

## DISCIPLINE OF COLOURED LABOUR UNITS.

## CHINESE LABOUR CORPS

(Reference G.R.O. 3502, para. 22 of 3rd March, 1918, and S.S. 630 and 630 (a)).

With reference to S.S. 630 (a), numerous irregularities in Courts-Martial held for trial of Chinese Labourers have been brought to notice. The following supplementary instructions are therefore issued:—

## I.—PROCEDURE.

1. The accused should be described as Coolie (or ganger) No. .... Company, Chinese Labour Corps.
2. A plea and finding must be entered in respect of each charge on which an accused person is tried.
3. When an accused pleads not guilty, the evidence of witnesses must be taken orally; in the case of white witnesses on oath, and in the case of coloured witnesses, in whatever way is most binding on their conscience. So called "documentary" evidence of Medical Officers, Military Police, or other absent witnesses is inadmissible for the prosecution.
4. A short record of the defence should be made.
5. A Convening Officer cannot appoint any officer senior to himself as President or Member of a Court-Martial.
6. If the O.C., Labour Group, happens for the time being to be below the rank of Field Officer, he cannot confirm the proceedings (R.P. 120 (E) (ii)).

## II.—OFFENCES.

As Chinese Labourers are not attested or enrolled soldiers but are subject to Military Law under Section 176 (9) of the Army Act, care must be taken that in the event of misbehaviour they are charged with an offence which is appropriate in the case of a person employed under that sub-section, and not *exclusively* applicable to an attested or enrolled soldier.

For example:—

1. A labourer cannot commit desertion under S. 12 because he is not technically in "His Majesty's Service." He can, however, commit the offence of "absenting himself without leave" under S. 15 (1).
2. Charges cannot be laid under S. 7 of the Army Act when there has been a mutinous disturbance among coolies. In such cases a charge should be laid under S. 40 Army Act in the following form:

Conduct to the prejudice.....in that he at.....on.....joined in a disturbance of a mutinous nature in the course of which.....

3. Officers and non-commissioned officers are by Section 190 (6) and (7) Army Act "superior officers" of all other persons subject to Military Law. Chinese labourers can therefore be charged under Sections 8 and 9 of the Army Act in respect of offences committed against officers and non-commissioned officers.

On the other hand gangers and private soldiers are not superior officers of labourers. Therefore labourers committing offences of insubordination against gangers or private soldiers should be charged under S. 40.

*e.g.*—Neglect.....to the prejudice.....in that he at.....on.....failed to fetch rations when ordered to do so by.....a person to whose orders he was bound to conform.

It will be necessary for the prosecution to produce evidence that the ganger or private soldier was placed in a position of authority over the accused.

Offences of violence against gangers or private soldiers should be charged either as civil offences under Section 41 or under Section 40, according to the circumstances. In any case in which there is the least doubt as to the appropriate charge, the charge should be laid under Section 40, which section will be the best to use in almost all cases.

## III.—PUNISHMENTS.

Numerous cases have occurred of punishments being awarded by Court-Martial which cannot legally be so awarded. In many cases it is clear from the nature of the punishment that the case ought to have been dealt with by the Company Commander in accordance with para. 1 of S.S. 630 (a).

The following punishments cannot legally be awarded to a Chinese Labourer by Court-Martial, and if passed will be inoperative:—

1. Fines, except for drunkenness.
2. C.B. or "forfeiture of pass." A pass can obviously be withdrawn by the Commanding Officer.
3. Reduction from the position of ganger to that of coolie. Such reduction can be effected by the officer commanding the company independently of trial.

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GENERAL HEADQUARTERS,  
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## COPIES TO—

Armies, Corps, L. of C. Area.  
Base, District and Area Commandants, L. of C. Area.  
Labour Commandants, Labour Groups, and Chinese Labour Companies.