Rev. Spl. Dept

Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 332, 3rd April 1918

Planters Labour Act, 1903

Recording reports from the District Magistrates of Malabar and The Nilgiris on the working of the — during the year 1917.

N. F.

INDEXED

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N. P. ORIGINAL.

Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

-2-

G.O. No. 332, 3rd April 1918

Planters Labour Act, 1903

Recording reports from the District Magistrates of Malabar and The Nilgiris on the working of the — during the year 1917.

READ—the following papers :—

I

Letter—from F. B. EVANS, Esq., I.C.S., District Magistrate of Malabar.
To—the Secretary to Government, Home (Miscellaneous) Department.
Dated—Calicut, the 12th February 1918.
No.—D. 352/M.

I have the honour to submit my report on the working of the Planters Labour Act I of 1903 in the Wynad in 1917.

2. The number of cases instituted during the year was 13 per cent less than the number instituted in 1916. No special reason can be assigned for the decrease. The following statement gives comparative figures for cases instituted under the various sections of the Act in 1916 and 1917 :—

—		Section 21.		Section 24.		Section 30.		Section 36.		Total.	
		1916	1917	1916	1917	1916	1917	1916	1917	1916	1917
North Wynad	Tahsildar-Magistrate, Wynad.	..	..	..	..	..	..	..	..	..	..
	Sarishtadar-Magistrate, Wynad.	..	..	23	22	160	117	..	..	183	139
South Wynad	Sub-Magistrate, Wynad ..	..	..	233	195	954	862	8	1	1,195	1,058
	..	..	..	256	217	1,114	979	8	1	1,378	1,197

3. One case was pending at the close of the year 1916 under section 36. This and the one case instituted during the year under the same section ended in the acquittal of the accused. Under sections 24 and 30 of the Act, 91 and 302 persons respectively were convicted and 32 and 232 persons respectively were acquitted.

4. Including those brought from the special register 25 cases came up for disposal under section 24 in the Sarishtadar-Magistrate's Court, Wynad. Of these 12 cases were brought by European Planters and the rest by Indians. Two-hundred and sixty-five cases were filed in the Vayitiri Sub-Magistrate's Court under the same section. Of these the complainants in 47 cases were Indians and the rest Europeans. Of the 117 cases which were instituted under section 30 in the Sarishtadar-Magistrate's Court 42 cases were filed by the Superintendents of European Estates, 38 by Indian proprietors and the rest by maistris. Of 913 cases instituted under the same section in the Sub-Magistrate's Court, Vayitiri, 68 cases were filed by Indian planters and the rest by the maistris of European estates.

In South Wynad 25 estates resorted to the provisions of the Act as against 27 in 1916. Perrengoddá, Touramala and Arapette estates launched the largest number of prosecutions being responsible in all for 337 cases.

Coolies generally have been well treated. No undue pressure appears to have been brought to bear on them. They have been adequately paid and well housed. Adequate medical assistance was given wherever required. The tea companies of South Wynad have an efficient medical association. There are hospitals on ten estates under the Meppadi Wynad Tea Company and the East Indian Tea Produce Company. The Panora Tea and Produce Company's estates maintain two hospitals.

The execution of warrants against maistris and coolies still continues to be a matter of difficulty. Out of 1,197 cases instituted during the year the accused could

not be traced in 521 cases, i.e., in about 43 per cent of the cases. The coolies in most of these cases are said to have absconded to estates in Travancore, Cochin and Mysore.

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

Enclosures

(1)

Statement showing the number of cases received and disposed of and pending and the results of the trials under the Planters' Labour Act I of 1903 in the several Courts of the Wynad division for the year 1917.

Name of courts.	Section of the Act.	Cases.						Persons.					
								Disposed of				Pending.	
		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 registers of long pending cases	Average duration.	Under trial.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	In custody.	Not in custody.
Subdivisional Magistrate's Court, Wynad	24	..	1	1	1 transferred.		..	..	..	..	1	..	..
Tahsildar-Magistrate's Court, Wynad.	..	..	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar-Magistrate's Court, Wynad.	24	3	22	25	20	5	5·21	15	12	2	..	1	..
	30	17	117	134	117	17	7·26	80	48	32	..	..	..
	36	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	..	20	139	159	(a) 137	22	..	95	60	34	..	1	..
Court of the Sub-Magistrate, Vayitiri.	24	51	214	265	204	61	5·64	109	20	89	..	..	..
	30	353	913	1,126	942	324	6·12	465	184	270	..	..	11
	36	1	1	2	2	..	37·00	2	2	..	..	..	..
Total ..	..	405	(b) 1,128	1,533	(c) 1,148	385	..	576	206	359	..	..	11

(a) Includes 35 cases treated as long pending.
(b) Includes 70 cases taken from the Special Registers of long pending cases.
(c) Includes 486 cases treated as long pending.

(2)

Statement showing particulars of acquittals in cases under the Madras Planters Labour Act I of 1903 during the year 1917 in the several courts in the Wynad division.

Name of Courts.	Section of the Act.	Particulars of acquittal.								Total acquittals.	
		Section 245, Criminal Procedure Code.		Section 247, Criminal Procedure Code.		Section 248, Criminal Procedure Code.		Section 40 of Act I of 1903			
		1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.
Subdivisional Magistrate's Court, Wynad	..	..	..	..	..	..	..	..	..	..	..
Tahsildar-Magistrate's Court, Wynad	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar-Magistrate's Court, Wynad.	24	..	2	..	..	4	3	5	7	9	12
	30	4	4	6	1	23	33	46	17	79	55
	36	..	..	..	..	..	..	..	..	..	..
Total ..	..	4	6	6	1	27	36	51	24	88	67
Court of Sub-Magistrate, Vayitiri.	24	..	..	..	..	19	3	13	17	32	20
	30	5	9	14	2	26	18	93	155	138	184
	36	..	..	..	..	4	..	..	2	4	2
Total ..	..	5	9	14	2	49	21	106	174	174	206

(3)

Statement showing the number of cases and persons received and disposed of and pending and the results of trials under Act I of 1903 in the several courts of the Wynad division during the year 1917.

Name of courts.	Section of the Act.	Cases.								Persons.					
										Disposed of.				Pending.	
		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 register as long pending.	Average duration.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to other courts.	Under trial.	In custody.	Not in custody.
Subdivisional Magistrate's Court, Wynad.	24	..	1	..	1	1	Transferred. ..	..	..	..	..	1	..	..	..
Tahsildar-Magistrate's Court, Wynad.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar-Magistrate's Court, Wynad.	24	3	22	..	25	14	6	5	5·21	12	2	..	15	1	..
....	30	17	117	..	134	88	29	17	7·26	48	32	..	80	..	..
....	36	20	139	..	159	102	35	22	..	60	34	..	95	1	..
Total ..	..	40	279	..	319	205	70	44	..	120	68	1	190	2	..
Sub-Magistrate's Court, Vayitiri.	24	51	195	19	265	128	76	61	5·64	20	89	..	109	..	..
....	30	353	862	51	1,266	532	410	324	6·12	184	270	..	465	..	11
....	36	1	1	..	2	2	..	..	37·00	2	..	..	2	..	..
Total ..	..	405	1,058	70	1,533	662	486	385	..	206	359	..	576	..	11

II

Letter—from A. R. Cumming, Esq., I.C.S., District Magistrate, The Nilgiris.
To—the Secretary to Government, Home (Miscellaneous) Department.
Dated—Ootacamund, the 15th February 1918.
No.—D. Dis. 64-M.

I have the honour to submit my report on the working of the Planters Labour Act, 1903, for the year 1917, accompanied by the prescribed statements which explain themselves.

2. The total number of prosecutions instituted under the Act fell from 2,371 to 1,733. The fall is particularly noticeable in the courts of the Taluk Magistrate, Coonoor and the Sarishtadar-Magistrate, Gudalur and is attributable to the fact that the Stationary Sub-Magistrate, Coonoor and the Taluk Magistrate, Gudalur, were exercising third-class powers for some time in 1916 and that cases already filed in their courts had in consequence to be transferred to the courts of the Taluk Magistrate, Coonoor and the Sarishtadar-Magistrate, Gudalur. These cases were subsequently re-transferred to the files of the Stationary Sub-Magistrate, Coonoor and Taluk Magistrate, Gudalur, when they were invested with second-class powers: they thus appeared twice over in the returns for 1916 and this fact accounts for the difference in the number of cases instituted during 1917 as compared with 1916.

3. Ninety estates resorted to the provisions of the Act against 108 in the previous year. As usual the bulk of the cases was contributed by estates in the Gudalur taluk. Nineteen estates instituted over twenty-five prosecutions against twenty-four estates in 1916. Davershola launched the largest number of prosecutions, viz., 223 or 31 more than in the previous year.

4. There is reason to believe that coolies generally were well treated during the year under report as no complaints to the contrary were received. Except for the difficulty experienced in apprehending accused persons and the consequent protracted nature of proceedings taken under the Act, the Act may be said to have worked satisfactorily during the year.

ENCLOSURES

(1)

Statement No. I.—Comparative statement showing the number of cases instituted in the several courts of the district under the several sections of Act I of 1903, Madras, during the years 1916 and 1917.

Names of court.	21		22		23		24		25 to 29		30		35		36		Total.	
	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.
Taluk Magistrate, Coonoor	..	..	..	..	..	..	20	5	..	..	160	26	..	..	..	..	180	31
Do. Ootacamund ..	..	..	..	..	..	..	2	4	..	..	103	95	..	..	..	..	105	99
Do. Gudalur	..	..	..	..	..	..	36	54	..	3	1,006	965	6	6	..	..	1,048	1,028
Stationary Sub-Magistrate, Coonoor.	..	..	..	..	..	..	59	17	..	..	355	391	..		.	..	414	408
Sarishtadar Magistrate, Gudalur ..	3	.	..	..	..	..	46	11	..	..	574	156	..	..	1	..	624	167
Total ..	3	..	..	..		..	163	91	..	3	2,198	1,633	6	6	1	..	2,371	1,733

(2)

Statement No. II.—List of estates from which more than 25 prosecutions were filed in the year 1917 in the Nilgiri district.

Taluk and name of estate.	Number of prosecutions.	Increase or decrease as compared with the year 1916
Coonoor—		
1. Cleveland	30	Not dealt with in the year 1916.
2. Lower Taimalai	26	Not dealt with in the year 1916.
Gudalur—		
3. Kalliyard	55	— 9
4. Moyar	61	+ 23
5. Suffolk	37	— 20
6. Helen	27	— 30
7. Glenvans	30	— 29
8. Lanriston	43	+ 14
9. Devarshola	223	+ 31
10. Mango Range	29	Not dealt with in 1916.
11. Periyashola	72	+ 13
12. Guynd	28	— 30
13. Kelly	30	— 29
14. Hope	85	+ 38
15. Mayfield	110	— 36
16. Seaforth	29	— 16
17. Wentworth	65	— 13
18. Sussex	39	— 21
19. Woodbriar	27	4

—4—

(3)

No. III.—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 during the year 1917 in the several courts of the Nilgiri district.

Sections of the Act.	Name of Court.	Cases: Pending from previous year.	Cases: Instituted during the year.	Cases: Total.	Cases disposed of during the year: Dismissed under section 203, Criminal Procedure Code.	Cases disposed of: By transfer, death, or escape of accused.	Cases disposed of: Acquitted under section 245 of the Code of Criminal Procedure	Acquitted under section 247	Acquitted under section 248	Cases disposed of: Resulting in conviction.	Cases disposed of: Total number of cases disposed of.	Cases: Pending at the close of the year.	Cases: Average duration.	Persons: Under trial.	Persons disposed of during the year: Transferred to other Courts.	Persons disposed of: Acquitted under section 245 of the Code of Criminal Procedure.	Acquitted under section 247	Acquitted under section 248	Persons disposed of: Convicted.	Persons disposed of: Total number disposed of.	Persons pending: In custody.	Persons pending: Not in custody.
21, 22, and 23	Nil.																					
24	Taluk Magistrate, Coonoor ..	..	5	5	..	..	..	..	1	3	4	1	39	5	..	..	..	1	3	4	..	1
	Do. Ootacamund ..	2	4	6	..	..	..	..	3	..	3	3	59	6	..	..	..	3	..	3	..	3
	Do. Gudalur ..	23	54	77	..	(a) 14	..	..	24	7	45	32	84	63	..	..	..	24	7	31	..	32
	Stationary Sub-Magistrate, Coonoor	5	17	22	..	(a) 2	..	1	12	3	18	4	109	20	..	..	1	12	3	16	..	4
	Sarishtadar-Magistrate, Gudalur ..	4	11	15	..	(a) 1	..	..	12	..	13	2	72	14	..	..	..	12	..	12	..	2
	Total ..	34	91	125	..	17	..	1	52	13	83	42	..	108	..	..	1	52	13	66	..	42
25 to 29	Taluk Magistrate, Gudalur (section 28) ..	..	3	3	..	..	..	..	3	..	3	..	17	3	..	..	..	3	..	3	..	..
30	Taluk Magistrate, Coonoor ..	10	26	36	..	..	2	1	20	3	26	10	70	36	..	2	1	20	3	26	1	9
	Do. Ootacamund ..	31	95	126	..	..	..	17	96	..	113	13	76	126	..	..	17	96	..	113	..	13
	Do. Gudalur ..	740	965	1,705	(c) 1	(d) 204	2	3	689	39	938	767	91	1,500	..	2	3	689	39	733	14	753
	Stationary Sub-Magistrate, Coonoor ..	119	391	510	4	(a) 33	3	142	228	13	423	87	59	473	..	3	142	228	13	386	..	87
	Sarishtadar-Magistrate, Gudalur ..	48	156	204	2	(b) 19	..	2	121	6	150	54	63	183	..	..	2	121	6	129	1	53
	Total ..	948	1,633	2,581	7	256	7	165	1,154	61	1,650	931	..	2,318	..	7	165	1,154	61	1,387	16	915
35	Taluk Magistrate, Gudalur	5	6	11	..	(a) 1	..	..	4	1	6	5	90	10	..	..	..	4	1	5	..	5
36	Nil.																					
	Grand total ..	987	1,733	2,720	7	274	7	166	1,213	75	1,742	978	..	2,439	..	7	166	1,213	75	1,461	16	962

Remarks.—(a) Transferred to the register of long pending cases.
(b) { 14 cases transferred to the register of long pending cases. 5 cases death of accused before appearance. }
(c) Dismissed under section 204 of the Criminal Procedure Code.
(d) { 188 cases transferred to the register of long pending cases. 16 cases death of accused before appearance. }

(4)

Statement No. IV.—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 1917.

Name of Court.	Number of convictions.	Particulars of punishments.
Taluk Magistrate, Coonoor ...	3	Two sentenced to one month's rigorous imprisonment each. One sentenced to three weeks' rigorous imprisonment and to pay a fine of Rs. 20 in default to five days' rigorous imprisonment.
Stationary Sub-Magistrate, Coonoor.	3	One sentenced to two months' rigorous imprisonment. Two sentenced to three months' rigorous imprisonment each.
Taluk Magistrate, Gudalūr ...	7	One sentenced to six weeks' rigorous imprisonment. Two sentenced to four weeks' rigorous imprisonment. One sentenced to one and a half months' rigorous imprisonment. One sentenced to thirty days' rigorous imprisonment. One fined Rs. 50 in default to thirty days' rigorous imprisonment in all. One sentenced to ten days' rigorous imprisonment.

(5)

Statement No. V.—Talukwar list of cases instituted under the Madras Planters Labour Act I of 1903 during 1917.

Taluk and Court.		Number of estates in which prosecutions arose.	Number of prosecutions.
Coonoor ...	Taluk Magistrate, Coonoor	8	31
	Stationary Sub-Magistrate	27	408
	Total ...	35	439
Ootacamund ...	Taluk Magistrate, Ootacamund	13	99
Gudalūr ...	Taluk Magistrate, Gudalūr	32	1,028
	Sarishtadar-Magistrate	10	167
	Total ...	42	1,195
	Grand total ...	90	1,733

Order—No. 332, Home (Miscellaneous), dated 3rd April 1918.

Recorded.

(True extract)

L. D. Swamikannu,
Acting Secretary to Government.

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

NOTES CONNECTED WITH G.O. No. 332, HOME (MISCELLANEOUS), DATED 3rd APRIL 1918

[Subject.—*Reports on the working of the Planters Labour Act for the year* 1917.]

Previous papers :

G.O.	1912–1915,	*Judicial*,	23*rd Dec.* 1904	*G.O.*	1073,	*Judicial*,	14*th May* 1915
,,	1063	,,	14*th Aug.* 1909	,,	101	,,	12*th Jan.* 1916
,,	1714–15	,,	8*th Dec.* ,,	,,	728	,,	18*th Mar.* ,,
,,	833	,,	2*nd June* 1910	,,	358-*A.*, *Home* (*Mis.*),		5*th Apr.* 1917
,,	610	,,	17*th Apr.* 1912	,,	450	,,	9*th May* ,,
,,	1315	,,	17*th Aug.* ,,	,,	1005	,,	17*th Aug.* ,,
,,	1622	,,	11*th* ,, 1913	,,	1074	,,	21*st Sep.* ,,
,,	589	,,	7*th Mar.* 1914				

Home (Miscellaneous) Department

II

From the District Magistrate of Malabar, dated the 12*th February* 1918, *D. No.* 352 *M.*

III

From the District Magistrate of the Nilgiris, D. Dis. No. 64-*M.*, *dated the* 15*th February* 1918.

The noticeable features in the reports on the working of the Planters Labour Act in Malabar and the Nilgiris during the year 1917 are set out below.

2. *Prosecutions.*—The following statement compares the figures for the last three years :—

Section and nature of offence.	The Nilgiris.			Malabar.		
	1915	1916	1917	1915	1916	1917
21. Wrongful withholding of wages	1	3	..	..	..	..
22. Other offences by planter or maistri	..	..	..	..	..	..
23. Failure of maistri to supply labourers ..	..	..	..	..	..	..
24. Other defaults by maistri	81	163	91	220	256	217
30. Desertion by labourer	1,519	2,198	1,633	989	1,114	979
35. Failure of maistri to complete contract ..	7	6	6	..	..	..
36. Enticement of labourer under labour contract.	..	1	..	3	8	1
Total ..	1,608	2,371	1,730	1,212	1,378	1,197

There has been an appreciable decrease in the number of prosecutions in both the districts, the decrease being very prominent in the Nilgiris. The difference in the figures for 1916–17 in the Nilgiris is accounted for by the fact that certain cases appeared twice over in the returns for 1916 owing to the transfer and retransfer of certain cases from one magistrate to another. No special reason has been assigned for the decrease in the Malabar district.

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 disposal.	For disposal.	Disposed of.	Percentage of disposal.
The Nilgiris.						
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
1917	125	83	66·4	2,581	1,650	64
Malabar.						
1914	419	288	69	1,269	613	48
1915	330	248	75	1,306	913	70
1916	352	298	84	1,522	1,152	76
1917	290	224	77	1,260	1,059	84

The percentage of disposal of cases under both the sections in the Nilgiris and under section 24 in the Malabar district has declined during the year 1917 as compared with the previous year while that under section 30 in the Malabar district shows a good progress. No remarks are called for.

4. *Number of acquittals and discharges.*—The following statement shows the total number of persons dealt with in the two 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.
The Nilgiris.					
Section 24	1916	169	109	21	12
	1917	108	53	13	12
Section 30	1916	2,265	1,104	106	4
	1917	2,318	1,326	61	2·6
Malabar.					
Sections 24 and 30	1916	786	248	532	67
	1917	574	204	359	64·2

It will be seen that while the percentage of convictions continued to be low in the Nilgiris, it continued to be high in the Malabar district.

5. *Execution of warrants against maistris and coolies.*—The District Magistrate of Malabar reports that the execution of warrants against maistris and coolies still continues to be a matter of difficulty. He states that in about 43 per cent of the cases the accused could not be traced. It was recently brought to the notice of Government that a number of cases occurred in North Malabar in which certain planters certified that warrantees under the Act were not on their estates though as a matter of fact they were there and that they gave the police certificates which were either deliberately incorrect or carelessly inaccurate. Mr. Evans has been asked to institute inquiries in the matter.

6. The District Magistrates report that the Act worked satisfactorily. One special feature brought to notice is about the adequate medical relief said to have been provided by planters in South Wynad.

7. The reports may be recorded. A draft order is submitted for approval.

T.C.N.—23-3-18.
P.S.R.—27-3-18.

There is nothing of special note except the extraordinary discrepancy between Malabar and the Nilgiris in the matter of convictions 64 per cent as against 14 per cent.

C. H. BROWN—28-3-18.
L. D. SWAMIKANNU—30-3-18.
H. F. W. G[ILLMAN]—1-4-18.
L.D.S.—3-4-18.

[G.O. No. 332, Home (Miscellaneous), dated 3rd April 1918.]

Sectt. II–10 (*b*)—12-1-15.

Home (Miscellaneous) DEPARTMENT

Planters Labour Act, 1903.

Recording reports from the District Magistrates of Malabar and the Nilgiris on the working of the ------- during the year 1917.

READ AGAIN G.O. No. ....., dated ..... 191 .

" " " " ....., " ..... 191 .

READ ALSO :—

C. No. ....., ~~From the~~ [File 7 reports from D.Ms. in C.A.] ....., No. ....., dated ..... 191 .

" " ....., " " ....., " ....., " ..... 191 .

" " ....., " " ....., " ....., " ..... 191 .

ORDER. No. 332, dated 3-4- 1918.

Press.

RECORDED.

To the District Magistrate, Malabar.
" " " the Nilgiris.
" Inspector General of Police.
" Secretary, U.P.A of Southern India.
" " " Wynadd Planters Association.
" " Nilgiri do.

EDITORS' TABLE.

Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 332, 3rd April 1918

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2. The number of cases instituted during the year was 13 per cent less than the number instituted in 1916. No special reason can be assigned for the decrease. The following statement gives comparative figures for cases instituted under the various sections of the Act in 1916 and 1917 :—

		Section 21.		Section 24.		Section 30.		Section 36.		Total.	
		1916	1917	1916	1917	1916	1917	1916	1917	1916	1917
North Wynad	Tahsildar-Magistrate, Wynad.	..	..	..	..	..	..	..	..	..	..
	Sarishtadar-Magistrate, Wynad.	..	..	23	22	160	117	..	..	183	139
South Wynad	Sub-Magistrate, Wynad ..	..	..	233	195	954	862	8	1	1,195	1,058
	..	..	..	256	217	1,114	979	8	1	1,378	1,197

3. One case was pending at the close of the year 1916 under section 36. This and the one case instituted during the year under the same section ended in the acquittal of the accused. Under sections 24 and 30 of the Act, 91 and 302 persons respectively were convicted and 32 and 232 persons respectively were acquitted.

4. Including those brought from the special register 25 cases came up for disposal under section 24 in the Sarishtadar-Magistrate's Court, Wynad. Of these 12 cases were brought by European Planters and the rest by Indians. Two-hundred and sixty-five cases were filed in the Vayitiri Sub-Magistrate's Court under the same section. Of these the complainants in 47 cases were Indians and the rest Europeans. Of the 117 cases which were instituted under section 30 in the Sarishtadar-Magistrate's Court 42 cases were filed by the Superintendents of European Estates, 38 by Indian proprietors and the rest by maistris. Of 913 cases instituted under the same section in the Sub-Magistrate's Court, Vayitiri, 68 cases were filed by Indian planters and the rest by the maistris of European estates.

In South Wynad 25 estates resorted to the provisions of the Act as against 27 in 1916. Perrengodda, Touramala and Arapette estates launched the largest number of prosecutions being responsible in all for 337 cases.

Coolies generally have been well treated. No undue pressure appears to have been brought to bear on them. They have been adequately paid and well housed. Adequate medical assistance was given wherever required. The tea companies of South Wynad have an efficient medical association. There are hospitals on ten estates under the Meppadi Wynad Tea Company and the East Indian Tea Produce Company. The Panora Tea and Produce Company's estates maintain two hospitals.

The execution of warrants against maistris and coolies still continues to be a matter of difficulty. Out of 1,197 cases instituted during the year the accused could

not be traced in 521 cases, i.e., in about 43 per cent of the cases. The coolies in most of these cases are said to have absconded to estates in Travancore, Cochin and Mysore.

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

Enclosures

(1)

Statement showing the number of cases received and disposed of and pending and the results of the trials under the Planters' Labour Act I of 1903 in the several Courts of the Wynad division for the year 1917.

Name of courts.	Section of the Act.	Cases. 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 registers of long pending cases.	Average duration.	Persons. Disposed of. Under trial.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Pending. In custody.	Not in custody.
Subdivisional Magistrate's Court, Wynad	24	..	1	1	1 transferred.		..	..	..	..	1	..	..
Tahsildar Magistrate's Court, Wynad.	..	..	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar-Magistrate's Court, Wynad.	24	3	22	25	20	5	5·21	15	12	2	..	1	..
....	30	17	117	134	117	17	7·26	80	48	32	..	..	..
....	36	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	..	20	139	159	137 (a)	22	..	95	60	34	..	1	..
Court of the Sub-Magistrate, Vayitiri.	24	51	214	265	204	61	5·64	109	20	89	..	..	..
....	30	353	913	1,126	942	324	6·12	465	184	270	..	..	11
....	36	1	1	2	2	..	37·00	2	2	..	..	..	..
Total ..	..	405	1,128 (b)	1,533	1,148 (c)	385	..	576	206	359	..	..	11

(a) Includes 35 cases treated as long pending.
(b) Includes 70 cases taken from the Special Registers of long pending cases.
(c) Includes 486 cases treated as long pending.

(2)

Statement showing particulars of acquittals in cases under the Madras Planters Labour Act I of 1903 during the year 1917 in the several courts in the Wynad division.

Name of Courts.	Section of the Act.	Particulars of acquittal. Section 245, Criminal Procedure Code. 1916.	1917.	Section 247, Criminal Procedure Code. 1916.	1917.	Section 248, Criminal Procedure Code. 1916.	1917.	Section 40 of Act I of 1903. 1916.	1917.	Total acquittals. 1916.	1917.
Subdivisional Magistrate's Court, Wynad	..	..	..	..	..	..	..	..	..	..	..
Tahsildar - Magistrate's Court, Wynad	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar - Magistrate's Court, Wynad.	24	..	2	..	..	4	3	5	7	9	12
	30	4	4	6	1	23	33	46	17	79	55
	36	..	..	..	..	..	..	..	..	..	..
Total ..	..	4	6	6	1	27	36	51	24	88	67
Court of Sub-Magistrate, Vayitiri.	24	..	..	..	..	19	3	13	17	32	20
	30	5	9	14	2	26	18	93	155	138	184
	36	..	..	..	..	4	..	..	2	4	2
Total ..	..	5	9	14	2	49	21	106	174	174	206

(3)

Statement showing the number of cases and persons received and disposed of and pending and the results of trials under Act I of 1903 in the several courts of the Wynad division during the year 1917.

Name of courts.	Section of the Act.	Cases. 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 register as long pending.	Average duration.	Persons. Disposed of. Acquitted or discharged.	Convicted.	Died, escaped or transferred to other courts.	Under trial.	Pending. In custody.	Not in custody.
Subdivisional Magistrate's Court, Wynad.	24	..	1	..	1	1	..	..	Transferred.	..	..	1	..	..	..
Tahsildar Magistrate's Court. Wynad.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sarishtadar Magistrate's Court, Wynad.	24	3	22	..	25	14	6	5	5·21	12	2	..	15	1	..
....	30	17	117	..	134	88	29	17	7·26	48	32	..	80	..	..
....	36	20	139	..	159	102	35	22	..	60	34	..	95	1	..
Total ..	..	40	279	..	319	205	70	44	..	120	68	1	190	2	..
Sub-Magistrate's Court, Vayitiri.	24	51	195	19	265	128	76	61	5·64	20	89	..	109	..	..
....	30	353	862	51	1,266	532	410	324	6·12	184	270	..	465	..	11
....	36	1	1	..	2	2	..	..	37·00	2	..	..	2	..	..
Total ..	..	405	1,058	70	1,533	662	486	385	..	206	359	..	576	..	11

II

Letter—from A. R. Cumming, Esq., I.C.S., District Magistrate, The Nilgiris.
To—the Secretary to Government, Home (Miscellaneous) Department.
Dated—Ootacamund, the 15th February 1918.
No.—D. Dis. 64-M.

I have the honour to submit my report on the working of the Planters' Labour Act, 1903, for the year 1917, accompanied by the prescribed statements which explain themselves.

2. The total number of prosecutions instituted under the Act fell from 2,371 to 1,733. The fall is particularly noticeable in the courts of the Taluk Magistrate, Coonoor and the Sarishtadar-Magistrate, Gudalur and is attributable to the fact that the Stationary Sub-Magistrate, Coonoor and the Taluk Magistrate, Gudalur, were exercising third-class powers for some time in 1916 and that cases already filed in their courts had in consequence to be transferred to the courts of the Taluk Magistrate, Coonoor and the Sarishtadar-Magistrate, Gudalur. These cases were subsequently re-transferred to the files of the Stationary Sub-Magistrate, Coonoor and Taluk Magistrate, Gudalur, when they were invested with second-class powers: they thus appeared twice over in the returns for 1916 and this fact accounts for the difference in the number of cases instituted during 1917 as compared with 1916.

3. Ninety estates resorted to the provisions of the Act against 108 in the previous year. As usual the bulk of the cases was contributed by estates in the Gudalur taluk. Nineteen estates instituted over twenty-five prosecutions against twenty-four estates in 1916. Davershola launched the largest number of prosecutions, viz., 223 or 31 more than in the previous year.

4. There is reason to believe that coolies generally were well treated during the year under report as no complaints to the contrary were received. Except for the difficulty experienced in apprehending accused persons and the consequent protracted nature of proceedings taken under the Act, the Act may be said to have worked satisfactorily during the year.

Enclosures

(1)

Statement No. I.—Comparative statement showing the number of cases instituted in the several courts of the district under the several sections of Act I of 1903, Madras, during the years 1916 and 1917.

Names of court.	Section of the Act. 21		22		23		24		25 to 29		30		35		36		Total.	
	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.	1916.	1917.
Taluk Magistrate, Coonoor ..	..	..	..	..	..	..	20	5	..	..	160	26	..	..	..	..	180	31
Do. Ootacamund ..	..	..	..	..	..	..	2	4	..	..	103	95	..	..	..	..	105	99
Do. Gudalur	..	..	..	..	..	..	36	54	..	3	1,006	965	6	6	..	..	1,048	1,028
Stationary Sub-Magistrate, Coonoor.	..	..	..	..	..	..	59	17	..	..	355	391	..	..	..	..	414	408
Sarishtadar Magistrate, Gudalur ..	3	..	..	..	..	..	46	11	..	..	574	156	..	..	1	..	624	167
Total ..	3	..	..	..	..	..	163	91	..	3	2,198	1,633	6	6	1	..	2,371	1,733

(2)

Statement No. II.—List of estates from which more than 25 prosecutions were filed in the year 1917 in the Nilgiri district.

Taluk and name of estate.	Number of prosecutions.	Increase or decrease as compared with the year 1916.
Coonoor—		
1. Cleveland	30	Not dealt with in the year 1916.
2. Lower Taimalai	26	
Gudalur—		
3. Kalliyard	55	— 9
4. Moyar	61	+ 23
5. Suffolk	37	— 20
6. Helen	27	— 30
7. Glenvans	30	— 29
8. Lanriston	43	+ 14
9. Devarshola	223	+ 31
10. Mango Range	29	Not dealt with in 1916.
11. Periyashola	72	+ 13
12. Guynd	28	— 30
13. Kelly	30	— 29
14. Hope	85	+ 38
15. Mayfield	110	— 36
16. Seaforth	29	— 16
17. Wentworth	65	— 13
18. Sussex	39	— 21
19. Woodbriar	27	— 4

(3)

No. III.—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 during the year 1917 in the several courts of the Nilgiri district.

Sections of the Act.	Name of Court.	Cases. Pending from previous year.	Instituted during the year.	Total.	Disposed of during the year. Dismissed under section 203, Criminal Procedure Code.	By transfer, death, or escape of accused.	Acquitted under section 245 of the Code of Criminal Procedure.	Acquitted under section 247 of the Code of Criminal Procedure.	Acquitted under section 248 of the Code of Criminal Procedure.	Convicted.	Total number disposed of.	Pending at the close of the year. Under trial.	Transferred to other Courts.	Average duration.	Persons. Disposed of during the year. Resulting in conviction.	Total number of cases disposed of.	Pending at the close of the year. In custody.	Not in custody.
21, 22, and 23	Taluk Magistrate, Coonoor ..	..	2	2	..	..	..	..	..	..	..	2	..	..	3	3	..	1
	Do. Ootacamund ..	..	4	4	..	..	..	..	..	..	..	4	..	..	3	3	..	3
	Do. Gudalur ..	2	75	77	..	..	..	..	..	..	..	77	..	..	46	46	..	31
	Stationary Sub-Magistrate, Coonoor	3	19	22	..	..	..	1	..	..	1	21	..	..	18	18	1	16
	Sarishtadar-Magistrate, Gudalur ..	1	14	15	..	..	..	..	..	..	..	15	..	..	13	13	..	12
	Total ..	6	114	120	..	..	..	1	..	..	1	119	1	..	83	83	1	63
25 to 29	Taluk Magistrate, Coonoor ..	..	3	3	..	..	..	..	..	..	..	3	..	..	3	3	..	3
30	Taluk Magistrate, Coonoor ..	10	26	36	..	..	2	..	..	2	4	32	..	..	10	26	1	20
	Do. Ootacamund ..	31	105	136	..	..	..	1	..	17	18	118	..	..	7	113	..	96
	Do. Gudalur ..	740	225	965	(c) 1	(d) 204	2	3	..	3	213	752	..	..	39	938	14	689
	Stationary Sub-Magistrate, Coonoor	119	391	510	4	(a) 33	3	142	2	121	305	205	..	..	13	423	87	228
	Sarishtadar-Magistrate, Gudalur ..	48	156	204	2	(b) 19	..	2	1	6	30	174	..	..	6	150	53	121
	Total ..	948	1,633	2,581	7	256	7	166	5	149	590	1,991	1	..	75	1,650	155	1,154
35	Taluk Magistrate, Gudalur	5	6	11	..	(a) 1	..	..	..	4	5	6	..	..	1	6	..	4
36	Nil.																	
	Grand total ..	987	1,733	2,720	7	274	7	166	5	153	612	2,108	1	..	75	1,742	978	1,213

(c) Dismissed under section 204 of the Criminal Procedure Code.

(d) { 188 cases transferred to the register of long pending cases.
16 cases death of accused before appearance.

Remarks.—(a) Transferred to the register of long pending cases.

(b) { 14 cases transferred to the register of long pending cases.
5 cases death of accused before appearance.

(4)

Statement No. IV.—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 1917.

Name of Court.	Number of convictions.	Particulars of punishments.
Taluk Magistrate, Coonoor ...	3	Two sentenced to one month's rigorous imprisonment each. One sentenced to three weeks' rigorous imprisonment and to pay a fine of Rs. 20 in default to five days' rigorous imprisonment.
Stationary Sub-Magistrate, Coonoor.	3	One sentenced to two months' rigorous imprisonment. Two sentenced to three months' rigorous imprisonment each.
Taluk Magistrate, Gudalūr ...	7	One sentenced to six weeks' rigorous imprisonment. Two sentenced to four weeks' rigorous imprisonment. One sentenced to one and a half months' rigorous imprisonment. One sentenced to thirty days' rigorous imprisonment. One fined Rs. 50 in default to thirty days' rigorous imprisonment in all. One sentenced to ten days' rigorous imprisonment.

(5)

Statement No. V.—Talukwar list of cases instituted under the Madras Planters Labour Act I of 1903 during 1917.

Taluk and Court.		Number of estates in which prosecutions arose.	Number of prosecutions.
Coonoor ...	Taluk Magistrate, Coonoor	8	31
	Stationary Sub-Magistrate	27	408
	Total ...	35	439
Ootacamund ...	Taluk Magistrate, Ootacamund	13	99
Gudalūr ...	Taluk Magistrate, Gudalūr	32	1,028
	Sarishtadar-Magistrate	10	167
	Total ...	42	1,195
	Grand total ...	90	1,733

Order—No. 332, Home (Miscellaneous), dated 3rd April 1918.

Recorded.

(True extract)

L. D. SWAMIKANNU,
Acting Secretary to Government.

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

For approval
Dbs
11/4/18

Proof.
10/4/18.

NOTES CONNECTED WITH G.O. No. 332, HOME (MISCELLANEOUS), DATED 3RD APRIL 1918

[SUBJECT.—*Reports on the working of the Planters Labour Act for the year* 1917.]

I

Previous papers :

G.O.	1912–1915,	*Judicial*,	23*rd Dec.* 1904	*G.O.*	1073,	*Judicial*,	14*th May* 1915
,,	1063	,,	14*th Aug.* 1909	,,	101	,,	12*th Jan.* 1916
,,	1714–15	,,	8*th Dec.* ,,	,,	728	,,	18*th Mar.* ,,
,,	833	,,	2*nd June* 1910	,,	358-*A.* (*Home* (*Mis.*),		5*th Apr.* 1917
,,	610	,,	17*th Apr.* 1912	,,	450	,,	9*th May* ,,
,,	1315	,,	17*th Aug.* ,,	,,	1005	,,	17*th Aug.* ,,
,,	1622	,,	11*th* ,, 1913	,,	1074	,,	21*st Sep.* ,,
,,	589	,,	7*th Mar.* 1914				

HOME (MISCELLANEOUS) DEPARTMENT

II

From the District Magistrate of Malabar, dated the 12*th February* 1918, *D. No.* 352 *M.*

III

From the District Magistrate of the Nilgiris, D. Dis. No. 64-*M., dated the* 15*th February* 1918.

The noticeable features in the reports on the working of the Planters Labour Act in Malabar and the Nilgiris during the year 1917 are set out below.

2. *Prosecutions.*—The following statement compares the figures for the last three years :—

Section and nature of offence.	The Nilgiris.			Malabar.		
	1915	1916	1917	1915	1916	1917
21. Wrongful withholding of wages	1	3	..	..	..	..
22. Other offences by planter or maistri	..	..	..	..	..	..
23. Failure of maistri to supply labourers ..	..	..	..	..	..	..
24. Other defaults by maistri	81	163	91	220	256	217
30. Desertion by labourer	1,519	2,198	1,633	989	1,114	979
35. Failure of maistri to complete contract ..	7	6	6	..	..	..
36. Enticement of labourer under labour contract.	..	1	..	3	8	1
Total ..	1,608	2,371	1,730	1,212	1,378	1,197

There has been an appreciable decrease in the number of prosecutions in both the districts, the decrease being very prominent in the Nilgiris. The difference in the figures for 1916–17 in the Nilgiris is accounted for by the fact that certain cases appeared twice over in the returns for 1916 owing to the transfer and retransfer of certain cases from one magistrate to another. No special reason has been assigned for the decrease in the Malabar district.

Per

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 disposal.	For disposal.	Disposed of.	Percentage of disposal.
The Nilgiris.						
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
1917	125	83	66·4	2,581	1,650	64
Malabar.						
1914	419	288	69	1,269	613	48
1915	330	248	75	1,306	913	70
1916	352	298	84	1,522	1,152	76
1917	290	224	77	1,260	1,059	84

The percentage of disposal of cases under both the sections in the Nilgiris and under section 24 in the Malabar district has declined during the year 1917 as compared with the previous year while that under section 30 in the Malabar district shows a good progress. No remarks are called for.

4. *Number of acquittals and discharges.*—The following statement shows the total number of persons dealt with in the two 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.
The Nilgiris.					
Section 24	1916	169	109	21	12
	1917	108	53	13	12
Section 30	1916	2,265	1,104	106	4
	1917	2,318	1,326	61	2·6
Malabar.					
Sections 24 and 30	1916	786	248	532	67
	1917	574	204	359	64·2

It will be seen that while the percentage of convictions continued to be low in the Nilgiris, it continued to be high in the Malabar district.

5. *Execution of warrants against maistris and coolies.*—The District Magistrate of Malabar reports that the execution of warrants against maistris and coolies still continues to be a matter of difficulty. He states that in about 43 per cent of the cases the accused could not be traced. It was recently brought to the notice of Government that a number of cases occurred in North Malabar in which certain planters certified that warrantees under the Act were not on their estates though as a matter of fact they were there and that they gave the police certificates which were either deliberately incorrect or carelessly inaccurate. Mr. Evans has been asked to institute inquiries in the matter.

6. The District Magistrates report that the Act worked satisfactorily. One special feature brought to notice is about the adequate medical relief said to have been provided by planters in South Wynad.

7. The reports may be recorded. A draft order is submitted for approval.

T.C.N.—23-3-18.

P.S.R.—24-3-18.

There is nothing of special note except the extraordinary discrepancy between Malabar and the Nilgiris in the matter of convictions 64 per cent as against 14 per cent.

C. H. BROWN—28-3-18.
L. D. SWAMIKANNU—30-3-18.
H. F. W. G[ILLMAN]—1-4-18.
L.D.S.—3-4-18.

[G.O. No. 332, Home (Miscellaneous), dated 3rd April 1918.]

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