

Public (1898) Department.

ORDINARY MS.

G.O., No. 230-31.

DATED 8. 2. 98.

INDEXED.

[Despatch Abstract.]

Addressing the Govt. on the subject of the proposed appointment of a committee of enquiry in connection with the condition of Indian Immigrants on the Gule Estate, Berak.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Com	913/88						

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18 4,000- 0-7-97.

Public
Revenue (1897) Department.

CURRENT No. ~~4999.~~
~~1099.~~
27.

From *The Govt of India*
(Revenue Dept.)

Order

No. 1857
6.7.

Dated 14. 12. 97
Received *for reg. in Public* 4/1/98
Registered *in Public* 4/1/98.
21. 12. 97

Enclosures one

Spare copies. *W 5/16*

SUBJECT.

Forwarding for information
Copy of a further Commun-
ication from the Govt of
the Straits Settlements, re:
the proposed appointment
of a Committee of Enquiry
in connection with the
Condition of Indian
Immigrants on the Gula
estate in Perak.

W 1198
He.
3-1-98

BACK PAPERS.

G.O.	No.	Department.	Date.
1127	21	30/8/97	

FURTHER PAPERS

G.O.	No.	Department.	Date.

Hon'ble the
Letter from the Acting Colonial Secretary, Straits Settlements, to the Secretary to the Government of India, Department of Revenue and Agriculture, No. 7478-97 dated 21st October 1897.

In reply to your letter No. 1133/6-5 Dept. of Rev & Agri./Emigration, of 24th July, 1897, on the subject of desertions from and the mortality on Gula Estate, Perak, I am directed to inform you that the matter was referred to the Resident General of the Federated Malay States and I have the honour to forward copy of his reply dated 12th October 1897, together with enclosures.

Under a new Manager and with the Indian Immigration Agent living in the Frian District and making frequent visits, matters on the Estate have improved, and I agree with the Resident of Perak that there is now no necessity to appoint a Committee of enquiry.

Resident General's Office,
Selangor, Malay Peninsula,

Kuala Lumpur, 12th October 1897.

No. 2317-97.

Sir,

I have the honour to acknowledge the receipt of a letter with enclosures, from the Honourable the Colonial Secretary relating to the desertions from and mortality on the Gula Sugar Estate.

2. In reply to that letter I transmit for Your Excellency's consideration, an extract from a minute by the Resident of Perak, together with a copy of a report by the Perak Indian Immigration Agent.

3. I have nothing to add to these writings but to say that the recommendations of the Labour Committee of 1890 were very fully considered in the preparation of the Perak

Indian Immigration Order in Council No. IX of 1895.

4. As regards the supply of food by an Estate to Statute Immigrants who are not ill but refuse to work, the existing law gives no means of forcing Managers to supply it and I enclose a copy of a letter, dated the 15th of April last, from the Manager of the Gula Estate in which a reference is made to this point.

5. The other questions raised in the letter from the Government of India, now under consideration, are answered in the enclosures and I agree with the Resident of Perak in thinking that there is no need now to appoint a Committee to enquire into the treatment of Statute Immigrants on the Gula Estate.

I have, &c.,
Sd. W.H.Treacher,
Acting Resident General,
Federated Malay States.

P.S.

The draft of this letter was approved by the Resident General, but the letter could not be prepared in time for his signature.

Sd. W.H.T. 12-10-97.

To

His Excellency
The High Commissioner for the
Federated Malay States.

Extract from minute by the British Resident, Perak.

2. The necessity of only recruiting men who are accustomed to agricultural work is self-evident, and can be pointed out to the Manager as the Indian Government suggests, but employers seem to be in the hands of the recruiters in India, and our Agent seems powerless to prevent other than bona fide agricultural labourers being shipped for the Estates.

3. As you will see from your attached papers, I consider it wrong to let coolies die for lack of food - if they

malingers

malingers they should be prosecuted and sent to gaol, but you referred the matter to the Legal Adviser, and he says no action can be taken.

4. With a new Manager and the Indian Immigration Agent living in the Krian District and making frequent visits, matters on the Estate have improved and I do not think there is now any necessity to appoint a Committee.

Sd. W.H.T.

Report by the Indian Immigration Agent, Perak.

I cannot see the necessity nor advantage to be gained now by the appointment of a Committee to enquire into the desertions and mortality on Gula. The percentage last quarter on the average number employed was as low as 3.5 for desertions and .33 for deaths (vide my report published in the Government Gazette of 30.7.97).

2. I visit this Estate not less than once a quarter with the District Surgeon and occasionally make surprise visits. On each occasion all the coolies are mustered before me and have every opportunity of stating any grievance they may have.

3. With regard to greater care being taken in the recruiting of coolies the Manager informs me that recruiters in India are well aware of the nature of work for which the coolies are required and in cases where the cooly on arrival here is found unable to perform his task he is given lighter work.

4. I do not consider the inability and inaptitude of the cooly to perform his work so much the true cause of his not doing his work as the nature of the Kling cooly to do no more work than he is compelled to do.

5. Deductions are seldom made from coolies' wages except for advances for food supplied and in every case they are submitted for my confirmation on my next visit to the Estate.

In

In the Agreement it is stated (vide paragraph 2 of Schedules B to the Order in Council 9 of 1895) that "the employer will pay wages to the labourer * * * for each day's work" * * *. I do not take it therefore that when a cooly is not paid at the end of the month for the days he has not worked that such non-payments can be taken to be deductions as they are not due.

6. The question whether an employer is bound to supply food to a cooly on the days he does not work was raised in your papers R.G.O.454/97 and it was decided that he was not legally bound to do so. I was instructed however to use my influence in the matter. The Manager, whilst not admitting his liability to do so, does however issue orders for food in some cases where the cooly has not already had supplies in advance beyond the amount of the wages due to him. The Manager also points out that should the practice of supplying food to coolies who do not work without reasonable cause, be universally adopted it would be the exception for a coolie to turn out for work as there would be little or no inducement to him to do so.

7. I have not seen the Report of the Commission 1891 and am unable to say what action was taken in Perak on its recommendations. Perhaps the papers are in your office and contain the information. There is no record of them in my department.

8. Since the appointment of Mr. Boyd as Manager of Gula a marked improvement has been made as is evidenced by the returns sent in and I think that under his management the Government will have less cause for complaint.

Sd. E.B.

Letter from the Manager of the Gula Estate, Perak.

Gula Estate,
15th April 1897.

Sir,

I have the honour to acknowledge the receipt of your

No.

No.R.G.O.363-97 dated 13th April 1897.

1. I consider that the number of desertions from Gula Estate during the years 1895 and 1896 was due principally to crimping, Government contractors being the principal offenders. The greater part of the road-making, breaking of road metal, railway earthworks &c., is done by Kling coolies, and contractors, who do not import their labour from India, can afford to pay much higher wages than can a Sugar Estate which has to pay at the rate of \$ 40 for every cooly recruited, besides paying his passage to this country.

A number of coffee estates are also being opened near us, the labour of which is principally Indians. The work on a coffee estate is lighter than on a Sugar Estate and consequently offers inducements to desert. None of the estates, I believe, import labour and so can afford to pay a higher rate of wages than we can. To shew that I am correct in stating that desertions take place to coffee estates, I last month took out warrants for the arrest of two crimpers and three indentured immigrants whom I knew to be on a certain coffee estate. I sent a man along with the Police to point out the offenders, this he did, but was immediately surrounded by other coolies on the estate, and in presence of the Police was roughly handled. The consequence was that the crimpers and two of the immigrants escaped and only one woman was brought back and is now on the estate.

2. In reference to the death rate for 1895 and 1896 which is 3.6 % and 3.93 % respectively as compared with 6.39 % in 1894. I would refer you for an explanation to the Government Medical Officer under whose direct supervision the hospital was, and who is therefore much better qualified to report on this matter than I am, having only taken over the management of this estate in the month of December last.

Paragraph 2 - With regard to paragraph 2, rice is

not

not supplied free to any coolies but in accordance with Order in Council No.9 of 1895, section 45, provisions are supplied on the estate at current market rates, and in any quantity whether he works or not.

I have, &c.,
Sd. Thos. Boyd.
Manager.

The Secretary to Government,
Taiping.

True copy.

W. H. Schopfield
Registrar,

Department of Revenue and Agriculture.

Public⁸

1

29

No. 1857
6-7



FROM

F. G. SLY, Esq., C.S.,
Under-Secretary to the Government of India,

TO

The Secretary to the Government of Madras.

Department of Revenue
and Agriculture.
(Emigration).

SIR,

Calcutta, the 14th December 1897.

1127
30350 MT

No. 7878/97 dated 21st October 1897 and enclosures. } ments, regarding the proposed appointment of a Committee of enquiry in

connection with the condition of Indian immigrants on the Gula Estate in Perak.

2. With regard to the question of the supply of food to labourers who neglect work, I am to point out that in the Minute of the Immigration Agent, Perak, of the 14th April 1897, which formed one of the enclosures of the endorsement referred to above, it was shown that the daily food order (surat) is for 6½ cents, while the wages of the immigrant for a day's work vary from twice to three times that amount; and that food is available for purchase on the estate at market prices. Such being the case, a labourer should have no difficulty in buying food for days on which he does not work and it does not, therefore, appear necessary to press for a legal minimum subsistence wage. Such a measure would also receive much opposition from the employers of labour, and they could urge, with some truth, that a minimum wage would

Remove

remove an incentive to work.

3. I am to add that, subject to the opinion and advice of the Governor in Council, the Government of India propose to reply to the Government of the Straits Settlements that in the particular case of the Gula Estate, they agree with the Colonial Government that the appointment of a special Committee of enquiry is not necessary, but that they are in entire accord with the Resident General of the Federated Malay States in thinking that labourers should not be allowed to die of starvation, and that the proper remedy for contumacious refusal to work is punishment under Sections 69 and 70 of the Perak Order in Council, No.9 of 1895.

I have the honour to be,

Sir,

Your most obedient servant,

[Signature]

Under-Secretary.

[G.
25]
1,000 - 22-11-97

C-2511
R-25/11
C-24/1296

C. No. 29

Pathi DEPARTMENT.

3. HIS EXCELLENCY THE GOVERNOR.

1. THE HON'BLE SIR HENRY BLISS, K.C.I.E.

2. THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Conditions of Indian immigrants
on the Gula Estate, Perak.

C.S.

FOR ORDERS.

attention is invited to the
note for orders at A, and
A's orders.

As a result of the correspondence
forwarded by the Govt. of India
on the above subject, the Madras
Govt. ^{was} satisfied that no further
action was required.

The Govt. of India now forwards
copy of a further correspondence
on the same subject, but nothing
of importance is added to
what has been said before.

The subject is that of the appoint-
ment of a special Com. of
enquiry into the conditions of the
labourers on the Gula
Estate. The Govt. of India
agrees with the Col. Govt. that
this step is not necessary.

P. T. O.

attention is invited to the letter from the Manager of the estate in question at B.

The reasons which he gives to account for the desertions from the estate in -95-96 seem quite sufficient. As to the mortality on the estate the Manager shows in para. 2. that this has been greatly reduced, (from 6.34 in 1894 to 3.8 in 1895 & 3.93 in 1896)

The other point is regarding the supply of food to coolies when they will not work. When the Manager, in the last sentence of his letter, says that 'provisions are supplied on the estate at current market rates, in any quantity, whether, he (the cooly) works or not, what he evidently means is, so long as the cooly has a balance to his credit. Vide para. 6. of the report of Indian Emigration Agent, Perak, where it is

This may be pointed out.
M.A.

I cannot but see that the Office has understood this point in the case correctly. The Office seems to think that a cooly, in special cases, gets issues of food, exceeding in value the wages due to him. The Manager mentions in blue pencil and red ink on N. means to show clearly that a cooly who does not work, gets no diet, but has to find his own means of getting returns from the estate. This means, that as I understood it, that he must pay ready money for what he gets. But, as his wages are kept back till the end of the month, where is the ready money to come from? It appears that in certain cases, when the man does not work, but has money to his credit, that diet is issued. But, if he has neither pocket money or credit, what is he to do for food? This case seems to need some provision.

26.1.98

stated that the Manager 'does issue orders for food in some cases where the cooly has not already had supplies in advance beyond the amount of the wages due to him'.

It seems as if the Manager should have had the word 'not' omitted. It would be no great act of generosity to feed a cooly who was owed money by the estate, and it is not clear how the Manager could refuse to admit that he was legally bound to pay a cooly to whom he owed money, unless the agreement specially stated that wages were not due till the end of the month. Please see para 4. of President General's letter of 4th May 97 as K. (in S.O. 1127/97) 'They are of the given written orders for rice which they have not earned there'.

While, therefore, there seems no hardship in a rule that as long as a cooly has money

P.T.O.

to his credit, he should be
entitled to his food, & a
rule that whether a cooly
worked or not he should be
fed, whether or no he had
earned his food, would, as
stated in the Govt. of India's letter,
'remove an incentive to work.'

The Govt. of India
may, therefore, be informed
that this Govt. has no objection
to the reply which is proposed
in para. 3 of the current.

M.C.
17/8

Yes. Subject to remark
overleaf.

Ret 19.1.98

24/1/98

H.E. the Governor.

2/2/98
C.S. ^{Order} The following letter will be
despatched with G. of D. Dept. R & A

To, ^{MA 2.2.98}
The Under Secretary to the Government
of India,
Revenue and
Department of Agriculture
EMIGRATION.

Sir,
I am directed to acknowledge the receipt
of your letter no. 1857/6/7/ dated
14th Dec. 1897 forwarding a copy of
a further communication from the
Government of the Straits Settlements,
regarding the proposed appointment of a
Committee of Enquiry in connection with
the condition of Indian Emigrants on
the Gula Estate, Perak.

In reply I am to say
that the Madras Government ~~will~~ has
no objection to the reply proposed in
para. 3 of your letter on the under-
standing that supplies of food are
not refused to coolies though they
may have worked on the day itself,
yet have a balance to their credit
on account of labour performed in the
current month. In this connection I am

My understanding of the case will be
better expressed if for the lines
underlined in red ink, the following
be substituted verbatim, - "It is true that"

A.S.H.

to observe that there appears to be
a mistake in para. 6 of the Report
of the Indian Emigration Agent, Perak.
The Agent states that "The Manager,
whilst not admitting his liability to

do so does however issue orders for food in some cases where the cooly has not already had supplies in advance beyond the amount of the wages due to him."

If this passage is correct as it stands I am to say that H.E. the Governor in Council is of opinion that the Manager ~~should~~² should not be permitted to disclaim responsibility for supplying food to coolies who have not had already had supplies in advance beyond the amount of the wages due to ~~the~~^{them}.

On the other hand,

H.E. the Governor in Council concurs in the view taken by the Government of India ~~in regard to the proper~~ course to be pursued in regard to coolies who have no balance to their credit and though capable & contumaciously of working refuse to do so. the proper course is to proceed against them under sections 69 and 70 of the Perak Order in Council No. 9 of 1895.

REC.
2/2 8

MA 2.2.98

Turned substitute for the passage (1) underlined the word "But". Turned into the passage underlined (2).

+ Turned into here "should be entitled to claim wages for food as a matter of right" and not as a mere matter of favour.

ASH 5.2.98
that in the case of ~~these~~ coolies

though they have no balance to

[G. 74] C. 2611
 1930-31

H.E. the Governor, with
 reference to his note
 on the accompanying
 note for orders.

NOTE FOR THE CHIEF SECRETARY.

with reference to H.E. the
 Governor's note, I regret
 that the point was not
 brought out more clearly, but
 as I understood the ~~case~~
 papers there may be said
 to be two cases in which
 there is a doubt as to whether
 the cooly gets rations;

- (1) Cooly who does not work,
 i.e. who has not worked on
 that particular day, but who
 has earned in the current month
 more than he has consumed
 in the form of 'Sweets' or
 rice - chits.

I thought that in
 this case the cooly would
 get his rice without any
 question, although he might
 not see any of his cash
 till the end of the month.

- (2) Cooly who does not
 work, that is, who has
 not worked on that particular

P. T. O.

But, no para. 6 of report from the Break
 Immigration Agent, B. 2. This note is written
 on the assumption, I think, that the word
 "not" should be inserted in that para. 6 of
 the Report.
 What might have led to suppose that the word
 "not" was put in by mistake? If the passage
 is correct as it stands, the man who does not work
 gets no chits (even though they have money)

day, but and who, moreover,
has no money to his credit,
against which rice - chits
could be issued. It was
to this case only that I
understood that the Resident
General in his letter at K,
para. 4. referred.

Such cases are of
two kinds

(1.) Malingerers; the British
Resident, Perak, in para.
(3) of the letter to the High
Commissioner (enclosed with Lt.)
says 'I consider it wrong to
let coolies die for lack of
~~adequate~~ food - if they
mangle they should be
prosecuted and sent to gaol,
but you referred the matter to
the Legal Adviser and he says
no action can be taken.'

Refusal to advance
food to such coolies appears,
therefore, to be the only
means of making them work.
There any provision of law
making it compulsory on
managers to feed men who could
but would not work, this

at their credit, under no circumstances. In such
cases, namely they should get their chits by right
and not by favour? I think they should be
noticed. ASA.

Those who do not mean to
work and yet are not ill.

The Govt of India says 'the proper
remedy for continuous refusal
to work is punishment under
sections 69 & 70 of the Perak
Order in Council, no. 9 of 1895'
(last sentence of Lt.)

The proposed reply of the
Govt of India in para 3 of
the current would seem
to lay down a principle
that meets the case.

At 27.1.98. Yes.

ASA

31.1.98

the Govt of India remarks,
'would receive much opposition
from the employers of labour,
and they could urge, with some
truth, that a minimum wage
would remove an incentive to
work?' (para. 2. of Lt. w. fin.)

(b.) Coolies who have
nothing to their credit, and
who cannot work through
illness are treated in hospital
'where they receive full
messing and every attention'
(letter from Mangun Gula Estate,
dated 8th April 1897, at A.I.)

What I understood
the Agent to mean, in para. 6. of
the report, was, that
as an act of grace food
was, as a matter of fact, often
supplied to class (b.), those
who had no money to
their credit, who had no
money in their pockets, & who
had not worked on the partic-
ular day, though not ill.

M.R.C.

268

Papers to be read in Proceedings:—

Again GO., No.	, dated	189 .
Again G.O., No.	, dated	189 .
Current No. 29	of 1898, dated 14/12/97	, from the S. of I. (Rev. & Agri.)
" "	" 189 , "	" "
" "	" 189 , "	" "

ORDER. u^d 230 of 8 Feb 98

Note /
This revised draft is submitted with the ref. to the Governor's order of 5.2.98.

1) It is submitted that the usual practice is to reply in such a case as this to the Secy & to the Under Secy of the Govt of India. W.P.

2) In the current the wording is "Indian immigrants" & "Indian Immigration Agent" It is not known whether these were intentionally changed to "Immigrants" & "Immigration".

As 2/98 Better make it 'Immigrants' W.P. 8/2/98

The following letter will be despatched to the Govt. of India, Dept. of Rev. & Agri.

At 8.2-98

LETTER:- u^d 231 of 8 Feb 98.
To

The ~~Under~~ Secretary to the Govt. of India, Dept. of Rev. & Agri. (Immigration).

SIR,

I am directed to acknowledge the receipt of ^{Mr. S. S. S.} your letter No. 1857/6/7, dated 14th December 1897, forwarding a copy of a further communication from the Government of the Straits Settlements, regarding the proposed appointment of a Committee of enquiry in connection with the condition of

Indian

Indian Migrants on the Gula Estate,
Perak.

In reply I am to say that the
Madras Govt. has no objection to the
reply proposed in para. 3 of ^{Mr. S. J. S.} your
letter on the understanding that sup-
plies of food are not refused to coolies
who, though they may not have worked
on the day itself, yet have a balance
to their credit on account of labour
performed in the current month. It is
true that in para. 6 of the Report of
the Indian ^{my} Migration Agent, Perak,
the Agent states that "The Manager,
whilst not admitting his liability to
do so, does, however, issue orders
for food in some cases where the cooly
has not already had supplies in ad-
vance beyond the amount of the wages
due to him". But His Excellency the
Governor in Council is of opinion
that coolies who have not ~~had~~ already
had supplies in advance beyond the
amount of the wages due to them,
should be entitled ^{to} the claim surats for
food as a matter of right and not as
a mere matter of favour.

On the other hand His Excellency
the Governor in Council concurs in
the view taken by the Govt. of India
that in the case of coolies who though
they have no balance to their credit
and who, though capable of working
contumaciously refuse to do so, the
proper course is to proceed against them
under sections 69 and 70 of the Perak
Order in Council, No. 9 of 1895.

Mr. S. J. S. *1895.2.98*

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only