



SECOND SUPPLEMENT
TO THE
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FRIDAY, 13TH NOVEMBER, 1925.

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

C. W. HARRISON,
Acting Under Secretary, F.M.S.

No. 7495.—The following Bill about to be introduced in the Federal Council is published for general information :

A BILL
intituled

An Enactment to amend the Women and Girls Protection Enactment, 1914.

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

1. This Enactment may be cited as "The Women and Girls Protection Amendment Enactment, 1925," and shall come into force upon the publication thereof in the *Gazette*. Short title and commencement.

2. Sub-section (i) of section 2 of the Women and Girls Protection Enactment, 1914, hereinafter referred to as the principal Enactment is amended by adding the following definition thereto: Amendment of section 2.

"Mui-Tsai" means

(i) A female domestic servant whose employer for the time shall have made, directly or indirectly, within or without the Federated Malay States, any payment to any person for the purpose of securing the services of such female as a domestic servant; or whose services have, as a matter of fact been secured by the payment of money to any third person; or

(ii) A female domestic servant whose employer for the time being shall, within or without the Federated Malay States, have acquired the custody, possession or control of such female from, or upon the death of, any former employer who made any such payment as aforesaid.

3. Paragraphs (b) and (e) of sub-section (i) of section 3 of the principal Enactment, are amended by substituting the words "twenty one years" for the words "twenty years" wherever the latter words occur. Amendment of section 3.

4. Section 4 of the principal Enactment is amended— Amendment of section 4.

(a) by substituting in line 4 of sub-section (i) the words "woman or girl" for the words "girl under the age of 10 years";

(b) by substituting in line 4 of sub-section (ii) the words "women or girls" for the words "girls under the age of ten years"; and in line 7 of the same sub-section the words "woman or girl" for the word "girl"; and

2

No. OF 1925.

(c) by adding a new sub-section to be numbered (iii) as follows:

“(iii) Nothing in this section shall apply to any *bona fide* act of adoption or marriage.”

Amendment of section 9.

5. Sub-section (ii) of section 9 of the principal Enactment is amended by inserting after the words “or for immoral purposes” in line 19 the following words “and shall not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the consent in writing of the Protector”.

Substituted section 10.

6. Section 10 of the principal Enactment is repealed and the following section is substituted therefor:

Security on departure of woman or girl from district.

“10. (i) Whenever the Protector is of opinion that it is in the interests or welfare of any such woman or girl as is referred to in section 9 that such woman or girl should be permitted to leave the district in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such woman or girl appears to be shall bring such woman or girl within a certain period before such officer of the Government and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who furnished the security required by section 9 from any obligation under the conditions of the bond specified by that section other than the condition relating to departure from the district unless the Protector in the district where such woman or girl then resides obtains fresh security conditioned in the matter specified in section 9.

(iii) A certificate under the hand of the officer of Government referred to in sub-section (i) that such woman or girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect unless the Court requires such officer to be called as a witness.”

Amendment of section 13.

7. Section 13 of the principal Enactment is amended

(a) by deleting the words “with the consent of the Chief Secretary to Government” in lines 1 and 2 of sub-section (i) and by adding at the end of the said sub-section the following words:

“or (d) whom the Protector has reasonable cause to suspect to be a mui-tsai and in need of protection.”

(b) by deleting the word “two” in the last line of sub-section (ii) and substituting therefor the word “six”.

WOMEN AND GIRLS PROTECTION AMENDMENT. 3

8. Section 19 of the principal Enactment is amended Amendment of section 19.
- (a) by inserting before the word "search" in line 2 of sub-section (i) and before the same word in line 1 of sub-section (ii) the words "may enter, and for that purpose use force if necessary and,"
- (b) by deleting sub-section (iii) thereof, and by substituting therefor the following sub-sections:
- “(iii) The Protector or such officer as aforesaid may during or after any such search as is referred to in sub-sections (i) and (ii) arrest or cause to be arrested any person reasonably suspected of being liable to prosecution for an offence under this Enactment committed in respect of such woman or girl and may seize and detain any articles or any books, documents or accounts which he may have reason to believe to relate to such offence.
- (iv) Any person who refuses the Protector or such officer as aforesaid access to any such vessel, house, building or other place or otherwise obstructs or hinders him in effecting an entrance or in removing such woman or girl or in seizing and detaining such articles, books, documents or accounts shall be liable on conviction to a fine not exceeding five hundred dollars.”
- (c) by re-numbering sub-section (iv) as sub-section (v).
9. Section 22 of the principal Enactment is repealed and the following substituted therefor: Substituted section 22.
- “22. Every woman or girl detained in a place of safety under this Enactment may be removed by order of the Protector from such place of safety to any other place of safety and the order of removal may be carried out in such manner as is prescribed in such order.” Removal of woman or girl to another place of safety.
10. Sub-section (i) of section 31 of the principal Enactment is amended by substituting the word "sixteen" for the word "twelve" in line 3. Amendment of section 31 (i).
11. Schedule IV of the principal Enactment is amended by deleting the word "Court" in line 4 thereof. Amendment of schedule IV.

OBJECTS AND REASONS.

This Bill affects a number of small amendments to the principal Enactment.

Clauses 2, 5 and 7 which refer specifically to "mui-tsai" are complementary to the provisions of the Female Domestic Servants Bill which is published with the present Bill.

4

No. OF 1925.

The raising of the age, clause 3, is due to the agreement of the Government with the White Slave Traffic Convention of 4th November, 1921.

Clause 4 extends the present law by prohibiting the traffic in women and girls irrespective of the age of such women and girls, but with a saving for *bona fide* acts of adoption or marriage.

Clause 6 contains a redraft of the present section 10, and clause 8 rectifies an omission by conferring upon the Protector power summarily to arrest any person reasonably suspected of being liable to prosecution and to seize and detain books or documents evidencing offences against the Enactment.

Clause 9 enables the transfer of a girl from one home to another without the present formalities, which involve the consent of two Residents being first obtained.

Under the present law legal proceedings may be dealt with *in camera* in the case of offences committed in respect of girls under the age of ten. The last clause of the Bill raises this age to sixteen.

KUALA LUMPUR,
26th August, 1925.

W. S. GIBSON,
Legal Adviser, F.M.S.

No. 7496.—The following Bill about to be introduced in the Federal Council is published for general information:

A BILL

intituled

An Enactment to regulate and control the employment of female domestic servants.

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

1. This Enactment may be cited as “The Female Domestic Servants’ Enactment, 1925” and shall come into force on the first day of January, 1926. Short title and commencement.

2. For the purposes of this Enactment “Mui-Tsai” means: Interpretation.

(i) A female domestic servant whose employer for the time being shall have made, directly or indirectly, within or without the Federated Malay States, any payment to any person for the purpose of securing the services of such female as a domestic servant, or whose services have in fact been secured by the payment of money to any third person; or

(ii) A female domestic servant whose employer for the time being shall, within or without the Federated Malay States, have acquired the custody, possession or control of such female from, or upon the death of, any former employer who made any such payment as aforesaid.

“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 and in the absence of the said Secretary and all such officers as aforesaid from any administrative district includes the officer in charge of such district for the time being.

3. (i) No person shall have in his employment any female domestic servant under the age of 10 years. No female servant to be under ten years of age.

(ii) Every person acting in contravention of this section shall, unless he can prove to the satisfaction of the Court that he had reason to believe that such girl was above the age of 10 years, be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment of either description for a term not exceeding six months. Penalty.

2

No. OF 1925.

Powers of
Protector.

4. (i) If the Protector has reason to suspect
- (a) that any girl under the age of 10 years has been brought into the Federated Malay States for the purpose of being employed as a female domestic servant; or
 - (b) that any woman or girl has been purchased in or out of the Federated Malay States with a view to being employed as a mui-tsai;

he may require any person in whose custody or under whose control she appears to be to produce such woman or girl and to furnish copies of her and such person's own photographs and to furnish security with or without sureties to the satisfaction of the Protector that such person will not leave the district in which she then is without the previous consent in writing of the Protector, and shall not be employed as a mui-tsai and shall not be trained or disposed of as a prostitute or for immoral purposes, and shall not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person failing to produce such woman or girl as required by sub-section (i) shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment of either description for a term not exceeding six months.

(iii) In default of such photographs or security being given the Protector may by warrant under his hand order such woman or girl to be removed to a place of safety and there detained until she can be returned to the place whence she was brought or until other proper provision can be made for her protection.

Security on
departure of
woman or girl
from district.

5. (i) Whenever the Protector is of opinion that it is in the interests or welfare of any such woman or girl as is referred to in section 4 that such woman or girl should be permitted to leave the district in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such woman or girl appears to be shall bring such woman or girl within a certain period before such officer of the Government and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who furnished the security required by section 4 (i) from any obligation under the conditions of the bond specified by that section other than the condition relating to departure from the district unless the Protector in the district where such woman or girl then resides obtains fresh security conditioned in the matter specified in section 4 (i).

(iii) A certificate under the hand of the officer of Government referred to in sub-section (i) that such woman or girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect unless the Court requires such officer to be called as a witness.

FEMALE DOMESTIC SERVANTS'.

3

6. (i) Every employer of a female domestic servant under the age of 18 years shall provide such servant with wages, sufficient food, clothes of a reasonable kind and proper medical attendance. Female servant under 18 to be paid and maintained.

(ii) The Chief Secretary to Government may from time to time by notification in the *Gazette* prescribe a minimum rate of wages to be paid to such servant.

(iii) Every employer who acts in contravention of this section shall be liable on conviction to a fine not exceeding one hundred dollars.

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OBJECTS AND REASONS.

Much attention has been directed recently to the question of the position of what are called "mui-tsai", and after full consideration it has been considered advisable to legislate upon the subject. Legislation will be identical in the Colony and the Federated Malay States.

The effect of this Bill will be to prohibit

- (a) the employment in domestic service of girls under the age of ten—clause 2;
- (b) the purchase of girls whether under the guise of adoption or not to be employed in domestic service—clause 4.

The powers given to the Protector in the latter case, and also in clause 5 of the Bill, are paralleled by his powers under section 9 and 10 of the Women and Girls Protection Enactment, 1914.

The last clause provides for the supply of food, clothes, wages and medical attendance in the case of a female domestic servant under the age of 18, and enables a minimum rate of wages to be fixed if the necessity arises.

KUALA LUMPUR,
26th August, 1925.

W. S. GIBSON,
Legal Adviser, F.M.S.