

SUPPLEMENT  
TO THE  
FEDERATED MALAY STATES  
GOVERNMENT GAZETTE

OF FRIDAY, THE 24TH OF AUGUST, 1923.

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PUBLISHED BY AUTHORITY.

SATURDAY, 25TH AUGUST, 1923.

The following Notification is, by direction of the Chief Secretary to Government, published for general information.

C. W. H. COCHRANE,  
*Under Secretary, F.M.S.*

No. 5287.—The following Enactment, passed at a meeting of the Federal Council held on the 11th July, 1923, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 18 OF 1923.

An Enactment to consolidate and amend the law relating to Labour.

L. N. GUILLEMAUD,  
*President of the Federal Council.*

[18th August, 1923.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

PART I.

PRELIMINARY.

CHAPTER I.

SHORT TITLE AND REPEAL.

1. This Enactment may be cited as "The Labour Code, 1923," and shall come into force upon such date as shall be appointed by the Chief Secretary to Government by notification in the *Gazette*. Short title and commencement.

2. The Enactments mentioned in the first schedule are hereby repealed. Repeal.

3. All appointments, rules, orders and notifications made under any Enactment hereby repealed which were in force immediately prior to the commencement of this Enactment shall, so far as they are not inconsistent with the provisions of this Enactment, be deemed to have been made under this Enactment. Saving of appointments, rules, etc.

4. The provisions of Part VIII of this Enactment shall, as near as may be, apply to natives of Netherlands India and the places where they are employed, but with this exception none of the provisions of this Enactment which may be inconsistent with the provisions of the Netherlands Indian Labourers' Protection Enactments, 1909, shall apply to any native of Netherlands India who has entered into a contract of service under the provisions of those Enactments or to the employers with whom such contract of service has been entered into. Saving of Netherlands Indian Labourers' Protection Enactments, 1909.

CHAPTER II.

INTERPRETATION.

5. For the purposes of this Enactment unless the context otherwise requires: Interpretation.

"Agreement" means a verbal engagement to labour entered into in accordance with the provisions of this Enactment.

"Contract" means a written engagement to labour entered into in accordance with the provisions of this Enactment.

"Contract labourer" means a person who is legally bound to labour by virtue of a contract.

"Court" means the Court of a Magistrate of the First Class.

"Domestic servant" includes coachmen, grooms, motor-car drivers, gardeners, water-carriers and other house, stable or garden servants employed in, or in connection with, the domestic services of any public



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or private dwelling-house or eating-house, but does not include Indians being immigrants as defined in section 34 employed on such services on estates as defined in section 159.

"Employer" includes any person, and any body of persons, corporate or unincorporate, who or which enters into an agreement or contract with any labourer as hereinafter defined, and the duly authorised agent or manager of such person or body of persons.

"Government" means the Government of the Federated Malay States or of any of them.

"Immigrant ship" means a ship carrying immigrants.

"Labourer" includes every Asiatic artificer, miner, servant in husbandry, and every other Asiatic employed for the purpose of personally performing any manual labour or of recruiting or supervising Asiatics for, or in the performance of, such labour, but does not include domestic servants as hereinbefore defined.

"Lines" means any building or collection of buildings used or intended to be used, either temporarily or permanently, for the housing of labourers employed on an estate.

"Master" means the person for the time being in charge of a ship.

"Health Officer" means the Principal Medical Officer, Federated Malay States, and includes any officer to whom the Principal Medical Officer shall, by writing under his hand, have delegated the exercise or performance of all or any of the powers or duties conferred or imposed on the Health Officer by this Enactment to the extent of the powers or duties so delegated.

"Place of employment" means any place where work is carried on by or on behalf of an employer.

"Port Officer" includes the Conservator of a Port or the Harbour Master.

"Protector" means the Secretary for Chinese Affairs and includes such other officers as the Chief Secretary to Government may declare, by notification in the *Gazette*, to be vested with the powers conferred upon the Protector by this Enactment.

"Resident" means the Resident of the State in which the place of employment is situated.

"Ship" includes every kind of vessel used for the conveyance of passengers by water whether propelled by oars or otherwise.

Controller of  
Labour.

6. (i) It shall be lawful for the Chief Secretary to Government to appoint an officer to be styled the "Controller of Labour," hereinafter referred to as "the Controller," and also to appoint one or more officers to be styled "Deputy Controller of Labour," "Assistant Controller of Labour," or "Extra Assistant Controller of Labour," who, subject to such limitations as the Chief Secretary to Government may by rule prescribe, may perform all duties imposed and exercise all powers conferred on the Controller by this Enactment, and every duty so performed and power so exercised shall be deemed to have been duly performed and exercised for the purposes of this Enactment.

(ii) It shall also be lawful for the Chief Secretary to Government to appoint such other officers as he may deem necessary for the purpose of giving effect to the provisions of this Enactment.



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(iii) If any employer is dissatisfied with any decision or order of a Deputy Controller of Labour, an Assistant Controller of Labour or an Extra Assistant Controller of Labour he may appeal from such decision or order to the Controller of Labour within 14 days of the date of such decision or order being communicated to him.

7. Nothing in this Enactment shall operate to relieve any employer of any duty or liability imposed upon him by the provisions of any other Enactment for the time being in force or to limit any powers given to any Government officer by any such Enactment.

Existing  
Enactments  
not affected.

8. All agreements and contracts valid and in force at the date of the coming into force of this Enactment shall continue to be in force after such date, and, subject to the express provisions in any such agreement or contract contained, the parties thereto shall be subject to and entitled to the benefit of the provisions of this Enactment.

Extent of  
retrospective  
action of  
Enactment.

## PART II.

## PROVISIONS RELATING TO IMMIGRATION.

## CHAPTER III.

## ARRIVAL, EXAMINATION AND DETENTION OF IMMIGRANTS.

9. It shall be lawful for the Chief Secretary to Government

(a) to establish at any port in the Federated Malay States depôts for the examination of immigrants (hereinafter called examination depôts);

Examination  
depôts.

(b) to establish at any place in the Federated Malay States depôts for the detention of indebted immigrants (hereinafter called detention depôts).

Detention  
depôts.

10. (i) No immigrant shall land in or enter the Federated Malay States except at such ports and places as the Chief Secretary to Government may, by notification in the *Gazette*, prescribe, or at such ports or places until authorised by the Controller or an officer of his department.

Ports and  
places at which  
immigrants  
may land or  
enter the  
Federated  
Malay States.

(ii) Any master causing or permitting any immigrant to land contrary to the provisions of sub-section (i) shall be liable to a fine not exceeding fifty dollars for each immigrant so landing. A master from whose ship an immigrant shall land contrary to the provisions of sub-section (i) shall, in the absence of proof to the contrary, be deemed to have caused or permitted him so to land.

Penalty and  
presumption.

11. Ships having any immigrants on board shall, on arrival within signalling distance of any port prescribed under the provisions of the last preceding section, hoist such signals as may be prescribed by rules under this Enactment.

Arrival of ships  
to be signalled.

12. On the arrival of the ship the Port Officer shall give immediate notice to the Controller, or in the case of an immigrant ship arriving at a port in the Federated Malay States on a voyage from China to the Protector, who shall forthwith proceed on board.

Controller  
to receive  
notice of arrival  
and go on  
board.

13. (i) Subject to the provisions of "The Customs Enactment, 1923," it shall not be lawful for any person other than the Controller, Health Officer, Port Officer, Chief Police Officer, or any of their subordinate officers, or in the case of an immigrant ship arriving at a port in the Federated Malay States on a voyage from China the

No communi-  
cation with  
ship till after  
immigrants  
landed except  
by certain  
officers.



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Protector, or the owner, agent or consignee of an immigrant ship to communicate with any such ship on its arrival in port, except for the purpose of landing passengers or disembarking immigrants under the provisions of this Part until after the immigrants on board thereof have been disembarked; and no immigrant shall disembark or land, or attempt to disembark or land, from any such ship except as provided by this Part or by rules made under this Enactment.

Exemption.

(ii) Nothing in this section shall be held to prevent the Consul-General, Consul, Vice-Consul or Consular Agent of any foreign Power from boarding any ship of the nationality represented by him.

Penalty.

(iii) Any person communicating, or attempting to communicate, with any immigrant ship contrary to the provisions of sub-section (i), and any immigrant disembarking, or attempting to disembark, contrary to the provisions of this Enactment, and any person aiding or abetting any immigrant to disembark from any such ship, contrary to the provisions of this Enactment, shall be liable to a fine not exceeding five hundred dollars and in default of payment to imprisonment of either description for a period not exceeding six months.

## CHAPTER IV.

## SPECIAL PROVISIONS RELATING TO CHINESE IMMIGRANTS.

Limitation of application.

**14.** The provisions of this Chapter shall only apply to immigrants from China and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Chapter such other provisions but except in so far as is necessary to give effect to this section the provisions of this Chapter shall be additional to, and in extension of, the other provisions of this Enactment.

Interpretation.

**15.** In this Chapter unless the context otherwise requires:

“Advances” includes maintenance and clothes provided and cash given, whether provided or given in China or on board ship or in the Colony, and all expenses of bringing an immigrant from China.

“China” includes Hongkong, Macao and all such territory as formed part of the Chinese Empire on the 1st day of January, 1841.

“China immigrant ship” means an immigrant ship arriving at a port in the Federated Malay States on a voyage from China.

“Creditor” means the person to whom an immigrant is found as hereinafter provided to be indebted for advances and includes a creditor's agent in the Federated Malay States.

“Immigrant” means a native of China (not being a first or second class passenger nor the personal servant of such passenger nor a person on the articles of a ship) travelling by sea to, or who has within one year arrived by sea at, any port of the Federated Malay States from China or from a port in the Colony at which he has within the two months preceding such arrival landed from a vessel arriving at such port from China.

“Indebted immigrant” means any immigrant who is found as hereinafter provided to be indebted for passage money and advances, whether he has before his arrival in the Federated Malay States entered into an engagement to labour or not.



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“ Passage money ” includes the value of a passage supplied free.

“ Passage money and advances ” includes passage money without advances and advances without passage money.

“ Qualified medical practitioner ” means (notwithstanding anything contained in the Medical Registration Enactments, 1907) the holder of any of the diplomas, degrees or licences from time to time specified by the Chief Secretary to Government as constituting the qualification of a qualified medical practitioner under this Enactment.

**16.** On the departure of an immigrant ship from China on a direct voyage to any port or ports in the Federated Malay States, or from Singapore or Penang on a voyage to any port or ports in the Federated Malay States, the agent or consignee of such ship at any such port shall forthwith inform the Protector in the State in which such port lies of the approximate date and, if possible, time of the arrival of such ship and of the number of immigrants to be landed at such port: provided that in the case of an immigrant ship departing from Singapore or Penang such agent or consignee need only inform the Protector of the number of persons travelling on such ship who are known to the master or to the agent in the Colony of such ship to be immigrants.

Departure of immigrant ship to be notified.

Proviso.

**17.** The master of every China immigrant ship shall on arrival at any port in the Federated Malay States prevent all immigrants from disembarking until such ship has been boarded as provided by section 19.

Duty of master of China immigrant ship on arrival.

**18.** Any person who without reasonable excuse omits to comply with the provisions of section 16 or of section 17 shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars.

Penalty.

**19.** (i) On the arrival of a China immigrant ship at a port in the Federated Malay States she shall as soon as possible be boarded by an officer of the Chinese Protectorate, to whom the master of such ship shall give a list containing the names of all immigrants brought by such ship from China and such information relating to the immigrants, the payment of their passage money, the place of their embarkation, their state of health during the voyage, the deaths of or absence of any immigrants who may have been on board at any time at or after the ship's departure from her first port of departure in China on the voyage, and any other matters as he may reasonably be required to give for the purposes of this Enactment or of “ The Women and Girls Protection Enactment, 1914.”

Boarding of ship by officer. Master to give information.

(ii) The master of a China immigrant ship intentionally omitting to comply with the provisions of sub-section (i) or furnishing as true any list or information which he knows or has reason to believe to be false, or refusing to answer such questions as such officer may reasonably put to him for the purposes of this Enactment, shall be guilty of an offence under sections 176, 177 or 179 of the Penal Code, as the case may be.

Penalty.

**20.** When any China immigrant ship is boarded on arrival by an officer of the Chinese Protectorate such officer may cause all or any of the immigrants on board to be removed to an examination dépôt, and any immigrant removed to such dépôt shall on arrival thereat be examined by an officer of the Chinese Protectorate as to the payment of

Removal to examination dépôt.



his passage money and as to any advances that may have been received by him and as to any engagement to repay such passage money and advances, or any engagement to labour entered into, or proposed to be entered into, by him, and as to his age and fitness to labour, and as to any such other matters as may seem necessary for the purposes of this Enactment or "The Women and Girls Protection Enactment, 1914."

Powers of  
search.

**21.** If the Protector has reason to believe that any immigrant who has arrived in the Federated Malay States by an immigrant ship is indebted for passage money and advances and has without permission from an officer of the Chinese Protectorate entered any place other than a dépôt established under Chapter III, it shall be lawful for the Protector or any officer of the Chinese Protectorate authorised in writing by him to search any place (including any house or ship) in which such immigrant as aforesaid is believed to be, and if he is found to take him forthwith to an examination dépôt for examination under the last preceding section. If in the course of such search any documents relating to the indebtedness of such immigrant are found by the Protector or such officer he may seize such documents and retain them in his possession for so long as they are required for the purpose of any proceeding arising out of the matter.

Immigrants not  
indebted for  
passage money  
to be released.

**22.** Every immigrant who upon such examination as aforesaid is found not to be indebted for passage money and advances shall forthwith be allowed to leave the examination dépôt.

Immigrant  
brought to  
Federated  
Malay States by  
fraud.

**23.** When it appears upon such examination as aforesaid that an immigrant has been brought to the Federated Malay States by fraud or by misrepresentation as to work or wages or other matters, the Protector shall enquire into his case and, if satisfied that he has just cause of complaint, shall either release him or treat him under section 25 as an immigrant who has been declared permanently unfit for labour in the Federated Malay States.

Immigrant  
indebted to  
be detained in  
dépôt.

Proviso.

**24.** Every immigrant found to be indebted for passage money and advances may be detained in a detention dépôt until he has made arrangements satisfactory to the Protector for the payment of his debt: provided that no immigrant without his consent to be signified before the Protector shall be so detained at any time after such debt shall have been paid or for a longer period than ten days except as provided by section 30.

Immigrant  
unfit for labour.

**25. (i)** When upon an examination made under the provisions of this Chapter or at any time before he has made arrangements satisfactory to the Protector for the payment of his debt any indebted immigrant appears to the Protector to be unfit for labour owing to disease or from physical or mental debility or defect, or to be suffering from any complaint, he may be sent to a Government hospital for medical examination and treatment and shall, except as provided in sub-section (iii), be detained there at the expense of his creditor till declared by the Government Medical Officer in charge of the hospital

(a) to be fit for labour, or to be fit for certain kinds of labour, or for labour in certain places, in which case he shall be handed over to the Protector, or to a person authorised by the Protector to receive him, and may then be detained in a dépôt under the care of the Protector as provided by this Chapter or -



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(b) to be incurable or permanently unfit for labour in the Federated Malay States, in which case information shall be given to the Protector, who may cause such immigrant at the first opportunity to be sent back at the expense of his creditor to the place in China from which he was brought.

(ii) When upon such examination or at any such time as aforesaid, any indebted immigrant appears to be under the age of sixteen or over the age of forty-five years he may be sent back at the expense of his creditor to the place in China from which he was brought.

(iii) Any indebted immigrant who has been sent to a Government hospital under sub-section (i) may, if or when he be declared by the Government Medical Officer in charge of such hospital to be fit to travel, be sent back, if his creditor so desires, at the expense of his creditor to the place in China from which he was brought.

26. (i) Any indebted immigrant who refuses or omits to go to a hospital or to a detention dépôt having been ordered to do so under the provisions of section 25 and any indebted immigrant leaving or attempting to leave such dépôt without the permission of an officer authorised by the Protector or such hospital without the permission of the Government Medical Officer in charge, shall be guilty of an offence and may be arrested by any police officer, or by an officer authorised by the Protector, and taken to a detention dépôt or to the Chinese Protectorate or to a police station and detained there until he can be brought before the Protector.

Immigrant refusing to go to a dépôt or absconding.

Arrest.

(ii) Any person who commits or abets the commission of an offence under this section shall be liable, on conviction, to a penalty not exceeding twenty-five dollars or to imprisonment of either description for any term not exceeding one month.

Abetment.

Penalty.

27. (i) The Protector may fix from time to time the maximum sum for which any immigrant from any port in China to any port in the Federated Malay States shall be indebted as for passage money and advances and such maximum sum shall be notified in the *Gazette*.

Maximum sums for passage money and advances.

(ii) No immigrant shall be held to be liable for the amount of any passage money and advances in excess of the maximum sum fixed by the Protector.

28. Any indebted immigrant who may have been found on examination to have obtained passage money and advances by a promise to find on his arrival in the Federated Malay States some person to repay such passage money and advances and who is unable to fulfil such promise may, at the discretion of the Protector, be released or sent back to China at the expense and with the consent of his creditor.

Immigrant detained unable to fulfil promise to repay passage money.

29. Any indebted immigrant found on examination to have obtained passage money and advances by a promise to enter into a contract on arrival in the Federated Malay States to labour may, at the discretion of the Protector,

Immigrant who has promised to enter into contract.

- (a) be sent back to China at the expense of his creditor; or
- (b) be released.



Return of  
immigrants to  
China.

**30.** (i) Whenever any immigrant is to be sent back to China at the expense of his creditor under the provisions of this Part or to be sent to hospital under the provisions of section 25 all arrangements shall be made by the Protector, and all necessary expenses of, and incidental to, sending such immigrant back to China or to hospital may be recovered from the creditor of such immigrant in any Civil Court at the suit of the Protector, whose certificate as to the amount of such expenses shall be sufficient evidence thereof.

Detention.

(ii) Any such immigrant may pending his departure be detained at the expense of a creditor in a detention dépôt.

Conditions on  
which Chinese  
immigrants  
may be  
imported.

**31.** No immigrant shall be imported into the Federated Malay States on a China immigrant ship except on the following conditions:

- (a) The ship in which he is imported if carrying more than twenty immigrants shall carry during the whole course of the voyage a qualified medical practitioner who shall attend to the health of the passengers and the sanitation of the ship;
- (b) The master of the ship shall on arrival at any port within the Federated Malay States produce to the Boarding Officer a certificate from the port of departure signed, if such port be Hongkong, by a competent officer or, in the case of any Chinese port, by a qualified person appointed by the British Consul, stating:
  - (1) The voyage the ship was intended to make;
  - (2) That at the time of her departure she had the proper complement of officers and seamen and was sufficiently equipped for the voyage;
  - (3) The number of immigrants on board and that such immigrants together with the other passengers on board were not in excess of the number of passengers which may properly be carried on board such ship;
  - (4) That at the time of her departure there was on board the ship a good and sufficient supply of food, pure water and medicines for the use of the immigrants during the intended voyage;
  - (5) That the accommodation and sanitary arrangements for the immigrants during the voyage on board the ship were satisfactory.

Penalty for  
wrongful  
importation.

**32.** (i) Every person who shall import, or attempt to import, any immigrant contrary to the provisions of section 31, and every person who shall aid, abet, procure or be interested or concerned in or knowingly derive any profit from the importation or attempted importation of any immigrant contrary to the said provisions shall be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for any period not exceeding twelve months or to both fine and imprisonment.

(ii) Any ship which shall be used for the importation or attempted importation of any immigrant contrary to the provisions of section 31 shall be liable to forfeiture and may be seized and detained by the Chief Police Officer until adjudicated on according to law.



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(iii) Proceedings to enforce any forfeiture under this section may be taken in the name of the Chief Secretary to Government.

(iv) At any time after the detention of any ship under sub-section (ii) it shall be lawful for the Chief Secretary to Government to release such ship upon such security as he shall think sufficient or without security.

## CHAPTER V.

## SPECIAL PROVISIONS RELATING TO INDIAN IMMIGRANTS.

**33.** The provisions of this Chapter shall apply to immigrants from India only and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Chapter such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Chapter shall be additional to, and in extension of, the other provisions of this Enactment.

Limitation of application.

**34.** In this Chapter unless the context otherwise requires:

Interpretation.

“Certificated immigrant” means an immigrant who holds a certificate in the form A in the second schedule or to the like effect, issued under the authority of the Indian Government or of the Government of the Colony or under this Enactment or under any Enactment hereby repealed.

“Immigrant” means an Asiatic native of British India or of an Indian State adjoining the Madras Presidency, and for the purposes of this Chapter every Asiatic of Indian descent shall be deemed to be a native of British India or of such Indian State until the contrary is proved.

“Place of employment” means a place where any of such kinds of labour or work as are specified in section 122 or as may hereafter be declared, under the provisions of the said section, to be subject to the provisions of Part VI is carried on and on which ten or more immigrants reside or are employed.

**35.** Nothing in this Chapter shall apply to

Exemption.

- (a) first-class cabin passengers;
- (b) second-class cabin passengers;
- (c) menial servants in actual service;
- (d) seamen, firemen and other persons serving on board a ship.

**36.** Every immigrant holding an unexpired certificate to the effect indicated in section 37 issued by the proper authority in British India or in the Colony shall have all the immunities given in this Chapter to immigrants holding like certificates issued in the Federated Malay States.

Certificates issued in India or the Colony.

**37.** Any immigrant in the Federated Malay States may apply to the Controller for a certificate declaring that the person named and described therein is not subject to the provisions of this Part.

In the Federated Malay States.

**38.** The Controller shall, if he is of opinion that the applicant is not a labourer or of a class ordinarily employed in agricultural work, issue forthwith under his hand and seal free of charge a certificate in the form or to the effect of form A in the second schedule.

Issue of certificate.



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Particulars to  
be entered in it.

**39.** Every certificate issued under this Chapter shall contain the names of the holder thereof and of his or her father, and shall specify his or her place of abode in India, age, sex, religion, caste (if any) and calling. A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein. The certificate shall be dated on the day of its issue and shall have force until it be revoked by the Controller.

Certificated  
immigrant  
exempt from  
restrictions.

**40.** A certificated immigrant shall, upon production of his certificate, be wholly exempted from every restriction imposed upon immigrants by this Part.

Certificate to be  
produced when  
required.

**41.** Every certificated immigrant shall be bound to produce his certificate when required to do so by a Magistrate or police officer or by an officer of the Controller's Department or by the master or officer of a ship in which such certificated immigrant is, or proposes to be, a passenger; and if he shall refuse or fail to do so when so required he may be treated in all respects as an uncertificated immigrant until such time as he shall produce such certificate.

New certificate.

**42.** A certificated immigrant whose certificate not having been revoked has been lost or destroyed may apply to the Controller for a fresh certificate, and the same shall be issued accordingly: provided that it shall be lawful for the Controller to require satisfactory evidence of such loss or destruction before issuing a new certificate.

Special classes  
may be  
exempted.

**43.** The Chief Secretary to Government may from time to time, with the consent of the Government of India transmitted through the Government of the Straits Settlements, declare that any class of immigrants is not a labouring class and that any person belonging thereto is entitled to a certificate without enquiry; or that any class of immigrants is a labouring class and that persons belonging thereto are not entitled to certificates.

Examination  
of immigrants.

**44.** (i) (a) All immigrants on arrival at the port of disembarkation shall be examined by the Health Officer or a Government Medical Officer;

Immigrant  
unfit to travel;

(b) Any immigrant found on such examination to be unfit to travel may be sent forthwith to a Government hospital and there detained until he is pronounced by the Health Officer or Government Medical Officer in charge of such hospital to be either fit to travel or to be incurable or permanently unfit to labour;

fit to travel;

(c) When an immigrant sent to a Government hospital under this section is found to be fit to travel the Controller may, if the employer for whom such immigrant was recruited so desires, send him back to the place in India where he was recruited;

or incurable.

(d) When an immigrant sent to a Government hospital under this section is found to be incurable or permanently unfit to labour the Controller may send him back to the place in India where he was recruited and may detain him so long as may be necessary for that purpose.



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(ii) All expenses of the maintenance and the treatment in hospital of any immigrant sent to a Government hospital under this section, and all expenses of sending back under this section any immigrant found to be fit to travel or to be incurable or permanently unfit to labour to the place where he was recruited, may be recovered by the Controller from the employer for whom such immigrant was recruited or from the agent by whom such immigrant was imported.

Hospital and travelling expenses.

(iii) The Chief Secretary to Government may make rules for the examination of immigrants by the Health Officer or Government Medical Officers under this section and prescribe the fees to be charged for the maintenance and treatment of immigrants in a Government hospital.

Power to make rules.

(iv) The Controller may at any time within one year of his arrival in the Federated Malay States send back to the place in India where he was recruited any immigrant on any of the following grounds:

Repatriation.

- (a) the state of his health;
- (b) that the work which he is required to do is unsuited to his capacity;
- (c) that he has been unjustly treated by his employer;
- (d) any other sufficient reason.

All expenses incurred may in cases falling under (a) or (d) above be defrayed from the Indian Immigration Fund and shall in cases falling under (b) and (c) be paid by the employer.

45. It shall be lawful for the Chief Secretary to Government to appoint an Emigration Commissioner to reside in India with such Assistant Emigration Commissioners as may be necessary, to supervise emigration to the Federated Malay States.

Commissioner in India.

46. (i) Any immigrant who has received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India, or in the Federated Malay States or in Johore may be detained in a depôt until he can be forwarded to his destination.

Detention at a depôt.

(ii) Except as provided in section 49 no immigrant shall be detained in a depôt against his will for more than one week.

47. (i) Any immigrant who has received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India, or in Johore, and who neglects or refuses to leave the Federated Malay States in pursuance of his promise shall be liable to pay the Controller the sum of twenty dollars or such lesser sum as the Chief Secretary to Government shall from time to time fix by notification in the *Gazette*; provided that the Controller may at his discretion remit the whole or any part of such sum.

Reimbursement on failure to fulfil promise to labour.

(ii) Such sum shall be recoverable from such immigrant as a debt due to the State in which such neglect or refusal has taken place, and a certificate signed by the Controller shall be conclusive evidence that such sum is due.



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(iii) Any such sum so received or recovered by the Controller shall be paid by him to the Indian Immigration Fund.

Reimbursement  
on failure to  
proceed to  
place of  
employment.

**48.** Any immigrant who has received a free passage from India under a promise to labour in the Federated Malay States, and who neglects or refuses to proceed to his place of employment in pursuance of his promise shall be liable to pay the Controller the sum of twenty dollars or such lesser sum as the Chief Secretary to Government shall from time to time fix by notification in the *Gazette*; provided that the Controller may at his discretion remit the whole or any part of such sum.

(ii) Such sum shall be recoverable from such immigrant as a debt due to the State in which such neglect or refusal has taken place, and a certificate signed by the Controller shall be conclusive evidence that such sum is due.

(iii) Any such sum so received or recovered by the Controller shall be paid by him to the Indian Immigration Fund.

Redemption of  
female immi-  
grant.

**49.** Whenever it appears to the Controller that any female immigrant tendering the sum of twenty dollars or other prescribed sum in redemption of her obligation to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorised as aforesaid, or in the Federated Malay States or in Johore, is in the custody or control of any other person, he may refuse to accept such sum and to permit such obligation to be redeemed unless and until the person in whose custody or control such female immigrant appears to be has given reasonable security to the satisfaction of the Controller that such female immigrant shall not leave the Federated Malay States without the previous consent in writing of the Controller and shall not be disposed of as a prostitute or for immoral purposes and that she shall be produced before the Controller whenever he so requires. In default of such security being given within seven days the Controller at his discretion may cause such female immigrant to be returned to India and for that purpose may cause her to be detained for any further period not exceeding twenty-one days.

Security.

Immigrant not  
to leave the  
Federated  
Malay States.

**50.** No immigrant shall depart from the Federated Malay States except to go

- (a) to a country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India; or
- (b) to British India or Ceylon; or
- (c) to the Colony of the Straits Settlements or to Johore.

To what  
countries or  
States Indian  
emigration  
lawful.

**51.** The Chief Secretary to Government may from time to time declare, by notification in the *Gazette*, to what countries or States Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India.

Penalty for  
unlawful depar-  
ture from  
Federated  
Malay States or  
abatement  
thereof.

**52.** Any immigrant unlawfully departing or attempting to depart from the Federated Malay States in breach of the provisions of section 50, or making any false representation to the Controller for the purpose of obtaining any certificate under this Chapter, shall be guilty of an offence and shall be liable to a fine not exceeding twenty dollars, and may be arrested without warrant by any police officer or officer of the department of the Controller; and any



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person abetting an offence under this section shall be liable to a fine not exceeding fifty dollars or to imprisonment of either description for a term not exceeding seven days for each immigrant whose offence he has abetted. The master of a ship in which an immigrant shall embark in order to depart unlawfully from the Federated Malay States shall, until the contrary be proved, be deemed to have abetted such offence.

53. In every judicial proceeding a certificate in form B in the second schedule purporting to be signed by an Emigration Commissioner or Assistant Emigration Commissioner of the Government of the Colony or of the Federated Malay States in India at the port of embarkation shall be deemed to be evidence that the persons named therein have respectively received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in some country or State to which Indian emigration is authorised by the Governor of the Straits Settlements, with the consent of the Government of India, or in the Federated Malay States or in Johore, as the case may be.

Evidence of  
promise to  
enter into  
contract.

54. (i) Every employer who within the Colony, the Federated Malay States, or any other State of the Malay Peninsula under the protection of His Britannic Majesty engages an immigrant to labour on a place of employment within the Federated Malay States at any of the employments mentioned in section 122, or at any other work or labour declared under the provisions of the said section to be subject to the provisions of Part VI, shall ascertain the name and the particulars of the last employment of such labourer, and shall within seven days after the arrival of such labourer upon the said place of employment present or forward to the Controller a statement in duplicate in the form in the third schedule together with a fee of ~~one dollar~~ in respect of each labourer named in such statement which shall be paid to the Indian Immigration Fund. A register of such statements shall be compiled by the Controller, and such register and statements shall be open to inspection at the office of the Controller by any person at all reasonable times.

Registration of  
immigrants  
locally engaged.

(ii) The Controller shall, if satisfied that the requirements of this section have been duly observed, issue to the employer a certificate to the effect that in respect of the labourer so registered he is exempted from the payment of the fee prescribed by section 130.

(iii) Any employer failing to present or forward a statement as required by the provisions of sub-section (i) shall on the complaint of any other employer be liable, on conviction, to a fine not exceeding one hundred dollars in respect of every labourer whose name should have been included in such statement.

Penalties.

(iv) Any employer knowingly furnishing any false particulars in a statement required by sub-section (i) shall be liable, on conviction, to a fine not exceeding five hundred dollars in respect of each labourer regarding whom he shall be proved to have furnished such false particulars.

(v) Any labourer furnishing false particulars to an employer for the purposes of a statement required by sub-section (i) shall be liable, on conviction, to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.



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Inspector of  
Madras  
Government to  
have powers of  
inspection, etc.

**55.** The officer from time to time deputed, with the concurrence of the Governor of the Straits Settlements, by the Government of Madras to examine and report to that Government the condition of immigrants in the Federated Malay States may exercise under this Enactment all or any of the powers of entry, inspection, enquiry and investigation which are conferred on the Controller by this Enactment.

### PART III.

#### GENERAL PROVISIONS RELATING TO LABOUR.

#### CHAPTER VI.

#### AGREEMENTS.

Term of  
agreement.

**56.** (i) An agreement may be entered into for any period not exceeding one month, or for any number of days' work not exceeding thirty or for the performance of any specified piece of work. All agreements shall, subject to any stipulation to the contrary, terminate on the last day of the term agreed upon or upon the completion of the specified number of days' work or piece of work, as the case may be: provided that each party to an agreement for a period not exceeding one month shall on the termination of such agreement in the manner aforesaid be conclusively presumed to have entered into a fresh agreement upon the same terms and conditions as those of the agreement so terminated unless notice shall have been given previously by either party to such agreement in accordance with the provisions of section 57.

Proviso.

Presumption.

(ii) In the absence of proof to the contrary all agreements shall be presumed to be for a period of one month.

Termination of  
agreement by  
notice.

**57.** (i) Either party to an agreement for a period of time may terminate such agreement on the expiration of due notice given by him to the other party of his intention so to do; the length of the notice to be given shall, unless otherwise stipulated by the terms of the agreement, be equal to the period of the agreement to be terminated; provided that in no case shall it be necessary to give notice exceeding in length one month or in the case of domestic servants fourteen days.

Method of  
giving notice.

(ii) Such notice may be either verbal or written and may be given at any time, and the day on which notice is given shall be included in the period of the notice.

(iii) When notice has been given there shall be paid to the labourer on the date of the expiration of the notice all wages then due to him.

Wages when  
payable.

**58.** Wages earned by a labourer under an agreement shall become payable upon the termination of such agreement: provided that when the parties to an agreement enter into a fresh agreement as provided by section 56 the wages due under the prior agreement shall be paid not later than seven days after the expiration of such prior agreement.

Termination of  
agreement  
without notice.

**59.** It shall be lawful for either party to an agreement to terminate the same without notice upon payment to the other party of a sum equal to the amount of wages which would have accrued to the labourer during the term of such notice.



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**60.** When an agreement is terminated by the employer without notice to the labourer, on the ground of misconduct, such labourer shall, subject to any order which may be made by the Court or Controller under section 98 on complaint of either party, be entitled to receive wages only up to the day on which the agreement was terminated.

Wages payable upon the termination of an agreement without notice.

**61.** In the event of any dispute arising between the parties to an agreement concerning wages due thereunder or concerning the termination of the same it shall be lawful for the Court, in addition to any other adjudication, to order either party to forfeit to the other party a sum not exceeding the amount of thirty days wages.

Disputes regarding wages.  
Order of Court.

## CHAPTER VII.

## GENERAL.

**62.** (i) Except as hereinafter provided under the provisions of Part VII, no engagement to labour for a period exceeding one month or for more than thirty days' work and no contract to labour shall be entered into; any such engagement or contract entered into in contravention of this section shall be void and of no effect.

Contracts and certain agreements void.

(ii) Nothing in the above shall affect the validity of any contract entered into before the commencement of this Enactment under any of the Enactments hereby repealed, and all the provisions of section 252 (i) and Chapters VII, XXIII and XXIV of The Labour Code, 1912, hereby repealed, which were in force immediately prior to such commencement shall still apply to such contracts as if the said Chapters had not been repealed.

Saving of certain contracts.

**63.** Notwithstanding anything contained in The Contract Enactments, 1899, any male person not below the age of sixteen years and any female person not below the age of fifteen years shall be deemed to be competent to enter into an agreement under this Enactment.

Contractual capacity.

**64.** (i) Notwithstanding anything in this or in any other Enactment to the contrary, no Indian child under the age of ten, being an immigrant as defined under section 34, shall be employed as a labourer on any place of employment.

Indian child labour.

(ii) Any employer wilfully disregarding the provisions of subsection (i) shall be deemed to have committed an offence against this Enactment.

**65.** No labourer shall be bound, in or by virtue of any agreement or contract under this Enactment, to answer for the debt, default, or miscarriage of another person, so as to give any remedy under this Enactment for a breach of such agreement or contract as to such debt, default or miscarriage.

Labourer not liable for default of another.

**66.** No labourer shall be held to be liable for the amount of any advances made to him or on his behalf, or of any moneys expended on his behalf, prior to his arrival in the Federated Malay States, in consideration of his engagement to labour within the Federated Malay States.

Liability of labourer for advances.

**67.** Subject to any provisions to the contrary contained in his contract, if any:

Days and hours of labour.

(i) No labourer shall be bound to work on more than six days in one week, or more than six consecutive hours, or (subject as hereinafter mentioned) more than nine hours a day of actual labour.



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Overtime.	(ii) If any labourer works for and at the request of his employer more than nine hours in any one day, he shall be paid for such extra work at the rate of not less than one-ninth part of his ordinary daily wages for each half hour of overtime work.
Overtime in case of factory work.	(iii) Any labourer who is employed exclusively in factory work may be lawfully required by the employer, in case of need, to work for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, and shall be entitled to receive for such extra work pay at the rate of not less than one-ninth part of his ordinary daily wages for each half hour of overtime work.
Overtime for purpose of food cultivation.	(iv) In case of emergency any labourer may be required by the employer, subject to the approval in writing of the Controller, to work at the cultivation of foodstuffs suitable for the subsistence of labourers for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, or over and above his task for that day assigned under section 68, and shall be entitled to receive for such extra work pay at the rate of not less than one-eighteenth part of his ordinary daily wages for each half hour of overtime work.
Task work.	<b>68. (i)</b> It shall be lawful for the employer with the consent of the labourer to assign tasks to be performed by labourers as equivalent to work for a day of nine hours. Such assignment of tasks shall be subject to revision by the Controller who may fix the number of days' work to be credited to the labourers who have performed such tasks. A schedule of such tasks as revised by the Controller shall be written in English and some other language understood by such labourers and signed by the Controller, and copies thereof shall be kept fixed up in conspicuous places in or about the place of employment and in the lines, so that the same may be made known to such labourers.
Wages at agreed rate.	(ii) Nothing in this Enactment contained shall prevent any employer from agreeing with any labourer in his employ that the wages of such labourer shall be paid at an agreed rate in accordance with the amount of work done and not by the day.
Periods on account of which wages are not payable.	<b>69.</b> No wages shall become payable to or recoverable by any labourer for or on account of the term of any sentence of imprisonment undergone by him, or for or on account of any period spent by him in going to or returning from prison, or for or on account of any period spent by him in going to, attending before, or returning from a Court in or about a case in which he shall have been convicted of an offence, or in respect of which the Court before which the case is tried certifies that such attendance was not necessary for the ends of public justice.
Dispute as to work done.	<b>70.</b> Any dispute between a labourer and his employer as to whether the work done by such labourer on any specified day shall be counted as a day's work may be referred to the Controller whose decision shall be final.
Supply of food.	<b>71.</b> Every employer, who has agreed or contracted with a labourer to supply him with food free of charge, shall supply the same on all holidays and other days upon which such labourer is entitled to absent himself from work.
Employer may deduct cost of food.	<b>72.</b> If any labourer absent himself from work otherwise than as provided by this Enactment or by his contract (if any), it shall be lawful for the employer, subject to any order which may be made



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by the Court or by the Controller on complaint of either party, to deduct from any wages due to such labourer the cost of the food supplied to him during such absence.

**73.** (i) The Controller, the District Officer and Health Officer shall have power to enter at all reasonable times upon any estate, factory, mine or place in which labourers are employed, and to put questions concerning such labourers to their employer or to any person who may be in charge of them, or to the labourers themselves, and the employer or such person, or any such labourer, shall be legally bound to answer such questions truly to the best of his ability.

Government  
inspections.

(ii) If on such inspection the Controller or other inspecting officer shall have reasonable ground for suspecting that any offence has been committed against a labourer, and whenever any complaint of personal ill-usage or breach of any of the provisions of this Enactment is made to the Controller, the Controller or other inspecting officer, as the case may be, may forthwith remove, or cause to be removed, such labourer from the estate, factory, mine or place of employment where he is employed for further enquiry into the matter; and if the labourer has entered into a contract with the employer may, at his discretion, cause such labourer to be detained, if necessary, until the conclusion of such enquiry, at the nearest police station or at any other place that may appear to such officer suitable for the purpose.

Powers of an  
inspecting  
officer.

(iii) The powers conferred upon inspecting officers by this section may also be exercised in the case of any place of employment where Indian labourers reside or are employed by any Agent of the Government of India appointed under section 7 of the Indian Emigration Act of 1922.

Such Agent may at all reasonable times inspect every house, hospital, tent, camp or building in any way used by such labourers and enquire into the condition of such labourers.

He shall inform the Controller of any irregularity which may have come to his notice and the Controller shall forthwith take such steps as he may deem fit to rectify the same.

**74.** (i) The Controller may at any time by order in writing require any employer on any estate, factory, mine or place in which more than fifty female labourers are employed to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a nursery properly equipped to the satisfaction of the Controller on or in the immediate neighbourhood of such estate, factory, mine or place on a site to be approved by the Controller, with accommodation for such number of infants under the age of three as may be stated in such order, and may further require him to employ such number of nurses as may be stated in the order to have charge of such nursery.

Employer to  
maintain  
nursery for  
infants.

(ii) Such nursery shall be open for the accommodation of infants during all hours in which the mothers or guardians of such infants are at work.

(iii) The employer shall at his own expense supply milk and rice to each infant accommodated in such nursery.

(iv) The Controller may at any time by order in writing prescribe the quantity and description of milk and rice to be supplied to each infant under the preceding sub-section.



Maternity  
allowance.

**75.** (i) Every female labourer shall be entitled to abstain from work during terms of one month each before and after confinement and, in respect of such terms, hereinafter jointly referred to as "benefit period", to receive from her employer maternity allowance to be calculated as provided in sub-section (ii) hereunder.

(ii) A first maternity allowance shall be calculated at the rate of two-sixths of the total wages earned by such female labourer during and in respect of the six months, or, if she has not worked for six months, then of any such lesser period, next preceding a first benefit period. A second and all subsequent maternity allowances shall be calculated at the rate of two-elevenths of the total wages earned by such female labourer during and in respect of the eleven months next preceding a second or subsequent benefit period, or of any period less than eleven months falling between such second or subsequent benefit period and the one next preceding it. Provided that no employer shall be liable to pay maternity allowance otherwise than in respect of work performed for and wages earned from such employer.

(iii) No female labourer shall be entitled to maternity allowance unless during benefit periods she resides on her place of employment, or in an estate hospital maintained under section 176 or, if there is no estate hospital, in a Government hospital, or, whether there is an estate hospital or not, in any reasonably situated Government hospital where free maternity treatment is provided, or otherwise elsewhere as authorised by her employer, and does not work for any person other than such employer.

(iv) In respect of any period spent as above provided in sub-section (iii) in an estate or Government hospital, the liability of such employer for expenses of maintenance and treatment in addition to payment of maternity allowance shall be limited as provided by sections 177 and 178.

(v) If a female labourer during a benefit period perform her ordinary labour or such lighter labour as may be suitable to her condition, she shall not be entitled to payment for such labour in addition to maternity allowance.

(vi) Maternity allowance shall be payable in two equal amounts, one for each month of benefit period, as and in the manner and at the times provided under section 58 for the payment of wages, and shall not be payable in advance.

Schools.

**76.** The Controller may at any time by order in writing require any employer on a place of employment where ten or more children of any one race between the ages of seven and fourteen years, being dependants of labourers on such place of employment, reside, to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a school for such children with such schoolteacher or schoolteachers as shall seem sufficient to the Controller, but not in excess of a reasonable number.

Inspection of  
documents.

**77.** The Controller and every District Officer and Health Officer shall have power to call for and inspect all contracts, registers, books of account and other documents concerning any labourers or relating to their employment; and any employer who without reasonable excuse, the proof of which shall lie upon him, neglects or refuses to produce the same, shall be liable, on conviction, to a fine not exceeding two hundred dollars.



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**78.** (i) Every employer of more than ten labourers shall keep in a safe and accessible position on the estate where such labourers are employed an Estate Inspection Report Book. Inspection Report Book.

(ii) Every employer who neglects or refuses to comply with the requirements of sub-section (i) shall be liable, on conviction, to a fine not exceeding one hundred dollars. Penalty.

**79.** The Controller accompanied by the Health Officer shall once within each of such periods as may be fixed for such purpose by the Chief Secretary to Government and may, in addition, whenever he thinks fit, whether accompanied by the Health Officer or not, visit all places of employment on which any labourers shall reside or be employed and inspect every house, hospital, tent, camp or building in any way used by any labourers and enquire into the condition of such labourers and investigate the books of account of their wages; and for such purpose the Controller may require the employer to produce before him all or any of the labourers then under contract or agreement with him, together with all contracts and books of accounts of wages, and to answer such questions relating thereto as the Controller may think proper to ask. Inspection of labourers to be made by the Controller.

**80.** (i) It shall be lawful for the Controller at any time to direct any employer of labourers to keep a register, in such form as the Controller prescribes, of all headmen, kanganis or mandors employed by him to supervise the work of any labourers, and to direct that such headmen, kanganis or mandors shall be photographed in such place and manner as he thinks fit, and that a copy of any such photograph be affixed to such register, and it shall be lawful for the Controller, in the event of any such headman, kangani or mandor being convicted of ill-treating any labourer, to order the employer to dismiss him from his service. Registers of mandors.

(ii) Any person acting in contravention of any direction or order given under the provisions of sub-section (i) shall be liable, on conviction, to a fine not exceeding fifty dollars. Penalty.

**81.** It shall be lawful for the Controller to require any employer to keep a register of labourers in a prescribed form. Register of labourers.

**82.** (i) Every employer shall, within the first fourteen days of the months of January, April, July and October in each year, forward to the Controller a return in such form or forms as may be approved by the Controller, giving the particulars prescribed thereby. Returns to be made by employer.

(ii) Every such form shall be published in the *Gazette*. Copies of such forms shall be supplied to employers free of charge on application to the Controller.

**83.** It shall be the duty of every employer to make a report of the death of any labourer in his employment to the nearest police station, or to the Penghulu, within twelve hours after such death shall have taken place, and the person receiving such report shall with the least possible delay notify the Controller. Report in cases of death.

**84.** (i) Every employer who shall fail to keep the register prescribed in pursuance of section 81 or to forward such returns as are prescribed in pursuance of section 82 or to make the report required by section 83 shall be liable, on conviction, to a fine not exceeding two hundred dollars for every such failure. Penalty for failure to keep register, forward returns or make report of death.



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Certificate by  
Controller.

(ii) A certificate under the hand of the Controller stating that such returns have not been forwarded or are incorrect shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

Power of sum-  
mons.

**85.** (i) Whenever the Controller has reasonable grounds for suspicion that any offence under this Enactment has been committed by an employer against a labourer or whenever the Controller wishes to enquire into any matter concerning disputes as to wages, wrongful determination of agreement or contract, misconduct, food, medical attendance, deaths, mining usage and mining complaints, Government inspections, sanitation or any other matter relating to employer and labourer dealt with under the provisions of this Enactment, it shall be lawful for the Controller to summon any person who he has reason to believe can give information respecting the subject-matter of the enquiry, and the person so summoned shall be legally bound to attend at the time and place specified in the summons and to answer truthfully all questions which the Controller may put to him.

Penalty for  
obstruction.

(ii) Any person who in any way wilfully obstructs the service of or obedience to such summons, and any person summoned who neglects to attend as required in such summons, and any person who commits in respect of any such complaint or enquiry any offence described in Chapter X of the Penal Code, shall be punished as provided in Chapter X of the Penal Code.

Employer to  
give notice to  
Controller if  
labourer  
wishes to com-  
plain.

**86.** If any labourer states to his employer, or to any person acting for such employer in the conduct of the business of the place of employment, that he desires to make a complaint to the Controller of personal ill-usage or breach of any provision of this Enactment on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Controller, and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars, and in addition to a fine not exceeding twenty-five dollars for each day during which such default is continued.

If complaint is  
untrue or  
frivolous.

**87.** If upon any such enquiry made on the complaint of a labourer the Controller is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it, and in such case he may impose on the complainant a fine not exceeding two dollars and fifty cents, which may be deducted from the labourer's wages and retained by his employer.

If complaint  
well-founded.

**88.** If, upon enquiry as aforesaid, the Controller is of opinion that the complaint is well-founded, he shall institute such proceedings, civil or criminal, for and in the name of the labourer as he shall deem necessary under the circumstances.

Consolidation  
of causes of  
action.

**89.** (i) In the event of there being more labourers than one making a similar complaint the Controller may if he shall institute civil proceedings for and in the name of such labourers consolidate the complaint of all such labourers into one cause of action and he shall only be required to sue out one plaint for and in the name of all such labourers in respect of such causes of action.



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(ii) Any Court which would have jurisdiction to hear and determine separate suits based on such causes of action shall be competent to hear and determine such consolidated suit as aforesaid, notwithstanding that the subject-matter of such consolidated suit is in excess of the ordinary jurisdiction of such Court.

(iii) Judgment may be given without any amendment for such one or more of the plaintiffs as may be found to be entitled to relief for such relief as he or they may be entitled to.

90. No Court fees shall be chargeable in the first instance on any proceeding commenced by a labourer, or by the Controller on his behalf, against his employer under this Enactment; but in case a conviction shall be had or judgment given against the employer, the same shall be paid by the employer, together with the general costs of the proceeding.

Costs of proceedings.

91. Ill-treatment of a labourer by his employer or the neglect of the employer to fulfil any condition of the labourer's agreement or contract may be deemed to be a valid reason for the termination of such agreement or contract without notice.

Default by employer.

92. (i) If any labourer proves physically unfit and unable to perform the work that he has undertaken to perform, it shall be lawful for the Controller to order that such labourer be given such other work or task in place of that which he has proved unfit and unable to perform as the Controller, after consultation with the employer, shall deem reasonable and just.

Labourer unfit for particular work.

(ii) If any employer shall compel any labourer to perform any work which the Court or the Controller has directed that he shall not be bound to perform, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred dollars.

Penalty.

93. Any employer omitting to comply with any order made under sections 74 or 76 shall be liable, on conviction by the Court, to a fine not exceeding one hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

Penalties for sections 74, 76.

## PART IV.

## PROVISIONS RELATING TO SPECIAL CLASSES OF LABOUR.

## CHAPTER VIII.

LABOUR WORKING BOARD AND SCHEDULE OF LABOUR LAWS  
FOR CHINESE LABOURERS.

94. A "Kung-pai" (工牌) or working board shall be affixed in some conspicuous position on each place of employment or on the lines thereof, and on such working board shall be entered by the employer, at intervals not exceeding two days, the amount of tasks done or length of time worked on each day by each labourer, the rate of wages per "kung" (工) or working-day, and the amount of all work done overtime.

Employer to exhibit a working board on estate.

95. Any employer failing to comply with the provisions of section 94 shall be liable, on conviction, to a fine not exceeding twenty-five dollars.

Penalty for breach of section 94.



Limitation of section.

Employer about to abscond to evade payment of wages.

**96.** Section 94 shall not apply to labourers on mines.

**97.** (i) Whenever any labourer complains to the Court or the Controller that he has reasonable grounds for believing that his employer, in order to evade payment of his wages, is about to leave the State wherein the place of employment is situated, the Court or the Controller may summon such employer and direct him to show cause why he should not be required to give security by bond to remain in the State till such wages are paid; and if after hearing the evidence of such employer the Court or the Controller adjudicates that such bond shall be given, the Court or the Controller may order such employer to give security by bond in a reasonable sum that he will not leave the district or the State (as the Court or the Controller may direct) until he satisfies the Court or the Controller that all the just claims of his labourers against him for wages have been paid or settled.

(ii) If the employer fails to comply with the terms of such order to give security, he shall be detained in the civil prison till arrangements are made by the Court or the Controller for settling the claims of his labourers; provided that such employer shall be released at any time on security being furnished or on his payment, either in whole or in a reasonable part, of all claims of his labourers; and provided that in no case shall the period of such detention exceed three months.

(iii) The bond to be given by an employer shall be a personal bond with one or more sureties, and the penalty for breach of the bond shall be fixed with due regard to the circumstances of the case and the means of the employer.

Arrest of employer.

(iv) If on or after complaint made by any labourer under subsection (i) it appears to the Court or the Controller that there is good ground for believing that the employer complained against has absconded or is absconding or is about to abscond, the Court or the Controller may issue a warrant for the apprehension of such employer, and such employer shall be detained in safe custody pending the hearing of the complaint unless he finds good and sufficient security to the satisfaction of the Court or the Controller for his appearance to answer the complaint.

Frivolous complaint.

(v) If after summoning an employer to appear to show cause why he should not be required to give security by bond to remain in the State wherein the place of employment is situated till the wages of his labourers are paid it shall appear to the Court or the Controller after enquiry that the labourer who made the complaint had no reasonable or sufficient grounds for making it, the Court or the Controller may impose a fine of five dollars upon such labourer and in default of payment sentence him to imprisonment of either description for a term not exceeding fourteen days.

Penalty.

Controller may adjudicate between employer and Chinese labourer.

**98.** (i) In the event of there arising between an employer and a Chinese labourer any dispute relating to the conditions or period of employment, to advances of goods or money, to wages or to the keeping of accounts, the Controller may enquire into and decide such dispute and make without any limitation in respect of amount or value any order which he may deem just for the purpose of giving effect to such decision.



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(ii) The mode of procedure shall be as follows :

- (a) The person complaining shall lodge a memorandum in writing at the office of the Controller, specifying shortly the subject-matter of the complaint and the remedy sought to be obtained, or he may make his complaint in person at any time or place to the Controller, who shall forthwith reduce it or cause it to be reduced to writing. Upon receipt of such memorandum or verbal complaint the Controller shall summon in writing the party against whom such complaint is made, giving notice to him of the nature of the complaint and the time and place at which the same will be enquired into, and he shall also notify or summon all persons whose interests may appear to him likely to be affected by the proceedings;
- (b) At the time and place appointed the parties shall attend and state their case before the Controller and may call evidence, and the Controller having heard such statements and evidence and any other evidence which he may deem necessary shall give his decision ;
- (c) If any person interested shall have been duly summoned by the Controller to attend at such enquiry and shall have made default in so doing, the Controller may hear and decide the complaint in the absence of such person, notwithstanding that the interests of such person may be prejudicially affected by his decision ;
- (d) The Controller shall keep a Case Book, in which he shall enter notes of the evidence taken and the decisions arrived at in each case heard before him, and shall authenticate the same by attaching his signature thereto, and the record in such Case Book shall be sufficient evidence of the giving of any decision, or of the making of any order, and of the terms thereof ; and any person interested in a dispute, decision or order shall be entitled to a copy of such record upon payment of the prescribed fee ;
- (e) No fees shall be charged by the Controller in respect of processes issued by him under this section and all orders made by the Controller shall, notwithstanding that the same may in respect of amount or value be in excess of the ordinary jurisdiction of the Court, be enforced by the Court in the same manner as a judgment of the Court, and all necessary processes may be served by the Court on behalf of the Controller ; provided that no sale of immovable property shall for the purposes of such enforcement be ordered except by the Supreme Court ;
- (f) In the event of any person interested being dissatisfied with the decision or order of the Controller, he may, within fourteen days after such decision or order, file a memorandum of appeal therefrom in the Supreme Court ; for the purposes of any such appeal the decision or order of the Controller shall be deemed to be a decision of the Court of a Magistrate ;



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(g) Nothing in this section shall limit or affect the jurisdiction of any Court;

(h) In proceedings under this section where it appears to the Controller that there are more labourers than one having a common cause, or similar causes, of complaint against the same employer, it shall not be necessary for each of them to make a separate complaint under this section, but the Controller may, if he thinks fit, permit one or more of them to lodge a memorandum or make a complaint and to attend and act on behalf of, and generally to represent, the others, and the Controller may proceed to adjudicate on the several or joint claims of each and all such labourers; provided that where the Controller is of opinion that the interests of the employer are or are likely to be prejudiced by the non-attendance of any labourer, he shall require the personal attendance of such labourer.

(iii) In this section the expressions "employer" and "labourer" include all persons who are included within the scope of those expressions, respectively, for the purposes of Part VII.

Translation of  
abstract to be  
posted in cer-  
tain cases.

99. (i) An abstract of Chinese labour law shall, as soon as conveniently may be after the passing of this Enactment, be prepared and published in the *Gazette*.

(ii) Every employer who employs not less than fifty Chinese labourers shall affix and exhibit continuously in a conspicuous place in all lines a translation in Chinese of the said abstract.

(iii) Printed copies of the said abstract, with such translations as may be necessary, shall on application be supplied free by the District Officer or the Controller to all such employers as are referred to in sub-section (ii).

Penalty.

(iv) Every employer who refuses or neglects to comply with the provisions of sub-section (ii) shall be liable, on conviction, to a fine not exceeding one hundred dollars

#### CHAPTER IX.

##### DOMESTIC SERVANTS.

Application.

100. The provisions of Chapter VI are hereby made applicable to domestic servants.

Offences.

101. Any domestic servant who shall without reasonable excuse to be allowed by the Court

(a) quit the service of his employer without due notice;

(b) be guilty of wilful negligence or carelessness with regard to the property in his custody or control;

Penalty.

shall be liable, on conviction, to a fine not exceeding twenty-five dollars or to imprisonment of either description for a term not exceeding one month.



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## PART V.

PROVISIONS RELATING TO PRIORITY OF WAGES  
AND THE TRUCK SYSTEM.

## CHAPTER X.

## PRIORITY OF LABOURERS' WAGES.

**102.** In this Chapter unless the context otherwise requires:

Interpretation.

(i) "The Court" includes a Collector or Assistant Collector duly appointed under "The Land Enactment, 1911," in any case in which such Collector or Assistant Collector has power to order a sale.

(ii) "Declaration of insolvency" includes an order or decree for the liquidation or winding up of a corporation or company.

(iii) "Labourer" includes clerk.

(iv) "Receiver" includes the liquidator of a corporation or company.

(v) "Secured creditor" means a person holding a mortgage, charge or lien on any mine or agricultural estate or other place of employment, or any part thereof, as a security for a debt due to him, but shall not include the holder of a bill of sale as defined in the Bills of Sale Enactment, 1922.

(vi) "Wages" shall not include money due as a share of profits.

"Wages."

**103.** In the event of the issue of an attachment in execution of a decree against an employer, and of the interest in any mine, agricultural estate or other place of employment belonging to such employer, or the produce thereof, or the money due to such employer on account of work done on such place of employment or derived from the sale of the proceeds thereof, being seized or sold or otherwise realized in pursuance of such execution, the proceeds of such sale or other realization shall not be paid to any execution creditor unless and until the Court ordering the sale or other realization shall have ascertained and provided for the amount due at the date of the sale or other realization for wages due to all the labourers employed on such mine, agricultural estate or other place of employment.

Protection of labourers' interests in execution proceedings.

**104.** In the event of any interest in any mine or agricultural estate or other place of employment being sold on the application of a secured creditor under any law in force for the time being, the proceeds of such sale shall not be paid to any creditor other than the Government or a secured creditor, unless and until the Court ordering the sale shall have ascertained and provided for the amount due at the date of the sale for wages to all labourers employed on such mine, agricultural estate or other place of employment or unless the Court shall be satisfied that such wages have been duly paid up to the date of sale.

Procedure on sale under mortgage or charge.

**105.** For the purpose of ascertaining the amount so due, the Court or receiver ordering the sale under section 103 or 104 (hereinafter in this section called "the Court") shall take notice of the system under which the mine, agricultural estate or other place of employment is worked, and shall not allow, in the case of a clerk or headman, more than two months' wages; and in the case of other labourers, more than three months' wages.

Mode of ascertaining amount due.



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Reference to  
Controller.

**106.** The Court may refer the matter to the Controller, who shall enquire into the same and report to the Court the amount that is, in his opinion, justly due for wages from the employer to the labourers.

Report.

**107.** The Court may adopt the report of the Controller, or may make such further enquiry as it may think fit.

Order by Court.

**108.** After the enquiry is completed the Court shall make an order declaring the amount due at the date of the sale for wages by the employer to the labourers, and the mine, agricultural estate or other place of employment in respect of which such wages have become due.

Deductions.

**109.** In ascertaining such amount, in the case of an employer against whom a declaration of insolvency or a receiving order in bankruptcy has been made, there shall be deducted from the amount due at the date of such declaration or order any sums which the labourers may have received since such date from the assets of their employer, whether by way of dividend or in priority to the general body of creditors.

## CHAPTER XI.

## PROVISIONS AS TO THE TRUCK SYSTEM.

Agreements to  
pay wages  
otherwise than  
in legal tender  
illegal.

**110.** In all agreements or contracts for the hiring of any labourer or for the performance by any labourer of any labour the wages of such labourer shall be made payable in legal tender and not otherwise, and if in any such agreement or contract the whole or any part of such wages shall be made payable in any other manner such agreement or contract shall be illegal, null and void.

Agreements as  
to place,  
manner, etc., of  
spending wages  
illegal.

**111.** No employer shall impose in any agreement or contract for the employment of any labourer any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the labourer are to be expended, and every agreement or contract between an employer and a labourer containing such terms shall be illegal, null and void.

Wages to be  
paid entirely in  
legal tender.

**112.** Except where otherwise expressly permitted by the provisions of this Enactment the entire amount of the wages earned by, or payable to, any labourer in respect of any labour done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void.

Labourer's  
right to recover.

**113.** Every labourer shall be entitled to recover in the Courts of the Federated Malay States so much of his wages exclusive of sums lawfully deducted in accordance with the provisions of this Enactment as shall not have been actually paid to him in legal tender.

Interest on  
advances  
forbidden.

**114.** No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of wages made to any labourer in anticipation of the regular period of payment of such wages.

Deductions or  
payments in  
respect of fines,  
injury to  
materials, etc.

**115.** Except where otherwise expressly permitted by the provisions of this Enactment no employer shall make any deduction or make any agreement or contract with a labourer for any deduction from the wages to be paid by the employer to the labourer, or for any payment to the employer by the labourer, for or in respect of any fine, or of bad or negligent work, or of injury to the materials or other property of the employer.



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**116.** Nothing in this Chapter shall be held to apply to any body of persons working on an agreement of co-operation. Agreements of co-operation.

**117.** Nothing in this Chapter shall render illegal an agreement or contract with a labourer for giving to him food, a dwelling-place or other allowances or privileges in addition to money wages as a remuneration for his services, but so that no employer shall give to a labourer any opium or chandu or intoxicating liquor by way of such remuneration. Remuneration other than wages.

**118.** (i) Nothing in this Chapter shall prevent the employer, with the approval in writing of the Controller, which may at any time be revoked, from establishing a shop for the sale of rice and provisions generally to his labourers; but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase rice or other provisions at such shop, and no opium or chandu or intoxicating liquor shall be sold at any such shop. Authority to employer to open shop.

(ii) Nothing in this Chapter shall be held to apply to a toddy-shop licensed, with the approval of the Controller in writing, under the provisions of "The Excise Enactment, 1923," but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase toddy at such shop. Toddy-shop.

(iii) No employer shall establish or keep, or permit to be established or kept, a shop on any place of employment for the sale of provisions to his labourers otherwise than in accordance with the preceding sub-sections. Offence.

**119.** Any employer who enters into any agreement or contract or gives any remuneration for service contrary to the provisions of this Chapter or declared by this Chapter to be illegal, or makes any deduction from the wages of any labourer or receives any payment from any labourer contrary to the provisions of this Chapter or contravenes the provisions of sub-section (iii) of section 118, shall be liable, on conviction, to a fine not exceeding five hundred dollars or for a second or subsequent offence to a fine not exceeding one thousand dollars. Penalties.

**120.** (i) When an employer is charged with an offence against this Chapter he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer shall prove to the satisfaction of the Court that he has used due diligence to enforce the provisions of this Chapter and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty. Exemption of employer on conviction of actual offender.

(ii) When it is made to appear to the satisfaction of the Controller at the time of discovering the offence that the employer has used due diligence to enforce the provisions of this Chapter and also by what person such offence has been committed, and also that it has been committed without the knowledge, consent or connivance of the employer, then the Controller shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer. Proceedings to be taken against actual offender.



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## PART VI.

## PROVISIONS RELATING TO ASSISTED IMMIGRATION.

## CHAPTER XII.

## THE INDIAN IMMIGRATION FUND.

Limitation of  
application.

**121.** The provisions of this Part shall only apply to Indian labourers and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Part such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Part shall be additional to, and in extension of, the other provisions of this Enactment.

Interpretation.

**122.** In this Part unless the context otherwise requires :

“Employer” means any person, including the Government, and any body of persons, corporate or unincorporate, who employs any Indian labourers, and shall in his absence include his agent or manager or other person in charge of the work on which such Indian labourers are employed, and a person who makes payments for work executed by Indian labourers to some person other than such Indian labourers shall be deemed to be the employer of such Indian labourers if such work is done in the conduct of any trade, business, undertaking or industry carried on by him or on his behalf ;

“Indian labourer” means an Asiatic native of the Madras Presidency of British India or of the adjoining Indian States of the age of fourteen years and upwards, who is employed in any of the following kinds of labour, namely—

- (1) Agriculture, including the treatment of produce and its portorage to the place of treatment ;
- (2) The making and upkeep of roads ;
- (3) The construction and maintenance of canals ;
- (4) Railway construction, maintenance and working ;
- (5) The construction, maintenance and working of all works of a public nature or for the public good ;
- (6) Mining and work on mines ;
- (7) Quarrying and stone-breaking ;
- (8) Brick-making ;
- (9) The treatment in mills and factories of padi, rubber and other agricultural produce, including portorage in connection with such treatment ;

or in any other kind of labour which may be declared by the High Commissioner to be subject to the provisions of this Part: provided always that persons employed exclusively in administrative or clerical work, or in gardens attached to private residences, shall not be deemed to be Indian labourers for the purposes of this Part. For the purpose of this Part every Asiatic of Indian descent shall be deemed to be a native of the Madras Presidency or an adjoining Indian State until the contrary is proved ;

“The Indian Immigration Committee” means the Immigration Committee existing at the time of the passing of this Enactment or hereafter notified by the order of the High Commissioner in the *Gazette* to be the Indian Immigration Committee ;



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"A quarter" means a quarter of a year consisting of the months of January to March, April to June, July to September, or October to December;

"Register" means the books which are required to be kept under section 124;

"Return" means the return which is required to be sent to the Controller under section 125.

**123.** (i) It shall be lawful for the High Commissioner from time to time to define the duties of the Indian Immigration Committee and to appoint such persons as he may think fit to be members of such Committee and to add members to or remove members from such Committee.

High Commissioner may define duties of Indian Immigration Committee and appoint members.

(ii) The Indian Immigration Committee by such name shall be a body corporate and have perpetual succession and a common seal and power to acquire, hold and sell property and may by such name sue and be sued.

(iii) The Controller shall be the Chairman of the Indian Immigration Committee and the common seal of the Committee shall be in his custody and may be affixed by him.

**124.** Every employer shall keep and write up to date, or cause to be kept and written up to date, books in the English language showing the names of all Indian labourers of whom he was the employer or who have worked on his place of employment, the days on which they have worked and the amounts paid or payable to them as wages. Such books shall be deemed not to be written up to date if by the tenth day of any month all entries required by this section to be made therein in respect of the preceding month have not been made.

Employer to keep books.

**125.** Every employer shall within one month after the end of each quarter send to the Controller a return showing the number of Indian labourers whose names are entered in his register during the preceding quarter, the total amount paid for work done by Indian labourers, the total number of days' work done by all Indian labourers of whom he was the employer or who have worked on his place of employment during the preceding quarter and the amount of any fines imposed under sections 185 and 193 during such quarter: such return shall be accompanied by a certificate signed by the employer that it is a correct summary of the entries in his register during the preceding quarter.

Employer to send return to Controller.

**126.** The employer shall include in the return under section 125 a statement showing the number of Indian labourers engaged by him under section 54 (i) during the quarter in respect of which the return is made, whether or not the statement required under section 54 (i) has been presented or forwarded.

Engagements under section 54.

**127.** Every employer shall, whenever called upon so to do by the Controller or by any officer authorised in writing by the Controller in that behalf, produce for the inspection of the Controller or officer so authorised his register and all other books kept by him in so far as they relate to payments made by him in respect of work done by Indian labourers.

Employer to produce register for inspection.



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Power to enter upon and inspect any place reasonably suspected to be a place of employment.

**128.** The Controller and any officer authorised by him in writing in that behalf may at any time between sunrise and sunset enter upon and inspect any place of employment and any place which he may reasonably suspect to be a place of employment for the purpose of ascertaining the number of Indian labourers employed thereon, and any person wilfully hindering or obstructing such entry or inspection shall be liable, on conviction, to a fine not exceeding five hundred dollars.

Indian Immigration Committee may impose rates.

**129.** The Indian Immigration Committee may from time to time, with the consent of the Chief Secretary to Government, by notification published in the *Gazette* at least one month before the commencement of the period to which it relates, prescribe quarterly rates to be paid for the ensuing quarter or quarters of the year in which the notification is published or of the ensuing year as follows:

- (a) A rate to be paid by every employer in respect of every Indian labourer employed or working on the place of employment during the quarter;
- (b) A further rate to be paid by every employer who employed during the quarter Indian labourers in excess of the number of Indian labourers imported by him with free passages provided by the Indian Immigration Committee during the twenty-four months preceding the commencement of the quarter.

Provided that the rate referred to in clause (b) shall not be payable in respect of Indian labourers directly employed by any Government department and that in the case of Indian labourers not directly employed by any Government department in respect of whom the said rate would, but for this proviso, be payable by the Government the person directly employing such labourers shall for the purposes of clause (b) be deemed to be the employer of such labourers.

Provided further that the rate referred to in clause (b) shall not, during the continuance of any exemption granted hereunder, be payable in respect of Indian labourers employed

- (1) within such areas, or
- (2) within such areas and on such kinds of labour therein

as may be from time to time expressly exempted from the operation of clause (b) by order of the Indian Immigration Committee made with the approval of the Chief Secretary to Government and published in the *Gazette*. Any order or exemption published hereunder may be varied or rescinded by order of the Indian Immigration Committee made with the approval of the Chief Secretary to Government and published in the *Gazette*.

Fee for labourers engaged locally.

**130.** The Indian Immigration Committee may prescribe a fee not exceeding fifty dollars to be paid by every employer in respect of each labourer who is or ought to have been included in the statement referred to in section 126, subject to the exemption under section 54 (ii).

This fee shall form part of the assessment under section 132 and be collected in the manner provided in section 133.



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**131.** The rate referred to in clause (a) of section 129 shall not exceed six dollars a quarter. The rate referred to in clause (b) may be whatever rate the Indian Immigration Committee from time to time, with the consent of the Chief Secretary to Government, thinks fit to prescribe: provided always that the whole assessment payable by an employer under the last preceding section in respect of any one quarter shall in no case exceed six dollars for every Indian labourer employed during the quarter.

Limit of rate.

**132.** The assessment payable by each employer under section 129 shall be collected by the Controller who shall send by post to each employer a notice stating the amount at which he has been assessed for the last preceding quarter.

Assessment to be collected by Controller.

**133.** Every employer shall within twenty-one days after the posting to him or to his place of employment of the notice referred to in section 132 stating the amount at which he has been assessed for the last preceding quarter under section 129 pay to the Controller the amount mentioned in such notice together with the amount of any fines imposed under sections 185 and 193: such amounts shall be deemed a debt due to the State in which his place of employment is situated and if not paid within such twenty-one days shall bear interest at the rate of eight per cent. per annum. Any such notice signed by the Controller shall unless and until rectified by the Controller be conclusive evidence that the amount stated therein is due by the employer: provided that the employer may within fourteen days after the receipt of any notice appeal to the Indian Immigration Committee and in such case the Indian Immigration Committee shall consider the matter and its decision shall be final.

Employer to pay assessment within twenty-one days.

**134.** (i) The amount at which each employer shall be assessed in respect of each quarter shall be ascertained as hereinafter in this section provided.

Amount of assessment, how calculated.

(ii) The amount of the assessment under clause (a) of section 129 shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter by the rate.

(iii) The amount of the assessment under clause (b) of section 129 (if any) shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter, less the number of adult Indian labourers shown to the satisfaction of the Controller to have been imported by the employer with free passages from India paid for by the Indian Immigration Committee during the twenty-four months preceding the commencement of the quarter, by the rate.

(iv) For the purposes of the calculations referred to in this section:

(a) The "average number of Indian labourers employed or working on the place of employment" shall be the number obtained by adding together the total number of days' work done by each Indian labourer during the quarter and dividing the total by the number of working days comprised in the quarter;



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(b) The "number of working days comprised in any quarter" shall be such number as may be fixed by the Indian Immigration Committee for such quarter;

(c) An "adult Indian labourer" means an Indian labourer for whom a free full rate passage from India has been paid for by the Indian Immigration Committee.

(v) The Indian Immigration Committee may from time to time make rules determining what shall be deemed to constitute a day's work, and such rules shall be published in the *Gazette*.

Immigration  
Fund.

**135.** (i) The fund now subsisting under the provisions of "The Labour Code, 1912," hereby repealed shall be taken over by and form part of the fund constituted under this Enactment.

Disbursement  
of Fund.

(ii) All moneys paid by employers to the Controller in accordance with the provisions of this Part shall be paid into a fund to be known as "The Indian Immigration Fund" which shall be vested in the Indian Immigration Committee and may be disbursed for the following purposes only:

(a) For or towards the payment of free passages for Indian labourers and their families from the Madras Presidency to the Federated Malay States or the Colony or Johore or Kedah or Perlis or Kelantan: such passages shall be allotted in accordance with rules to be framed from time to time by the Indian Immigration Committee and published in the *Gazette*;

(b) For the general expenses incurred in connection with the recruiting of labour in the Madras Presidency and in connection with

(1) the quarantine on arrival at Singapore, Penang or Port Swettenham from India, and

(2) the transport to their destinations

of those for whom free passages have been provided under this Enactment;

(c) For the maintenance of a home or homes for decrepit and unemployed Indian labourers and the children and orphans of Indian labourers;

(d) For the payment of interest upon moneys borrowed by the Indian Immigration Committee under sub-section (iii);

(e) For the payment of recruiting allowances;

(f) For the payment of the cost of preparing the register prescribed by section 54 (i);

(g) For the payment of expenses reasonably incurred by members of the Indian Immigration Committee in travelling to and from places where the Committee meets or other places necessary to be visited for the purposes of this Part;

(h) For the payment of fees and charges incidental to legal proceedings and of the cost of legal advice and assistance incurred and obtained in and for carrying out the purposes of this Part;



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No cultivation of any kind shall be permitted within the above provided space of 200 feet if such cultivation would in the opinion of the Health Officer interfere with the ventilation or general sanitary condition of such lines.

**167.** Should it appear to the Health Officer that any lines are by reason of site, construction, size or otherwise likely to endanger the health of any labourers housed therein or of any other person, he shall report accordingly to the Controller, and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him to demolish, remove, alter, enlarge or replace such lines within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the Controller, prescribe the site to which the lines are to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the buildings are to be enlarged, and may further declare that no labourer or no more than a fixed number of labourers as stated in the order may be permitted to occupy such lines pending such demolition, removal, alteration or enlargement.

Insanitary lines.

## CHAPTER XVII.

## PREVENTION OF MALARIAL FEVER.

**168.** Whenever it appears to the Health Officer that on any estate any pond, tank, well, spring, drain, stream, water-logged ground or swamp, or other collection of water is or is likely to be prejudicial or dangerous to health or favourable to the existence or propagation of mosquitoes, he shall report accordingly to the Controller and, on receipt of such report, it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him or them within a reasonable time to be stated in such order to take such action as may to the Controller seem necessary to prevent such pond, tank, well, spring, drain, stream, water-logged ground or swamp, or other collection of water being prejudicial or dangerous to health or favourable to the existence or propagation of mosquitoes.

Prevention of malarial fever.

## CHAPTER XVIII.

## WATER SUPPLY.

**169.** (i) The supply of water available for each labourer for drinking, cooking or bathing purposes shall be not less than such number of gallons a day as the Controller shall by order either generally or for any particular estate direct.

Water supply to be adequate.

(ii) Any employer failing to provide the quantity of water ordered by the Controller under this section shall be liable, on conviction, to a fine not exceeding one hundred dollars for each day during which the quantity provided shall fall short of the quantity ordered to be available.

Penalty for not providing adequate supply.

**170.** The Health Officer may at any time if it appears to him necessary for the health of any labourers employed or residing on an estate by order in writing direct the employer or resident manager to prevent the use for drinking, cooking or bathing purposes of the water from any river, stream, canal, tank, pond, well or other source of supply on the estate either absolutely or unless and until certain precautions specified in such order have been taken or enforced, as the case may be, and may in like manner direct the employer or resident manager to have any tank or well closed and any pond filled up.

Protection of water supply.



Protection of  
wells.

**171.** (i) On any estate upon which there are wells the water of which is or may be used for drinking, cooking or bathing purposes it shall be the duty of the employer or resident manager, if so directed by the Health Officer, to have all or any of such wells bricked or protected in accordance with one or other of the plans approved by the Chief Secretary to Government, copies of which shall be obtainable free of charge by any employer from the Controller.

For public  
safety.

(ii) Every well, water-hole, or tank on an estate shall be securely fenced or otherwise guarded so as not to be dangerous to adults or children.

Water supply  
insufficient or  
unwholesome.

**172.** Should it appear to the Health Officer that the water provided for the use of any labourers housed in any lines is insufficient in quantity or unwholesome in quality, he shall report accordingly to the Controller, and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him within a reasonable time to be stated in the order to increase or improve the supply of water or to adopt any precautions regarding the use of such water as may to the Controller seem necessary, and such order may also declare that no labourer shall be permitted to use the water the subject of such order unless and until such improvement has been effected or such precautions have been taken or enforced.

#### CHAPTER XIX.

##### SANITARY ARRANGEMENTS.

Disposal of  
night-soil.

**173.** (i) The arrangements for the disposal of night-soil shall be in accordance with the provisions of any rules made from time to time by the Chief Secretary to Government under this Enactment and published in the *Gazette*.

Penalty.

(ii) Every employer who shall neglect after receipt of a notice in writing from the Health Officer notifying him that the arrangements for the disposal of night-soil on any estate are not in accordance with such rules to take within a time specified in such notice such steps as may be necessary to secure that the rules are complied with, shall be liable, on conviction before the Court, to a fine not exceeding one hundred dollars and to a further fine in addition of ten dollars for each day during which such neglect shall continue after the date of such conviction.

Defective  
latrine accom-  
modation.

**174.** Should it appear to the Health Officer that the latrine accommodation for the labourers housed in any lines is such as to be dangerous to the health of such labourers or of any other persons, the Health Officer shall report accordingly to the Controller and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing to remove or alter the construction of such latrine accommodation within a reasonable time to be stated in such order, and the order may also, if it appears necessary to the Health Officer, prescribe the site to which such latrine accommodation is to be removed or the alterations in construction to be made, and may further declare that no labourer may be permitted to use such latrine accommodation until such removal or alteration has been carried out.

Order by  
Controller.



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**175.** The Health Officer may at any time, if it appears to him necessary for the health of any labourers employed or residing on an estate, by order in writing direct the employer or resident manager to have any latrine immediately closed or disinfected in the manner prescribed in such order and may by a like order give directions as to the use of disinfectants generally on the estate.

Use of disinfectants.

## CHAPTER XX.

## HOSPITAL ACCOMMODATION, EQUIPMENT AND MEDICAL ATTENDANCE.

**176.** (i) The Controller may at any time by order in writing require any employer to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a hospital on or in the immediate neighbourhood of any estate upon which labourers are employed by him with accommodation for such number of patients as may be stated in such order, or if there is already a hospital maintained by such employer to enlarge or add to such hospital, so as to provide accommodation for a further number of patients as stated in the order; and may further require him to employ a registered medical practitioner as defined by "The Medical Registration Enactment, 1907," to reside at and have charge of such hospital or any hospital maintained by such employer, and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Health Officer.

Employer to maintain estate hospital.

(ii) If two or more estates are so situated that the required accommodation for patients from such estates can be conveniently provided in one hospital the employers concerned may, with the sanction of the Controller, provide one hospital for such estates instead of a separate hospital for each estate; but in such case every such employer and resident manager shall be responsible for the due maintenance of such hospital and for the provision of the prescribed staff, equipment, diets and medicines and for the observance of any rules made for the inspection and management of such hospital and the furnishing of any returns required as if such hospital were provided and maintained solely by him.

Hospitals for two or more adjacent estates.

**177.** (i) The employer shall bear the expenses of the maintenance and treatment in such hospital of every contract labourer so long as he remains in such hospital who was at the time of his admission to the hospital or within seven days previously employed on the estate, and shall also bear the expenses of the maintenance and treatment in such hospital of the dependants of such contract labourer so long as they remain in such hospital, and shall not be allowed to recover such expenses from the labourer either by deduction from wages or otherwise, but shall not, except as may be provided in the contract of such labourer, be required to pay wages in respect of any time during which the labourer is in hospital.

Maintenance and treatment of contract labourer in estate hospital.

(ii) In the case of a labourer who was employed under an agreement or of any dependant of such labourer the employer shall defray the expenses of maintenance and treatment in such hospital so long as the labourer or any of his dependants remain in hospital, but may recover from such labourer the expenses of such treatment and maintenance at such rate as the Controller, with the approval of



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the Chief Secretary to Government, may from time to time prescribe by notification in the *Gazette* in respect of any period in excess of thirty days during which such labourer or any of his dependants shall have remained in the hospital.

Sick labourer  
admitted to a  
Government  
hospital.

**178.** (i) If a labourer at the time of his admission to a Government hospital or within ten days previously was employed on or after employment was residing on any estate the employer shall pay the expenses of maintenance and treatment in such hospital of such labourer and of any dependant of such labourer at such rate as the Controller, with the approval of the Chief Secretary to Government, may from time to time prescribe by notification in the *Gazette*. Such expenses shall, whatever be the amount, be recoverable from such employer in a Civil Court at the suit of the Government Medical Officer in charge of such hospital, and the certificate of such Government Medical Officer shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer; provided that unless such labourer was serving under a contract no more than thirty days' expenses in hospital in respect of any labourer or dependant shall be recoverable.

Proviso.

(ii) Provided further that if no estate hospital is maintained on such estate, all the provisions of section 177 (ii) shall apply to such employer's liability for expenses and to his right to recover at the rate prescribed under sub-section (i).

Employer to  
provide appli-  
ances for con-  
veying  
labourers to  
hospital.

**179.** (i) It shall be the duty of the employer and of the resident manager

(a) to have every labourer employed on the estate who requires medical treatment taken with the least possible delay to the hospital provided for labourers employed on the estate or, if there is no such hospital, to the nearest Government hospital; and

(b) to make such arrangements and to provide such appliances for the transport of sick labourers to hospital as the Health Officer may from time to time order.

Removal of  
labourer to  
hospital.

(ii) The Health Officer or any Government Medical Officer may order the employer or resident manager to remove any labourer on an estate who requires medical treatment to hospital.

Penalty.

(iii) Any employer or resident manager who without reasonable excuse, the proof whereof shall lie on him, shall neglect or refuse to comply with any order made under sub-section (ii) shall be liable on conviction by the Court to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue.

Penalty for not  
taking sick  
labourer to  
hospital.

**180.** Any employer or resident manager who without reasonable excuse, the proof whereof shall lie on him, shall fail to take, or cause to be taken, to hospital any labourer employed on the estate who requires medical treatment shall be liable, on conviction, to a fine not exceeding fifty dollars, and upon conviction for a second or subsequent offence committed within two years from the date of a previous conviction for such an offence shall be liable to a fine not exceeding five hundred dollars.



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**181.** Unless there is a registered medical practitioner resident on the estate in pursuance of section 176 every estate hospital shall be visited at least once in every month, and oftener if the Health Officer shall so require, by a private medical practitioner holding a qualification registrable by the Medical Council of the United Kingdom, and it shall be the duty of the employer to make arrangements accordingly and of the resident manager if he is not the employer to report to the employer if this is not done.

Estate hospitals to be visited by a qualified medical practitioner.

**182.** On every estate on which an estate hospital is not required to be constructed and maintained by the employer for the labourers employed thereon it shall be the duty of the employer to make such provision for the treatment of sick labourers as the Controller, after consultation with the Health Officer, shall in each case order.

Estate on which a hospital is not maintained.

## CHAPTER XXI.

## INFECTIOUS AND CONTAGIOUS DISEASES.

**183.** (i) It shall be the duty of the resident medical practitioner, and in his absence or if there is no resident medical practitioner, of the resident manager, to isolate at once any labourer or other person on an estate whom he may suspect to be suffering from any dangerous infectious or contagious disease and to detain under observation any other persons whom he may deem likely to have contracted such disease and with the least possible delay to notify the nearest Government Medical Officer, and pending the arrival on the estate of the Health Officer or such Government Medical Officer to take immediate steps to prevent any person from occupying the building in which the person suspected to be suffering from such disease has been housed.

Duty to report suspected case of infectious disease, etc.

(ii) Any person who neglects to perform to the best of his ability the duty imposed upon him by sub-section (i) shall be liable, on conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

Penalty for neglect.

**184.** (i) On the occurrence of any infectious or contagious disease on any estate it shall be the duty of the employer forthwith, if so directed by the Health Officer or a Government Medical Officer, to set apart a place for the reception of any labourers employed on the estate whom it shall appear necessary or desirable to segregate in the interests of the public health or of any other labourers employed on the estate and to make at his own expense such arrangements for the maintenance of such labourers while so segregated and for the treatment of any labourers suffering from such disease as may to the Health Officer or such Government Medical Officer seem necessary.

Duty of employer to make special provision for infectious cases and contacts.

(ii) If it shall at any time appear to the Health Officer or a Government Medical Officer that a labourer employed on any estate is suffering from a contagious or infectious disease or that it is otherwise necessary in the interest of the public health or of the health of any other labourers employed on the estate that he be removed and placed under medical supervision, it shall be lawful for the Health Officer or such Government Medical Officer to cause such labourer to be removed to such place as he may direct and there to be detained until discharged by order in writing under the hand of the Health Officer or a Government Medical Officer.

Powers of Health and Medical Officers to remove infectious cases and contacts.



## CHAPTER XXII.

## GENERAL.

Duty of kanganis, etc., to report cases of sickness.

**185.** (i) It shall be the duty of every headman, kangani, mandor or other person in immediate charge of any gang of labourers to report immediately to the resident manager the absence of any labourer from work on account of sickness.

Penalty.

(ii) The resident manager shall have power to fine any person who neglects to furnish the report required by sub-section (i). Such fine shall not exceed five dollars for each such offence and may be deducted from the wages of such person. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller who may at his discretion remit the whole or any part of any fine so imposed.

(iii) All such fines shall be paid into the Indian Immigration Fund.

Rations may be ordered to be supplied according to prescribed scales, and deductions in respect thereof may be made from wages.

**186.** (i) The Chief Secretary to Government may from time to time by notification in the *Gazette* prescribe scales of rations, cooked and uncooked, for different classes of labourers and may also in like manner fix the maximum deductions which may be made by an employer from wages in respect of each such ration supplied by him.

(ii) Every employer shall, if so required in writing by the Controller, supply to all labourers employed by him (other than contract labourers) or to all labourers of a particular class specified in the requisition and to all children over one year and under twelve years of age living with and dependent upon such labourers rations according to such of the scales prescribed under sub-section (i) as shall be specified in the requisition, and shall continue to supply such rations, until such requisition be withdrawn by the Controller in writing, to every such labourer being from time to time under agreement with him and to all children over one year and under twelve years of age living with and dependent on such labourer; provided that in the case of children under ten years of age only one-third rations and in the case of children of ten years and over only half-rations need be supplied.

(iii) For and in respect of all rations supplied in pursuance of such requisition of the Controller as is mentioned in sub-section (ii) the employer shall be entitled to deduct from the wages of the labourer the sum fixed by the Chief Secretary to Government under sub-section (i) as the maximum deduction which may be made in respect of such rations; provided that such deduction shall not exceed the actual cost to the employer of such rations and shall not be made from any wages accrued due to the labourer before the date of the Controller's requisition.

(iv) When such a requisition as is mentioned in sub-section (ii) has been made, the employer shall day by day supply rations as therein specified to all labourers to whom the requisition relates and to all children (if any) living with and dependent on them, whether work is done by the labourers or not, so long as the labourers remain in his employment; provided that

(a) in the event of any labourer or child being removed to hospital the rations supplied shall be in accordance with the scale prescribed for patients in hospital and not according to the scale prescribed under sub-section (i); and

(b) no deduction shall be made in respect of rations supplied in hospital except in accordance with the provisions of section 177.



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(v) Any employer who shall omit to comply with a requisition made under this section or who shall make any deduction in respect of rations supplied in pursuance of such requisition otherwise than in accordance with the provisions of this section shall be liable to a fine not exceeding two hundred dollars and to an additional fine not exceeding fifty dollars for each day during which such omission is or has been continued.

**187.** The Controller or the Health Officer may by order in writing at any time require the employer of any labourer to supply such labourer with cooked rations, either in accordance with one of the scales prescribed under sub-section (i) of section 186 or in accordance with the scale for native patients for the time being in force in Government hospitals, for such period not exceeding one month as shall be specified in the order, and any employer who shall omit to comply with such order shall be liable to a fine not exceeding ten dollars for each day during which such omission continues in respect of each and every such labourer.

Special order  
for cooked  
rations or  
hospital rations.

**188.** When any requisition by the Controller under section 186 for the supply of cooked rations or any order by the Controller or the Health Officer under section 187 has been made, the Controller may require the employer to employ and the employer shall thereupon employ in the preparation of such cooked rations such number of cooks approved by the Controller as the Controller shall consider necessary.

Cooks.

**189.** Any employer may, with the written sanction of the Controller, agree with his labourers or any of them that he shall supply such labourers with

Supply of  
rations or rice  
and deduction  
from wages by  
agreement.

- (a) rations according to one or other of the scales prescribed under section 186 or according to such other scale as shall be specially approved in writing by the Controller after consultation with the Health Officer, or
- (b) rice in such quantities as the labourers may require and at a price not exceeding a specified rate,

and may deduct from the wages of each such labourer the actual cost of rations or of rice so supplied to him, as the case may be; provided that no deduction so made shall

- (1) in the case of rations, exceed, except with the written sanction of the Controller, the maximum deduction fixed under section 186 in respect of the scale of rations, if any, prescribed under that section for the class of labourers to which such labourer belongs;
- (2) in the case of rice, exceed the amount which the rice supplied would cost at the rate specified as in paragraph (b) provided.

**190.** Every employer who is by a requisition under section 186 or by an order under section 187 directed to supply rations to any labourer and every employer who supplies rations or rice by agreement under section 189 shall keep conspicuously exhibited on the place of employment and at all lines occupied by any labourer to whom rations are directed to be supplied or to whom rations or rice

Particulars of  
rations and  
deductions to  
be notified to  
labourers.



are agreed to be supplied notices, expressed in the native language or languages of such labourers, containing full particulars as to

- (a) the scale according to which rations are directed or rations or rice are agreed to be supplied;
- (b) the maximum deduction permitted to be made from wages in respect of rations or rice supplied.

Power of Health Officer to order quinine, etc., to be administered.

**191.** The Health Officer may at any time if it appears to him necessary for the health of the labourers employed on any estate by order in writing to the employer or resident manager direct

- (a) that quinine be regularly administered free of charge in such doses and at such times as shall be stated in the order to all or any persons or to any class of persons employed or residing on the estate;
- (b) that all or any of the labourers employed on the estate be vaccinated;
- (c) that hot coffee or congee be provided at such times as shall be stated in the order, free of charge and in addition to the diets, if any, which the employer is bound to supply, to all or any labourers or to any class of labourers employed on the estate.

Daily inspection of lines.

**192.** (i) It shall be the duty of the employer to provide that all lines are visited and inspected daily by a dresser or other responsible person who shall report to the resident manager if the lines are not kept clean or if any refuse is allowed to accumulate in the neighbourhood of the lines, and shall also examine and if necessary take, or cause to be taken, to hospital any labourer found in the lines who appears to be suffering from any complaint and report to the resident manager that he has done so.

(ii) In any case where the Health Officer shall consider that the visits, inspections or other duties prescribed by sub-section (i) are not satisfactorily carried out he may notify the resident manager accordingly, specifying the matters in respect whereof he is not satisfied, and the resident manager shall thereupon make such further or other arrangements, whether by substituting a different dresser or person to perform the said duties or otherwise, as the Health Officer may require.

Employer may make sanitary regulations.

**193.** (i) It shall be lawful for an employer or resident manager, with the approval of the Controller, to make and publicly notify sanitary regulations for observance on any estate.

Penalty.

(ii) Any labourer guilty of wilfully disregarding or allowing his dependant to disregard any sanitary regulation made and publicly notified under sub-section (i), and any labourer neglecting or refusing to go to hospital or to send his dependant to hospital when so ordered by the resident manager or the resident medical practitioner shall be liable to a fine not exceeding fifty cents.

(iii) Such fine may be imposed by order of the resident manager only and may be deducted from the wages of such labourer. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller who may at his discretion remit any fine so imposed.

(iv) All such fines shall be paid into the Indian Immigration Fund.



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- (i) For the payment of expenses of collection and administration of the Fund;
- (j) For the repatriation of and assistance to Indian labourers in need of relief;
- (k) For such purposes as may be determined from time to time by resolution of the Federal Council.

(iii) It shall be lawful for the Indian Immigration Committee to borrow from time to time at such rates of interest as the Chief Secretary to Government shall approve such moneys as the Committee may deem necessary for the purpose of making the payments referred to in sub-section (ii). Borrowing powers.

**136.** (i) Payments out of the Indian Immigration Fund shall be made by the Controller on the authority of the Indian Immigration Committee. Mode of management.

(ii) The Controller shall present half-yearly accounts of the Indian Immigration Fund to the Committee.

(iii) Such half-yearly accounts, when passed by the Indian Immigration Committee, shall be published in the *Gazette*.

**137.** Any employer who is subject to the provisions of this Part Offences under this Part.

- (a) Who shall fail to keep or cause to be kept a register;
- (b) Whose register shall not be kept up to date, unless he shall explain such omission to the satisfaction of the Court;
- (c) Whose register shall contain any incorrect or incomplete entry, unless he shall satisfy the Court that such entry was not made with intent to evade payment of moneys payable under this Part;
- (d) Who shall fail to send in a return within the time prescribed by section 125;
- (e) Who shall send in a return containing any incorrect or incomplete statement, unless he shall satisfy the Court that such statement was not made with intent to evade payment of moneys payable under this Part;
- (f) Who shall refuse or wilfully omit to produce any book for inspection as required by section 127;

shall be liable, on conviction, to a fine not exceeding five hundred dollars. Penalty.

**138.** In every case in which an employer who is subject to the provisions of this Part is convicted of failure to keep or cause to be kept a register, and in every case in which such an employer is convicted of keeping or causing to be kept a register which contains any incorrect or incomplete entry, and in every case in which such an employer is convicted of sending in a return containing any incorrect or incomplete statement, the Court shall forthwith proceed to determine, taking further evidence if necessary, the number of Indian labourers in respect of whom the employer is liable to Special penalty where there is intent to evade payment.



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assessment under this Part, and the employer shall, in addition to any fine imposed upon him, pay a penalty of ten dollars in respect of each such Indian labourer. Such penalty shall be added to the fine imposed and shall be recovered and dealt with as part thereof. The payment of such penalty shall not be deemed to be a payment of the assessment due under the provisions of this Part in respect of such Indian labourer, and in a suit for the recovery of assessment no set-off or defence shall be allowed on account of such payment.

No prosecution without the authority of the Controller.

**139.** (i) No prosecution for any offence against the provisions of this Part shall be instituted except by the Controller or by an officer authorised by him in writing in that behalf.

Right to appear.

(ii) The Controller and any officer authorised by him in writing in that behalf shall have the right to appear before any Court.

Disposal of fines.

**140.** Every fine imposed by virtue of this Part shall be paid over to the Controller and shall become part of the Indian Immigration Fund.

### CHAPTER XIII.

#### STANDARD RATES OF WAGES.

Standard rates of wages.

**141.** (i) It shall be lawful for the Indian Immigration Committee from time to time with the approval of the Chief Secretary to Government by notification in the *Gazette* to prescribe standard rates of wages payable to all or any classes of labourers performing all or any of the kinds of labour specified in section 122 in areas to be set forth in such notification.

(ii) The Indian Immigration Committee shall give reasonable notice, to be published in the *Gazette* and in at least three issues of not less than one English and one Indian vernacular newspaper circulating, if any, in the area or areas to be affected of its intention to fix such rates at a meeting of which the date and place shall at the same time be notified. All persons interested including the Government shall have the right to appear and be heard before the Indian Immigration Committee at such meeting. Any agent of the Government of India appointed under section 7 of the Indian Emigration Act, 1922, shall be deemed to be a person interested. The Indian Immigration Committee may at its discretion allow such persons interested to appear by solicitors or by the duly authorised and usual agents of duly constituted bodies or by other representatives, and may order that any class of persons having a common interest shall appear by such solicitors, agents or other representatives.

(iii) The date or dates from which such standard rates are to come into force shall be stated in the notification referred to in sub-section (i), but shall not be earlier than two months after the date of publication of such notification.

(iv) Standard rates of wages mean the rates proper for an able-bodied male labourer above the age of sixteen or for an able-bodied female labourer above the age of fifteen for a day's work or equivalent task as provided by section 68.



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## PART VII.

SPECIAL PROVISIONS RELATING TO LABOURERS EMPLOYED  
IN MINES.

## CHAPTER XIV.

INTERPRETATION AND PROVISIONS FOR THE OBSERVANCE  
OF MINING USAGE.

**142.** The provisions of this Part shall only apply to labourers in mines and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Part such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Part shall be additional to, and in extension of, the other provisions of this Enactment.

Limitation of application.

**143.** For the purposes of this Part unless the context otherwise requires:

Interpretation.

“Employer” includes a mining advancer, commonly called Kiu-chu (繳主).

“Labourer” includes mining headmen commonly called Nai-cheng-thau (坭井頭) or Hop-thung-thau (合同頭), mining overseers commonly called Hang-kong (行港), and mining clerks.

“Tribute labourers” means labourers who work in any mine without any fixed remuneration but with the right to retain for themselves the value of all minerals won from the mine, subject to the obligation to pay to the mine owner or his lessee a fixed percentage of such value, and who agree with any person to receive from him exclusively advances of food and supplies and pledge the value of all minerals won as security therefor;

“A day’s work,” commonly called a Kung (工), means work for a day of as many hours, not exceeding nine, as is customary for any labourer to work in a mine.

**144.** (i) Any person who employs labourers in a mine either as labourers on time wages or as piece-work labourers or as tribute labourers may define the conditions upon which such labourers are engaged by affixing in a conspicuous place in such mine a notice in the Chinese language setting out the conditions upon which he engages such labourers, and, in the absence of any special agreement to the contrary, the terms of such notice shall be deemed to be binding as a contract under this Enactment as between such employer and such labourers as may enter such employment whilst such notice shall continue to be so affixed.

Mining notices deemed to be binding as contracts in the case of mining labourers.

Provided always that

- (a) such notice shall clearly set out the name of the employer responsible to the labourers for their wages and other emoluments due to them or in the case of tribute labourers for the advancing to them of all necessary goods and moneys;

Providos.



- (b) such notice shall contain no illegal or immoral conditions ;
- (c) no labourer taking service under such notice shall be compelled to continue working under its conditions for a longer period than six or in the case of tribute labourers twelve months notwithstanding any debt that he may owe to any person ;
- (d) (i) all the terms and conditions of every such notice shall be subject to the approval of the Controller, who may at his discretion require the employer to furnish such reasonable security for the due observance by such employer of the terms and conditions of such notice as may to the Controller seem proper ;
- (ii) the Controller shall retain a copy signed by the employer stating the date from which the notice is to be in force ;

And further in the case of tribute labourers that

- (e) such notice shall also clearly set out the term during which the labourer may be required to labour ;
- (f) if at any time the employer shall fail to make due and sufficient advances to the labourers of the necessary goods and moneys, none of the conditions of the notice shall be enforceable by the employer against the labourers, and such labourers shall be at liberty to seek another advancer.

Penalty.

(ii) Any employer who shall contravene any of the provisions of this section shall be liable, on conviction, to a fine not exceeding five hundred dollars.

Wages of labourers, when payable.

Provisos.

**145.** All wages earned by a labourer under such an engagement shall become due and payable on a date previously arranged between the parties thereto in accordance with the mining usage of the place in which such labourer is working: provided that in no case shall such date be more than six months later than the date of the commencement of such engagement, and provided further that in the event of the employer ceasing to provide a proper and sufficient supply of money and necessaries for the use of the labourer, as required by the terms of his engagement, all moneys due from him to such labourer shall immediately become payable.

Mining usage.

**146.** All agreements and notices deemed to be binding as contracts under this Part shall be construed according to the mining usage of the place in which the same are to be performed.

Documents to be evidence.

Provisos.

**147.** All documents and books of account having relation to agreements and notices deemed to be binding as contracts under this Part or to the work to be performed under such agreements, contracts or notices shall be *prima facie* evidence thereof: provided that such documents and books shall have been kept in accordance with the mining usage of the place in which the agreement, contract or notice is to be performed.

Exhibition of working-board.

**148.** Every employer shall exhibit, in a conspicuous place in the kongsi-house, a correct Kung-Pai (工牌) or working-board, containing the names of all labourers working in such kongsi, and shall enter thereon, according to mining usage, the work done by each labourer in the kongsi.



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**149.** Every employer shall exhibit, in a conspicuous place in the kongsi-house, at the end of every month, a Lat-Tsai (叻仔) or account, kept according to mining usage, of moneys earned and received by each labourer in the kongsi during such month.

Exhibition of labourers' accounts.

**150.** Every employer who shall make default in any of the obligations imposed upon him by the two last preceding sections, shall be liable to a fine not exceeding one hundred dollars.

Penalty for default.

**151.** The advancer to a mine and the employer, if separate persons, shall be jointly and severally liable to the labourer for the payment of wages due to him: provided that the liability of the advancer shall cease if he shall have given reasonable notice to the labourer that on a certain day and at a certain time and place he intends to hand over his wages to the employer, and shall have so handed them over accordingly.

Liability for payment of wages.  
Provisos.

**152.** Labourers on time or fixed wages employed in a mine worked by tribute labourers shall, in the absence of proof to the contrary, be regarded as being employed by the advancer and not by such tribute labourers.

Labourers not employed by tribute labourers.

## CHAPTER XV.

## SANITATION AND HOSPITALS UPON MINES.

**153.** Every employer who has agreed or contracted to provide house accommodation for his labourers shall supply and maintain such accommodation as shall fulfil all reasonable sanitary requirements. Should it appear to the Controller that the accommodation provided is likely, by reason of its site, construction, size, or otherwise, to endanger the health of any labourer or of any other person, it shall be lawful for the Controller to serve the employer with an order in writing requiring him to remove, alter or enlarge such accommodation within a reasonable time, to be stated in such order; and such order may also, if necessary, declare that no labourer shall be permitted to occupy any building the subject of such order, pending such removal, alteration, or enlargement.

House accommodation.

(ii) Any employer who shall neglect or refuse to comply with any order made under sub-section (i) shall be liable, on conviction, to a fine not exceeding two hundred dollars, and further to a fine not exceeding ten dollars for each day beyond the prescribed time during which such removal, alteration, or enlargement remains uncompleted.

Penalty.

**154.** Should the accommodation upon any mine be insanitary or otherwise unsatisfactory, it shall be lawful for the Controller or a Magistrate to order that no labourers shall be admitted to such mine until the necessary improvement has been effected.

Order prohibiting admission of labourers.

**155.** Every employer who is bound to provide house accommodation for his labourers shall also be bound to provide for them a sufficient quantity of wholesome water.

Water supply.

**156.** (i) Should it appear to the Controller that the water provided for the use of the labourers upon any mine is insufficient in quantity or unwholesome in quality, it shall be lawful for the Controller to serve such employer with an order in writing requiring him

Order to improve water supply.



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to increase or improve such supply within a reasonable time, to be stated in such order, and such order may also, if necessary, declare that the employer shall not permit any labourer to use the water which is the subject of such order until such improvement has been effected.

Penalty.

(ii) Any employer who shall neglect or refuse to comply with any order made under sub-section (i) shall be liable, on conviction, to a fine not exceeding two hundred dollars, and further to a fine not exceeding ten dollars for each day beyond the prescribed time during which such increase or improvement shall remain uncompleted.

Sick labourer to be sent to hospital.

**157.** (i) In the event of any labourer requiring medical treatment it shall be the duty of his employer to take or cause him to be taken, with as little delay as possible, to the nearest Government hospital for treatment, providing transport if necessary.

Penalty for non-compliance.

(ii) Every employer who shall fail to take, or cause to be taken, to hospital any such labourer shall be liable, on conviction, to a fine not exceeding one hundred dollars, or to imprisonment of either description for a term not exceeding two months, and upon conviction for a second or subsequent similar offence, committed within two years from the date of a previous conviction for such an offence, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment of either description for a term not exceeding six months, or to both.

Order for removal of sick labourer.

**158.** If it shall appear at any time to the Controller or to a Magistrate or to the Health Officer or a Government Medical Officer that a labourer is suffering from a contagious or infectious disease or that it is otherwise desirable that he should be removed and placed under medical care, it shall be lawful for the Controller or such Magistrate, Health Officer or Government Medical Officer to cause such labourer to be forthwith removed to such place as he may direct, and such labourer shall thereupon be detained until discharged by an order in writing under the hand of the Health Officer or a Government Medical Officer.

## PART VIII.

### PROVISIONS RELATING TO THE HEALTH OF ASSISTANTS AND LABOURERS.

#### CHAPTER XVI.

##### HOUSE ACCOMMODATION.

**159.** In this Part unless the context otherwise requires :

Interpretation.

“Dangerous infectious or contagious disease” means plague, cholera and small-pox and any other disease which the Chief Secretary to Government may from time to time, by notification in the *Gazette*, declare to be a dangerous infectious or contagious disease for the purposes of this Part.

“Estate” means any agricultural land exceeding twenty-five acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated or any mine or other place of employment to which the provisions, or any portion of the provisions, of this Part have been declared to apply under section 160 to the extent of the provisions so declared to apply.



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"Labourer" includes any Asiatic who performs or is under agreement or contract to perform any work for any other person for payment or reward, whether the payment or reward is to be made by the employer or by some other person who has entered into a contract with the employer to have the work done, and except in sections 177, 185 (i) and 193 (ii) includes his dependants.

"Dependant" of a labourer includes such of the members of the labourer's family, namely wife, father, mother and children and adopted children under the age of fourteen, as are living with and dependant on him.

"Resident manager" of an estate means any employer or agent of an employer who resides on, or is in immediate charge of, the estate on which the labourers are employed.

**160.** It shall be lawful for the Resident upon the recommendation of the Controller, to declare by notification in the *Gazette* that the provisions of this Part or of such sections thereof as may be specified in such notification shall apply to any mine or other place of employment and be complied with by the owner, lessee or occupier thereof. Power to apply to mines, etc.

**161.** (i) It shall be the duty of every employer to provide for all assistants or persons other than labourers employed by him on an estate sufficient and proper house accommodation. House accommodation for assistants.

(ii) Should it appear to the Health Officer that any such accommodation is by reason of site, construction, size or otherwise likely to endanger the health of the assistants or other employees housed therein or of any other person he shall report accordingly to the Resident, and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Resident to give to the employer or to the resident manager, or to both, an order in writing requiring him to demolish, remove, alter or enlarge such accommodation within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the Resident, prescribe the site to which such accommodation is to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the accommodation is to be enlarged, and may further declare that no assistants or other employees as stated in the order may be permitted to occupy such accommodation pending such demolition, removal, alteration or enlargement. Order in respect thereof.

**162.** It shall be the duty of every employer to provide for every labourer employed by him on an estate for whom he is bound either by contract or agreement or under any written law to provide house accommodation and for every labourer employed by him on an estate who resides on such estate or on any other land owned or leased by such employer or otherwise in his control Provisions to be made for labourers on an estate by the employer.

- (a) sufficient and proper house accommodation;
- (b) a sufficient supply of wholesome water;
- (c) sufficient and proper sanitary arrangements;
- (d) hospital accommodation and equipment;
- (e) medical attendance and treatment including diets in hospital;
- (f) a sufficient supply of medicines of good quality.



House accommodation to be sanitary.

**163.** (i) The house accommodation provided shall in all cases fulfil all reasonable sanitary requirements and the surroundings thereof shall be kept in a clean, sanitary and safe condition.

Penalty for housing in insanitary building.

(ii) Every employer who houses any labourer in a building the state of which, or of the surroundings of which, is such as to endanger the health or safety of such labourer shall, on conviction, be liable to a fine not exceeding one hundred dollars for each labourer housed in such building.

Separate lines to be provided for each race.

**164.** On every estate upon which the labourers employed or residing are not all of one race, the employer shall provide separate lines for the labourers of each race as the Controller shall direct, and shall not without the written consent of the Controller transfer labourers of one race to lines designed for labourers of another race.

Permanent lines to be in accordance with approved design.

**165.** (i) Subject to the exceptions contained in this sub-section, no lines shall be erected by an employer upon any estate or upon other land adjacent to an estate unless

- (a) the lines are erected in general accordance with one or other of the designs (hereinafter called standard designs) prepared by order of the Chief Secretary to Government and approved by the Health Officer as suitable for the accommodation of labourers according to the nature of the site selected (copies of which shall be obtainable free of charge by any employer on application to the Controller) and are of such materials as are thereon specified, or
- (b) the permission of the Controller to erect lines otherwise than as aforesaid has been obtained.

*Exception 1.*—Lines not in accordance with a standard design may be erected for occupation for a period not exceeding three years on or within two hundred yards of, and for the purposes of, land which has been cleared for planting within the two years next preceding such erection and may be occupied for a period not exceeding three years after the clearing of such land for planting.

*Exception 2.*—Lines not in accordance with a standard design may, with the approval of the Health Officer, be erected for occupation for a period not exceeding two years on such site as the Health Officer approves.

(ii) The Controller may order an employer to remove any lines under such employer's control which have been erected, or are occupied, in contravention of sub-section (i).

Drains.

(iii) Drains shall be carried to such distance as the Health Officer shall in each case order.

Surroundings of lines to be kept clean.

**166.** All lines shall be erected as far as possible, having regard to all circumstances, from any jungle. A space of not less than 200 feet all round such lines shall wherever possible be kept clear of jungle and of buildings, and it shall be the duty of the resident manager to see that such space is kept clear of refuse and excreta and that the lines are cleaned out daily and all refuse in or near the lines collected and buried or burned, and to detail a sufficient number of labourers daily to carry out these duties.



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**194.** The employer shall cause to be erected and exhibited by the high road at the main entrance to the estate a notice board on which shall be painted, in English characters easily legible, the name of the estate, the name and address of the person responsible for the management of the estate and, if the employer is a corporation, the address of the registered office of the corporation. Notice board.

**195.** Any employer omitting to comply with any of the provisions of section 162 or with any order made under sections 161, 167, 168, 172, 176, 182 or 184 shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars and to a further fine of fifty dollars a day for every day during which such default shall continue. Neglect by employer to comply with certain orders.

**196.** Any employer omitting to comply with any order made under sections 170, 171, 174, 175 or 191 shall be liable, on conviction, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue. Neglect by employer to comply with other orders.

**197.** Any resident manager neglecting or refusing to comply with any order made under sections 161, 167, 168, 170, 171, 172, 174, 175 or 191 or with any requirement of the Health Officer under section 192 shall be liable, on conviction, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue. Neglect by resident manager to comply with orders.

**198.** Every employer or resident manager who shall

- (a) fail to provide separate lines for labourers of separate races as directed by the Controller;
- (b) erect or cause to be erected any lines in contravention of sub-section (i) of section 165 or neglect or refuse to comply with any order made under sub-section (ii) of section 165;
- (c) fail to comply with the provisions of section 171 (ii);
- (d) fail to erect and exhibit a notice board, as required by section 194;
- (e) fail to comply with any rule made under section 231 or to furnish within the prescribed time any return required to be forwarded by him under any rule made under the said section;

shall be liable, on conviction, to a fine not exceeding two hundred dollars.

## PART IX.

PROVISIONS RELATING TO PLACES UNFIT FOR  
THE EMPLOYMENT OF LABOUR.

## CHAPTER XXIII.

## ENABLING POWERS.

**199.** (i) Any person who desires to engage labourers for a place of employment on which labourers have not hitherto been employed or have not been employed within the preceding twelve months or who desires to increase the number of labourers already on such place of employment so that the existing arrangements will be inadequate and insufficient for such increase of labourers shall give notice in writing of his desire to the Controller, who shall as soon as possible

Inspection of place of employment before employment of labourers or additional labourers.



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Permission  
required.

enquire into and inspect the arrangements which have been made for the residence and employment of labourers on such place and may either permit or refuse to permit the employment of labourers or of additional labourers, as the case may be. If he refuses he shall forthwith furnish a report in writing to the Resident. No person shall employ or permit to reside on such place any labourers or additional labourers, as the case may be, without the permission in writing of the Controller.

Exemption.

(ii) The provisions of this section shall not apply to any person employing less than fifty labourers on any one place of employment unless such labourers are contract labourers.

Prohibition of  
further engage-  
ment of  
labourers where  
arrangements  
are inadequate.

**200.** (i) If the Controller shall at any time have reason to believe that the arrangements made for the residence and employment of labourers on any place of employment where labourers are living or employed are from any cause inadequate for the residence and employment of additional labourers on such place or that the health or condition of the labourers living or employed on such place is from any cause unsatisfactory, he shall have power by order under his hand conveyed to the employer to prohibit the employment of additional labourers on such place, and it shall thereupon be unlawful for any person to employ or permit to reside on such place any labourers other than those who were residing or employed thereon before the issue of such notice.

Removal of  
prohibitions.

(ii) On subsequent proof being furnished to the satisfaction of the Controller that adequate arrangements have been made for the residence and employment of additional labourers on such place of employment or that the health and condition of the labourers living or employed thereon have become satisfactory the Controller may rescind the order made under sub-section (i), and thereupon it shall be lawful for the employer to engage labourers for such place.

Penalty for  
causing or  
permitting  
labourers  
to reside in  
unhealthy  
locality.

**201.** Any employer who shall permit the residence or employment of labourers on any part of the place of employment in contravention of section 199 or section 200 shall be liable to a fine of five hundred dollars or to imprisonment of either description for a period not exceeding six months.

Power to  
Resident to  
prohibit  
employment  
of labourers or  
class of labour-  
ers when  
supervision is  
inadequate.

**202.** (i) If the Controller shall at any time have reason to believe that there is no supervision of labourers, or that the supervision provided on any estate or place of employment is inadequate or ineffective to secure labourers or any class of labourers from ill-treatment or ill-usage, it shall be lawful for the Controller to make such requisitions on the employer as he may deem necessary for obtaining the necessary supervision and causing such ill-usage and ill-treatment to cease, and unless the same are forthwith complied with the Controller shall furnish a full report of the case to the Resident, who may thereupon make an order prohibiting the further employment after a date to be named in such order of labourers or of any class of labourers on such estate or place of employment, and on the publication of the order in the *Gazette* it shall be unlawful for any person after the day named in such order to employ or permit to reside on such estate or place of employment any labourers or class of labourers specified in such order until the Resident shall cancel such order.



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(ii) If the Controller shall at any time have reason to believe that any estate or place of employment is unfit for the employment of labourers or any class of labourers he shall furnish a report in writing to the Resident who may make an order to the same effect as an order under sub-section (i). Order in cases where place of employment is unfit.

(iii) No order shall be made under this section by the Resident until the employer shall have had an opportunity of showing cause against the making of an order and of producing evidence.

**203.** Any person who acts contrary to the terms of any order made under the provisions of section 202 shall be liable, on conviction, to a fine of one thousand dollars with an additional penalty of two hundred dollars a day after the first day's disobedience during the continuance of such contrary action. Penalty for disobedience to an order.

## PART X.

## SPECIAL OFFENCES.

## CHAPTER XXIV.

## OFFENCES AGAINST LABOURERS.

**204.** (i) Any person separating, or abetting the separation of, a labourer from his wife or from his children under the age of fifteen years or from any person dependent on him without in any of the above cases his or their consent shall be liable to a fine not exceeding one hundred dollars, and any agreement or contract involving such separation shall be void, and such wife, children or dependent shall be forthwith restored to the labourer by the Controller. Separating families.

(ii) In the event of an agreement or contract with any married labourer being determined, the agreement or contract of the husband or wife, as the case may be, of such labourer shall *ipso facto* be determined, and any employer refusing to allow the husband or wife, as the case may be, to accompany such labourer shall be liable to a fine not exceeding one hundred dollars.

**205.** Any person who, whether alone or in combination with others, hinders or molests by word, gesture or act any labourer in the performance of his agreement or contract, shall be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for a period not exceeding six months. Penalty for molesting labourer.

**206.** Every employer who without reasonable excuse (the proof whereof shall lie with him) refuses to allow a labourer whose contract or agreement has been determined in any of the ways hereinbefore provided to leave his service shall be liable, on conviction, to a fine not exceeding fifty dollars or in default to simple imprisonment for a term not exceeding one month, and the whole or any portion of any fine recoverable under this section may be adjudged by the Court to be paid to the labourer. Wrongful detention of labourer.  
Penalty.

**207.** If any employer of contract labour who is bound by the terms of his contract to supply a contract labourer free of charge with clothing or other articles shall debit such labourer with such charges, he shall be guilty of an offence and be liable, on conviction, to a fine not exceeding fifty dollars. Debiting labourer with improper charges.



Obstruction of  
labourer by  
employer.

**208.** Any employer who in any way obstructs any labourer in appearing before the Controller in pursuance of this Enactment or fails or neglects to pay his wages within the time provided by this Enactment shall be liable, on conviction, to a fine not exceeding one hundred dollars.

#### CHAPTER XXV.

##### GENERAL.

Penalty for  
obstructing  
inspection or  
enquiry.

**209.** If any employer or other person wilfully obstructs or impedes any entry, inspection, enquiry or investigation made under this Enactment or commits, with respect to such entry, inspection, enquiry or investigation made, any offence described in Chapter X of the Penal Code, he shall be punished as provided in Chapter X of the Penal Code.

General  
penalty.

**210.** Every person who is guilty of an offence against the provisions of this Enactment or of any rules made thereunder for which no penalty is otherwise provided shall be liable, on conviction, to a fine not exceeding one hundred dollars and for a second or subsequent offence under the same section or rule committed within one year of the conviction for the former offence to a fine not exceeding two hundred and fifty dollars.

#### PART XI.

##### PROVISIONS RELATING TO PROCEDURE, ACTIONS AND RULES.

#### CHAPTER XXVI.

##### PROCEDURE.

Jurisdiction  
of the Court.

**211.** The Court shall have power to try any offence and to impose any fine or penalty under this Enactment.

Controller may  
appear.

**212.** The Controller shall have the right to appear and be heard before all Courts, civil or criminal, inferior to the Supreme Court in any proceeding under this Enactment and shall also have the right to be heard before such Courts in any prosecution under Chapter XVI of the Penal Code instituted by him in accordance with the provisions of section 88 (i).

Prosecution  
may be  
withdrawn.

**213.** Any prosecution under this Enactment may be withdrawn by the Controller before judgment, and a fresh prosecution instituted for the same offence under the Penal Code or other law applicable to the circumstances of the case.

Power to deal  
with evidence  
taken down by  
another officer.

**214.** Where the Controller, or any officer performing the duties or exercising the powers conferred on the Controller, has for the purpose of enquiring into any matter under this Enactment taken down any evidence or made any memorandum and is prevented by death, transfer or other cause from concluding such enquiry, any successor to such Controller or other officer may deal with such evidence or memorandum as if he had taken it down or made it and proceed with the enquiry from the stage at which his predecessor left it.

Public servants.

**215.** For the purposes of this Enactment and of the Penal Code, the Controller and all officers duly appointed or authorised under this Enactment shall be deemed to be public servants.



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**216.** For the purpose of any criminal prosecution, every estate, factory, mine or place in which ten or more labourers are employed shall be deemed to be a public place. Public place.

**217.** Nothing in this Enactment shall operate to prevent any employer or labourer from enforcing their respective civil rights and remedies for any breach or non-performance of an agreement or contract by any suit in Court, in any case in which proceedings are not instituted, or, if instituted, are not proceeded with to judgment and satisfaction under this Enactment. Enactment no bar to civil suit.

**218.** In all proceedings under Chapter XV or under Part VIII the onus of proving that he is not the employer or resident manager or the person whose duty it is under such Chapter or Part or under any rule made thereunder to do or abstain from doing anything shall be on the person who alleges that he is not the employer, resident manager or other person, as the case may be. Onus of proof.

**219.** A copy of the written statement made by any employer under section 54 certified by the Controller as a true copy shall be received in evidence in any prosecution under that section and shall be conclusive evidence of the statement made by the employer to the Controller under the said section. Certified statement under section 54.

**220.** (i) A summons issued by the Controller under section 85, section 97 or section 98 may be served on any person by delivering or tendering to him a copy thereof signed by the Controller; provided that Service of summons.

- (a) if the person to be summoned have an agent empowered to accept service of the summons on his behalf, service on such agent shall be sufficient;
- (b) if the person to be summoned cannot be found and have no agent empowered to accept service of the summons on his behalf, service on any adult male member (not being a servant) of the family of the person to be summoned who is residing with him shall be sufficient.

When such summons as aforesaid is addressed to a corporation, it may be served

- (a) by leaving a copy thereof, signed by the Controller, at the registered office (if any) of the corporation;
- (b) by sending such copy by post in a letter addressed to the corporation at its principal office, whether such office be situated within the Federated Malay States or elsewhere;
- (c) by delivering such copy to any director, secretary or other principal officer of the corporation.

(ii) When the serving-officer delivers or tenders a copy of the summons to the person to be summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.



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(iii) If

- (a) such person refuses or is unable to sign the acknowledgment, or
- (b) the serving-officer cannot find the person to be summoned and there is no agent empowered to accept service of the summons on his behalf nor any other person on whom the service can be made,

the serving-officer shall affix a copy of the summons on the outer door of the house in which the person to be summoned ordinarily resides and then return the original to the Controller with a return endorsed thereon or annexed thereto stating that he has so affixed the copy and the circumstances under which he did so.

(iv) The serving-officer shall, in all cases in which the summons has been served under sub-section (ii), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served.

(v) When a summons is returned under sub-section (iii), the Controller shall, if the return under that sub-section has not been verified by the affidavit of the serving-officer, and may if it has been so verified, examine the serving-officer on affirmation touching his proceedings and may make such further enquiry in the matter as he thinks fit and shall either declare that the summons has been duly served or order such service as he thinks fit.

(vi) Where the Controller is satisfied that there is reason to believe that the person to be summoned is keeping out of the way for the purpose of avoiding service or that for any other reason the summons cannot be served in the ordinary way, the Controller may order the summons to be served by affixing a copy thereof in some conspicuous place in or near the office of the Controller and also upon some conspicuous part of the house, if any, in which the person to be summoned is known to have last resided, or in such other manner as the Controller thinks fit, or may order the substitution for service of notice by advertisement in the *Gazette* and in such local newspaper or newspapers as the Controller may think fit.

(vii) The service substituted by order of the Controller shall be as effectual as if it had been made personally on the person to be summoned.

(viii) Whenever service is substituted by order of the Controller, the Controller shall fix such time for the appearance of the person to be summoned as the case may require.

Action on  
Colonial  
warrant for  
apprehension  
of absconding  
employer.

**221.** (i) Where a warrant has been issued in the Colony under any Ordinance of the Colony for the apprehension of an employer who has absconded or is absconding or is about to abscond from the Colony in order to evade payment of wages due to any of his labourers, and such employer is or is suspected of being in or on the way to the Federated Malay States, a Magistrate in the Federated Malay States, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in the manner provided in this section, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing Magistrate, the employer named in the warrant, and bring him before the endorsing Magistrate or some other Magistrate in the Federated Malay States.



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(ii) The Magistrate before whom an employer so apprehended is brought, if he is satisfied that the warrant was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the Colony, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed to the Colony there to be dealt with according to law as if he had been there apprehended.

A Magistrate shall, so far as is requisite for the exercise of the powers of this sub-section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

(iii) An endorsement of a warrant in pursuance of this section shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every police officer, to execute the warrant within the part of the Federated Malay States within which such endorsement is by this Enactment made a sufficient authority, by apprehending the person named in it and bringing him before some Magistrate in the said part, whether the Magistrate named in the endorsement or some other.

(iv) For the purposes of this section every warrant, and every endorsement made in pursuance of this section thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

**222.** In the event of any person within the definition of the word "Employer" being subjected to any fine or penalty under the provisions of this Enactment such fine or penalty may, in addition to any other means of recovery, be recovered by distress and sale of the estate, mine or place of employment, or of any property belonging to such estate, mine or place of employment. Penalty against employer.

**223.** Subject to any special provision to the contrary contained in this Enactment, from and after the determination of any imprisonment suffered under this Enactment for non-payment of the amount of any fine, compensation, or damages, with the costs assessed and directed to be paid by any order of Court, the amount so ordered shall be deemed to be liquidated and discharged, and the order shall be annulled. Imprisonment to be in discharge of compensation, etc.

**224.** When it is alleged by any party to a contract that the condition of a recognizance or bond entered into or given for the fulfilment of the contract under the provisions of this Enactment has not been performed, the Court, being satisfied thereof, after hearing the parties and the sureties (if any), or in the case of any party or surety not appearing, after proof of service of summons in that behalf, may order that the recognizance or bond be enforced for the whole or part of the sum secured, as to the Court may seem fit. Enforcement of recognizance or bond.

**225.** When under this Enactment any Court imposes a fine or enforces the payment of any sum secured by recognizance or bond, the Court may, if it think fit, direct that the whole or any part of such fine or sum when recovered be paid to the party complaining. Application of fines and money recovered.



Reports by  
Controller.

**226.** The Controller shall make such reports to the Chief Secretary to Government relative to the conduct of the duties of his office in such form and with such particulars as the Chief Secretary to Government may from time to time direct and shall forward a copy of such reports to the Resident of each State to which such reports relate.

#### CHAPTER XXVII.

##### LIMITATION OF LIABILITY OF PERSONS EXERCISING POWERS.

Provisions  
regarding  
actions.

**227.** (i) No action shall be brought against any person for anything done, or *bona fide* intended to be done, in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court, before which the action is tried, shall certify its approbation of the action.

#### CHAPTER XXVIII.

##### PROVISIONS AS TO RULES.

Power to make  
rules.

**228.** (i) The Chief Secretary to Government, in addition to the powers expressly conferred by any other of the provisions of this Enactment, may from time to time make rules

- (a) subject to which immigrants may be engaged in the Federated Malay States for service in a country or State to which Indian emigration is authorised;
- (b) to prescribe the ports in the Federated Malay States at which all or any class of immigrant ships may call and the place at such ports at which any such ships shall anchor;
- (c) to prescribe the time at which immigrants shall disembark and at each port the place at which they shall land and the route by which they shall be conveyed from the landing place to the examination dépôt;
- (d) to prohibit all or any class of persons from boarding or communicating with or approaching all or any class of immigrant ships until the immigrants have disembarked;
- (e) to prescribe the information to be given by a creditor to the Controller or Protector or to the keeper of a detention dépôt with regard to each immigrant indebted to him for passage money and advances;



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(f) for the management and regulation of depôts established under section 9;

(g) to prescribe the fees

- (1) which may be lawfully demanded of an immigrant for the conveyance of such immigrant from an immigrant ship to an examination depôt;
- (2) which may be lawfully demanded from a creditor for the use of a detention depôt and for the maintenance of an indebted immigrant while detained therein;
- (3) payable for copies of notes of evidence recorded under the provisions of section 98 (ii) (d).

(h) to prescribe with regard to estate hospitals

- (1) the nature of the accommodation and equipment to be provided and maintained;
- (2) the description and quantities of diets for patients to be provided;
- (3) the description of drugs and of surgical and medical appliances to be kept in stock; and also
- (4) the number of dressers, hospital attendants, cooks, scavengers and other necessary servants to be employed;
- (5) the quantities of each drug and the number of each kind of surgical and medical appliance to be kept in stock;

at every such hospital according to the number of patients for whom accommodation is provided therein.

(i) for the inspection and management of estate hospitals, and in particular to prescribe the duties of the resident medical practitioner, and where there is no resident medical practitioner of the dresser in charge, and the registers and records to be kept at every estate hospital in respect of every patient treated thereat, with the form in which such registers and records are to be kept and the particulars to be included therein;

(j) to direct that duly authenticated returns of diseases, deaths and other matters relating to estates or estate hospitals be furnished to the Health Officer and other officers of Government at such times and in such manner as may be specified in such rules;

(k) not inconsistent with the provisions of this Enactment which may in his opinion be necessary to provide for the due carrying into effect of any of the provisions of this Enactment.

(ii) Any person who is convicted of the breach of any rule made under clause (e) or (f) of sub-section (i) shall be liable to a fine not exceeding twenty-five dollars, and any person who is convicted of the breach of any rules made under the other provisions of this section shall be liable to a fine not exceeding five hundred dollars. Penalty for breach of rules.



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THE FIRST SCHEDULE.  
ENACTMENTS REPEALED.

No. and year.	Short title.	Extent of repeal.
6 of 1912	The Labour Code, 1912	The whole
12 of 1913	The Labour Code, 1912, Amendment Enactment, 1913	"
27 of 1913	The Labour Code, 1912, Amendment Enactment, 1913 (No. 2)	"
32 of 1914	The Labour Code, 1912, Amendment Enactment, 1914	"
18 of 1917	The Labour Code, 1912, Amendment Enactment, 1917	"
2 of 1918	The Labour Code, 1912, Amendment Enactment, 1918	"
22 of 1918	The Labour Code, 1912, Amendment Enactment, 1918 (No. 2)	"
1 of 1919	The Labour Code, 1912, Amendment Enactment, 1919	"
17 of 1919	The Labour Code, 1912, Amendment Enactment, 1919 (No. 2)	"
31 of 1919	The Labour Code, 1912, Amendment Enactment, 1919 (No. 3)	"
24 of 1921	The Labour Code, 1912, Amendment Enactment, 1921	"
18 of 1922	The Labour Code, 1912, Amendment Enactment, 1922	"

THE SECOND SCHEDULE.

Form A (Section 38).

I hereby certify that the person herein named and described is not subject to the provisions of Part II of "The Labour Code, 1923."

Signed .....

Dated.....

*Controller of Labour.*

Name.	Father's name.	Age. Sex.	Religion and caste (if any).	Place of abode in India.	Calling.	General description and distinctive marks.







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No. 18 OF 1923.

## THE THIRD SCHEDULE.

(Section 54.)

No.	Name.		Engagement.		Name of last employer.	Place of last employment.	Remarks (if any).
	Of labourer.	Of employer.	Date of	Place of			

I certify that the above is a correct statement as required by section 54 of "The Labour Code, 1923," of the labourers engaged by me.

Dated.....

.....  
*Signature of Employer.*

Passed this 11th day of July, 1923.

G. W. BRYANT,  
*Clerk of Council.*