate having jurisdiction.

If the place from which such immigrant is charged with having deserted be within the jurisdiction of such Magistrate, he shall himself adjudicate upon the charge; but if not, he shall forward the said immigrant, under custody, to the Magistrate within the local limits of whose jurisdiction such place is situate, who shall adjudicate upon such charge.

Punishment for desertion.

68. Every immigrant deserting from his employer's service shall be liable to imprisonment which may extend to one month.

Every immigrant who after having been so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to two months.

Every immigrant who after having been twice so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to three months.

Cancellation of contract by desertion.

69. Whenever any immigrant has actually suffered imprisonment amounting in the whole to six months for desertion or unlawful absence from his employer's service, the Inspector shall, if the employer so desire, cancel the assignment of such immigrant by endorsement on the immigrant's instrument, or, if that is not forthcoming, by any writing under his hand.

Provisions regarding desertion and unlawful absence to apply to desertion in transit.

70. All the provisions of this Act regarding the desertion or unlawful absence of immigrants shall apply to immigrants who desert from any Government depot, or while in transit to the district in which they are assigned to labour; and such immigrants may be tried either in such district or in the district in which they may be apprehended.

Penalty for enticing away, harbouring, or employing immigrants under contract to another person.

71. Whoever knowingly and wilfully entices away, harbours, or employs, or attempts to entice from his employment or from any depot any immigrant before he has been lawfully released from his contract, shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may award to the employer of such immigrant the whole or any portion of such fine.

Portion of sentence may be cancelled if employer apply for return of immigrant.

72. The employer, or any person authorized to act for the employer, of any immigrant sentenced to imprisonment for any offence under this Act, may apply to the Magistrate, at any time before the expiry of such sentence, that such immigrant be made over to him for the purpose of completing his term of labour;

and the Magistrate may, if he see good cause, make over such immigrant to his employer, and in that case the Magistrate shall cancel the remainder of the sentence passed on the immigrant, and shall endorse on his instrument, or, if such instrument is not forthcoming, shall give him a memorandum of such cancellation.

On expiry of sentence, immigrant to be made over to employer.

73. When any immigrant has been sentenced to imprisonment for any offence under this Act, the Magistrate shall (subject to the provisions of section sixty-nine) make over such immigrant on the termination of his imprisonment to any person appointed on the part of his employer to receive charge of him;

Conviction not to operate as a release.

and no conviction under this Act, or imprisonment under such conviction, shall, save as aforesaid, operate as a release to any immigrant from the terms of his contract:

The period of imprisonment shall in no case be prolonged by reason of there being no person present on the part of the employer to take charge of the immigrant at the expiry of his sentence; but such immigrant shall, in that case, be sent to the place, or principal place of business, of such employer,

and the expense of so sending him shall be levied from the employer in the manner provided by section ninety-one.

Time of unlawful absence and of imprisonment to be included in term of immigrant.

74. The duration of every unlawful absence from labour, of which any immigrant may be convicted, and every period of imprisonment for any offence under this Act, shall, on the request of the employer, be endorsed by the convicting Magistrate on the employer's instrument, and no such period of imprisonment or unlawful absence so endorsed shall be reckoned as part of the term for which the immigrant is bound to serve, but such term shall extend to such further period as is equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Complaints against employers.

If immigrant desires to complain, employer to give notice to Inspector.

75. If any immigrant states to his employer, or to any person acting for such employer, that he desires to make a complaint to the Inspector of Immigrants of personal ill-usage or breach of any provision of this Act on the part of such employer or other person, the person to whom such statement has been made shall, within forty-eight hours, send notice thereof in writing to the Inspector, and in default of so doing, such person shall be liable to a fine not exceeding one hundred rupees.

Procedure on receipt of notice of complaint.

76. Whenever any Inspector of Immigrants receives such notice in writing as aforesaid, or has other reasonable grounds for believing that any immigrant within the local limits of his jurisdiction has been injured by personal ill-usage or breach of any provision of this Act as aforesaid, he shall, as soon as conveniently may be, make full enquiry into the matter complained of.

Procedure if complaint be untrue or frivolous.

77. If, upon such enquiry, the Inspector finds that the complaint is untrue or frivolous or vexatious, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his finding respecting it, and shall dismiss the complaint; and in such case shall endorse on the employer's instrument the number of days during which the complainant has been absent from work in consequence of such enquiry, and such number of days shall be added to the period for which the complainant had contracted to serve, and every such endorsement shall be conclusive evidence that such immigrant has absented himself from his labour without sufficient cause during the number of days so endorsed.

When the complaint is frivolous and vexatious, the complainant shall be liable on conviction before a Magistrate to a fine not exceeding five rupees.

Procedure if complaint be well founded.

78. If, upon enquiry as aforesaid, the Inspector is of opinion that the complaint is well founded, he shall, if a Magistrate, dispose of the case in due course of law.

If the Inspector is not a Magistrate, he shall without delay send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon dispose of the case in due course of law.

Recovery of wages. Compensation if wages are due for more than two months.

79. If, upon the complaint of any immigrant, it is proved to the satisfaction of the Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of his wages for two months, such Magistrate may award to the complainant the amount which appears to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as appears to the Magistrate to be just; and in case of default, the entire sum shall be recovered in manner provided by section ninety-one, and shall be paid to the complainant.

Cancellation of assignment.

80. If any employer, or any person placed in authority over any immigrant by such employer, is convicted of any offence causing injury to the person or property of such immigrant and triable under the Code of Criminal Procedure by the Court of Session;

or if any such employer, or other person as aforesaid, is twice convicted of any such offence against such immigrant triable under the said Code by a Magistrate;

or if it be proved before a Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of such wages for three months;

or if a Magistrate, on the report of the Inspector, and after due enquiry in the presence of the parties, is satisfied that any immigrant has been subjected to ill-usage by such employer or any other person placed in authority over the immigrant by such employer, or has been compelled by such employer or person to perform any labour when known to such employer or person to be unfit for it,

the Magistrate may, if he think fit, on the application of the immigrant, in each of such cases, cancel the assignment of such immigrant, and award to him, in addition to the wages(if any) due for service performed, compensation not exceeding thirty rupees.

Every such cancellation shall be certified by the Magistrate on the back of the immigrant's instrument, or if such instrument be not forthcoming, by writing under the Magistrate's hand delivered to the immigrant.

The compensation may be recovered in manner provided by section ninety-one.

Determination of Assignments and Contracts.

Immigrant who has completed his assignment may have such completion endorsed.

81. Every immigrant assigned under this Act, on completing the term of his assignment or on the avoidance of the same may appear before the Inspector or Immigration Agent, who shall, on being satisfied that the term has come to an end, make an entry to that effect on the immigrant's instrument.

Penalty for forcibly detaining immigrant after completion of assignment, or for omitting to give notice of such completion.

82. Any employer or agent forcibly or fraudulently detaining an immigrant after the completion or avoidance of his assignment, or wilfully failing to give notice of such completion in accordance with rules prescribed under section eighty-seven, shall be liable to fine not exceeding five hundred rupees.

Immigrant not assigned under Act may redeem unexpired term of contract.

83. Any immigrant who is not assigned under this Act may redeem the unexpired term of his contract of service by paying to the Immigration Agent such sum of money as will repay the expense incurred by Government under this Act and chargeable to such immigrant after taking into account any repayment already made by him; and the certificate of the Immigration Agent shall be conclusive evidence of the sum so chargeable.

Power to redeem contract.

84. Any immigrant who is assigned under this Act, and who is desirous to redeem the unexpired term of his contract may demand to be taken or allowed to go before the Inspector of Immigrants within the local limits of whose authority he may be employed.

The Inspector shall then inform him what is the price at which his contract may be redeemed; and on his depositing that price in the hands of the Inspector, the Inspector shall give notice to the employer that such immigrant requires him, within one week, to show cause why such immigrant should not redeem his contract for the sum so deposited;

and if no sufficient cause be shown within that time or such enlarged time as the Inspector deems reasonable, he shall require the production of the immigrant's instrument, and endorse thereon a

certificate of redemption, and out of the sum in deposit the employer of such immigrant shall be paid the value of the unexpired term of assignment.

From and after the date of such endorsement the immigrant's contract shall be deemed to have determined.

Value of unexpired term of assignment.

The value of the unexpired term of assignment shall be such as is provided for by the terms of the assignment, or as may be fixed by any rules made under section eighty-seven, clause (g), and in force at the date of the assignment.

Certificate of release from contract.

85. Every immigrant whose contract has been completed or otherwise determined, shall be entitled to receive forthwith from the Immigration Agent a certificate of release in such form as may from time to time be prescribed by the Chief Commissioner.

PART V.-SUBSIDIARY RULES.

Power of local Government of port of embarkation.

86. The local Government of every port of embarkation under this Act may from time to time make rules consistent with this Act to regulate the following matters-

- (a) the fees payable under section fourteen;
- (b) the form of notice of the arrival of emigrants at depots;
- (c) the management and regulation of depots;
- (d) the medical care of emigrants during their residence at the depots and during transport;
- (e) the clothing to be supplied to emigrants during transport;
- (f) the mode of applying for licenses under section thirty-seven;
- (g) the survey of emigrant vessels;
- (h) the procedure on embarkation;
- (i) the space to be provided for emigrants on board ships sailing from ports of embarkation under this Act;
- (j) the provisions, fuel, and water to be laden on board such vessels, and the daily allowance to be issued to each emigrant;
- (k) the Medical Officers, medicines, and medical requirements to be on board such vessels;
- (l) the ventilation and cleanliness of vessels during the journey, the control of Officers, cooks, and other servants, and generally the accommodation of emigrants.

Power of Chief Commissioner.

87. The Chief Commissioner may from time to time make rules consistent with this Act to regulate the following matters:-

- (a) the transport of immigrants from ports of debarkation under this Act to the places of their respective employments, their medical inspection during such transport, their detainer at any place on the way on account of sickness, and the accommodation, support, and medical treatment of immigrants so detained;
- (b) the diet, clothing, medical attendance, and management of immigrants in transit;
- (c) the hospital-accommodation, medicine, and medical attendance to be provided by employers for their immigrants at the place of employment;
- (d) the periodical inspection of immigrants, the books to be kept by Inspectors of Immigrants, and the returns to be made by employers of immigrants;
- (e) the house-accommodation, water-supply, sanitary arrangements, and supply of suitable food to be provided by employers for their immigrants;
- (f) the notice to be given and forms to be observed on the termination of assignments of immigrants;
- (g) the terms on which contracts and assignments of service may be redeemed;
- (h) the hospital-accommodation and medical care of labourers, and the nature, quality, and quantity of medical drugs and other stores to be provided for them;
- (i) and generally to provide for the security, well-being, and protection of immigrants.

Publication of rules.

88. All rules made under sections eighty-six and eighty-seven shall be published-
in the case of rules made under section eighty-six, in the local Official Gazette;
in the case of rules made under section eighty-seven, in the British Myanmar Gazette;
and shall thereupon have the force of law.

Penalty for breach of rules.

Whoever wilfully contravenes any of the said rules, for the breach whereof no penalty is hereinbefore specially provided, may for every such offence be punished with fine which may extend to one thousand rupees, and in default of payment, with imprisonment for a term which may extend to six months.

[**<Amendment 18.06.1989>**](#)

PART VI.-MISCELLANEOUS.

Renewal of lost instruments.

89. If any employer's instrument or any immigrant's instrument be lost or destroyed, the Immigration Agent shall, on application of the employer or immigrant (as the case may be), and on payment of such fee as the Chief Commissioner may fix in this behalf, send the applicant a copy of the instrument so lost or destroyed; and for the purposes of this Act, every copy so delivered shall be deemed to be the original.

Copies made under Act to be deemed evidence of contract.

90. All copies made under this Act shall be evidence of the contracts to which they respectively relate.

Recovery of balances due from employers under terms of assignment.

91. All balances due from any employer of immigrants under the terms of the assignments made to him under this Act, may be levied by the Magistrate either by distress and sale of any movable property belonging to such employer, or as if they were land revenue due on account of the land on which the immigrants assigned to such employer are placed.

If the full amount is not recovered by the means aforesaid, the Chief Commissioner may declare the assignment of immigrants to such employer to be void so far as regards all or any of such immigrants, and the labour of the immigrants whose assignment is so vacated shall be again at the disposal of the Chief Commissioner according to section thirty-five.

Construction of former contracts.

92. All contracts for service in British Myanmar under the Chief Commissioner which have heretofore been entered into shall be construed as if, after the words "Secretary of State for India," the words "in Council" were inserted.

[<Amendment 18.06.1989>](#)

----- Footnote -----

[ပင်ရင်း- ၂၆.၂၈၇၆ ရက်နေ့ထိ ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE A. (See section 10.) RECRUITER'S LICENSE.

[ATTACH LIST 2] 02 SCHEDULE B. (See section 14.) CERTIFICATE OF MEDICAL OFFICER AS TO HEALTH OF INTENDINGEMIGRANT.