

Rev. Cpl. Kept
Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 450, 9th May 1917

Planters' Labour Act, 1903

Recording reports from the District Magistrates of Malabar and the Nilgiris on the working
of the — during the year 1916.

INDEXED

N. P. ORIGINAL

Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 450, 9th May 1917

Planters' Labour Act, 1903

Recording reports from the District Magistrates of Malabar and the Nilgiris on the working of the — during the year 1916.

READ—the following papers:—

I

Letter—from C. F. BRACKENBURY, Esq., I.C.S., Joint Magistrate in charge, the Nilgiris.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—Ootacamund, the 16th February 1917.

No.—Ref. Perl. 13-M.

I have the honour to submit my report on the working of the Madras Planters' Labour Act, 1903, for the year 1916, accompanied by the usual statement in the form prescribed in G.O. No. 1063, Judicial, dated the 14th August 1909, with extra columns added, showing separately the number of cases and persons disposed of under each of the sections 248, 245 and 247 of the Code of Criminal Procedure as directed in paragraph 3 of G.O. No. 1622, Judicial, dated the 11th August 1913.

A summary of the sentences imposed in cases convicted under section 24 of the Act is also submitted.

2. There was an increase in the number of cases (2,371) prosecuted during the year under report, as compared with the previous year (1,608). It will be seen from the subjoined statement that the number of prosecutions under section 24 rose from 81 to 163 and that under section 30 from 1,519 to 2,198. The number of prosecutions under other sections of the Act remained normal as in the previous year.

A comparative statement showing the number of cases instituted in the several courts of the district under the several sections of the Act during the years 1915 and 1916 is also subjoined.

Name of court.	Section of the Act.														Total.	
	21		22		23		24		25 to 29		30		35		36	
	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.
Taluk Magistrate, Coonoor.	..	..	..	..	..	..	18	20	..	..	240	160	..	..	258	180
Taluk Magistrate, Ootacamund.	..	..	..	..	..	..	1	2	..	..	59	103	..	..	60	105
Taluk Magistrate, Gudalur.	..	..	..	..	..	..	47	36	..	..	921	1,006	6	6	974	1,048
Stationary Sub-Magistrate, Coonoor.	1	..	..	..	..	..	10	59	..	..	222	355	1	..	234	414
Saristadar-Magistrate, Gudalur.	..	8	..	..	..	..	4	46	..	..	74	574	..	..	78	624
Deputy Magistrate	..	..	..	..	..	..	..	..	..	..	3	..	..	..	3	..
Subdivisional Magistrate.	..	..	..	..	..	..	1	..	..	..	..	..	..	..	1	..
Total	1	3	..	..	..	..	81	163	..	..	1,519	2,198	7	6	1,608	2,371

3. The increase in the Court of the Stationary Sub-Magistrate, Coonoor, is due to the fact that the Stationary Sub-Magistrate was exercising only third-class powers for some time and in consequence cases filed already in his court had to be transferred to the Court of the Taluk Magistrate, Coonoor, and they had subsequently to be

Over 25 prosecutions were laid by each of the estates mentioned in statement No. II. Sixteen out of these estates appear in this connection in the last year's report also.

The difficulty experienced in getting warrants executed in previous years still continues. The activities of the Labour Department are of recent date and this difficulty is likely to be mitigated in due course. The working of the Act may be considered to have been satisfactory in other respects.

[illegible]

ENCLOSURES
(1)

STATEMENT No. I exhibiting the number of cases and persons received, disposed of and pending and the results of trials with details for the number of cases or persons acquitted under sections 248, 245 and 247 of the Code of Criminal Procedure, under the Madras Planters' Labour Act I of 1908, in the district of the Nilgiris for the year 1916.

Sections of the Planters' Labour Act I of 1903.	Name of Court.	Cases										Persons											
		Disposed of during the year.					Pending at the close of the year.					Disposed of during the year.					Pending.						
		Pending from previous year.	Instituted during the year.	Total of columns 2 and 3.	By transfer, death or escape.	Dismissed under section 203, Criminal Procedure Code.	Resulting in conviction.	248.	245.	247.	Total.	Total number of cases disposed of (columns (5), (6), (7) and (11)).	Pending at the close of the year.	Average duration.	Under trial.	Transferred to other courts.	Convicted.	248.	245.	247.	Total.	In custody.	Not in custody.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)
21	Sarishtadar-Magistrate, Gudalur.	7	3	3	..	..	..	3	..	3	3	..	1	3	..	..	3	..	..	3	..	..	..
22		..	..	..	..	..	..	..	..	..	Nil.	..	..	..	..	..	..	..	..	..	..	..	..
23		..	..	..	..	..	..	..	..	..	Nil.	..	..	..	..	..	..	..	..	..	..	..	..
24		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
25 to 29		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
30	Taluk Magistrate, Coonoor	2	160	162	79	..	8	64	1	65	152	10	39	83	64	1	..	65	..	..	..	..	..
	Do. Ootacamund	9	103	112	20	..	..	49	..	61	81	31	3	112	49	..	12	61	..	12	..	..	..
	Do. Gudalur	622	1,006	1,628	550	..	13	303	1	325	888	740	1	1,078	303	1	21	325	13	21	..	..	..
	Stationary Sub-Magistrate, Coonoor	79	355	434	87	..	51	106	4	177	315	119	1	434	106	4	67	177	..	67	..	..	..
	Sarishtadar-Magistrate, Gudalur	..	574	574	16	..	34	464	..	476	526	48	1	568	464	..	12	476	..	12	..	..	..
	Total	712	2,198	2,910	752	..	106	986	6	1,104	1,962	948	..	2,265	986	6	112	1,104	13	112	..	..	..
35	Taluk Magistrate, Gudalur	3	6	9	4	..	..	..	..	..	4	5	..	5	..	..	..	..	..	..	..	..	..
36	Sarishtadar-Magistrate, Gudalur	..	1	1	..	..	..	..	1	1	1	..	30	1	..	..	1	..	..	1	..	..	..
	Grand total	755	2,371	3,126	795	..	127	1,095	8	1,217	2,139	987	..	2,443	1,095	8	114	1,217	13	114	..	..	..

(a) Transferred to the file of Taluk Magistrate, Coonoor. (b) Eight cases with eight persons transferred to long pending register and 79 cases with 79 persons transferred to Taluk Magistrate, Coonoor. (c) Died before appearance.

(2)

STATEMENT No. II.

LIST of estates from which more than 25 prosecutions were filed in the year 1916 in the Nilgiri district.

Taluk.	Name of estate.	Number of prosecutions.	Increase or decrease as compared with the year 1915.
Gudalur	Balmadies	56	+ 23
	Glenvans	59	+ 7
	Guynd	58	+ 12
	Devershola	192	+ 75
	Helen	57	+ 28
	Hope	47	+ 10
	Kelly	59	+ 15
	Lawriston	29	Not dealt with in 1915.
	Mayfield	146	+ 51
	Maramotti	38	Not dealt with in 1915.
	Periyashola	59	+ 22
	Sandy Hills	27	Not dealt with in 1915.
	Seaforth	45	+ 16
	Sussex	60	+ 22
	Suffolk	57	+ 12
	Woodbriar	31	Not dealt with in 1915.
	New Hope	85	+ 42
	Wentworth	78	+ 23
	Tulloes	54	+ 20
	Barwood	26	Not dealt with in 1915.
Ootacamund	Gudalur	27	Do.
	Kalliyard	64	+ 5
	Moyar	38	Not dealt with in 1915.
	Westbury	58	Do.

(3)

STATEMENT No. III.

PARTICULARS of sentences passed in cases brought by planters against maistris under section 24 of the Madras Planters' Labour Act, 1903, and resulting in conviction in the Nilgiri district during the year 1916.

Name of court.	Number of convictions.	Remarks showing punishments.
Taluk Magistrate, Coonoor.	7	6 ordered to refund advance.
Do. Gudalur.	4	1 sentenced to 3 months' rigorous imprisonment.
		2 do. 4 do.
		2 do. 2 do.
Stationary Sub-Magistrate, Coonoor.	2	1 do. 2 do.
		1 do. 4 months' rigorous imprisonment in all and fine of Rs. 200, in default to one month's rigorous imprisonment.
		1 sentenced to 6 months' rigorous imprisonment in all.
Sarishtadar-Magistrate, Gudalur.	8	2 do. 12 weeks' do.
		1 do. 2 months' rigorous imprisonment.
		2 do. 6 weeks' do.
		1 do. 2 weeks' do.
		1 do. 1 week's do.

II

Letter—from F. B. EVANS, Esq., I.C.S., District Magistrate, Malabar.

To—the Secretary to Government, Home Department.

Dated—Calicut, the 6th March 1917.

No.—D. 468-M.

I have the honour to submit my report on the working of the Planters' Labour Act of 1903 in the Wynaad for 1916.

2. The number of cases instituted in 1916 was about 12 per cent greater than the number instituted in 1915. The increase is probably attributable to an extension of the area under tea. It has also been attributed to the way in which the provisions of section 35 were applied during the year but without much reason. A few words in explanation are advisable since the matter was made the subject of considerable comment at the annual meeting of the Wynaad Planters' Association, Southern India. The provisions of sections 24 and 35 of the Act are of course capable of abuse, and in consequence of one instance of abuse in 1913 Mr. Innes issued instructions that ordinarily a sentence of fine only should be imposed in a second prosecution under sections 24 and 35 on one and the same contract. The circumstances were reported to Government in his letter No. 55, dated 25th November 1913. The need for the instructions ceased with the issue of the first High Court ruling on the subject, reported in 36 Mad., 497, but when this was reversed by the order of the two Judges in Criminal Revision Case No. 454 of 1915 I again drew the attention of the Magistrate to the instructions previously issued. Subsequently a deputation of the Wynaad Planters' Association, Southern India, urged that sentences of fine only were useless in most cases and that the effect of the instructions was to make dishonest maistris laugh at the Act. I came to the conclusion that it was unnecessary to fetter the discretion of the sub-magistrates by general orders based on isolated instances of abuse; and I therefore revised Mr. Innes' orders. But all this can hardly amount for differences between the figures of 1915 and 1916, since the policy pursued from November 1913 to November 1916 (the date of my last orders) was the same.

3. The following statement gives comparative figures for cases instituted under the various sections of the Act in 1915 and 1916 :—

Court.	Section 21.		Section 24.		Section 30.		Section 36.			
	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.
North Wynaad. { Tahsildar-Magistrate Wynaad.	..	..	11	23	133	160	2	..	146	183
Wynaad. { Sarishtadar-Magistrate, " ..	..	..	209	233	856	954	1	8	1,066	1,195
South Wynaad—Sub-Magistrate, Vayitiri	..	..	..	..	..	..	..	..	..	..
Total	..	..	220	256	989	1,114	3	8	1,212	1,378

Of the eight cases under section 36 in the Sub-Magistrate's Court, Vayitiri, four were withdrawn under section 248, Criminal Procedure Code, and three ended in conviction. The remaining case was pending at the close of the year. Of the 23 cases instituted under section 24 in North Wynaad, 18 cases were filed by European planters and the rest by Indians. Of the 233 cases filed under the same section in South Wynaad, 22 were filed by Indians and the rest by Europeans. Out of 160 cases under section 30 in North Wynaad, 121 were instituted by maistris, 13 by European superintendents and 25 by Indian proprietors of estates. Out of 954 cases under the same section in South Wynaad, Indian planters were responsible for 77 cases and the rest were instituted by maistris under European planters.

In South Wynaad 27 estates resorted to the provisions of the Act as against 22 in 1915. Touramulla, Achoor and Chundale estates launched the largest number of prosecutions being responsible in all for 381 cases.

4. Coolies generally have been well treated. They have been adequately paid and well housed. The Wynaad Medical Association continues to do good work. Hospitals working under it exist on tea estates of the Meppadi-Wynaad Tea Producing Company and the East Indian Tea and Produce Company. The Panora Tea and Produce Company's estates maintain two hospitals.

5. The execution of warrants against maistris and coolies continues to be a matter of difficulty notwithstanding the adoption of the procedure indicated in G.O. No. 101, Judicial, dated 12th January 1916. The accused could not be traced in about 25 per cent of the cases in North and South Wynaad. In many of these cases coolies are said to have absconded to estates in Travancore, Cochin and Mysore.

6. On the whole the Act worked satisfactorily. The prescribed statements are attached.

ENCLOSURES

(1)

STATEMENT showing the number of cases and persons received, disposed of and pending and the results of trials under the Madras Planters' Labour Act I of 1903.

Name of court.	Section of the Act.	Cases.								Persons.					
		Pending from previous year.	Instituted during the year.	Cases taken from special register.	Total.	Disposed of during the year.	Long pending.	Pending at the end of the year exclusive of cases transferred to the special registers as long pending.	Average duration.	Under trial.	Disposed of			Pending.	
											Acquitted or discharged.	Convicted.	Died, escaped or transferred to other courts.	In custody.	Not in custody.
Subdivisional Magistrate's Court.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tahsildar-Magistrate's Court.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar-Magistrate's Court.	{ 24 30	18	23 160	7	23 185	14 123	6 45	3 17	..	14 111	6 69	4 42	..	..	1
Total ..	..	18	183	7	208	137	51	20	..	125	78	46	..	..	1
Sub-Magistrate's Court, Vayitiri.	{ 24 30 36	74 334 ..	233 954 8	29 49 ..	329 1,337 8	191 593 7	87 391 ..	51 353 1	2.16 8.36 4.57	167 494 7	32 138 4	134 352 3	..	1 4 ..	..
Total ..	..	408	1,195	71	1,674	791	478	405	..	668	174	489	..	5	..

(2)

STATEMENT showing particulars of acquittals in cases under the Madras Planters' Labour Act I of 1903 during the year 1916 in the several courts in the Wynaad division.

Name of court.	Section of the Act.	Particulars of acquittals.								Total acquittals.	
		Section 245, Criminal Procedure Code.		Section 247, Criminal Procedure Code.		Section 248, Criminal Procedure Code.		Section 40 of Act I of 1903.		1915.	1916.
		1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.		
Sarishtadar-Magistrate's Court.	{ 24 30 36	..	7	..	4	..	1	..	4	5	9
		..	..	..	..	52	23	30	46	89	79
		..	..	1	..	1	..	..	..	2	..
Total ..	..	7	4	2	6	54	27	30	51	93	* 88
Sub-Magistrate's Court, Vayitiri.	{ 24 30 36	2	..	11	14	9	19	38	13	49	32
		18	5	..	..	194	26	86	93	304	138
		..	..	..	..	..	4	..	..	..	4
Total ..	..	15	5	11	14	203	49	124	106	353	174

* Of the 88 cases accused in 78 cases appeared.

REMARKS.—This statement excludes the following 128 cases in which the accused did not appear:—

Section 203, Criminal Procedure Code	..	..	..	..	..	..	..	..	..	3
Do. 247	do.	..	..	..	..	..	..	..	..	4
Do. 248	do.	..	..	..	..	..	..	..	..	109
Accused died	..	..	..	..	..	..	..	..	..	12
Total ..	..	..	..	..	..	..	..	..	..	128

(3)

STATEMENT showing the number of cases and persons received, disposed of and pending and the results of trials under the Madras Planters' Labour Act I of 1913.

Name of court.	Section of the Act.	Cases.						Persons.					
		Pending from previous year.	Instituted during the year.	Total.	Disposed of during the year.	Pending at the end of the year exclusive of cases transferred to the special register as long-pending cases.	Average duration.	Undertrial.	Disposed of.			Pending	
									or acquitted discharged.	Convicted.	Died, escaped or transferred.	In custody.	Not in custody.
Subdivisional Magistrate's Court.	..	..	..	..	..	..	..	..	..	..	..	..	..
Tahsildar-Magistrate's Court.	..	..	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar-Magistrate's Court.	24	..	23	23	20	3	..	14	9	4	..	..	..
	30	18	167	185	168	17	..	111	69	42	..	..	..
Total ..	..	18	(a) 190	208	(b) 188	20	..	125	78	46	..	..	..
Court of the Sub-Magistrate, Vayitiri.	24	74	255	329	278	51	2.16	167	32	134	..	1	..
	30	334	1,003	1,337	984	353	3.36	494	138	352	..	4	..
	36	..	8	8	7	1	4.57	7	4	3	..	..	..
Total ..	..	408	(c) 1,266	1,674	(d) 1,269	405	..	668	174	489	..	5	..

(a) Includes 7 cases from the special register of long-pending cases.

(b) Includes 51 cases treated as long pending.

(c) Includes 71 cases taken from special register of long-pending cases.

(d) Includes 478 cases treated as long pending.

Order—No. 450, Home (Miscellaneous), dated the 9th May 1917.

Recorded.

(True Extract)

R. RAMACHANDRA RAO,
Secretary to Government.

To the District Magistrate, Malabar.
" the Nilgiris.
" Inspector-General of Police.
" Secretary, United Planters' Association of Southern India.
" Wynaad Planters' Association.
" Nilgiri
Editors' Table.

NOTES CONNECTED WITH G.O. No. 450, HOME (MISCELLANEOUS),
DATED THE 9TH MAY 1917

[SUBJECT.—Reports on the working of the Planters Labour Act for the year 1916.]

G.O. 1912-15, Judicial, 23rd Dec. 1904	G.O. 2612, Judicial, 16th Dec. 1913
" 1063 " 14th Aug. 1909	" 58 " 10th Jan. 1914
" 1714 15 " 8th Dec. "	" 589 " 7th Mar. "
" 833 " 2nd June 1910	" 1073 " 14th May 1915
" 560 " 24th Mar. 1911	" 101 " 12th Jan. 1916
" 610 " 17th Apr. 1912	" 728 " 18th Mar. "
" 1315 " 17th Aug. "	" 307, Home (Mis.), 27th " 1917
" 1944 " 23rd Nov. "	" 358-A " 5th Apr. "
" 1622 " 11th Aug. 1913	

From the Joint Magistrate in charge, the Nilgiris, dated the 16th February 1917,
Ref. Pres. No. 13-M.

From the District Magistrate of Malabar, dated 6th March 1917, D. No. 468-M.

HOME (MISCELLANEOUS) DEPARTMENT.

The noticeable features in the reports on the working of the Planters Labour Act in Malabar and the Nilgiris during the year 1916 are set out below.

2. Prosecutions.—The following statement compares the figures for the last three years (vide page 1 of notes to G.O. No. 728, dated 18th March 1916):—

Section and nature of offence.	The Nilgiris.			Malabar.		
	1914.	1915.	1916.	1914.	1915.	1916.
21. Wrongful withholding of wages	1	1	3	..	..	..
22. Other offences by planter or maistri	..	..	..	..	..	..
23. Failure of maistri to supply labourers	1	..	..	..	..	..
24. Other defaults by maistri	73	81	163	305	220	256
30. Desertion by labourer	1,042	1,519	2,198	954	989	1,114
35. Failure of maistri to complete contract	7	7	6	..	..	..
36. Enticement of labourer under labour contract. ..	..	..	1	2	3	8
Total ..	1,124	1,608	2,371	1,261	1,212	1,378

There has been an increase in the number of prosecutions in both the districts during the year 1916, the increase being comparatively large in the Nilgiris. The increase in this district is reported to be due to the transfer of certain cases filed in one court to the file of another court, and to the keen competition for coolies owing to the increased demand for labour on estates in Travancore, Malabar, etc. The majority of cases as usual arose in the Gudalur taluk. The increase in the Malabar district is reported to be probably due to an extension of the area under tea. The District Magistrate states that the increase has also been attributed to the manner in which the provisions of section 35 of the Act were applied during the year but

NOTES CONNECTED WITH G.O. No. 450, HOME (MISCELLANEOUS),
DATED THE 9TH MAY 1917

[SUBJECT.—Reports on the working of the Planters Labour Act for the year 1916.]

Previous papers :					
G.O. 1912-15,	Judicial,	23rd Dec. 1904	G.O. 2612,	Judicial,	16th Dec. 1913
" 1063	"	14th Aug. 1909	" 58	"	10th Jan. 1914
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" 833	"	2nd June 1910	" 1073	"	14th May 1915
" 560	"	24th Mar. 1911	" 101	"	12th Jan. 1916
" 610	"	17th Apr. 1912	" 728	"	18th Mar. "
" 1315	"	17th Aug. "	" 307,	Home (Mis.),	27th " 1917
" 1944	"	23rd Nov. "	" 358-A	"	5th Apr. "
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	1914.	1915.	1916.	1914.	1915.	1916.
21. Wrongful withholding of wages	1	1	3	..	..	..
22. Other offences by planter or maistri	..	..	..	..	..	..
23. Failure of maistri to supply labourers	1	..	..	..	..	..
24. Other defaults by maistri	73	81	163	305	220	256
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35. Failure of maistri to complete contract	7	7	6	..	..	..
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Total ..	1,124	1,608	2,371	1,261	1,212	1,378

There has been an increase in the number of prosecutions in both the districts during the year 1916, the increase being comparatively large in the Nilgiris. The increase in this district is reported to be due to the transfer of certain cases filed in one court to the file of another court, and to the keen competition for coolies owing to the increased demand for labour on estates in Travancore, Malabar, etc. The majority of cases as usual arose in the Gudalur taluk. The increase in the Malabar district is reported to be probably due to an extension of the area under tea. The District Magistrate states that the increase has also been attributed to the manner in which the provisions of section 35 of the Act were applied during the year but

without much reason. Section 35 allows of repeated prosecutions of a maistri or labourer in respect of the same contract. The question of amending this section was recently under consideration, but it was dropped as the present time was considered inopportune to take any action in amending the section (page 32 of notes to G.O. No. 358 A., dated 5th April 1917). The Hon'ble Mr. E. F. Barber has however been

The small number of prosecutions under section 35 is satisfactory.

E.A.H.—27-4-17.

ment of the Act will be forced on Government.

3. *Pendency of cases.*—The number of cases under sections 24 and 30 of the Act for disposal during the last four years and the number of cases disposed of are given below :—

Year.	Section 24.			Section 30.		
	For disposal.	Disposed of.	Percentage of disposals.	For disposal.	Disposed of.	Percentage of disposals.
<i>The Nilgiris.</i>						
1913	181	138	76	2,447	1,889	77
1914	115	69	60	1,600	1,047	65
1915	127	87	69	2,072	1,360	66
1916	203	169	83	2,910	1,962	67
<i>Malabar.</i>						
1913	543	241	44	1,466	743	50
1914	419	288	69	1,269	613	48
1915	330	248	75	1,366	913	70
1916	352	298	84	1,522	1,152	76

It will be seen that while the percentage of disposal of cases under both sections in Malabar shows a good progress during the year 1916 the percentage of disposals under section 30 in the Nilgiris remains stationary.

4. *Number of acquittals or discharges.*—The following statement shows the total number of persons dealt with in the Nilgiri and Malabar districts under sections 24 and 30 during the last two years with the number of discharges and convictions :—

Section of the Act.	Year.	Number of persons dealt with.	Acquittals or discharges.	Convictions.	Percentage of convictions.
<i>The Nilgiris.</i>					
Section 24 †	1915	60	44	16	27
	1916	169	109	21	12
Section 30 †	1915	1,119	1,041	78	7
	1916	2,265	1,104	106	4
<i>Malabar.</i>					
Sections 24 and 30 †	1915	858	446	412	48
	1916	786	248	532	67

It will be seen that while the percentage of convictions shows a decrease during the year 1916 in the Nilgiris there is a considerable increase in the percentage of convictions in Malabar. The District Magistrate does not give any reasons for the increase.

5. *Execution of warrants against maistris and coolies.*—In G.O. No. 101, Judicial, dated the 12th January 1916, a revised procedure for the execution of warrants against maistris and coolies through the Labour department of the United Planters' Association of Southern India was sanctioned. Both the District Magistrates state that the difficulty experienced in getting warrants executed still continues. The question of continuing the revised procedure during the current year will come up shortly for consideration—vide G.O. No. 307, dated 27th March 1917.

* Vide paragraph 2, page 2 of notes to G.O. No. 728, dated 18th March 1916.

† Paragraph 3, page 2 of notes to G.O. No. 728, dated 18th March 1916.

6. The District Magistrates of Malabar and the Nilgiris state that the coolies are well treated on the estates.

7. For orders whether the reports may be recorded or whether the Government should notice anything about the increased percentage of convictions in Malabar.

T.C.N.—20-4-17.

P.D.R.—26-4-17.

May be recorded.

E. A. HARVEY—27-4-17.

Put up draft.

R. RAMACHANDRA RAO—30-4-17.

A draft order is submitted for approval.

T.C.N.—2-5-17.

P.D.R.—3-5-17.

E.A.H.—4-5-17.

R.R.R.—5-5-17.

H. F. W. G[ILLMAN]—7-5-17.

Issue.

R.R.R.—7-5-17.

[G.O. No. 450, Home (Miscellaneous), dated 9th May 1917.]

Planters Labour Act, 1903.

Recording reports from the
District Magistrates of Malabar and the Nilgiris
on the working of the — during the year 1916.

READ AGAIN G.O. No., dated 191

" " " " 191

READ ALSO:-

C. No. From the Papers in the No. C.F., dated 191

" " 191

" " 191

ORDER.

No. 450, dated 9.5. 191

P.S

Recorded

Chk
4.5.17

7/4
2.5.17
Prel
3.5.17

May 5/17

To
Thrsd. M. Malabar
" " Nilgiris
" J. G. of Police
" Secretary, United Planters'
Association of Southern
India
" " Wynad Planters'
Association
" " Nilgiri Planters'
Association
Editors' Table

G.O. No. 450, March 1917

READ—the following papers:—

I

Letter—from C. F. BRACKENBURY, Esq., I.C.S., Joint Magistrate in charge, the Nilgiris.

To—the Secretary to Government, Home (Judicial) Department.

Dated—Ootacamund, the 16th February 1917.

No.—Ref. Perl. 13-M.

I have the honour to submit my report on the working of the Madras Planters' Labour Act, 1903, for the year 1916, accompanied by the usual statement in the form prescribed in G.O. No. 1063, Judicial, dated the 14th August 1909, with extra columns added, showing separately the number of cases and persons disposed of under each of the sections 248, 245 and 247 of the Code of Criminal Procedure as directed in paragraph 3 of G.O. No. 1622, Judicial, dated the 11th August 1913.

A summary of the sentences imposed in cases convicted under section 24 of the Act is also submitted.

2. There was an increase in the number of cases (2,371) prosecuted during the year under report, as compared with the previous year (1,608). It will be seen from the subjoined statement that the number of prosecutions under section 24 rose from 81 to 163 and that under section 30 from 1,519 to 2,198. The number of prosecutions under other sections of the Act remained normal as in the previous year.

A comparative statement showing the number of cases instituted in the several courts of the district under the several sections of the Act during the years 1915 and 1916 is also subjoined.

Name of Court.	Section of the Act.														Total.			
	21		22		23		24		25 to 29		30		35				36	
	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.		
Taluk Magistrate, Coonoor.	..	..	..	..	..	..	18	20	..	..	240	160	..	..	..	..	258	180
Taluk Magistrate, Ootacamund.	..	..	..	..	..	..	1	2	..	..	59	103	..	..	..	..	60	105
Taluk Magistrate, Gudalur.	..	..	..	..	..	..	47	36	..	..	921	1,006	6	6	..	..	974	1,048
Stationary Sub-Magistrate, Coonoor.	1	..	..	..	..	..	10	59	..	..	232	355	1	..	..	..	234	414
Saristadar-Magistrate, Gudalur.	..	3	..	..	..	..	4	46	..	..	74	574	..	..	..	1	78	624
Deputy Magistrate	..	..	..	..	..	..	..	..	..	..	3	..	..	..	..	..	3	..
Sub-Divisional Magistrate.	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1	..
Total ..	1	3	..	..	..	..	61	163	..	..	1,519	2,198	7	6	..	1	1,608	2,371

3. The increase in the Court of the Stationary Sub-Magistrate, Coonoor, is due to the fact that the Stationary Sub-Magistrate was exercising only third-class powers for some time and in consequence cases filed already in his court had to be transferred to the Court of the Taluk Magistrate, Coonoor, and they had subsequently to be

retransferred to the Court of the Stationary Sub-Magistrate when he was invested with second-class powers. Similarly the Taluk Magistrate, Gudalur, was exercising only third-class powers for nearly four months and in consequence, cases already filed in his court had to be transferred to the Court of the Sarishtadar-Magistrate and then retransferred when the former was invested with second-class powers. This also accounts for the increase in the number of prosecutions in the Court of the Sarishtadar-Magistrate, Gudalur. There is a keen competition for coolies owing to the increased demand for labour on estates in Travancore, Malabar, etc., and this has to some extent contributed to the general increase in the number of prosecutions.

4. As usual the majority of cases arose in the Gudalur taluk.

Taluk.	Number of estates in which prosecutions arose.		Number of prosecutions.	
Coonoor	...	44	...	594
Ootacamund	...	14	...	105
Gudalur	...	50	...	1,672

Over 25 prosecutions were laid by each of the estates mentioned in statement No. II. Sixteen out of these estates appear in this connection in the last year's report also.

5. I have reason to think that coolies are well treated on the estates in this district as no complaints have been received to the contrary.

The difficulty experienced in getting warrants executed in previous years still continues. The activities of the Labour Department are of recent date and this difficulty is likely to be mitigated in due course. The working of the Act may be considered to have been satisfactory in other respects.

Taluk.		Number of estates in which prosecutions arose.		Number of prosecutions.	
Coonoor	...	44	...	594	...
Ootacamund	...	14	...	105	...
Gudalur	...	50	...	1,672	...
Total		108	...	2,371	...

3. The increase in the Court of the Stationary Sub-Magistrate, Coonoor, is due to the fact that the Stationary Sub-Magistrate was exercising only third class powers for some time and in consequence cases filed already in his court had to be transferred to the Court of the Taluk Magistrate, Coonoor, and they had subsequently to be

transferred to the Court of the Stationary Sub-Magistrate when he was invested with second-class powers. Similarly the Taluk Magistrate, Gudalur, was exercising only third-class powers for nearly four months and in consequence cases already filed in his court had to be transferred to the Court of the Stationary Sub-Magistrate and then returned when the former was invested with second-class powers. This also accounts for the increase in the number of prosecutions in the Court of the Stationary Sub-Magistrate, Gudalur. There is a keen competition for cooies owing to the increased demand for labour on estates in Travancore, Malabar, etc., and this has to some extent contributed to the general increase in the number of prosecutions.

As a result the majority of cases arise in the Gudalur taluk.

Taluk		Coonoor		Gudalur	
Number of cases in which prosecutions were instituted	Number of persons	Number of cases in which prosecutions were instituted	Number of persons	Number of cases in which prosecutions were instituted	Number of persons
594	1,872	41	102	14	1,872

Over 25 prosecutions were laid by each of the estates mentioned in statement No. II. Sixteen out of these estates appear in this connection in the last year's report also.

I have reason to think that cooies are well treated on the estates in this district as no complaints have been received to the contrary.

The difficulty experienced in getting warrants executed in previous years still continues. The activities of the Labour Department are of recent date and this difficulty is likely to be mitigated in due course. The working of the Act may be considered to have been satisfactory in other respects.

ENCLOSURES

(1)

STATEMENT No. I exhibiting the number of cases and persons received, disposed of and pending and the results of trials with details for the number of cases of persons acquitted under sections 248, 245 and 247 of the Code of Criminal Procedure, under the Madras Planters' Labour Act I of 1903, in the district of the Nilgiris for the year 1916.

Sections of the Planters' Labour Act I of 1903.		Name of Court.	Cases										Persons											
			Disposed of during the year.										Disposed of during the year.											
			Resulting in conviction.										Acquitted under sections of the Criminal Procedure Code.											
			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
		Pending from previous year.	Instituted during the year.	Total of columns 2 and 3.	By transfer, death or escape.	Dismissed under section 203, Criminal Procedure Code.	Resulting in conviction.	Resulting in acquittal under sections of the Criminal Procedure Code.	Total number of cases disposed of—columns 6, 7 and 11.	Pending at the close of the year.	Average duration.	Under trial.	Transferred to other courts.	Convicted.	248.	245.	247.	Total.	In custody.	Not in custody.				
21		Sarishtadar-Magistrate, Gudalur	..	3	3	..	..	..	3	3	..	1	3	..	..	3	..	..	3	..	..	3	..	..
22			..	..	..	..	..	..	Nil.	Nil.	..	..	..	..	..	..	..	..	..	..	..	..	..	..
23		Taluk Magistrate, Coonoor	1	20	21	7	..	7	21	21	49	14	..	7	7	..	..	..	7	..	..	7	..	..
24		Do.	34	2	36	26	..	..	47	23	..	44	..	..	..	..	..	..	..	..	..	..	..	..
		Do.	5	35	40	5	..	..	59	4	1	44	..	..	..	..	..	..	..	..	..	..	..	..
		Stationary Sub-Magistrate, Coonoor	..	46	46	(c) 1	..	8	42	2	2	45	..	8	32	..	..	..	2	..	..	..	..	..
		Sarishtadar-Magistrate, Gudalur	..	163	203	39	..	21	169	34	..	169	5	21	106	1	2	109	..	..	..	..	..	..
		Total	46	163	203	39	..	21	169	34	..	169	5	21	106	1	2	109	..	..	..	..	..	..
25 to 29		Taluk Magistrate, Coonoor	2	160	162	79	..	8	65	162	10	39	83	..	8	64	1	..	65	..	..	64	..	..
30		Do.	9	103	112	20	..	..	61	31	..	112	..	..	49	..	..	..	31	..	..	49	..	..
		Do.	622	1,006	1,628	550	..	13	888	740	1	1,078	..	13	303	1	21	825	13	21	825	13	21	825
		Stationary Sub-Magistrate, Coonoor	79	355	434	87	..	51	177	315	119	1	434	..	51	106	4	67	177	..	67	177	..	..
		Sarishtadar-Magistrate, Gudalur	..	574	574	(c) 16	..	34	526	48	1	558	..	34	464	..	..	..	34	..	..	464	..	..
		Total	712	2,198	2,910	752	..	106	1,982	948	..	2,255	107	106	986	6	112	1,104	13	112	1,104	13	112	1,104
35		Taluk Magistrate, Gudalur	3	6	9	4	..	..	4	5	..	5	..	..	..	..	..	..	..	..	..	..	..	..
36		Sarishtadar-Magistrate, Gudalur	..	1	1	..	..	..	1	..	30	1	..	..	..	..	1	..	..	..	1	..	..	..
		Grand total	755	2,371	3,126	795	..	127	2,139	987	..	2,443	112	127	1,095	8	114	1,217	13	114	1,217	13	114	1,217

(a) Transferred to the file of Taluk Magistrate, Coonoor. (b) Eight cases with eight persons transferred to long pending register and 79 cases with 79 persons transferred to Taluk Magistrate, Coonoor. (c) Died before appearance.

STATEMENT No. II.

LIST of estates from which more than 25 prosecutions were filed in the year 1916 in the Nilgiri district.

Taluk.	Name of estate.	Number of prosecutions.	Increase or decrease as compared with the year 1915.
Gudalur	Balmadies	56	+ 23
	Glenvans	59	+ 7
	Guynd	58	+ 12
	Devershola	192	+ 75
	Helen	57	+ 28
	Hope	47	+ 10
	Kelly	59	+ 15
	Lawriston	29	Not dealt with in 1915.
	Mayfield	146	+ 51
	Maramotti	38	Not dealt with in 1915.
	Periyashola	59	+ 22
	Sandy Hills	27	Not dealt with in 1915.
	Seaforth	45	+ 16
	Sussex	60	+ 22
	Suffolk	57	+ 12
	Woodbriar	31	Not dealt with in 1915.
	New Hope	85	+ 42
	Wentworth	78	+ 23
	Tulloes	54	+ 20
	Barwood	26	Not dealt with in 1915.
Ootacamund	Gudalur	27	Do.
	Kalliyar	64	+ 5
	Moyar ... Westbury	38	Not dealt with in 1915.
		58	Do.

STATEMENT No. III.

PARTICULARS of sentences passed in cases brought by planters against maistris under section 24 of the Madras Planters' Labour Act, 1903 and resulting in conviction in the Nilgiri district during the year 1916.

Name of court.	Number of convictions.	Remarks showing punishments.
Taluk Magistrate, Coonoor.	7	6 ordered to refund advance. 1 sentenced to 3 months' rigorous imprisonment.
Do. Gudalur.	4	2 do. 4 do. 2 do. 2 do.
Stationary Sub-Magistrate, Coonoor.	2	1 do. 4 months' rigorous imprisonment in all and fine of Rs. 200, in default to one month's rigorous imprisonment. 1 sentenced to 6 months' rigorous imprisonment in all.
Sarishtadar-Magistrate, Gudalur.	8	2 do. 12 weeks' do. 1 do. 2 months' rigorous imprisonment. 2 do. 6 weeks' do. 1 do. 2 weeks' do. 1 do. 1 week's do.

II

Letter—from F. B. EVANS, Esq., I.C.S., District Magistrate, Malabar.

To—the Secretary to Government, Home Department.

Dated—Calicut, the 6th March 1917.

No.—D. 468-M.

I have the honour to submit my report on the working of the Planters' Labour Act of 1903 in the Wynaad for 1916.

2. The number of cases instituted in 1916 was about 12 per cent greater than the number instituted in 1915. The increase is probably attributable to an extension of the area under tea. It has also been attributed to the way in which the provisions of section 35 were applied during the year but without much reason. A few

pp 1-4 of 11
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words in explanation are advisable since the matter was made the subject of considerable comment at the annual meeting of the Wynaad Planters' Association, Southern India. The provisions of sections 24 and 35 of the Act are of course capable of abuse, and in consequence of one instance of abuse in 1913 Mr. Innes issued instructions that ordinarily a sentence of fine only should be imposed in a second prosecution under sections 24 and 35 on one and the same contract. The circumstances were reported to Government in his letter No. 55 dated 25th November 1913. The need for the instructions ceased with the issue of the first High Court ruling on the subject, reported in 36 Mad., 497, but when this was reversed by the order of the two Judges in Criminal Revision Case No. 454 of 1915 I again drew the attention of the Magistrate to the instructions previously issued. Subsequently a deputation of the Wynaad Planters' Association, Southern India, urged that sentences of fine only were useless in most cases and that the effect of the instructions was to make dishonest maistris laugh at the Act. I came to the conclusion that it was unnecessary to fetter the discretion of the sub-magistrates by general orders based on isolated instances of abuse; and I therefore revised Mr. Innes' orders. But all this can hardly amount for differences between the figures of 1915 and 1916, since the policy pursued from November 1913 to November 1916 (the date of my last orders) was the same.

3. The following statement gives comparative figures for cases instituted under the various sections of the Act in 1915 and 1916 :—

Court.	Section 21.		Section 24.		Section 30.		Section 36.		Total.	
	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.	1915.	1916.
North Wynaad. { Tahsildar-Magistrate, Wynaad.	..	..	..	..	..	..	..	..	..	..
Wynaad. { Sarishtadar-magistrate,	..	..	11	23	133	160	2	..	146	183
South Wynaad—Sub-Magistrate, Vayitiri ..	..	..	209	233	856	954	1	8	1,066	1,195
Total ..	..	..	220	256	989	1,114	3	8	1,212	1,378

Of the eight cases under section 36 in the Sub-Magistrate's court, Vayitiri, four were withdrawn under section 248, Criminal Procedure Code, and three ended in conviction. The remaining case was pending at the close of the year. Of the 23 cases instituted under section 24 in North Wynaad, 18 cases were filed by European planters and the rest by Indians. Of the 233 cases filed under the same section in South Wynaad, 22 were filed by Indians and the rest by Europeans. Out of 160 cases under section 30 in North Wynaad, 121 were instituted by maistris, 13 by European superintendents and 25 by Indian proprietors of estates. Out of 954 cases under the same section in South Wynaad, Indian planters were responsible for 77 cases and the rest were instituted by maistris under European planters.

In South Wynaad 27 estates resorted to the provisions of the Act as against 22 in 1915. Touramulla, Achoor and Chundale estates launched the largest number of prosecutions being responsible in all for 381 cases.

4. Coolies generally have been well treated. They have been adequately paid and well housed. The Wynaad Medical Association continues to do good work. Hospitals working under it exist on tea estates of the Meppadi-Wynaad Tea Producing Company and the East Indian Tea and Produce Company. The Panora Tea and Produce Company's estates maintain two hospitals.

5. The execution of warrants against maistris and coolies continues to be a matter of difficulty notwithstanding the adoption of the procedure indicated in G.O. No. 101, Judicial, dated 12th January 1916. The accused could not be traced in about 25 per cent of the cases in North and South Wynaad. In many of these cases coolies are said to have absconded to estates in Travancore, Cochin and Mysore.

6. On the whole the Act worked satisfactorily. The prescribed statements are attached.

6d

(2)

* Of the 88 cases accused in 78 cases appeared.

Section 203, Criminal Procedure Code	..	..	..	..	..	..	..	..	3
Do. 247	do.	..	..	..	..	..	..	..	4
Do. 248	do.	..	..	..	..	..	..	..	109

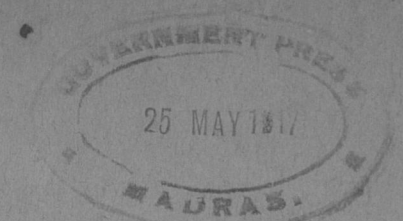
[illegible]

Total ..	128
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Name of court.	Section of the Act.	Cases.							Persons.					
		Pending from previous year.	Instigated during the year.	Total.	Disposed of during the year.	Pending at the end of the year exclusive of cases transferred to the special register as long-pending cases.	Average duration.	Undertaken.	Acquitted or discharged.	Convicted.	Died escaped or transferred.	In custody.	Not in custody.	
Sub-Divisional Magistrate's Court.		..	..	..	..	..	..	..	..	..	..	..	..	
Tahsildar-Magistrate's Court.		..	..	..	..	..	..	..	..	..	..	..	..	
Sarishtadar-Magistrate's Court.	24 ..	23	23	20	3	..	14	9	4	..	..	..	1	
	30 18	167	185	168	17	..	111	69	42	..	..	..	..	
Total ..	.. 18	(a) 190	208	(b) 188	20	..	125	78	46	..	..	..	1	
Court of the Sub-Magistrate, Vayitiri.	24 74	255	329	278	51	2-16	167	32	134	..	1	..	..	
	30 334	1,003	1,337	984	353	3-36	494	138	352	..	4	..	..	
	36 ..	8	8	7	1	4-57	7	4	3	..	..	..	..	
Total ..	.. 408	(c) 1,266	1,674	(d) 1,269	405	..	668	174	489	..	5	..	..	

- (a) Includes 7 cases from the special register of long-pending cases.
- (b) Includes 51 cases treated as long pending.
- (c) Includes 71 cases taken from special register of long-pending cases.
- (d) Includes 478 cases treated as long pending.

$$243 - 7 = 786$$
$$252 - 4 = 248$$



14

NOTES CONNECTED WITH G.O. No. 450, HOME (MISCELLANEOUS),
DATED THE 9TH MAY 1917.

[SUBJECT.—Reports on the working of the Planters Labour Act for the year 1916.]

Previous papers :					
G.O. 1912-15,	Judicial, 23rd Dec. 1904	G.O. 2612,	Judicial, 16th Dec. 1913		
" 1063	" 14th Aug 1909	" 58	" 10th Jan. 1914		
" 1714-15	" 8th Dec. "	" 589	" 7th Mar. "		
" 833	" 2nd June 1910	" 1073	" 14th May 1915		
" 560	" 24th Mar. 1911	" 101	" 12th Jan. 1916		
" 610	" 17th Apr. 1912	" 728	" 18th Mar. "		
" 1315	" 17th Aug. "	" 307, Home (Mis.),	27th " 1917		
" 1944	" 23rd Nov. "	" 358-A	" 5th Apr. "		
" 1622	" 11th Aug. 1913				

I

From the Joint Magistrate in charge, the Nilgiris, dated the 16th February 1917,
Ref. Pres. No. 13-M.

II

From the District Magistrate of Malabar, dated 6th March 1917, D. No. 463-M.

HOME (MISCELLANEOUS) DEPARTMENT.

The noticeable features in the reports on the working of the Planters Labour Act in Malabar and the Nilgiris during the year 1916 are set out below.

2. Prosecutions.—The following statement compares the figures for the last three years (vide page 1 of notes to G.O. No. 7/8, dated 18th March 1916):—

Section and nature of offence.	The Nilgiris.			Malabar		
	1914.	1915.	1916.	1914.	1915.	1916.
21. Wrongful withholding of wages	1	1	3	..	..	..
22. Other offences by planter or maistri	..	..	..	..	..	..
23. Failure of maistri to supply labourers	1	..	..	..	..	..
24. Other defaults by maistri	73	81	163	305	220	256
30. Desertion by labourer	1,042	1,519	2,198	954	989	1,114
35. Failure of maistri to complete contract	7	7	6	..	..	..
36. Enticement of labourer under labour contract. ..	..	..	1	2	3	8
Total ..	1,124	1,608	2,371	1,261	1,212	1,378

There has been an increase in the number of prosecutions in both the districts during the year 1916, the increase being comparatively large in the Nilgiris. The increase in this district is reported to be due to the transfer of certain cases filed in one court to the file of another court, and to the keen competition for coolies owing to the increased demand for labour on estates in Travancore, Malabar, etc. The majority of cases as usual arose in the Gūdalūr taluk. The increase in the Malabar district is reported to be probably due to an extension of the area under tea. The District Magistrate states that the increase has also been attributed to the manner in which the provisions of section 35 of the Act were applied during the year but

Press

Please strike off

For

19.5.17.

22/5/17

STATEMENT showing the number of cases and persons involved in the working of the Planters Labour Act for the year 1916.

District		Cases		Persons		Total	
Nilgiris	Malabar	1914	1915	1914	1915	1914	1915
1	1	1	1	1	1	2	2
2	2	2	2	2	2	4	4
3	3	3	3	3	3	6	6
4	4	4	4	4	4	8	8
5	5	5	5	5	5	10	10
6	6	6	6	6	6	12	12
7	7	7	7	7	7	14	14
8	8	8	8	8	8	16	16
9	9	9	9	9	9	18	18
10	10	10	10	10	10	20	20
11	11	11	11	11	11	22	22
12	12	12	12	12	12	24	24
13	13	13	13	13	13	26	26
14	14	14	14	14	14	28	28
15	15	15	15	15	15	30	30
16	16	16	16	16	16	32	32
17	17	17	17	17	17	34	34
18	18	18	18	18	18	36	36
19	19	19	19	19	19	38	38
20	20	20	20	20	20	40	40
21	21	21	21	21	21	42	42
22	22	22	22	22	22	44	44
23	23	23	23	23	23	46	46
24	24	24	24	24	24	48	48
25	25	25	25	25	25	50	50
26	26	26	26	26	26	52	52
27	27	27	27	27	27	54	54
28	28	28	28	28	28	56	56
29	29	29	29	29	29	58	58
30	30	30	30	30	30	60	60
31	31	31	31	31	31	62	62
32	32	32	32	32	32	64	64
33	33	33	33	33	33	66	66
34	34	34	34	34	34	68	68
35	35	35	35	35	35	70	70
36	36	36	36	36	36	72	72
37	37	37	37	37	37	74	74
38	38	38	38	38	38	76	76
39	39	39	39	39	39	78	78
40	40	40	40	40	40	80	80
41	41	41	41	41	41	82	82
42	42	42	42	42	42	84	84
43	43	43	43	43	43	86	86
44	44	44	44	44	44	88	88
45	45	45	45	45	45	90	90
46	46	46	46	46	46	92	92
47	47	47	47	47	47	94	94
48	48	48	48	48	48	96	96
49	49	49	49	49	49	98	98
50	50	50	50	50	50	100	100

These figures are given for information only and are not to be used for any other purpose.

1/5/17

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without much reason. Section 35 allows of repeated prosecutions of a maistri or labourer in respect of the same contract. The question of amending this section was recently under consideration, but it was dropped as the present time was considered inopportune to take any action in amending the section (page 32 of notes to G.O. No. 358 A., dated 5th April 1917). The Hon'ble Mr. E. F. Barber has however been told that the Government view with disfavour repeated prosecutions under the section and that if any further instances of prosecutions come to light the amendment of the Act will be forced on Government.

The small number of prosecutions under section 35 is satisfactory. E. A.H.—27-4-17.

3. *Pendency of cases.*—The number of cases under sections 24 and 30 of the Act for disposal during the last four years and the number of cases disposed of are given below:—

Year.	Section 24.			Section 30.		
	For disposal.	Disposed of.	Percentage of disposals.	For disposal.	Disposed of.	Percentage of disposals.
<i>The Nilgiris.</i>						
1913	181	138	76	2,447	1,839	77
1914	115	69	60	1,600	1,047	65
1915	127	87	69	2,072	1,360	66
1916	203	169	83	2,910	1,962	67
<i>Malabar.</i>						
1913	543	241	44	1,466	743	50
1914	419	238	59	1,269	613	48
1915	330	248	75	1,306	913	70
1916	352	298	84	1,522	1,152	76

It will be seen that while the percentage of disposal of cases under both sections in Malabar shows a good progress during the year 1916 the percentage of disposals under section 30 in the Nilgiris remains stationary.

*(Vide paragraph 2, page 2 of notes to G.O. No. 728, dated 18th March 1916).

4. *Number of acquittals or discharges.*—The following statement shows the total number of persons dealt with in the Nilgiri and Malabar districts under sections 24 and 30 during the last two years with the number of discharges and convictions:—

Section of the Act.	Year.	Number of persons dealt with.	Acquittals or discharges.	Convictions.	Percentage of convictions.
<i>The Nilgiris.</i>					
Section 24*	1915	60	44	16	27
	1916	169	109	21	12
Section 30*	1915	1,119	1,041	78	7
	1916	2,265	1,104	106	4
<i>Malabar.</i>					
Sections 24 and 30	1915	858	446	412	48
	1916	786	248	532	67

It will be seen that while the percentage of convictions shows a decrease during the year 1916 in the Nilgiris there is a considerable increase in the percentage of convictions in Malabar (paragraph 3, page 2 of notes to G.O. No. 728, dated 18th March 1916). The District Magistrate does not give any reasons for the increase.

5. *Execution of warrants against maistris and coolies.*—In G.O. No. 101, Judicial, dated the 12th January 1916, a revised procedure for the execution of warrants against maistris and coolies through the labour department of the

United Planters' Association of Southern India was sanctioned. Both the District Magistrates state that the difficulty experienced in getting warrants executed still continues. The question of continuing the revised procedure during the current year will come up shortly for consideration—(vide G.O. No. 307, dated 27th March 1917).

6. The District Magistrates of Malabar and the Nilgiris state that the coolies are well treated on the estates.

7. For orders whether the reports may be recorded or whether the Government should notice anything about the increased percentage of convictions in Malabar.

T.C.N.—20-4-17.

P.DER.—26-4-17.

May be recorded.

E. A. HARVEY—27-4-17.

Put up draft.

R. RAMACHANDRA RAO—30-4-17.

A draft order is submitted for approval.

T.C.N.—2-5-17.

P.DER.—3-5-17.

E.A.H.—4-5-17.

R.R.R.—5-5-17.

H. F. W. G[ILLMAN]—7-5-17.

Issue.

R.R.R.—7-5-17.

[G O. No. 450, Home (Miscellaneous), dated 9th May 1917.]

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