

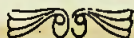
# PLANTER'S HANDBOOK

## LABOUR IN CEYLON

Compiled and Edited

by

S. E. N. NICHOLAS



To the Reader of this Book.

PLEASE KEEP THIS BOOK CLEAN.

DO NOT MAKE MARKS ON IT.

H. W. CAVE & Co.,  
Printers & Publishers,

1926.



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## INTRODUCTION.

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"Planter's Handbook, Labour in Ceylon," is worthy of the consideration of all who are interested in the welfare of, or are in any way concerned with Indian Immigrant Labour and I hope the book will be read by all Planters and by very many others.

The chapters on "Rice" and "Labourers' Food" are worthy of careful study by those responsible for the ordering and issuing of rice to their labourers.

• To those who imagine the Estate Labourer is "down trodden" I commend the chapters on "Indian Immigrant Labour" and "A Labourer's Life on an Estate."

I am glad to see the Compiler of this book condemns the practice of cash inducements because I too consider this practice detrimental not only to the Immigrant Labourer but also to the Planting Industry itself and all connected therewith.

The author has my congratulations on his enterprise.

GEO. BROWN,  
Chairman,  
Planters' Association of Ceylon.

Kandy, 25th July, 1926.

## PREFACE.

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The purpose in compiling this book is to give a full account regarding the labourers employed on Estates in Ceylon. There are many books dealing with Tea, Rubber, and Cocoanut Plantations, but there is not one book which gives the necessary information regarding the workmen who make the Tea and Rubber.

A publication of this kind is necessary specially at this time, when there is so much discussion about Estate Labourers and their wages, and "scurrilous pamphlets" are flying about purporting to give sound information on the subject of Immigrant Labour.

My aim in compiling and editing this book is accuracy and truth regarding statements, figures and suggestions.

The general information of the book is not "my property" *in toto*, but most of it has been drafted from official publications and contributions.

Other sections of the book contain a series of articles contributed or gathered from various official and unofficial sources.

The legal section of this publication is prefaced by a contribution on the subject "Law of Master and Servant" written by a qualified barrister and practising advocate of the Supreme Court of Ceylon.

Ordinances dealing with the Law of Contract and Service about Immigrant Labour in general, Medical Wants and Estate Education requirements are also inserted and are grouped in two sub-sections of the book. These ordinances are not difficult for a layman to follow, as some suppose them to be. Ignorance of the Law is no plea of defence in any Court of Law; hence, the Government authorities have written the same clearly and in the simplest language possible, though the preamble with, "Whereas etc.," might be bewildering at first sight.

The book is also complete with a "Buyers Guide;" most of the advertisers are firms of standing and are solicitous of having business connections with the members of the planting community.

My thanks are due to the contributors and also to the Controller, Indian Immigrant Labour, and Director of Statistics for furnishing me with all the necessary official information and publications which have rendered this publication possible.

I am also indebted to the printers and publishers, Messrs. H. W. Cave & Co., for following my suggestions faithfully regarding the printing of this book.

S E. N. NICHOLAS

Colombo, May, 1926.



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Photo by

ESTATE LABOUR

H. W. Carr & Co.

## GENERAL INFORMATION

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### LABOUR & LABOURER.

**T**HE word 'labour' is derived from a Latin word (Labor) meaning work. In its primary use it meant hard work, a task requiring exertion, a toil resulting in fatigue. A slave in ancient times was often associated with the word labour in the strict sense of the word meaning a 'painful duty.' The days of slavery are over; hence, its literal (perhaps correct) meaning is lost. To-day the word 'Labour' in Europe is used in a broad and dignified sense and is specially confined to industrial work. The word 'Labourer' imports a certain amount of responsibility though not amounting to so much dignity as the word 'manufacturer' which formerly meant a working craftsman, and to-day means a man who commands capital and one who controls many craftsmen.

Some Indians object to the use of the word 'cooly' to denote a workman employed on a Ceylon estate. It would appear that the name 'cooly' is associated with a household menial of the lowest and worst order, and as such it is inapplicable to an estate workman. The origin of the word can be traced to two probable sources; (1) 'cooly' or 'coolie,' is derived from 'Koli' or 'Kuli' an aboriginal race in West India; (2) The word was perhaps coined from the Tamil word 'Kuli,' meaning hire, and hence it is often used in China and India to indicate an ordinary class of workmen who do piece work on daily contract, and as



such, it is hardly applicable to workmen living in an estate, particularly so, as all the said workmen do not belong to the specified class that is referred to above, nor do all of them come from West India. To avoid misapprehensions, we might incidentally mention the fact that the Europeans use the word 'cooly' for a field labourer as the word 'boy' is used for a domestic servant. To satisfy the Indians, in future let the employees of an estate be called by the simple words 'estate workmen' if the general word 'labourer' (in the modern sense as used in Europe) is inapplicable to them. In the Government publications one often notices the word 'Labourer' (of course, the Government officials use general words discreetly, to be on the safe side and to displease nobody). The word 'cooly' is apparently a term of eastern coinage and possibly an Indian word; hence, the opinion of our Indian friends regarding the correct usage of the word should carry some weight. We are, however, confident the word 'cooly' is not used by the Europeans or Ceylonese in a contemptuous sense. To be sure, an estate superintendent, the head of the workmen, would not like to be regarded as the captain of a rotten corps!

#### LIST OF OCCUPATIONS OF CEYLON LABOURERS.

We have prepared the annexed chart A, and it will be noticed that we have covered rather a wide field regarding the occupations of labourers.

We have classed an artisan as a labourer in the broad sense of the word 'Labourer.' The chart merely serves to give a general idea, which we consider is necessary in order to go into the details of a particular section, viz., labourers in Ceylon that come in contact with planters.

# A OCCUPATIONS OF CEYLON LABOURERS

PRODUCTION of RAW MATERIALS		PREPARATION and SUPPLY of MATERIAL SUBSTANCES		PUBLIC ADMINISTRATION		MISCELLANEOUS



EXPLOITATION of THE SURFACE MINERALS		INDUSTRIAL OCCUPATION	TRANSPORT	TRADE	PUBLIC FORCE	PUBLIC SERVICE	DOMESTIC	UNPRO- DUCTIVES
Labourers Employed in Plumbago Mines — Gem-Digging — Stone Quarries — Salt-Extraction.	Labourers Employed in Making Textiles Ceramics Hides Buildings, Furniture Metals Luxuries. Food	Labourers Employed in Transport by Rail — Water — Roads Including those in Govt. E employment	Labourers Employed in Mercantile Firms — Factories — Hotels.	Labourers in the Service of Army Navy Police	Labourers in the Service of Government and Municipality.	Servants as Ayahs Cooks Gardeners Coachmen Rickshaw Pullers Watchers	Inmates of Jails Hospitals Asylums — Vagrants and Beggars.	



## WAGE &amp; WAGES.

The word wages (the plural of wage) is derived from late Latin 'wadium' a pledge (O. F. wajier, gagier). The answer to a schoolboy's question regarding the meaning of wage or wages is " a reward for labour " or " that which is paid for services rendered." Wages is really a difficult word and though much used, it is least understood. Even Political Economists have stumbled over it.

We do not propose to discuss the question of Ceylon Labourers' wages in this section, but within this short compass, we will venture to view the word " Wages " as a political economist would.

Francis Walker in his standard work on wages defined the word " Wages " as " the reward of those employed in production with a view to the profit of the employers and who are paid at stipulated rates."

In general practice, wages are grouped under two heads; (1) ' Time wages ' i.e., the amount of money earned in a given time, and (2) ' Task Wages ' i.e., the amount of money obtained for a given amount of work of a given quality. The above classification does not answer a political economist's concept of the word ' wages.' He regards ' labour ' as a commodity and ' wages ' as the price paid for it. He classifies wages under two headings; viz: ' real ' and ' nominal.' The famous Adam Smith observes in this connection, " labour like commodity may be said to have a real and nominal price. Its real price is said to consist in the quantity of all necessities and conveniences of life which are given for it; the nominal price is the quantity of money." Thus in Ceylon, an estate labourer may be said to receive both real and nominal wages, and non-estate labourers may generally, be said to receive nominal wages. Real wages have no permanent value and they vary according to local condi-

tions such as debasement of coinage, discoveries, inventions, trade conditions, war and famine. To determine the import of wages one must go deep into the subject and enquire into the possible causes which affect the general rate of wages, and further one must make an attempt to find out why the rate of wages vary in certain occupations, which, though different yet demand the same skill and energy. A certain amount of probing in this connection has already been done. Students of Political economy are familiar with the "Wages Fund Theory," which asserts that "the average wage depends on the proportion of the fund to the number of persons who have to share it."

Is it possible for the State to regulate wages? "Experience has indicated that the State may, with advantage, interfere in regulating by different methods, the means of paying wages." Success, of course, depends on tact and efficiency of management. If the regulating of wages is inefficiently controlled, the attempt will be an abject failure, as has happened once in the past history of England (vide Fowles' "Poor Law").

Trade Unions of England have often successfully dealt with the problem of wages by making certain regulations, which regulations, of course, amount to legislation. Their success is due to force of combination, arbitration, and practical experience.

The words 'wage' and 'wages' seem to us to have their own 'warlike' significance, which, perhaps, is due to their derivation; and particularly the verb 'wage' brings home to us the Latin Classics, especially Caesar's "De Bello Gallico." Though the word 'wage' is seldom used in modern warfare, yet its belligerent atmosphere is present in modern civilisation, and it brings into conflict in Europe, the 'employer' and the 'employee,' and the 'classes' and 'masses.' Mr. Wages has also marched, *via* India, into Ceylon with his army of Theories and if his progress is uncurbed—to use the Ceylon School boy's expression, "he will play havoc," in the hills and dales of our peaceful Island.

To those interested in the interesting subject of wages the following books are recommended, and in the list mentioned below it will be noted, attention is drawn to certain chapters of a few books:—

J. S. Mill	...	"Principles of Political Economy"
Adam Smith	...	"Wealth of Nations" (Bk. 1. chap. 10).
Francis Walker	...	"Wages Question"
Tookes	...	"History of Prices"
Pro: Foxwells	...	"Essay on Wages"
A. L. Bowleys	...	"Wages in the United Kingdom in the 19th Century"
Cairnes	...	"Leading Principles of Political Economy" (Bk. 2. chap. 11.)
Marshall's	...	"Principles of Economy" (Bk. 6. chap. 2.)
Brentano		"Guilds & Trade Unions"
Sedley Taylor		"Profit & Share"
Holyoakes		"History of Co-operation"
Porter		"Progress of Nations" (page 186)
Sir Robert Giffen	...	"Essay on Finance" (Vol. II, page 365)



### CLASSIFICATION OF CEYLON LABOURERS.

The Ceylon labourers may be divided into two main classes viz: INDIGENOUS LABOUR & IMMIGRANT LABOUR.

*Indigenous Labour.*—Indigenous (from the Latin "Indigena," meaning a native born) labour is the labour produced naturally in a country. This labour, however, includes a few Indians, who do not come under the direct category of the Immigrant labour, as the latter are imported purposely for plantation labour.

*Immigrant Labour.*—Immigrant (from the Latin "Immigrare" meaning to move into) labour, is the class of assisted labourers, most of whom are collected through the Ceylon Labour Commission and are controlled and regulated in Ceylon by the Controller of Indian Immigrant Labour, who is an official of the 1st class of the Ceylon Civil Service. (At present the Controller is The Hon'ble Mr. T. Reid). The labourers are drawn from the peasant class of South India. These are sent out to-day from India, as Emigrants in accordance with the terms and conditions laid down by the Indian Emigrant Act of 1922.

# INDIGENOUS LABOUR



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*Agents for*

"Day Elder" and "Leyland" Lorries,  
"Trojan" Cars.

**TEA LEAD ROLLERS:—**

*Agents for:—*

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LONDON.



## INDIGENOUS LABOUR

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**W**E do not propose to go into details regarding the above subject as a planter has little to do with this section of labour. However, the subject will be dealt with in a general way.

Indigenous labour includes Ceylon born labourers as well as those workmen, who once came from foreign parts but are now domiciled in this Island.

The rates of wages vary according to the nature of work and the places of labour. The chart B gives a general idea of the maximum and the minimum average labour wages in each province.

Agricultural labour includes those engaged in ploughing, sowing and harvesting. The labourers in agricultural pursuits, particularly those employed in harvesting operations, are paid well, and in addition to their wages get a certain quantity of paddy or rice.

The skilled labourers are those who ply their trade and earn their living as blacksmiths, masons, bricklayers and sawyers. This class of labourers get the highest wages possible both for 'piece work' as well as for 'time work.' A 'bass,'\* especially in contract work, engages these men and is at the helm of affairs in supervising their work and paying them according to their distinct merits, qualifications and experience.

The unskilled labourers, often called the 'coolies,' may be seen working on public roads, in the wharf, plumbago mines and stone quarries. These are paid their wages daily or weekly.

The domestic servants are the servants of a household and include those who work as appus, ayahs, cooks, kitchen coolies and watchers. Some of these servants, in addition to their monthly wages, are given their food.

### SOCIAL AND GENERAL CONDITIONS.

We will not be doing justice to this section of labourers by comparing the social condition of this class with the other section (Immigrant Labour) or with the conditions of workmen in other countries as such comparisons are invidious, and hence inadmissible. Nevertheless, this is certain; the social conditions of the majority of Ceylon workmen are by no means satisfactory.

---

\* Head Workman

**B**

**† AVERAGE WAGES  
(MINIMUM & MAXIMUM) CEYLON [MEN]  
INDIGENOUS LABOUR**

**A  
AGRICULTURE**

Province	MINIMUM		MAXIMUM	
	Rs.	cts.	Rs.	cts.
Western		50	1	00
Central		50	1	00
Southern		50	1	00
Northern		40	1	50
Eastern		50	1	00
North-Western		50	1	50
North-Central		50	1	50
Uva		*65		*65
Sabaragamuwa		75	1	00
Total of 9 Provinces..	4	80	10	15
Less 20% for Food*		13		13
Average [Ceylon] ...		51	1	11

**A**  
\* WITH FOOD

A woman gets about  $\frac{2}{3}$  or  $\frac{1}{2}$  of above  
A child " "  $\frac{1}{2}$  or  $\frac{1}{3}$  "

Note.—Figures cannot be said to be accurate, particularly in Agriculture.

**B  
UNSKILLED & SKILLED**

	MINIMUM		MAXIMUM	
	Rs.	cts.	Rs.	cts.
		50	5	00
		45	3	50
		50	2	50
		50	3	50
		50	2	50
		50	5	00
		75	4	00
		65	2	25
		72	2	50
	5	07	30	75
		56	3	41



**B**

Note.—20% increase effected 1st October 1925 on wages of Government Employees, Railway, Factory, Harbour, A woman gets about  $\frac{2}{3}$  of above  
A child " "  $\frac{1}{2}$  or  $\frac{1}{3}$  "

† FIGURES FROM 1924 BLUE BOOK

**C  
DOMESTIC & TRADE**

	MINIMUM		MAXIMUM	
	Rs.	cts.	Rs.	cts.
		50	1	50
		50	1	50
		50	1	50
		*25	*2	00
		*40	*1	67
		25	1	50
		50	1	50
		50	1	00
		50	1	00
	3	90	13	17
		13		73
		30	1	38

**C**

\* WITH FOOD

A woman gets about  $\frac{2}{3}$  of above  
A child " "  $\frac{1}{2}$  "  
Note.—Domestic Labour includes closet Cooly.

PLANTATION LABOUR EXCLUDED

Prepared by S. P. N. S.

There is any amount of poverty prevailing among the city workmen and some of them undergo great hardships. The Capitalists build tenements in the city because they give better returns; the labourers are driven to rent out these tenements and pay about 40 % of their earnings as house rent, as they cannot help it.

The children of the workmen are neglected regarding their elementary education and as a result, the state breeds useless citizens. Technical education in Ceylon is backward.

As it is not possible for the Government to improve the social conditions of labourers, a few social workers have come to the rescue and some of them are doing excellent work in alleviating human suffering. The first school in Ceylon that recognised that the subject of sociology should form part and parcel of school education was Trinity College, Kandy. The Rev. A. G. Frazer with his able lieutenants, the late Mr. Campbell, Mr. (now Dr.) Saunders, The Rev. Mr. Gibson and others did such splendid initial spade work in the direction, that it is bearing fruit this day.

The Social Service League, with its many branches are doing their bit and afford free elementary education in their night schools. They have also an industrial depot.

The Salvation Army regard work as a necessity for a man's salvation and are doing good and useful work in their industrial schools for all classes of people. The Roman Catholics, particularly in the Maggona Reformatory, afford an excellent industrial training for unfortunate boys so that they may earn their living in future by honest means. The Wesleyan Mission too have industrial schools in Colombo and Kandy and these are making satisfactory progress.

### POVERTY OF CITY WORKMEN.

The poverty among the labourers may be traced to two general causes, viz., (1) Improvidence (2) Idleness, due to unemployment; besides other causes mentioned above.

The main cause of improvidence is due to the workmen taking intoxicating drinks in excess and resorting to gambling. Attempts have been made, though on a meagre scale, to wear them from these habits by having a " Workmen's Resort " in the close vicinity of taverns and in the heart of the city. Most of the drinking class of people regard intoxicants as natural food

or nerve builders! Hence, to eradicate the ignorance prevailing, illustrative placards and charts are displayed to advantage on the walls of the rooms and verandahs, depicting in paintings and in words the appalling consequences that necessarily follow, as a result of consuming alcoholic liquors. Gambling goes, in most cases, hand-in-glove with drinking, hence, in the "Workmen's Resort," tea, coffee and other edibles are sold at cost price, to take the place of intoxicating drinks, and indoor games are also provided, as gambling originates as a pastime.

In the city most of the working class of women are employed in plumbago sheds, factories, Tea and Rubber Stores. Most of them are forced to earn their living, as they are unprovided for, widowed or forced to earn owing to their husbands' neglect. It is gratifying to find the establishment of a few Crèches in and out of the city, which serve as public nurseries for the children, while the mothers are at work.

The unemployment of workmen is daily increasing and it is a problem to solve. One of the possible remedies is the expansion of Ceylon industries. Foreign markets should be found for the out-let of the industrial products of Ceylon. What we want to-day, in Ceylon, is not more political leaders, but more industrial pioneers.

It is really time that the Workman's Compensation Act was brought into full force in Ceylon as in England. It is not fair for capitalists to go scot-free in not providing for the families of workmen, who have worked for them at the cost of their lives.

### LABOUR CONDITIONS UNDER GOVERNMENT.

The workmen employed in the Government Factory, Railway and Colombo Harbour are paid their daily and weekly wages according to 'time work' and 'piece work.'



As a result of a memorial sent to the Government by the above employees, complaining that their wages were not increased since 1914, to meet the enhanced cost of living, the Government appointed a Labour Advisory Committee to enquire into the petitions and complaints of the workmen. The Committee sat first on the 4th August, 1925, and as a result of their recommendation to the Government an increase of 20o/o in the wages was effected from the 1st October, 1925.

The question of housing was also recommended and approved of, by the Government. Mr. Newnham, Chairman of the Municipality, in this connection observes: " Mr. Turner's enquiries go to show that the house rent has increased far more than has the price of commodities and it is still increasing. If Government can build healthy quarters for its labour and charge a fixed rent it should not only tend to stabilise (or even reduce) the general scale of rents but it would relieve its labour of its present anxiety lest at any moment the rent will be put up, and also to reduce the expenses at present incurred by continual ill-health consequent on the conditions of slum life. Experience indicates that a mere increase in pay without provision for more and better housing is not infrequently an excuse for raising rents, leaving the labourer very much where he was before."

The Government also considered very favourably the Committee's recommendation regarding the dismissal of labourers by junior officers and without sufficient cause, and directed the heads of each department to attend personally to cases of dismissal.

Special enquiries are being made by the heads of departments regarding the alleged extortion by time-keepers and others from the workmen.

We learn that the workmen in Government Service in Colombo only were paid the increase of 20o/o, and as a result, the outstation workmen have submitted a memorial to the Government, and another Advisory Committee will sit shortly.



## CEYLON LABOUR UNION.

The president of the Ceylon Labour Union gives us the following particulars regarding the above union:—

*Object.*—Uplifting of the workmen, physically, morally and economically.

*Membership.*—8,000.

*Head Office & Branches.*—The Head Office is in Maradana, Colombo and branches in Kandy, Jaffna, Galle, Badulla, Anuradhapura, Kadugannawa and Rambukkana.

*Maintenance.*—The Union is maintained by each member contributing Rs. 2-00 per year. This may be paid in two instalments of Re. 1-00 each.

*Labour Paper.*—There is a weekly Singhalese Labour Newspaper and each member of the Union is entitled to the same by paying Rs. 2-00 per year in addition to the membership subscription.

*Social Work.*—The Union attends to the sick members and sees to their distress and wants. If a member is dismissed without sufficient cause, or harshly treated by the employers, the Union takes up the cause of the labourer and interferes on his behalf. When a member of the Union dies, a sum of Rs. 50-00 is paid to the widow or child of the workman.

The President of the Labour Union is of opinion that the Immigrant Labourer's life and conditions on estates are better than the conditions prevailing among workmen of the city.

## INDIGENOUS AND IMMIGRANT LABOUR.

In connection with the disputed question of wages very often one hears an Immigrant Labourer, compared with an indigenous labourer. The more you compare, the deeper you go into the question, you arrive at one and only one conclusion, viz., "comparisons are odious." As we pointed out before it is not possible by such comparisons to settle disputed questions. Let us quote a

few examples :—

An Immigrant Labourer may get a few cents less than the daily wages of a city workman, but the estate labourer has more advantages than the latter, in getting free housing, free medical attendance, free firewood and plenty of fresh air to breathe, than the city labourer who lives in congested slum areas.

As regards the purchasing power of money and choice of food the city labourer enjoys better benefit than the estate labourer as the latter is a victim to profiteers, in a country which is not his own; whereas, the city workman has the privilege of having choice food which he procures (knowing as he does the local conditions) at the cheapest market possible.

One often hears of the independence of the city workman as an advantage over the cooped estate labourer. But, what is the nett result of such independence? The city workman is invariably in debt and is an easy prey to drinking and gambling and this is convincingly and conclusively proved by the fact that there is more poverty among the city labourers than the estate labourers.

The best way to determine the question of wages is to find out the actual cost of living and give a wage to exceed that amount, by 20-25o/o. The workman who gets a wage to make both ends meet or to drive the wolf from the door is no better than a slave. In calculating the expenditure, one must carefully draw the line between necessity and luxury. What might be a necessity for a middle class man, may be a luxury to a labourer. A wage that accommodates little saving may be said to be a Workman's wage and a wage that makes no such provision, but just sufficient to meet the expenditure, may be said to be profiteer's wage.

#### LABOUR LEADERS.

To be popular with the majority of the public and to secure with ease, a seat in the Legislative Council of Ceylon, the shortest

cut is to win the sympathy of the working class and 'fight out their cause. We have used the word 'fight out' as the *hoipollo* appreciates the work of a man who literally fights out their cause, either by doing something to defy a law or ordinance that is against their interests or advocate their cause in public vociferously. We do not for a moment suggest that a member who secures a 'labour seat' in Council is necessarily a hypocrite nor do we assert that "Politics is the last resort of the scoundrel." In Europe, several instances could be cited where such leaders by their efficiency, merit and tact, were able to do creditable work, to the admiration of the public and to the dismay of those that held the red tape.

It is indeed, an excellent thing to advocate the cause of the workmen, with a view to ameliorate their state and conditions of life; but, if the leaders do such philanthropic work ostentatiously with ulterior selfish motives, the leaders may be said to trespass on public liberty and are morally guilty of misguiding an ignorant section of the public. The labour leaders will do well to study the subject of Political Economy and kindred subjects, so that they may understand the sequences that follow by hugging to the pet subject, which in practice will prove impracticable and disastrous. The leaders in their enthusiasm should not try to improve the purses of a certain section of the people at the expense of the general public. If the cost of labour increases the cost of production increases and it ultimately affects the poor man. "To overpay a workman is to rob him of his efficiency."

Healthy criticism in the interest of the public, in general, will be marked out as patriotism but boisterous advocacy of wild schemes will be put down for fanaticism, if not for hypocrisy.

# IMMIGRANT LABOUR



## THE HOUSE FOR HARDWARE

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## INDIAN IMMIGRANT LABOUR

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*Editor's Note:*—We have gathered most of the items of information in this section from official publications. To ensure accuracy we have very often quoted verbatim from Administration Reports.

Regarding Sub-sections, viz:—'Labourer's Wages,' and 'Labourer's Food,' we have expressed our own opinion.

### INDIANS IN CEYLON.

**E**MIGRATION from India to Ceylon falls into two classes, viz., The Emigration of unskilled agricultural labour for employment on estates and the free emigration of those engaged in trade and other employment.

There are two routes used, viz.—*via* Dhanushkodi—Talaimannar, and the *via* Tutocorin—Colombo. During the year 1924, the passengers who passed to Ceylon through Mandapam Camp numbered 207,095, through the Port of Tutocorin 35,681. At present there are about 750,000 Indian Immigrant Labourers in Ceylon.

Very often it is asked why these labourers are requisitioned from India, and if there are no labourers available in Ceylon. The answer to the question is in a nutshell. There are labourers in Ceylon but not sufficient in number to do estate work. The Singhalese labourers are costly and they are indifferent to estate work. Moreover, they are not available at all times of the year as they are engaged in their own agricultural pursuits; hence, as a matter of necessity Indian Labourers are imported into Ceylon.

### EMIGRATION FROM INDIA.

Emigration to Ceylon for the purpose of unskilled work shall be lawful according to the Indian Emigration Act of 1922, on the following terms, viz.—

" (1) The emigrant shall—

" (a) Have been recruited by a person licensed for that purpose by, and responsible to, an officer (hereinafter called the Emigration Commissioner) appointed by the Government of

Ceylon; or

- " (b) Have applied direct to the Emigration Commissioner for an assisted passage and have been accepted by him.
- " (2) The emigrant shall not, before leaving British India, have entered into a contract of service for a period exceeding one month.
- " (3) Within six months of the issue of this notification, or within such further period as the Governor-General in Council may by notification appoint, the Legislature of Ceylon shall have enacted that any contract of service for a period exceeding one month entered into by an emigrant shall be void.
- " (4) No part of the cost of his recruitment, subsistence during transport shall be recoverable from any emigrant, and all expenses in this connection shall be defrayed from a common fund to be raised in such manner and managed by such agency as may appear suitable to the Colonial Government.
- " (5) The Government of Ceylon shall at any time when so desired by the Governor-General in Council admit and give all facilities to an Agent appointed under section 7 of the Act.
- " (6) Within one year of his arrival in Ceylon any emigrant who has been assisted to emigrate at the cost of the common fund referred to in clause (4) shall, on satisfying the agent appointed under section 7 of the Act that his return to his home is desirable either on the ground of the state of his health or on the ground that the work he is required to do is unsuitable to his capacity, or that he has been unjustly treated by his employer, or for any other sufficient reason, be repatriated free of cost to the place of recruitment, and the costs of such repatriation shall be defrayed by the Government of Ceylon or the Ceylon Planters' Association.
- " (7) If at any time there is no agent appointed under section 7 of the Act, the Government of Ceylon shall appoint a person to perform the duties of the agent as set forth in clause (6)

“(8) Within six months from the issue of this notification, or within such further period as the Governor-General in Council may by notification appoint, the Legislature of Ceylon shall have enacted that no payment made in India by a recruiter to an emigrant to enable him to pay off debts before emigrating shall be recoverable.

“(9) The Government of Ceylon shall furnish such periodical reports and returns as may be required from time to time by the Government of India in respect of the welfare of persons emigrating to Ceylon in accordance with this notification.”

#### CONTROLLER OF INDIAN IMMIGRANT LABOUR.

The Government of India enforced on the Ceylon Government the Emigration Act of 1922 and rules framed thereon, and it devolved on the latter to pass an ordinance, No. 1 of 1923, which made provisions for the appointment of a Controller of Indian Immigrant Labour, and the Organising Office Department..

The Ordinance empowered the Controller to inspect any premises on which Indian Labourers are employed and look into their conditions. The Governor appointed “A Board of Indian Immigrant Labour” to advise the Controller. The Board consists of a minimum of nine and a maximum of twelve members, two of which must be Unofficial Members of the Legislative Council.

The Salaries of the Departmental Staff are paid from the General Revenue of the Colony, the other department expenses are defrayed by the “Immigration Fund.” The Fund was credited with the surplus of the Tin Ticket Fund existing at the date when the Immigration Fund came into operation.

#### AGENT OF THE GOVERNMENT OF INDIA.

The Indian Government appointed a Member of the Indian Civil Service (Mr. S. Ranganathan, M.A.) to watch the interests of the Indians in Ceylon. Ordinance No.1 of 1923, empowers him to inspect any premises on which Indian Labourers are employed and look into their conditions.

### IMMIGRATION FUND.

To make it possible to maintain the Immigration Fund, an Acreage Tax is levied on estates employing Indian Immigrant Labourers. The tax is payable quarterly by estates with ten acres or more planted with Tea or with 30 acres or more planted with Rubber, Cocoa, or Cardamoms. The quarterly fees vary but are often Rs. 1.50 per acre for land planted with Tea, cents fifty per acre for land planted with Rubber, Cocoa or Cardomoms. Cocoanut estates do not contribute. Estates paying the acreage fees are entitled to recruit under the Fund without further payment. Others may receive recruiting licenses by placing a deposit with the Controller or guaranteeing payment by some means or other and further paying a small fee *per capita* to defray administrative charges and the cost of any possible repatriation expenses.

The Ceylon Government as an employer of Indian Labour contributes Rs. 50,000/00, every year towards this Fund. The Immigration Fund is spent on the maintenance of the Head Office (Rent, Office Equipment, Travelling and Stationery), maintenance of Salaries of the Emigration Commissioner, Superintendent of Mandapam Camp and expenses incurred in connection with the protection and recruiting of labourers.

### RECRUITMENT OF LABOURERS AND LABOUR COMMISSIONER.

During the 'Coffee days' and before the organisation of the Labour Commission, the recruiting of Labourers were solely done by professional recruiters, who went over to South India and collected all sorts and conditions of people for the estates. Some of these coolies were brought under false pretences resulting in unpleasant sequences.

The Ceylon Labour Commission was instituted on the 1st June, 1904, as a result of a suggestion made by Mr. Jas. Westland. The Commission served to watch the interests of Ceylon estates recruiting in South India, and was controlled in Ceylon by the "Coast Agency Committee" of The Planters' Association.

The expenses were met from a cess derived in proportion to the acreages of those who supported the Commission. About 95o/o of the Indian Labour Recruits passed through the Commission. There are four agencies, viz.—Trichnopoly Circle, Nallore Circle, Salem Circle and Madura Circle; there is also a Forwarding Agency in Colombo.



## EMIGRATION COMMISSIONER AND LABOUR RECRUITMENT.

When the Indian Emigration Act of 1922 and Rules of 1923, came into force the Government of Ceylon took over the partial control of the Labour Commission, and the Labour Commissioner, was made the Emigration Commissioner, and he is responsible to the Government of Ceylon through the Controller for all his activities in connection with recruitment. The Emigration Commissioner does the same work as before but with slight modification as required by the Indian Emigration Act, which demanded that the Recruiting labourer should be an Indian of the Labour Class who has been previously employed as a labourer by the employer for whom he desired to obtain labourers. No Kangany is allowed to recruit labourers in India without a license. If he attempts to do so he is liable to a prosecution.

The license forms are issued by the Controller of Indian Immigrant Labour, in books of 50 to all eligible employers. The employers are advised to fill in the recruiting license form and forward the same to the Controller of Indian Immigrant Labour. An incorrectly filled in license is returned to the employer to be perfected. The license, on no account should be given to the recruiting Kangany, unless the same has been endorsed by the Controller and Agent, Government of India. The employers are also requested to instruct the Kangany to hand over the license for endorsement to the Labour Commissioner (or his accredited agent) or his authorised agent at Dhanushkodi when he crosses over and before he leaves for his village.

Licenses are also issued to employees at Coast for eligible recruiters. Application for cancelling recruiting license should be made to the Emigration Commissioner. The Indian Government exercise great vigilance regarding emigrants. The recruiter must take his gang of coolies before the Village Munsiff and the district magistrate to satisfy the terms and conditions laid down by the Emigration Act. When they are brought to the Emigration Commissioner, the Inspectors examine their physical fitness before sending them to Mandapam Camp.

### RECRUITING ALLOWANCE.

"The Ceylon Rules provide for the payment of a Recruiting allowance to employers in respect of all labourers introduced to Ceylon by employers paying cess to the Immigration Fund. This allowance will be payable twice yearly, in April and October, and will be made in respect of all persons able to work, twelve years of age and over. It will not be payable on children under 12 or non-working dependents (who will have their feeding and transport paid for) or holders of recruiting licences issued by the Controller. The Ceylon Emigration Commissioner is solely responsible for the classification of labourers into allowance and non-allowance labourers. Employers should not apply for recruiting licenses for those persons who are simply going to the Coast on leave and who are unlikely to return with others than members of their own family: An identification slip will be sufficient to pass such persons through. The length of residence in Ceylon and of service with present employer should be endorsed on such slips, together with the names of any of a family who are likely to return to the holder."

The allowance is fixed by the Governor and at present is Rs. 10-00 for each person.

### LABOUR RECRUITMENT STATISTICS.

In 1921 the recruits that were despatched to Ceylon numbered 22,365; in 1922—77,636; in 1923—89,859; in 1924—153,989 and in 1925—125,585. Mr. Wait in his 1924 Administration Report observes, "the ordinary year's recruiting depends largely on two factors, viz.—the prosperity of the Tea and Rubber industries in Ceylon, and the seasonal agricultural conditions in South India. Generally speaking recruiting is fairly slack during the first quarter of the year when harvesting operations in South India are in progress. The figures rise to a maximum during the second quarter, falls again during the third quarter and are at a low ebb throughout the fourth quarter when the cultivation in South India is in full swing."

### MANDAPAM CAMP.

The Ceylon Quarantine Station at Mandapam Camp is the place of accommodation for the recruits where they enter to pass the six days quarantine as laid down by the Ceylon Quarantine Regulations. During this period the coolies are medically inspected

and when necessary, vaccinated by the Ceylon Quarantine Medical Officer. Those who fail to pass the medical examination are rejected and sent back to their homes at the cost of the Immigration Fund. Recruits suffering from temporary ailments or undergoing segregation as contacts with infectious diseases, are detained until their recovery or the period of segregation is over. All recruits are examined and questioned by the Protector of Emigrants, and he rejects the unsatisfactory, and these are sent back home at the cost of the Immigration Fund. When the period of quarantine is over the unskilled labourers with assisted passages depart from Mandapam in charge of an Escort Peon of the Department of Indian Immigrant Labour. The Superintendents of the various estates are notified by telegram of the impending departure from Mandapam of any labourers bound for their estates and are responsible for them on arrival at the station where they are detained.

The telegraphic address of the Superintendent of Mandapam Camp is " Camp " Mandapam. All inquiries regarding the non-arrivals of recruits should be addressed to him.

#### HEALTH AND SANITARY CONDITIONS ON ESTATES.

The supervision of sanitary conditions on estates is under the direction of the Director of Medical & Sanitary Services, Colombo. The inspecting staff consists of three inspecting medical officers, each with a duly qualified medical assistant, and the estate districts are divided into three divisions accordingly :—

- " (1) Central Province under the Inspecting Medical Officer, Kandy.
- (2) Province of Uva, North-Western Province, and the Eastern half of Sabaragamuwa under the Inspecting Medical Officer, Bandarawela.
- (3) Western and Southern Provinces and Western half of Sabaragamuwa under the Inspecting Medical Officer, Colombo.

The duties of an Inspecting Medical Officer are :—

- (a) To visit the estates within his districts or any other estate which he may be specially directed to visit, and to inspect the sanitary condition thereof;

- (b) To examine the labourers on such estates for the purpose of ascertaining their conditions of health.
- (c) To inspect all children under the age of one year resident upon such estates, and to give directions to the superintendent for their proper care and nourishment.
- (d) To direct the removal to a Government or estate hospital of any sick labourers, whose removal he may consider necessary;
- (e) To draw the attention of the superintendent to any defect in the sanitary condition of his estate and in the condition of health of the labourers;
- (f) If any estate has an estate hospital or dispensary to inspect such hospital or dispensary;
- (g) To report to the Director of Medical and Sanitary Services, Colombo, on all or any of the above matters."

Estate hospitals are annually inspected and the estates they serve receive a rebate on the duty paid by them on the export of their produce in proportion to the marks gained at the inspection. The cost of construction, maintenance, equipment, of salaries of officers and staff are borne by the estates. Free drugs to the value of not exceeding fifty cents per annum for every labourer employed on the estates are given by the Government, and drugs over the amount are supplied at cost price. According to the latest statistics, (as supplied by the Director of Medical and Sanitary Services) there are 593 estate dispensaries and 78 estate hospitals registered under Medical Wants Ordinance No. 9 of 1912.

New permanent latrines are put up; where estates on inspection are found to fall short in their latrines accommodation, they are notified under ordinance and given a period within which they must comply with the statutory provision. Many estates replace the old pit latrine by bucket latrine which proves more satisfactory.

The Rockefeller Institute have for some years been conducting with the aid of Government an Anchylostomiasis campaign in the island, and the chief centres of operation in the planting districts during 1924 were Matale and Dimbula where encouraging results have been achieved.



## ESTATE SCHOOLS.

In 1924 there were 275 registered estate schools on the list of assisted schools, of which 257 were examined for grant during the year. The number of children that attended the registered schools amounted to 11,615, consisting 9,915 boys and 1,700 girls.

Compared with the figures of the previous year there is an addition of three schools and an increase of attendance of 1,083. Most of the estate schools have their own building, well equipped with plenty of accommodation.

During 1924 three conferences for teachers were held at Ragalla, Nanuoya and Katugalle; they were well attended.

The total number of children between the ages of six and ten living on estates is reported to be 32,766 boys, and 30,336 girls. The total of those who attended schools are 15,192 boys and 4,379 girls. It will thus be seen that female education is backward; only one in seven attended school against one in two of boys.

Attendance in schools is steadily increasing and there seems to be keenness on the part of the parents to educate their children, particularly the boys.

## LABOUR CONDITIONS ON ESTATES.

No strikes or labour trouble of any serious nature occur in any of the planting areas. The chief trouble is the difficulty experienced by employers by the movements of the labourers from one estate to the other without giving notice.

Cash advances are sometimes made by superintendents of estates to induce labourers to join estates; this should be discouraged. To be certain, when the question of wages is finally settled and if wages are fixed with limitations regarding advances these allurements will cease *de facto*.

## HOUSING OF LABOURERS

The living-in conditions of the Estate Labourers are greatly improved on account of the pressure brought on the estate owners by the Government Authorities who insist on the building of rooms not less than 12 feet by 10 feet with a clear space of 40 feet round each set of lines, raised floor, proper ventilation, etc., (See in this book "Medical Wants Ordinance, No. 9 of 1912," "The Diseases (Labourers) Ordinance, No. 10 of 1912.")

It is gratifying to learn that most of the estate owners and agents have already put up or reconstructed the living quarters of the workmen, while the rest are making arrangements to build up new lines or remodel the old ones to answer the Government specifications. (See illustration in this book of a Government Standard Cooly-line).

### LABOURER'S WAGES.

For the last three years there were much discussion in the Planters' Association and in the Estates Proprietary Association, regarding the question of Labourer's Wages, and the demands made by the Indian Government about the same; but no finality is arrived at.

As there is no fixed wages for the labourers this section will deal with the probabilities and the possibilities of the same.

Are the Labourers ill paid? Turning to statistics derived after carefully going into figures re wages of labourers on 250 estates, it was found that the ordinary labourer who is classed as " B " gets Rs. 9-29 per month and the other section of labourer classed as " A " receives Rs. 11-29. (To make it clear " A " class labourers are Kanganies, Sub-kanganies, factory labourers and bungalow labourers; " B " class are the field labourers who are not enjoying special allowances as head-money or batta). The Government rates in Colombo for unskilled labourers varies from 60 to 90 cents for a man, 20 to 64 cents for a woman or child.

In the estates the earnings of man, woman and child are in the proportion of 5 : 4 : 3. The average earnings of an " A " class man is Rs. 13-16, woman Rs. 10-52, child Rs. 7-89, making an average of Rs. 11-29 for a labourer. Estate Labourer's wages do include free houses, the rents of same is a great item of expenditure in the city.

Taking into consideration the nature of estate work and the other privileges the labourer on an estate enjoys (sick rice, free

housing, free medical attendance, rice at cost price) one cannot assert positively that the estate labourers are ill paid as compared to that of their fellow labourers in the city.

Does the present cost of living justify an increase of Wages? Perhaps it does; if so, should not the labourer's wages be increased? But the difficulty presents itself again; there is no fixed earnings to increase the wages! Sometime back it was rumoured that the Government of India demanded "Minimum wages" but later the "Minimum wages" were converted into "Standard wages.\*"

It is idle for theorists in Ceylon to compare the wages of often out of employment labourers of South India with the wages of working labourers on estates in Ceylon. The question of wages will never be settled unless the matter is viewed with detached minds and the GIVE & TAKE policy is adopted.

### LABOURER'S FOOD AND HEALTH.

Food is grouped under four classes: (1) Proteins, (2) Fats, (3) Carbohydrates; such as starches, sugars, etc., (4) Mineral substances.

Food of man is used by the tissues of the body, to repair the wasted tissues and to build up new ones.

Food of an estate labourer consists of rice 56 lbs. per month, maldiva or dry fish, dahl, green vegetables, cocoanuts, chillies, onions, etc. Physiologists are of opinion that the Ceylon Labourer's food is an ideal one, if the different items of the food mentioned above are taken *in toto* and in relative proportions. Planters who were in India and who studied the local conditions there, maintain that the labourers in Ceylon are constitutionally superior to those in India. Planters in Ceylon should not however, rest on this security.

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\* For meaning of Standard wages see page 84

It is imperative for superintendents of estates to see that the labourers are healthy and physically fit to do estate work cheerfully and wholeheartedly. The vital statistics of Indian labourers in the estates indicate a heavy toll of deaths and why? Hon'ble Sir Marcus Fernando in a lecture delivered on the subject of "Economic Life of an Estate Labourer," observed, "that the cooly death rate in the hill districts and the infantile mortality on estates are very high in spite of the fact that climatic conditions are extremely good and I feel certain that the poor health and what is more the poor resistance to disease which the workers put up are due to the want of adequate quantity of fat in the food," and he suggested as a remedy a liberal allowance of coconuts to be given by the estates to the labourers at cost price.

While supporting the theory of Sir Marcus Fernando, and commending his suggestion, and as a result of our further investigation into the subject we are driven to the conclusion that most of the ailments of the labourers are caused by their stark ignorance and silly notions of their own dietics; here are a few typical examples:—

If you ever watch a labourer cook his rice you will notice that he does not wash the rice properly before boiling and he maintains that if he washes the rice well, the nutritive properties of the same will be lost! He does not rest there with his imperfection; he insists on cooking his rice practically raw and drinks also the cunjee extracted from the semi-boiled and uncleaned rice! Is it possible for a middle-aged labourer or a delicate woman or child to live healthily on the staple food so cooked, and particularly so if the rice happens to be blended and supplemented with "Chalmers' Granaries" dust and dirt? (Incidentally, it might be mentioned we cannot state now that the rice that leaves the granaries to-day is dirty, though it might be blended—Thanks to the recent steps taken by the Government and the Municipal authorities for putting an end to the practice of rice merchants bulking rice on the cross-roads of the granaries and for planking notices in the said granaries "Spitting is strictly prohibited.")



The labourer consumes more rice than necessary for his health in proportion to the adjuncts, viz., curries. He, along with the city labourer does not believe in the Platonic adage "Rise from the dining table with an appetite." Sir Marcus Fernando in the lecture referred to above, was justified in rationing the labourer's rice to 45 pounds per month and Dr. Marshall Phillip, the City Health Officer, was not wrong when he made the startling observation, "that most of the people in Ceylon die of overeating."

The Indian Labourers do not eat sufficient fresh green vegetables though they are easily procurable for few cents. Again the labourers have a partiality for hot curries, and use too many chillies in cooking their curries. This is due to another ill-founded notion (which seems to be supported by native physicians) that very hot curries are good for the constitution!

Last but not least, the pernicious habits of the labourers eating jak and other rubbish between regular meal intervals and drinking surplus quantity of toddy or arrack—all these contribute towards the labourer's illness and tend to affect their moral tone.

Thus, it will be seen it falls on the lot of the Ceylon Planters, to father and mother the ignorant Indian labourers, and if they grant the freedom, that the labourers want, (with apologies to the Indian Government) it will be detrimental to their own interests more than that of the Ceylon planters.

One is at a loss to find out the reasons why most of the deaths of labourers are due to pneumonia, and these should occur in the healthy districts of the island, viz., Kandy and Nuwera Eliya. It is probable, perhaps that cold and temperate climates do not agree with the labourers who are used to arid climates. An enquiry into the question is desirable. In the meantime it will be advisable not to work the labour recruits on estates till they are climatized. We would suggest, as an experiment, the labour recruits be given a few days rest (the number of days to be left to the discretion of the superintendents) and these be marched into the fields (for a week or two), two hours later than the climatized labourers—of course, this will cause inconvenience,

but it cannot be helped. The death rate of the labourers should be checked to vindicate the fair name of the Ceylon planter.

If the Indian Labourers enjoy healthy lives on Ceylon estates, and if the death rates (including infantile mortality) are reduced to a minimum, then, Ceylon will be a veritable paradise to an Indian Labourer.

## VITAL STATISTICS OF INDIAN IMMIGRANT LABOURERS FOR 1924.

*Population.*—Indian Immigrant Labourers population in 1925 in the scheduled estates is about 630,000 out of 768,000 total number of Immigrants.

*Births.*—The number of registered births of Indian Emigrants in 1924 amounted to 21,944, of which 11,154 were males and 10,790 females.

*Deaths.*—18,770, deaths of Indian Immigrants on estates were registered in 1924 of whom 9,135 were males, 9,635 were females. Principal causes of excessive deaths are Pnuemonia, Bronchitis and Dysentery.

*Infantile Mortality.*—In 1924 the deaths of 5,432 infants of Indian Immigrants on estates were registered of whom 2,871 were males, 2,561 were females. The chief causes of infantile mortality were debility and convulsions.

## POLITICAL STATUS OF INDIANS.

Extract from 1924 Administration Report of Indian Immigrant Labour:—

“ Under the present system of elections for the Legislative Council, established by an Order in Council of December 19, 1923, and subsequently modified in various particulars, the Council consists of 12 Official Members and 37 Unofficial Members.

The 37 Unofficial Members consist of 3 officials nominated by the Governor with the approval of the Secretary

State for the Colonies, 11 members elected to represent Communal Electorates, and 23 Territorial Electorates. The Communal Electorates are :—

European Electorate, Urban	... 1 member
European Electorate, Rural	... 1 member
Commercial Electorate	... 1 member
Western Province (Ceylon Tamil)	... 1 member
Burgher Electorate	... 2 members
Indian Electorate	... 2 members
Muslim Electorate	... 3 members

The qualifications for the franchise are shortly as follows :—

Electors must be males of 21 years of age or over, British subjects, able to read and write English, Singhalese, or Tamil; they must have resided for six months prior to the preparation of the register in the electoral district to which the register refers. An elector must be of sound mind and cannot be registered if he has been sentenced in any part of His Majesty's Dominions to death or penal servitude, or to imprisonment for an offence punishable with hard labour or rigorous imprisonment for a term exceeding 12 months, unless he shall have suffered the punishment to which he has been sentenced, or such other punishments as by competent authority may be substituted for the same, or shall have received a free pardon from His Majesty. Electors must possess the following property or income :—

- (I) A Clear annual income of Rs. 600; or
- (II) Ownership of immovable property either in his own right or in right of his wife to the value of Rs. 1,500 after allowing for any mortgage debts thereon; or
- (III) The occupation as owner or tenant for six months prior to the preparation of the register of a house,

warehouse, shop, &c., of the annual value of—  
 (a) Rs. 400, if situated within the limits of Municipality, Local Board, Sanitary Board, or Urban District Council;

(b) Rs. 200, if situated elsewhere.

Any Indian British subject qualified as above may have his name registered as a voter in the territorial electorate in which he resides.

In addition to the territorial vote, certain electors qualified by reason of nationality or race to vote in the various communal electorates may also exercise a vote in favour of representatives, elected to represent their communal interests.

There are two Indian communal representatives in Council, and the term Indian for the purpose of the "Indian Communal Electorate" means—

"Any person who is a native of British India or of the territories of any Native Prince or Chief under the suzerainty of His Majesty, exercised through the Governor-General of India, or through any Governor or other officer subordinate to the Governor-General of India, and is a resident of Ceylon but is not domiciled therein."

The total number of registered voters in the various electorates in the island is:—

Territorial Electorates	...	172,583
Communal Electorates	...	32,498
		<hr/>
Total		205,081

"The Indian Communal Electorate numbers 12,901. The great majority of the Indians resident in the island being estate labourers do not possess the necessary property qualifications for a vote, but a large number of estate Kanganies and other minor estate employees are on the register; the other voters in the electorate are mainly traders in the various towns. It is probable that nearly all the voters on the Indian Electorate have also registered themselves in their respective territorial electoral divisions and can exercise both of their votes."



## CEYLON LABOUR COMMISSION MANDAPAM CAMP

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## CEYLON LABOUR COMMISSION

(*Editor's Note.*—Major Scoble Nicholson, the Ceylon Emigration and Labour Commissioner has sent us this full account of his well organised, and well conducted Labour Commission).

**T**HE Commission is registered in India under Section 277 of Act VII of 1913 and incorporated in Ceylon.

### HEAD OFFICE — TRICHINOPOLY.

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Legal Advisers ...	Messrs. King & Partridge, Madras, Dewan Bahadur, Sir T. Desikachari, Kt., M.L.C., Trichinopoly.
Bankers ...	Imperial Bank of India, Colombo & Trichinopoly.
Auditors ...	Messrs. Ford, Rhodes, Thornton & Co., Colombo.
Telegraphic Addresses ...	"Rubber," Trichinopoly and "Pepper," Mandapam.



*The Ceylon Labour Commission.*—The Ceylon Labour Commission was instituted on the 1st June, 1904, as the result of a suggestion made by the late Mr. James Westland supported by Mr. Edgar Turner.

The Commission exists to watch over the interests of Ceylon Estates recruiting in South India and it is controlled by the Coast Agency Committee of the Planters' Association of Ceylon.

The expenses are met from an acreage cess (at present 10 cents per acre) from Estates supporting the Commission.

Only Estates which are members of the Planters' Association of Ceylon are eligible as constituents of the Commission, all particulars regarding which can be obtained from the Secretary of the Planters' Association of Ceylon, Kandy.

*Object and Scope.*—The acreage supporting the Commission approximates to-day 600,000 acres, and about 95 per cent. of the Tamil labour recruits are for Estates subscribing to the Commission, which has hitherto undertaken no direct recruiting. It does, however, supervise recruiters sent from Ceylon, and enforces instructions of each estate as to the class of labour required. It also, by arrangement, pays sums of advances for the purpose of recruiting. By virtue of an agreement between the Government of Ceylon and the Planters' Association of Ceylon the Commission at present provides the Emigration Commissioner with the assistance necessary to carry out the Indian Emigration Rules referred to in the previous article on Emigration to Ceylon.

The conditions on Ceylon Estates are fully explained to all recruits, who are carefully watched and protected from exploitation. After they enter the Ceylon Government Emigration Camp at Mandapam, food and railway accommodation are provided in the Camp and on the journey to Ceylon by the Immigration Fund.

The advantages of life and work on Ceylon Estates are brought prominently before likely recruits, and use is made of literature and magic lantern exhibitions for this purpose, while Missionary and similar bodies are kept fully advised of the advantages Ceylon has to offer.

*Organisation.*—The Head Office is at Trichinopoly and is under the personal control of the Commissioner. The South Indian Districts are divided into Circles in charge of Assistant Commissioners and Agencies and each Assistant Commissioner personally examines as many as possible of the labourers who present themselves, and controls all payments. From time to time he tours the districts arranging among other things the distribution of suitable advertisements and answering any enquiries which may be laid before him. A part of the Assistant Commissioners' duties is also to look up and interview in their village recruiters and labourers of subscribing Estates and to convey to the Superintendent concerned any information gathered in this respect. Assistant Commissioners also closely study the local conditions by which means the Head Office is able to keep its records revised, and to issue from time to time up-to-date information to subscribers.



*Circles.*—Four Assistant Commissioners are available for Circle administration, and the recruiting districts have been divided as follows :—

No. 1. Trichinopoly Circle comprises part of Trichinopoly District, Pudukottah State and Tanjore District. Area 8,537 square miles. Population 4,295,000. Residence of Assistant Commissioner, Trichinopoly.

No. 2. Vellore Circle comprises part of Chingleput District, North and South Arcot Districts. Area 10,678 square miles. Population 5,080,000. Residence of Assistant Commissioner, Trichinopoly.

No. 3. Salem Circle comprises part of Salem District, part of Coimbatore District, Karur (Trichy. District). Area 10,909 square miles. Population 3,756,000. Residence of Assistant Commissioner, Salem.

No. 4. Madura Circle comprises Madura, Tinnevely and Ramnad District. Area 14,158 square miles. Population 5,160,000. Residence of Assistant Commissioner, Madura.

*Agencies.*—The following are the Agencies maintained by the Commission arranged in the Circles to which they are allotted.

Trichinopoly Circle	... Perambalore, Turaiyur, Musiri, Tanjore, Arantangi, Pudukottah.
Salem Circle	... Salem, Atur, Namakal, Erode.
Vellore Circle	... Vellore, Arkonam, Chingleput, Villupuram.
Madura Circle	... Dindigul, Madura, Tinnevely.

Agencies not in Circles but in direct charge of Assistant Commissioners are Trichinopoly and Mandapam.

Forwarding Agency, Colombo.

*Trichinopoly Depot.*—All labourers from Agencies North of Trichinopoly pass through this main depot where they are medically examined. Any undesirables are weeded out, thereby eliminating any further expenditure in such cases.

*Mandapam Camp.*—This is a Government Institution under the immediate control of the Ceylon Government, the Ceylon Emigration Commissioner exercising supervision under the Emigration Rules and as Ceylon Labour Commissioner is a non-official visitor. There is an Agency of the Commission under the control of a resident Assistant Commissioner who examines every labourer arriving at Mandapam, and supervises all payments in

respect of them. The Camp has been licensed by the Government of Madras as a place of accommodation for emigrants and the Protector of Emigrants for the Port of Dhanushkodi visits the Camp daily in connection with his duties.

*Colombo Forwarding Agency.*—The Colombo Forwarding Agency is now situated near the Fort Railway Station and is intended to serve labourers proceeding to South India from Districts served by the Coast and Kelani Valley Railways. Such labourers having to pass through Colombo on their way to coast will be fed and their railway tickets purchased for them on estate account by the Colombo Agent, provided they hold a Fare and Meal Order, books of which may be obtained from the Head Office at the cost of one rupee each. A charge of 35 cents per head is levied for each labourer utilising the Agency.

By arrangements with the Controller of Labour, Emigrant labourers from India who are proceeding to the above districts are fed and accommodated at the Colombo Agency, as the present railway train timings necessitate their detention in Colombo for a whole day.

Minors and Solitary Women. *Emigrants.* (a) Minors who are persons under 18 years of age, classed as emigrants cannot proceed to Ceylon unless accompanied by their parents if alive or by their natural guardians such as adult brother or sister. In the latter case the village Munsiff must endorse on the K's license the name, and describe the relationship of the person who is the natural guardian.

(b) Women are not allowed to emigrate unless they are accompanied by a relative over 18 years of age.

2. *Non-Emigrants.*—(a) Minors who claim to be non-emigrants by reason of the fact that they have resided for 5 years in Ceylon or that they have their parents or guardians on the Estate must produce documentary evidence to support their statements: and so must:—

(b) Women who claim to be non-emigrants by residence in Ceylon, or because they are going to join their husbands in Ceylon.

Emigrants, even adult males, may not proceed unless they have the consent of their relatives to do so.

A recruiter committing a breach of the Emigration Rules is liable to prosecution.

*Licenses.*—It is essential that all recruiters should hold licenses issued by the Controller of Labour, Colombo, to whom application for such should be made. Superintendents should be most careful in scrutinising applicants for licenses, particularly those who come from other Estates, and have only short service with the new employer. Repeated instances have occurred of undesirables, who have had their licenses cancelled for irregular recruiting, turning up again with licenses from a fresh Estate, which are promptly cancelled by me. In all cases where any doubt arises, Superintendents should apply to the Labour Commissioner for information giving full particulars of the would-be licensee, particularly in regard to his previous employment. Expense to the Estate will thus be saved.

All payments are made by an European Officer of the Commission as far as possible. Preadvances and other payments over Rs. 200 are almost invariably made by an European Officer.

*A. Forms & Rate per Head.*—In the event of payment of rate per head being required, Superintendents whose practice is uniform should give me a general instruction, which will be communicated to my Agents, and acted upon in the case of all eligible labourers presented by licensees. If rates are variable, or require to be varied in special cases where Estates have standing instructions, A. Forms should be issued.

*Rate per Head.*—The maximum total rate per head payable by the Commission at Coast on Estate instructions was fixed at Rs. 10-00 by the Coast Agency Committee on 10th July, 1925. Out of this Rs. 10-00, Rs. 2/8-0 is to be paid to the labourer.

In the event of rate being fixed by the Estate at less than Rs. 10-00 one-fourth of the total amount allowed will be paid to the labourer, unless special Estate instructions fix a higher proportion for the labourer.

*Identification Slips.*—Books containing Identification Slips have been prepared and may be obtained on application. These slips are designed to be issued to labourers returning to Coast in cases where recruiting is not anticipated or where it is not desired that cash advance should be paid. This Identification Slip takes the place of the old tin ticket, the use of which has now been discontinued, as explained in paragraph regarding tin tickets below.

*Emigrants Without Credentials.*—It is essential that Superintendents should furnish labourers coming to Coast (whom they wish the Commission to assist when returning) with proper credentials. These may take the shape of an Identification Slip or a letter from the Estate, but the former is preferable. When labourers without credentials, but eligible to proceed under the Emigration rules, apply at any of the Agencies, they are questioned by the Agent and their statements are checked by the Directory as far as possible. If the Agent is satisfied that they belong to the Estate to which they desire to be despatched, he sends the Superintendent a telegram giving the names and particulars of the labourers, and on receipt of an affirmative reply they are forwarded to the Estate, being fed in the meanwhile at estate cost.

*Finance.*—The difficulty of maintaining sufficient funds to the credit of an Estate is recognised, and when funds available are about to be exhausted, telegraphic intimation is despatched to the Estate concerned and credit is continued for a further period of 15 days. It is obviously to the advantage of the Estate at once to remit sufficient funds on receipt of a telegram; otherwise keen recruiters may be discouraged and prejudice against the estate may be established in the minds of the would-be recruit.

*Miscellaneous Enquiries.*—On behalf of subscribers, the Commission makes enquiries in regard to properties owned by Estate employees, and negotiates mortgages. Civil suits are also instituted and conducted under the advice of the Commission's Legal Advisers. All questions regarding the property of Kanganies and the settlement of their village affairs may be referred to the Commission and all practicable assistance will be given in such cases.

*Complaints.*—All complaints are immediately investigated if the complainant is on the spot; if he has already crossed over to Ceylon then after the return of the complainant. The Commissioner, if he considers it advisable, may detain a complainant and his witnesses at Trichinopoly or Mandapam, and if the result of the investigation is adverse to the recruiter, the latter is called upon to bear the cost of his own detention and that of his witnesses; on the other hand if a charge is proved against any member of the Indian staff, the cost of the journey and maintenance of the complainant are defrayed by the Commission. The Commissioner's finding is final.



*Professional Recruiters.*—Labourers known to have been received from professional recruiters are invariably rejected, as experience has proved that the ultimate result is loss to the Estate concerned. Moreover, the unscrupulous methods to which a professional recruiter will resort are calculated to prejudice recruiting for Ceylon with the Indian authorities.

*Cost of Making Enquiries.*—Approximate cost of deputing a Ceylon Labour Commission Peon to make enquiries, when travelling by road for a distance of :—

Miles.	Mileage Rs.	Batta Rs.	Total Rs.
10	-	0 3 0	0 3 0
15	0 5 0	0 3 0	0 8 0
20	0 10 0	0 6 0	1 0 0
25	0 10 0	0 9 0	1 3 0
50	1 5 0	1 2 0	2 7 0

N.B.—Rail or other transit is used when available and in such cases the charges are likely to be less than the above.

The third class railway fares from stations in Ceylon

To	From and via Colombo Rs. c.	From Talaimannar Rs. c.
Arantangi	9 90	7 70
Arkonam	11 95	9 75
Atur (Salem)	9 63	7 43
Chingleput	11 24	9 04
Dindigul	6 29	4 09
Erode	8 91	6 71
Madura	5 64	3 44
Mandapam	3 95	1 75
Musiri (Kulitalai)	7 74	5 54
Namakal (Lalapet)	7 85	5 05
Perambalore (Trichy.)	7 32	5 12
Puducottah (Trichy.)	7 32	5 12
Salem Town	9 63	7 43
Tanjore	7 88	5 68
Tinnevelly Town	7 34	5 14
Turaiyur (Trichy.)	7 32	5 12
Vellore Cantt.	11 77	9 57
Villupuram	10 07	7 87
Trichinopoly	7 32	8 12

*From and via Colombo.*—Superintendents of Estates of Kelani Valley, Coast, and Chilaw Lines should ascertain the fare from their Estate station to Colombo payable for labourers on half charge certificate, and add it to the fare shown in the column headed " From Colombo " against the Agency station.

*From Up-country Lines.*—Superintendents of Estates should ascertain the cooly fare from their Estate station to Talaimannar Pier, and add that amount to the fare shown in the column headed " From Talaimannar " against the destination station.

*Cloths, Cumblies, Etc.*—On behalf of subscribing Estates the Commission purchases labourers cloths and cumblies which are supplied at the current market rates plus a buying charge of  $2\frac{1}{2}$  per cent. Current price list and samples can be obtained on application by Superintendents.

A stock of cumblies is held at the Ceylon Labour Commission Office at Mandapam, and any subscribing Estate may instruct the Ceylon Labour Commission that they be issued to new or old labourers who have to pass through the S. W. Monsoon, or to proceed to an Estate within the zone of the monsoon. This precaution is strongly recommended especially in the case of emigrant labourers.

*Information.*—A " Hand Book of General Information " is published from time to time by the Commission, and contains full information as regards the routine of the Commission, Emigration Rules and other essentials. In addition to this, the Ceylon Labour Commission " Monthly Review " is issued at the beginning of each month, containing the latest recruiting prospects reports, details of changes in routine or in the administration of the Emigration Rules, and articles on matters of interest to Estate Superintendents. The " Review " is available only to subscribers to the Coast Agency Scheme.

## MANDAPAM CAMP

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(*Editor's Note.*—The Hon'ble Mr. W. T. Southorn, c.c.s., Chairman Board of Immigration and Quarantine has given us for publication this interesting official account of Mandapam Camp).

**T**HIS is a Quarantine Camp established at Mandapam on the Indian mainland for the detention under medical observation of Estate Labourers and other passengers before they cross over to Ceylon from India, with a view to safeguard the Island of Ceylon from infectious disease. Plague, Cholera, and Smallpox which prevail throughout the year in many parts of India, are the three diseases principally guarded against—the Island of Ceylon thus enjoying a comparative immunity from epidemic disease, although there is free intercourse between it and the South Coast of India. The present Camp has been established since May 1, 1917. It has been licensed by the Government of Madras as a Place of Accommodation under the Indian Emigration Act of 1923, to be used for the reception and lodging of Emigrants about to embark for Ceylon.

The Quarantine Camp comprises two separate divisions:—

(a) *Estate Labourers.*—There are 25 wards for the accommodation of estate labourers. Each ward is designed to accommodate 150 labourers and is selfcontained, being provided with latrines and bathrooms, and fitted with electric light.

(b) *Passengers.*—Passengers are accommodated in 18 wards divided into three blocks of 6 wards each. Separate wards are provided for Brahmins, Muslims and Hindus. In addition, 12 private quarters, known as "Rest-houses," each consisting of two rooms, a bathroom, lavatory and kitchen are provided for the better class of passengers who are desirous of privacy and can afford to pay for their accommodation. Occupants of these "Rest-houses" are permitted to cook their own food should they so desire.

Three separate kitchens are provided from which cooked food is supplied to Brahmins, Muslims and Hindus.

The Hindu Kitchen is provided with 16 steam cookers, each of 36 gallons capacity, in which rice and vegetables are cooked. The catering is in the hands of Messrs. Spencer & Co., Madras, under the supervision of a resident Manager.

Two meals a day are supplied and the estate labourer is given the three anna Hindu meal, consisting of rice, dhal, vegetable and pepper water, but he can have a more expensive meal if he so desires on payment of the difference in cost. The passenger can have any meal he desires on payment of the scheduled rate.

The water supply of the Camp is obtained from wells and is pumped up into a reservoir from which it is distributed to all the buildings.

Salt water is used for the flushing of latrines. It is pumped up from the sea into a reservoir and then distributed to the latrines. A water-carriage system of sewage has been laid down. The crude sewage is disposed of by pumping direct into the sea. All the pumps—fresh water, sea water and sewage—are worked by electricity applied from the power house. There is a well-trained sanitary staff, who attend to the daily disinfection of the latrines, bathrooms and buildings. Three incinerators have been provided, in which the dry sweepings and rubbish are burned.

All the buildings and roads are provided with electric lights.

There are two high pressure steam disinfectors for the disinfection of the personal effects of the passengers and estate labourers.

The General Hospital contains 20 beds, consisting of a male ward of 10 beds, a female ward of 6 beds, and two observation wards of 2 beds each for males and females respectively.

There are two isolation hospitals for cases of cholera and smallpox and 16 segregation wards, for the segregation of the contacts of infectious disease.

*Estate Labourers.*—The estate labourers on arrival in Camp are escorted from the Railway Station direct to the arrival wards. They are then fed, disinfected, medically examined, vaccinated if necessary, and removed to the quarantine wards. The



period of detention in Camp is fixed at five days, excluding the day of arrival and the day of departure. They are examined by the medical officer twice daily until their departure. They are also treated for Anchylostomiasis during their stay in Camp if they so desire. Estates are advised in advance, by means of post-cards, of the date of departure of the labourers from Camp. On the day they leave Camp, the estate labourers are given a travelling diet and are escorted to the station by the Camp peons, who accompany them to their respective terminal stations in Ceylon. A special officer from Camp is detailed to travel daily with the Emigrants as far as Dhanushkodi.

*Passengers.*—On arrival at the Camp station the passengers are taken to the passenger arrival ward where they are registered by the Camp Registration Clerk. They are next examined by the Medical Officer, disinfected and vaccinated if necessary, and those who are to undergo full quarantine are sent to the quarantine wards where they are accommodated free of charge. Passengers pay the feeding contractors for their meals. Those who are passed without detention on a permit issued by the Chairman, Board of Immigration and Quarantine, (Colombo), or on personal Bond, are sent to the passenger departure ward where they are catered for, and then escorted to the Camp station to await the arrival of the Camp special. By arrangement with the South Indian Railway a special train leaves the Camp daily at about 12 noon with estate labourers and passengers for Ceylon. Second and third class carriages are provided and the train runs direct to the steamer reaching Dhanushkodi at about 3 p.m. The Ceylon Boat Mail stops at the Camp station for about 20 minutes, to allow of the first and second class passengers travelling by that train being examined and passed by the Medical Officers who attend this train daily.

The administration of the Camp is in the hands of a Medical Superintendent under the general supervision of the Chairman, Board of Immigration & Quarantine. The Superintendent is

assisted by two Medical Officers in connection with the quarantine work. The Quarantine Medical Officer is responsible for the medical arrangements subject to the control and supervision of the Superintendent.

An Assistant Engineer of the Ceylon Public Works Department is resident in the Camp, and is in charge of the maintenance of buildings, the water supply, and sewage and the electric lighting of the Camp.

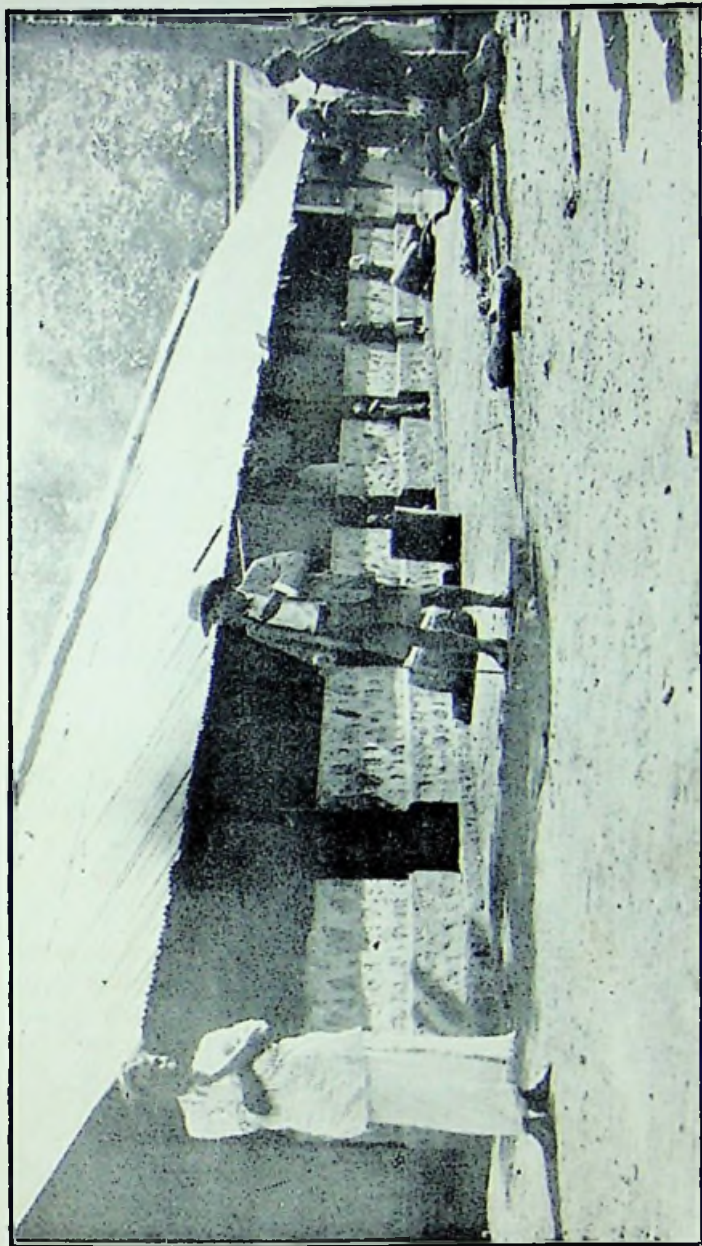
The Ceylon Labour Commission has an Agency in the Camp presided over by an Assistant Commissioner.

The Protector of Emigrants and the Medical Inspector appointed by the Madras Government visit the Camp daily in connection with their duties.

The number of Immigrants passed to Ceylon since the opening of the Camp in 1917 are as follows:—

Year.	Estate Labourers.	Passengers.	Total.
1917	46,267	46,881	93,148
1918	44,010	41,431	85,441
1919	112,195	53,360	165,555
1920	45,912	57,809	103,721
1921	25,344	52,132	77,476
1922	78,106	47,740	125,846
1923	90,289	42,240	132,709
1924	153,989	53,106	207,095
1925	125,585	60,663	186,248





*Photo by*

GOVT. STANDARD COOLY LINE

*J. H. P. Shurway Esqr.*

## A LABOURER'S LIFE ON AN ESTATE

BY "PLANTER."



THE life of a labourer in Ceylon on a Tea or Rubber Estate is a happy one, especially at the present time when both the Governments of India and Ceylon, with the co-operation of the Planters, watch with interest his life and conditions on Estates and do everything possible for his health and comfort. About two years ago the Agent of the Government of India, in a press interview, rightly observed that the labour conditions on Ceylon Estates are far better than those existing in the Malay Peninsula.

An Indian labourer in the famine stricken areas of Southern India earns not more than four annas a day; the same labourer earns double this amount in Ceylon, besides enjoying other advantages which will be enumerated later. The housing of the labourers is now receiving special attention, the old houses are being demolished and are being substituted by new models answering Government requirements and specifications. Though the new methods cost the owners a great deal, yet the planters do not grudge this outlay since the planting community realise the necessity for good housing and are anxious that the labourers should live in comfort as long as they are under their tutelage. The labourer's food is also receiving special attention at the hands of the Planters and every effort is being made to serve out good, clean rice and other wholesome food requisites.

As a general rule a labourer works nine hours a day with intervals for meals, varying from half an hour to one hour. The work on Tea and Rubber Estates is neither hard nor irksome. Experienced planters vary the work of labourers to avoid tediousness and monotony. On estates where task wages are given, the



majority of labourers finish their work by mid-day. If the labourers work 'overtime' or volunteer to work for more than nine hours a day, they are paid an extra wage. Such work is optional.

There seem to be two weak points often found in Indian labourers, viz., addiction to drink and a desire to shift from one Estate to another. Some labourers are unable to work without drinking toddy or arrack and the majority of this class of labourer is a nuisance and a burden both to the Estate Superintendents and to those dependent on the labourers themselves. The second type of people is a discontented lot who always want to be on the move. They shift quickly from one Estate to another seeking better wages and are thus often out of job. Sometimes these return to their original employers willing to serve for less wages than formerly.

Some of the privileges enjoyed by the labourers may be mentioned here for the information of readers and critics.

- (1) The Estates give free accommodation to all labourers.
- (2) If a labourer falls ill and is unable to attend work for a week he is given  $1/8$  bushel of Rice *gratis*.
- (3) Free Medical Attendance and Medicines are given to all sick labourers.
- (4) Free Education is given to the children.
- (5) Firewood is given *gratis*.
- (6) Plots of ground are given free for poultry farming and the cultivation of vegetable gardens.
- (7) Cumblies (blankets), on up-country estates, are provided at the expense of the estate owners.
- (8) In the event of a birth, the parents are given from Rs. 3 to Rs. 5. In the event of a marriage, a sum of Rs. 20 or Rs. 25 is given on most estates as *sanlosums*, (gifts).
- (9) Rice is supplied on most estates at less than cost price.
- (10) Free travelling allowance and food are provided to the labourers selected by the Emigration Commissioner. Return passages and food are given to those who are on the sick list.

Most planters take a lively interest in all matters concerning labourers, as they realise that success in planting depends to a great extent on the labour they employ, hence a planter is willing to adopt every possible measure for the happiness and material benefit of his labourers.

# PRINCIPLES OF LABOUR MANAGEMENT

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"Mattamac" Stormproofs are made only by Pearson Brothers and have the stylish cut of Conduit Street, London, England, which is the Overcoat centre of the World. Their graceful "hang," easy Raglan shoulders, and wide skirt produce a smart dressy effect, besides giving the wearer such a sense of ease that the possession of complete weather protection seems hardly possible.

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## PRINCIPLES OF LABOUR MANAGEMENT

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MR. S. E. N. NICHOLAS.

**I**N this article my observations will be limited to the main principles of labour management on Tea and Rubber estates. My comments are not the result of vast experience but the outcome of observations made while I spent my holidays on various estates.

Success in any walk of life depends more or less on two main factors (a) Knowledge, (b) System. "Knowledge is Power"—a perfect truism, but knowledge without system, particularly in labour management, will end in chaos, and system without knowledge will end in calamity; hence, the road to success lies in the judicious combination of knowledge gained by practical experience and by following theoretical precepts with the guiding principles of approved system. A Tea or Rubber planter may conveniently divide his work on estates into three groups or sections viz: (1) Field Work, (2) Factory Work, (3) Office Work.

### FIELD WORK.

It will be noticed that I put Field Work first for the simple reason that, for the sake of health and practicability, a planter should start his work with early morning inspection (weather permitting). Let us take, for example, work on tea estates. It is very necessary for Superintendents to watch, at intervals, the labourers at work while plucking the tea leaves and transporting the same to the factory. The system of plucking tea leaves, of course, depends on the practice and policy of different estates; but generally it consists of the nipping off of the bud and two leaves, and at times three leaves. Hence, specific instructions are necessary regarding the third leaf which is invariably rejected if over-matured. A good deal can be done on the field by the workmen, to make or mar the quality of tea. Labourers should



be instructed not to handle the plucked tea leaves roughly by pressing the same tightly into the collecting baskets or sacks. The exposed juices of bruised leaves will necessarily cause premature oxidation and thereby spoil the quality of the tea.

Let us take another sphere of work, for example, clearing forests for Rubber planting. Many an estate has been ruined on account of neglected ground work. The stumps of decayed trees if unremoved, the drains if ill-cut, the irrigation, if unproductively directed—all these will affect the estate one day and will involve heavy expenditure in redoing and setting matters aright. It must be remembered the workmen on the field are unskilled labourers and as such they require effective supervision, and this duty should not be left entirely in the hands of the Kanganies.

The men should be trained to observe things. For instance, they should be directed to bring to immediate notice, say in the case of rubber trees, any sign of disease. Credit should be given them when they detect a case of fungus disease, canker, burrs or nodules.

The field work does not necessarily end in supervising the labourers while on duty. It is desirable also that there should occasionally be an inspection of the 'Cooly Lines'—I should say workmen's quarters. Besides seeing that these quarters are kept in a sanitary condition, an occasional enquiry should be made regarding the health of the occupants and they should also be asked if they have any complaints to make. Personal interest in this direction will animate the workmen to do their best at their work. Frequent visits to the workmen's quarters will however, amount to intrusion.

### FACTORY WORK.

Here again the planter must exercise vigilance on all workmen (skilled and unskilled), employed in the manufacture of Tea or Rubber. In Tea, see the withering, rolling, fermenting, firing.

sifting and packing are done *en effel*. Planters should instruct their workmen, besides doing the daily routine of work, to do a little systematic 'side-work' in keeping the factory clean and ventilated. The arrangement of the working system in a factory should be such that it should ensure a minimum of labour with the maximum of results. Things should not be thrown about here and there so as to cause impediments and necessitate zig-zag courses to be adopted; it means waste of time and of labour. Utilise nooks and corners for temporary storing purposes; flushing of all drains, particularly near the fermenting room, should be done very often in factories, not only on sanitary principles, but to ensure good odour to the manufactured tea.

The manufacture of Rubber necessitates the same care and attention as the manufacture of Tea in the drying, smoking and preparation of rubber in general for export.

It is a very common practice with workmen, including store-keepers, to let you know their requirements at the last moment; this is very disturbing, particularly so, if the requisites cannot be procured locally: it means again waste of time and labour. Labourers should be severely reprimanded in the first instance to avoid repetition. It is economical to have in store a few spares of belting, piping, etc., to answer emergency calls.

I visited a certain factory and noticed the workmen taking a holiday. I enquired into the reason of their idleness and was told by the Superintendent that the engine had suddenly failed and he had posted a letter to the engineer. I asked him why he did not send a telegram, and he replied, to my surprise and consternation, "Waste of money to send a telegram"—Here is a typical example of 'Penny wise and pound foolish.' Planters should not grudge to spend money to ensure efficiency of labour on an estate factory.

The Store of the factory should be inspected as often as possible. If there is a difference, excess or shortage of goods, inquiry into the matter should be carefully made; if there is something in excess, it does not follow that the planter is on the right side; there is something wrong somewhere. Perhaps, the excess is caused to bluff the planter regarding a possible shortage in another direction. When there are shortages, some cute store-keepers, at times, involve ignorant labourers (including watchmen), in order to get out of the trouble themselves.

### OFFICE WORK.

Some Superintendents have their offices in their bungalows and others in the factories. Office work regarding the labour may be divided into two sections (1) Reports and accounts to the estate agents or proprietors, (2) Replies to letters and enquiries from the Controller of Indian Immigrant Labour and the Agent of the Government of India. (1) The Superintendent's report regarding labourers wages should be accurate regarding figures and facts; they should not like automatic machines, fill in the columns and send in the same, but should make helpful suggestions and do all they can to help their employers. (2) The days are gone, in treating labourers as domestic servants. The Government of Ceylon, as an employer of Indian labour is responsible to the Government of India regarding their emigrant's life and condition on estates. It is the duty of every planter to reply promptly to all letters from the Controller of Indian Immigrant Labour. The quarterly returns regarding assessment and payment should be sent in on or before the last day of the following month, *e.g.*, the returns for the 3rd quarter should be sent in on or before the 31st October. The Agent of the Government of India should not be regarded as a spy. As a member of the Indian Civil Service and as the representative of the Government of India, he is a responsible Indian Government servant and as such

he must go into the details re facts and figures ; planters are legally bound to give him all the necessary help in the discharge of his duties.

All letters and enquiries should be promptly replied to. It is a bad practice to let the work get into arrears. This should be avoided. The labourers' wages should be paid when they fall due, and attention to their petitions and complaints should be given personally with a view to settle all matters without the interference of a third party.

### SURPRISE VISITS.

All Superintendents of Estates have not such powerful personalities for labourers 'to realise their presence in their absence.' Such being the case, to know exactly what is going on behind their backs they would do well to pay occasional surprise visits. These must be done with tact and without causing suspicion or provocation. When a planter has a fixed programme, the skilled and unskilled workmen in the factory and the labourers in the field will know the exact movements of the Head and will shape their work accordingly ; the slackers will have extra leisure hours if their work is not supervised. Strict principles in not paying surprise visits, will not pay in a place like Ceylon.

### VISITING AGENTS & GOVERNMENT INSPECTORS.

The Visiting Agent makes his occasional visit to inspect the estates and to report the state and condition of the same to the estate agents or proprietors of estates, and also to give advice regarding all matters in connection with the estate. As a general rule, he is an elderly person with mature experience and it will be well to consult him in all matters regarding labour. If a planter acts on his own initiative and, for instance, fines a labourer twenty cents (out of a fifty-cent-wage), and then boastfully informs the Agent of his strict discipline, he would only be laying himself open to a good telling-off. It is iniquitous to impose heavy fines.



Planters should be well informed about the duties of a medical inspector (see chapter on Immigrant Labour) and if he does not do his duty satisfactorily he should be reported to the Provincial Surgeon or the Director of Medical and Sanitary Services, Colombo. The inspecting medical officer is expected to visit all estates occasionally and to give all the necessary advice regarding the sanitation and health of the labourers in general.

The inspectors of the Department of Indian Immigrant Labour are expected to help the Controller in the assessment of estates for the purpose of fixing the rates of 'Immigration Fund,' to enquire into the petitions and complaints of the labourers and to see to the sanitation of the workmen's quarters. If anything is done contrary to the Government ordinances and regulations, it is within their power, with the sanction of the Controller of Indian Immigrant Labour, to prosecute the delinquents.

#### FINAL NOTE OF WARNING.

We are living in an age of criticism, at a time when the *vox populi* carries some weight. There are political spies about with sharp eyes watching every movement and wanting "copy" for newspapers (particularly for some South Indian Newspapers). Room for unfair criticism should not be given; work should be done faithfully. In short, if planters expect the Government authorities, visiting agents and the general public not to interfere with their work, they should perform their duties judiciously and punctiliously.





RUBBER TAPPER

## REPORT OF THE COMMITTEE ON STANDARD WAGES

*Editor's Note:*—We are inserting the above report *in toto* as we are of opinion that the insertion of extracts from the same might misrepresent matters.

### FIXATION OF A STANDARD WAGE FOR LABOURERS EMPLOYED ON CEYLON ESTATES.

From The Hon. the COLONIAL SECRETARY

to the CHAIRMAN, Planters' Association of Ceylon.

No. 5,662.

Colonial Secretary's Office,  
Colombo, March 10, 1925

SIR,—I AM directed to forward herewith, for the information of the Planters' Association, a copy of a letter dated March 5, 1925, received from the Controller of Indian Immigrant Labour, together with copies of its annexures regarding the question of the fixation of a standard wage for labourers working on Ceylon estates.

2. Government would be glad if the matter could be discussed by the General Committee of the Planters' Association at its next meeting which, it is understood, will be held on the 12th instant, and if Government could be informed at an early date of the wishes of the planting community as to the manner in which the problem should further be discussed by the various associations interested.

I am, &c.,

B. BELLETH,  
for Colonial Secretary.

*Letter referred to.*

From The CONTROLLER OF INDIAN IMMIGRANT LABOUR  
to the Hon. the COLONIAL SECRETARY.

No. 15.

Department of Indian Immigrant Labour,  
Colombo, March 5, 1925.

*Proposal to Fix a Standard Wage for Indian Immigrant  
Labourers on Estates.*

SIR,—I HAVE the honour to state that in accordance with a resolution passed at the last meeting of the Board of Indian Immigrant Labour on January 31, 1925, and with your approval as expressed at an interview with the Director of Statistics and myself, this question was discussed on February 24 and 25, 1925,



by a Committee consisting of the following :—

The Controller of Indian Immigrant Labour, Chairman.

The Director of Statistics.

The Emigration Agent of the Government of India in Ceylon.

Mr. J. W. Oldfield (representing low-country estates).

Mr. R. G. Coombe (representing up-country estates).

Mr. H. D. Garrick (representing mid-country estates).

Mr. H. L. de Mel, C.B.E. (representing the Low-country Products Association).

2. I forward herewith the Minutes of the Proceedings of the Committee. It will be seen that, except on one point, where the margin of difference is not large, the Committee were able to come to a unanimous decision throughout the discussion. The point of difference is the number of days per month which, on up-country estates, should be worked by men and women in order to earn the " budget figures " for the month. (*Vide* paragraphs 6, 13, and 14 of the Minutes). Here the Indian Agent thought that the number of days should be 23 and not 24. He was, however, ready to acknowledge that the planting members of the Committee had considerable arguments in their favour and undertook to state their case in any representations to the Government of India. If only 23 days' work is taken as the month's quota in any zone, the standard daily rate would have to be raised by approximately 5 per cent.

3. The following comments on the various other discussions may be of use :—

(a) *The Present Position of the " Day's Name " and Piecework Rates on Estates and the Ratio of Men's Wages to those of Women's.*

(*Paragraphs 1, 2, 5, and 12 of the Minutes*).

The Indian Agent admits that a large proportion of the estate labourers earn wages ample for their requirements. This class of labourer includes the kanganies, sub-kanganies, factory coolies, and " allowance coolies " performing domestic or semi-domestic duties, such as garden and tappal coolies. Many of the " piecework " labourers can and do earn more than the " budget " rates if they turn out at all regularly.



The fact is that a very large proportion of the work on estates, such as plucking and tapping, is done by piecework, and the advance in rates for piecework has on many estates outstripped the advance in the "day's name" or rate for daily-paid labour. The result is that the labourer getting a "day's name" is often at a disadvantage compared with the pieceworker, so that the standardization of the "day's name" at a reasonable level will rectify his position. In many cases where the "day's name" is, at present, below the proposed standard rate, the piecework rates are, at any rate, during the greater part of the year, quite sufficient and would require little or no change.

Similarly the customary "day's name" for a woman may in a certain number of estates fail to represent the proportionate wage-earning capabilities of the woman as compared with those of a man. For some tasks a man's labour is at a much higher level, but in plucking and often in tapping the female labourer can well hold her own and at piecework rates for such tasks earns as much as a man.

For this reason the Committee were of opinion, when deciding on the ratio of men's and women's wages, that though on a good many estates the present "day's name" of a man and a woman may be nearer the proportion of 5:3.5, the ratio of 5:4 is a fairer estimate of the woman's all-round wage-earning capabilities on an estate.

#### (b) *Standard Budgets.*

The Roneo budgets were drawn up as a basis for inviting comment, by the Director of Statistics, after a considerable amount of investigation and of discussion with the Indian Agent. They differ in certain details from the sample budgets drawn up, in similar circumstances, by the Indian Agent, but the differences are so small that the Committee were of opinion that the Indian Agent's budgets could safely be adopted as a very fair estimate of the budget which would keep the estate labourer and his family at a reasonable standard of living.

#### (c) *Issue of Rice.*

The Indian Agent's budget is based on the assumption that rice of proper quality will be issued at a uniform price of Rs. 6-40 per bushel; the minimum quantities being  $\frac{7}{8}$  bushel per month for a man,  $\frac{5}{8}$  for a woman,  $\frac{3}{8}$  for a working child, and .45 for a non-working child. He states that these quantities will be sufficient if the rice is *good*, i.e., of reasonable quality and in good condition; *clean*, i.e., does not contain an undue percentage of dust and is free of sweepings; and *unblended*.

(d) *Discontinuance, except optionally, of Bonuses and Free Issues.*

Some estates, whose "day's name" may be below the standard, make up the balance to their labour force by bonuses for regular workers, free issues of cloths at festivals, &c., and by various other "santosums."

It was felt, however, that any attempt to bring such issues into account when fixing the standard wage would be a matter of great difficulty and would be open in some measure to objections urged against the "truck system of wages." The Indian Agent stated that, provided the standard wage was given, he would be in favour of the discontinuance of all free issues (even that of free meals to non-working children), save the maternity allowance and "sick rice" or any other issue which may be laid down under the Medical Wants Ordinance.

If any estates wished to continue any bonuses, "santosums" or free issues, they must be entirely optional and in addition to the payment of the standard wage.

(e) *The Calculation of the Standard Wage.*

The rates shown at paragraph 12 of the Minutes and endorsed by the Committee were calculated by the Director of Statistics and the Indian Agent and are based on the following factors:—

- (i) That the number of days work performed per month by a man, woman, and child are 24, 24, 20, respectively.
- (ii) That the ratio of their wages is 5 : 4 : 3.
- (iii) That rice is issued at a price not exceeding Rs. 6-40 a bushel, in the quantities of  $\frac{7}{8}$  bushel per month to a working man,  $\frac{7}{8}$  to a woman,  $\frac{5}{8}$  to a working child, and .45 to a child under 10 years of age.
- (iv) That the following is the proportional distribution of the various classes among the Indian labouring population on estates:—

Working men	...	100
Working women	...	85
Working children	...	32
Non-working men	...	2.8
Non-working women	...	5.8
Young children	...	40

These figures were calculated by the Director of Statistics on the Census figures and immigration statistics, but are of course only approximations.

*(f) The Division of Estates into Three Zones: Low-country, Mid-country, and Up-country.*

It was generally agreed that the cost of living, and therefore the labourers' budget, tended to vary with the distance from Colombo, while for climatic reasons the labourer required more clothing at the higher elevations. As a matter of actual fact the wages now paid do tend in some measure to conform to these variations and are generally higher up-country or in remote districts than in such low-country districts as Kalutara, &c. For these reasons three budgets were drawn up for low-country, mid-country, and up-country, respectively.

This again means that the standard wage will differ slightly in the three zones.

The Committee agreed to this division into the three zones as a practical expedient for expressing the varying cost of living. The division would not be based wholly on the factor of elevation, but distance from Colombo and the consequent higher level of the cost of living would have to be taken into consideration in some districts.

It was considered, however, that in practice there would be no great difficulty in working out the divisions. For instance, probably the whole of the Province of Uva would fall into the "up-country" zone. The various estates would be scheduled into the three divisions, in some cases by districts, or in some border-line districts either by lists of individual estates, or by proclaimed boundaries. Doubtful cases would probably be few.

The necessary machinery for scheduling the estates could be laid down by regulations framed under the Ordinance, with the provision for some means of appeal and arbitration in doubtful cases.

*(g) Actual Earnings of the Labour Force.*

The Director of Statistics had taken out certain figures showing the total earnings of the labour force as a whole, but it was felt that any attempt to argue a solution of the problem of standard wages from this standpoint would lead to very inconclusive results.

As stated before, the Indian Agent was quite satisfied that a large proportion of the force earned ample wages; but it was extremely difficult to separate the wages of such earners from the total wages, or again to divide piecework wages from "daily name" earnings. It was also impossible to say conclusively what proportion of contract earnings should be allowed to the kangany class or to the ordinary labourer or how far short turnout on the estates was, or was not, counter-balanced by outside earnings.

It seemed far simpler to attack the problem a different side. There was a consensus of agreement on the labourers' budget, and a very near approach to agreement on the number of days work a month which should be put in by the labourer to earn the standard wage. From these two factors it was simple to arrive at a standard daily rate, which was not outside the means of the industry to pay, and which would keep the ordinary daily-paid labourer at a fair level of living, provided he worked with due regularity.

If such a standard rate was offered by the estate, the labourer had full opportunity to earn it and, if he failed to do so, the responsibility would lie on him.

#### *(h) Meaning of a Standard Wage.*

In paragraphs 10 and 17 of the Minutes the Committee define their view of what a standard wage means, and how it may be legally defined.

The rates should, at a given period, bear due relation to the standard of comfort of the labourer, and also to the capabilities of the industry; and should be capable of variation, if changing conditions called urgently for variation in either direction.

In effect they would more or less correspond to the "Union-rates" in force, from time to time, in countries with industries on a more advanced plane of economic development.

For this reason it would not be desirable to fix the rates themselves by Ordinance, and the Committee had in view an enactment somewhat similar to sections 68, 69, 70, and 141 of the Federated Malay States Labour Code, 1923. The Ordinance itself would merely empower the Governor in Executive Council to prescribe by regulation the rates which from time to time would be enforced. The standard rates mentioned in paragraph 12 of the Minutes would in the opinion of the Committee prove fair under present conditions.



4. The members of the Committee were informed before the discussion began that their resolutions could not be taken to bind either Government in its action on the question, but that the meeting was in the nature of a preliminary examination of the problem to see whether any common ground could be found by all parties as a prelude to any further necessary action.

The Indian Agent is, I understand, shortly proceeding to India and will report to his Government the result of the discussion.

5. Meanwhile the members of the Committee are of the opinion that some information should be given at an early date to the planting community and to the general public with regard to the investigations which have been made into the question of the budgets and wages of estate labourers, and that the general conclusions arrived at as a result of these investigations should be published.

6. The annexed draft communiqué was drawn up directly after the meeting by the Director of Statistics, the Indian Agent, and myself, and we suggest that, if you approve, it may be issued by you to the press. The communiqué gives only a brief summary of the position which will, I presume, require fuller investigation and comment by those interested before you are prepared to endorse any action suggested therein. I suggest that in the first instance a copy of this report and its annexures be sent to the Chairman of the Planters' Association for discussion by the General Committee of the Planters' Association which I am informed will sit at Kandy on March 12, 1925. I understand that His Excellency will be present at the Planters' Association meeting on the following day, and the Chairman of the Planters' Association who served on the present Committee would thus have an opportunity of stating to Government the wishes of the planting community, as to the manner in which the problem should be further discussed by the associations interested, viz., the Planters' Association of Ceylon, the Ceylon Estates' Proprietary Association, and the Low-country Products Association.

I am, &c.,

W. E. WAIT,

Controller of Indian Immigrant Labour

## ENCLOSURE.

Minutes of the Meeting of the Sub-Committee to discuss Wages of Indian Immigrant Labourers, held on Tuesday, February 24, 1925, at 10 a.m., and on the following day, at the Office of the Controller of Indian Immigrant Labour, Colombo.

*Present.*—The Controller of Indian Immigrant Labour (Chairman); Mr. L. J. B. Turner, Director of Statistics; Mr. S. Ranganathan, Emigration Agent of the Government of India; and Messrs. J. W. Oldfield; H. D. Garrick; R. G. Coombe; and H. L. de Mel, C.B.E.

1. It was brought to the notice of the Committee that the question of a standard wage would work out in practice as the stabilizing of "the day's name." The piece rates at present in force are in all probability sufficient in nearly all cases, and it was not proposed to fix any table of piece rates or interfere save in exceptional cases with piecework.

2. Mr. R. G. Coombe raised the question of the ratio of men's wages to those of women and children. The Director of Statistics and the Agent of the Government of India had assumed this ratio to be 5 : 4 : 3.

3. It was decided in the first instance to deal with the budget before going further into the question of this ratio.

4. The Director of Statistics stated that the Roneo budgets (*vide* annexure A) for Low-country, Mid-country, and Up-country had all been commented on by several planters of experience in the respective zones. The results of these comments showed that the Indian Agent's budgets and the Roneo budgets were very close and lay near the average of the various budget rates suggested by the various planters.

It was agreed that the Indian Agent's budgets (*vide* annexure B) should be accepted as the basis of representation to the Indian Government on the subject.

5. As regards ratio of wages, the Director of Statistics had assumed that the ratio of men's, women's, and children's wages was approximately 5, 4, 3. Mr. Coombe suggested 5, 3.5 and 2.5; and it was agreed that the Director of Statistics and the Indian Agent should work out standard wages required for the three zones on this basis.

6. The meeting then discussed the question of the number of day's work which would be required during the month for man, woman, and child to earn the standard wage.

The Indian Agent stated that he thought that in the low-country 24 days for man and woman and 20 days for a child was fair. He thought that in some up-country districts it should be rather less, somewhere between 22 and 24 days, and not quite so much as 24 for the men and women.

7. The Committee agreed to the position as set out in paragraph 3 of the memorandum circulated to the members as a basis of discussion.

8. It was agreed that the Director of Statistics and the Indian Agent should work out figures for standard wage proposals to be discussed next day by the Committee; taking rice at Rs. 6-40 a bushel; and the ratio of wages at 5, 3'5, 2'5. The figures when worked out would show what number of days in the month the labourer would have to work to earn the "budget" amount for the zone.

9. It was to be understood that when "standard wage" was paid, estates would be under no obligation to continue the free feeding of non-working children or the free issue of cloths. There would also be no call to give marriage allowances, &c.

Any issue however laid down by the Medical Wants Ordinance, such as maternity allowance, "sick rice," &c., would continue.

10. In discussing the question of standard wages the Committee was of opinion that the "standard wage" discussed by it and as accepted by it in principle meant rates which were equitable and could be borne, in the present economic conditions, and the present state of the industries concerned; and that they should be open to any necessary revision if conditions changed.

11. It was agreed that as the budget framed by the Indian Agent had been accepted, the actual income statistics of estate labourers were not relevant to the discussion, since given the budget, and the standard wage the labourer should be enabled by working a reasonable number of days during the month to earn the budget figures. Provided the estate pays the standard wage the labourer would have sufficient earnings if he turned out regularly.

The meeting then adjourned till 10 a.m. the following day.

10 a.m. Wednesday, February 25, 1925, Meeting resumed, all Members present.

12. The Director of Statistics stated that he and the Indian Agent had worked out the standard wages required to earn the "budget figures."

(1) Taking the ratio of men's, women's and children's wages at 5, 3'5, 2'5 with the number of days' work per month at 24, 24, 20.

(2) Taking the ratio at 5, 4, 3 (with the same number of days' work per month).

He stated the reasons for the advantages of the latter ratio.

	Ratio 5 : 4 : 3.			Ratio 5 : 3'5 : 2'5.		
	Men Cents.	Women. Cents.	Children. Cents.	Men. Cents.	Women. Cents.	Children. Cents.
Low-country	50	40	30	53	37	26 per diem
Mid-country	52	41	31	55	39	26 do
Up-country	54	43	32	58	40	27 do
				(57	41	28) do

Both rates of wages assume that in all three zones the men and women work 24 days a month and the children (over 10 years of age) 20 days.

It was agreed that the 5 : 4 : 3 ratio was more acceptable.

13. The planting members of the Committee were of the opinion that as the employer is bound, on demand, to provide 6 days' work a week and that as the standard wage will improve the wage status of the labourer, the labourer should be expected to turn out more regularly than he does at present. In their opinion it was not too much to expect the adult labourer to turn out 24 days in the month in all three zones.

14. The Indian Agent stated that up-country, at any rate in some districts, 23 days a month could be quite sufficient, taking into account the weather conditions and the stamina of the labourer. He was however prepared to state the case from the planters' point of view. If the amount of days worked is to be taken at 23 for man, 23 for woman, and 20 for child in any zone the standard day's wage would have to be raised by approximately 5 per cent.



15. Mr. Ranganathan brought up the following points for discussion in connection with the general question:—

(a) The quality of rice issued is a relevant point as the issue of a standard quality of rice at a price not exceeding Rs. 6-40 per bushel is one condition of the standard budget, adopted for the purpose of calculating the standard wage. It was agreed that the rice issue should be defined as "in good condition, clean, and unblended."

(b) *Bonuses and Provident Fund Contributions.*—The standard wage must be given independently of any bonus or any payment by way of "free issue" or "santosum."

The payment of any bonus, &c., would be entirely optional, but if made must be in addition to the standard wage. Any labourer earning a bonus should be paid up any sum due to him as bonus when he is paid off.

Any estate shall however be at liberty to maintain a Provident Fund and contributions to any properly constituted Provident Fund may be reckoned as part of the standard wage. Provided that any cooly on being paid off shall receive any sums, shown to his credit in the Provident Fund, at the time when he is so paid off.

(c) Agreed that section 4 (5) (b) of Ordinance No. 9 of 1909, viz:—"At least one-half of such full amount, after such deductions as aforesaid, has been paid directly to the labourer himself, and the balance has been paid to some person expressly authorized by the labourer to receive the same on his behalf or on his account, and the receipt of such person for such payment has been delivered to the labourer" should be deleted.

16. Agreed that the working day should be defined as not exceeding 9 working hours in the field, and 10 working hours in a factory, any work in excess of these hours should be paid for as overtime.

17. Agreed that the standard wage may be defined as in section 141 (iv) of the Malayan Labour Code, i.e.:—

"Standard rates of wages mean the rates proper for an able-bodied male labourer above the age of sixteen or for an able-bodied female labourer above the age of fifteen for a day's work or equivalent task as provided by section 68."

W. E. WAIT,

Controller of Indian Immigrant Labour  
and Chairman, Sub-Committee.

Colombo, February 25, 1925.

*Annexure A referred to in Enclosure.*

# RONEO BUDGET, MID-COUNTRY.

## EXPENDITURE PER MONTH.

### Summary.

			Rs. c.
I.—Male adult cooly	...	...	10 11
II.—Female adult cooly	...	...	9 42
III.—Working child	...	...	6 59
IV.—Non-working child	...	...	2 94
			<hr/> 29 06 <hr/>

### I.—MONTHLY EXPENDITURE FOR A MALE ADULT COOLY.

Rs. c. Remarks.

#### Foodstuffs :—

Rice,  $\frac{5}{10}$  bushel at Rs. 6-00 per bushel 5 40

Cents.

Chillies (dried),  $\frac{3}{4}$  lb. ... 28 $\frac{1}{2}$

Coriander,  $\frac{1}{4}$  measure ... 6 $\frac{1}{2}$

Cummin seed, pepper, turmeric, and garlic ... 20

Coconuts, 2 ... 12

Dhall, 1 measure ... 24

Dry fish (nettali), 1 lb. ... 30

Green peas, 1 measure ... 25

Maldiva fish,  $\frac{1}{2}$  lb. ... 40

Meat, 1 lb. ... 25

Onion, 1 lb. ... 12

Salt, 1 measure ... 15

Tamarind, 1 lb. ... 12

Vegetables ... 10

2 60

Soap ... 0 10

Betel, arecanut, chunam, tobacco ... 0 50

Pots and pans ... 0 17

Kerosene oil, coconut oil, and matches ... 0 80

#### Clothing :— Rs. c.

4 vetties per annum at Re. 1-50 each 6 00

3 lengies per annum at 75 cents each 2 25

3 banians per annum at Re. 1 each 3 00

1 cumbly per annum at Rs. 3-00 3 00

Yearly expenditure 14 25

		Rs. c.	Remarks.
Average monthly expenditure	...	1 19	
Dhoby	...	0 25	
Barber	...	0 25	
		<hr/>	
Total monthly expenditure	...	11 11	
Allowance for messing	...	1 00	
		<hr/>	
Total	...	10 11	

II.—MONTHLY EXPENDITURE FOR A FEMALE ADULT COOLY.  
Foodstuffs:—

		Rs. c.	Remarks.
Rice, $\frac{3}{4}$ bushel at Rs. 6-00 per bushel	...	4 50	
Other foodstuffs (taken as .83 of allowance for male adult, viz., Rs. 2-60)	...	2 16	
Soap	...	0 10	
Betel, arecanut, chunam, tobacco	...	0 50	
Pots and pans	...	0 17	
Kerosene oil, coconut oil, and matches	...	0 80	
Clothing:—	Rs. c.		
3 seelais per annum at Rs. 5 each	15 00		
3 lengies per annum at 75 cents each	2 25		
1 cumby per annum at Rs. 3	3 00		
	<hr/>		
Yearly expenditure	20 25		
	<hr/>		
Average monthly expenditure	...	1 69	
Dhoby	...	0 25	
		<hr/>	
Total monthly expenditure	...	10 17	
Allowance for messing	...	0 75	
		<hr/>	
Total	...	9 43	

III.—MONTHLY EXPENDITURE FOR A WORKING CHILD.  
Foodstuffs:—

		Rs. c.	Remarks.
Rice—same as for female adult cooly	...	4 50	
Other foodstuffs—same as for female adult cooly	...	2 16	
Clothing:—			
For Boy per Annum.		For Girl per Annum.	
	Rs. c.		Rs. c.
2 vetties at Rs. 1.25 each	... 2 50	2 seelais at Rs. 2.50 each	... 5 00
banians at 80 cents each	... 1 60	2 lengies at 80 cents each	... 1 60
ngies at 80 cents each	... 1 60		
	<hr/>		<hr/>
	5 70		6 60

	Rs.	c.	Remarks.
Average monthly expenditure for boy or girl reckoned as (average of Rs. 5-70 and Rs. 6-60 :-12)	...	...	0 52
Dhoby	...	...	0 25
Total monthly expenditure	...	...	7 43
Allowance for messing	...	...	0 84
Total	...	...	6 59

IV.—MONTHLY EXPENDITURE FOR A NON-WORKING CHILD.  
Foodstuffs:—

	Rs.	c.	Remarks.
Rice, .45 bushel at Rs. 6 per bushel	...	...	2 70
Other foodstuffs (taken as .5 of allowance for male adult, viz., Rs. 2-60)	...	...	1 30
Clothing—Same as for working child	...	...	0 52
Total monthly expenditure	...	...	4 52
Deduction for variation of age, &c.	...	...	1 58
Total	...	...	2 94

RONEO BUDGET, UP-COUNTRY.

EXPENDITURE PER MONTH.

Summary.

	Rs.	c.
I.—Male adult cooly	...	10 74
II.—Female adult cooly	...	9 67
III.—Working child	...	6 34
IV.—Non-working child	...	3 09
		30 34

I.—MONTHLY EXPENDITURE FOR A MALE ADULT COOLY.  
Foodstuffs:—

	Rs.	c.	Remarks.
Rice, 1 $\frac{1}{2}$ bushel at Rs. 6 per bushel	...	5 40	
	Cents.		
Chillies (dried), $\frac{3}{4}$ lb.	...	30	
Coriander, $\frac{1}{4}$ measure	...	6 $\frac{1}{2}$	
Cummin seed, pepper, turmeric, and garlic	...	20	
Coconuts, 2	...	20	
Dhall, 1 measure	...	25	
Dry fish (nettali), 1 lb.	...	36	



	Rs. c.	Remarks.
Green peas, 1 measure	30	
Maldivé fish, $\frac{1}{2}$ lb.	40	
Meat, 1 lb.	30	
Onion, 1 lb.	12 $\frac{1}{2}$	
Salt, 1 measure	15	
Tamarind, 1 lb.	15	
Vegetables	10	
	<hr/>	2 90
Soap	...	0 10
Betel, arccanut, chunam, tobacco	...	0 50
Pots and pans	...	0 17
Kerosene oil, coconut oil, and matches	...	0 80
Clothing:—	Rs. c.	
4 vetties per annum at Re. 1-50 each	6 00	
3 lengies per annum at 75 cents each	2 25	
3 banians per annum at Re. 1 each	3 00	
1 coat per annum at Rs. 4.	4 00	
1 cumby per annum at Rs. 3	3 00	
	<hr/>	
Yearly expenditure	18 25	
	<hr/>	
Average monthly expenditure	...	1 52
Dhoby	...	0 25
Barber	...	0 10
	<hr/>	
Total monthly expenditure	...	11 74
Allowance for messing	...	1 00
	<hr/>	
Total	...	10 74

## II.—MONTHLY EXPENDITURE FOR A FEMALE ADULT COOLY.

### Foodstuffs:—

	Rs. c.	Remarks.
Rice, $\frac{3}{4}$ bushel at Rs. 6 per bushel	4 50	
Other foodstuffs (taken as .83 of allowance for male adult, viz., Rs. 2-90)	2 41	
Soap	0 10	
Betel, arccanut, chunam, tobacco	0 50	
Pots and pans	0 17	
Kerosene oil, coconut oil, and matches	0 80	
Clothing:—	Rs. c.	
3 seelais per annum at Rs. 5 each	15 00	
3 lengies per annum at 75 cents each	2 25	
1 cumby per annum at Rs. 3	3 00	
	<hr/>	
Yearly expenditure	20 25	

		Rs.	c.	Remarks.
Average monthly expenditure	...	1	69	
Dhoby	...	0	25	
Total monthly expenditure	...	10	42	
Allowance for messing	...	0	75	
Total	...	9	67	

### III.—MONTHLY EXPENDITURE FOR A WORKING CHILD.

#### Foodstuffs:—

	Rs.	c.	Remarks.
Rice—same as for female adult cooly	...	4 50	
Other foodstuffs—same as for female adult cooly	...	2 41	

#### Clothing:—

For Boy per Annum.		For Girl per Annum.		Rs.	c.
2 vetties at Re. 1'25 each	...	2	50	5	00
2 banians at 80 cents each	...	1	60	1	60
2 lengies at 80 cents each	...	1	60		
		5	70	6	60

Average monthly expenditure for boy or girl reckoned as (average of Rs. 5-70 and Rs. 6-60) 0 52

Dhoby	...	0 25
Total monthly expenditure	...	7 68
Allowance for messing	...	0 84
Total	...	6 84

### IV.—MONTHLY EXPENDITURE FOR A NON-WORKING CHILD.

#### Foodstuffs:—

	Rs.	c.	Remarks.
Rice, .54 bushel at Rs. 6 per bushel	...	2 70	
Other foodstuffs (taken as .5 of allowance for male adult, viz., Rs. 2-90)	...	1 45	
Clothing—Same as for working child	...	0 52	
Total monthly expenditure	...	4 67	
Deduction for variation of age, &c.	...	1 58	
Total	...	3 09	

## RONEO BUDGET, LOW-COUNTRY.

## EXPENDITURE PER MONTH.

*Summary.*

			Rs. c.
I.—Male adult cooly	...	...	9 69
II.—Female adult cooly	...	...	8 38
III.—Working child	...	...	6 82
IV.—Non-working child	...	...	3 00
	Total	...	<u>28 39</u>

## I.—MONTHLY EXPENDITURE FOR A MALE ADULT COOLY.

## Foodstuffs:—

		Rs. c.	Remarks.
Rice, $\frac{3}{8}$ bushel at Rs. 6 per bushel	...	5 40	
	Cents.		
Chillies (dried) $\frac{3}{4}$ lb.	...	27	
Coriander, $\frac{1}{4}$ measure	...	6	
Cummin seed, pepper, turmeric, and garlic	...	20	
Coconuts, 4	...	24	
Dhall, 1 measure	...	24	
Dry fish (nettali), 1 lb.	...	30	
Green peas, 1 measure	...	25	
Maldivé fish, $\frac{1}{2}$ lb.	...	40	
Meat (mutton), $\frac{1}{2}$ lb.	...	40	
Onion, 1 lb.	...	12	
Salt, 1 measure	...	12	
Tamarind, 1 lb.	...	12	
Vegetables	...	10	
		<u>2 82</u>	
Soap	...	0 10	
Betel, arecanut, chunam, tobacco	...	0 50	
Pots and pans	...	0 17	
Kerosene oil, coconut oil, and matches	...	0 58	
Clothing:—	Rs. c.		
4 vetties per annum at Re. 1-25 each	5 00		
3 lengies per annum at 75 cents each	2 25		
2 banyans per annum at Re. 1 each	2 00		
	<u>9 25</u>		
Yearly expenditure	...		
	<u>9 25</u>		
Average monthly expenditure	...	0 77	
Dhoby	...	0 25	
Barber	...	0 10	

		Rs. c.	Remarks-
Total monthly expenditure	...	10 69	
Allowance for messing	...	1 00	
		<hr/>	
Total	...	9 69	
		<hr/>	

## II.—MONTHLY EXPENDITURE FOR A FEMALE ADULT COOLY.

### Foodstuffs :—

		Rs. c.	Remarks.
Rice, $\frac{3}{4}$ bushel at Rs. 6 per bushel	...	4 50	
Other foodstuffs (taken as .83 of allowance for male adult, viz., Rs. 2-82)	...	2 34	
Soap	...	0 10	
Betel, arecanut, chunam, tobacco	...	0 50	
Pots and pans	...	0 17	
Kerosene oil, coconut oil, and matches	...	0 58	

### Clothing :—

	Rs. c.
3 seelais per annum at Rs. 4 each	12 00
3 lengies per annum at 75 cents each	2 25

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Yearly expenditure	14 25
--------------------	-------

---

Average monthly expenditure	...	1 19
Dhoby	...	0 25
		<hr/>
Total monthly expenditure	...	9 63
Allowance for messing	...	0 75
		<hr/>
Total	...	8 88
		<hr/>

## III.—MONTHLY EXPENDITURE FOR A WORKING CHILD.

### Foodstuffs :—

		Rs. c.	Remarks.
Rice—same as for a female adult cooly	...	4 50	
Other foodstuffs—same as for a female adult cooly	...	2 34	



## Clothing :—

Remarks.

For Boy per Annum.		For Girl per Annum.	
	Rs. c.		Rs. c.
2 vetties at Re. 1'25 each	2 50	2 seclais at Rs. 2'50 each	5 00
2 banians at cents 80 each	1 60	2 lengies at 80 cents each	1 60
2 lengies at cents 80 each	1 60		
	<hr/> 5 70		<hr/> 6 60

## Average monthly expenditure for boy or girl

reckoned as (average of Rs. 5-70 and

Rs. 6-60 :- 12)	...	...	0 52
Dhoby	...	...	0 52
Barber	...	...	0 05
			<hr/>
Total monthly expenditure	...		7 66
Allowance for messing	...		0 84
			<hr/>
Total	...		6 82

## IV.—MONTHLY EXPENDITURE FOR A NON-WORKING CHILD.

## Foodstuffs :—

	Rs. c.	Remarks.
Rice, .45 bushel at Rs. 6 per bushel	... 2 70	
Other foodstuffs (taken as .5 of allowance for male adult, viz., Rs. 2-82)	... 1 41	
Clothing	... 0 40	
	<hr/>	
Total monthly expenditure	... 4 51	
Deduction for variation of age, &c.	... 1 51	
	<hr/>	
Total	... 3 00	

## -country.

An Adult Male Labourer.		An Adult Female Labourer.		A Working Child (10 to 14 years)		A Non-working Child	
Rs. c.		Rs. c.		Rs. c.		Rs. c.	
1 bushel at Rs. 6.40		1 bushel at Rs. 6.40		1 bushel at Rs. 6.40		1 bushel at Rs. 6.40	
60		60		4 00		2 80	
Curry stuffs :—		Rs. c.		Rs. c.		Rs. c.	
Chillies, ½ lb. at 36 cents		0 27					
Coriander, ½ measure		0 06					
Cummin seed		0 20					
Coconuts		0 24					
Dhall, 1 measure		0 24					
Dry fish (netali), 1 lb.		0 30					
Green peas, 1 measure		0 25					
Maldiva fish, ½ lb.		0 40					
Meat, 1 lb.		0 40					
Onion, 1 lb.		0 12					
Salt, 1 measure		0 12					
Tamarind, 1 lb.		0 12					
Vegetables		0 10					
2 82		2 34		2 34		1 41	
Soap		0 10					
Betel leaf, arecanut, &c.		0 50					
Pots and pans		0 17					
Coconut oil, kerosene oil, & matches		0 58					
Clothes :—		Rs. c.					
4 vetties at Re. 1.25 each		5 00					
2 lengies at 75 cents each		1 50					
2 banians at Re. 1 each		2 00					
(Yearly expenditure)		8 50		13 50		0 52	
0 71		0 13		0 52		0 42	
Mat and pillow, one each yearly,		0 06					
75 cents		0 06					
Dhoby		0 25					
Barber		0 10					
Festivals		0 25					
Total monthly expenditure		11 14		7 22		4 63	
Allowance for messing		1 00		0 84		Deduction for variation of age, &c. 1 96	
Nett		10 14		9 43		Nett	
9 43		9 43		6 38		2 67	

Deduction for variation of age, &amp;c. 1 96

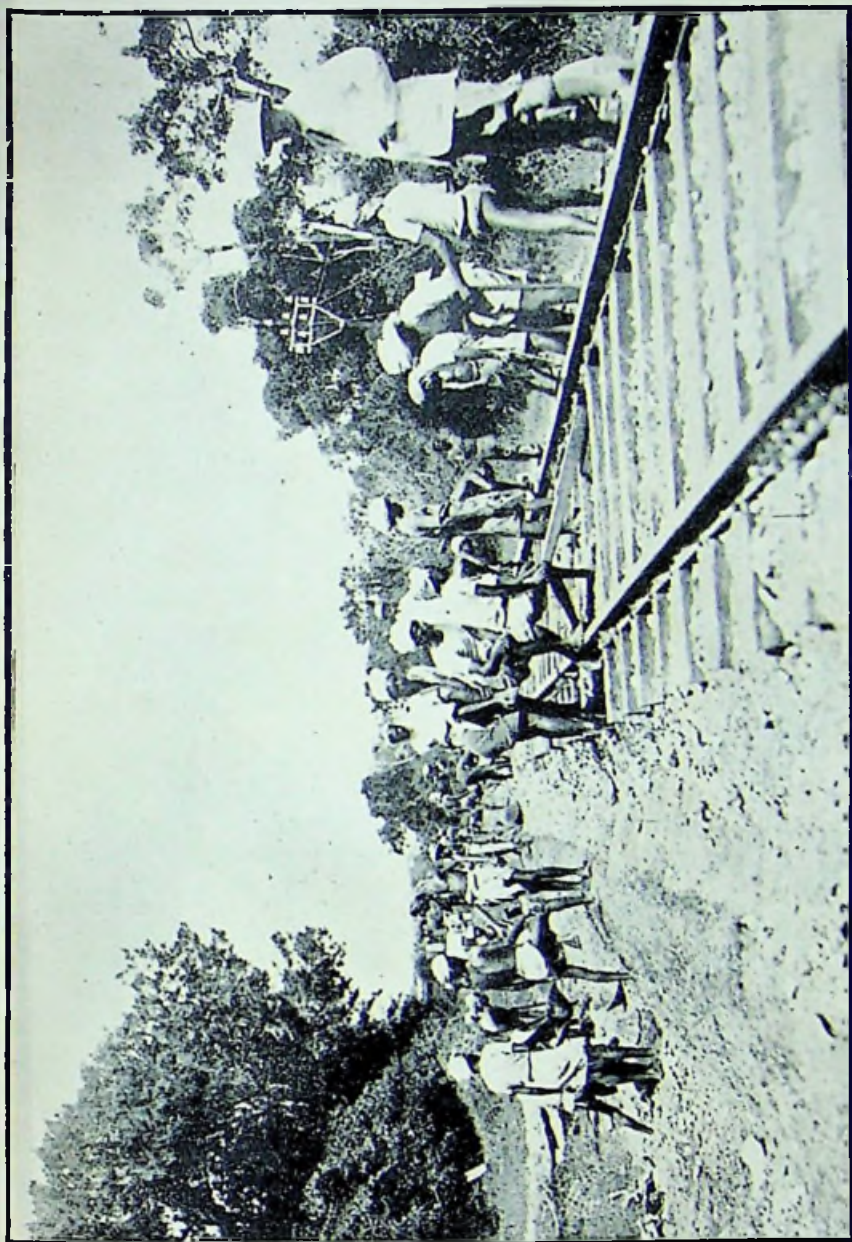
## Mid-Country.

An Adult Male Labourer. Rice (good, clean, and unblended). $\frac{7}{8}$ bushel at Rs. 6'40	Rs. c.
Rice (good, clean, and unblended).	5 60
Curry stuffs :—	Rs. c.
Chillies, $\frac{3}{4}$ lb. at 36 cents	0 27
Coriander, $\frac{1}{4}$ measure	0 07
Cumin seed	0 20
Coconuts, 2 at 8 cents	0 16
Dhall, 1 measure	0 24
Dry fish (netali), 1 lb.	0 30
Green peas, 1 measure	0 25
Maldive fish, $\frac{1}{4}$ lb.	0 40
Meat, 1 lb.	0 45
Onion, 1 lb.	0 12
Salt, 1 measure	0 15
Tamarind, 1 lb.	0 12
Vegetables	0 10
	<u>2 83</u>
Soap	0 10
Betel leaf, arcanut, &c.	0 50
Pols and pans	0 17
Coconut oil, kerosene oil, and matches	0 60
Clothes :—	Rs. c.
4 vetties at Re. 1'50 each	6 00
2 lengtes at 75 cents each	1 50
3 banians at Re. 1 each	3 00
- 1 cumby at Rs. 3'00	3 00
(Yearly expenditure)	<u>13 50</u>
Mat and pillow, one each yearly,	1 13
75 cents	0 06
Dhoty	0 25
Barber	0 10
Festivals	0 25
Total monthly expenditure	<u>11 59</u>
Allowance for messing	1 00
Nett	<u>10 59</u>
An Adult Female Labourer. $\frac{3}{4}$ bushel at Rs. 6'40	Rs. c.
	4 80
} .83 of an adult male labourer's expenditure (Rs. 2'83) }	2 35
	<u>7 15</u>
A Working Child. $\frac{1}{8}$ bushel at Rs. 6'40	Rs. c.
	4 00
.5 of adult male labourer's expenditure (Rs. 2'83) ...	2 35
	<u>6 35</u>
A Non-working Child $\frac{1}{16}$ bushel at Rs. 6'40	Rs. c.
	2 80
	<u>2 80</u>
	Deduction for variation of age, &c.
	<u>+ 64</u>
	1 96
Nett	<u>2 68</u>

**Up-country.**

[illegible]





INDIGENOUS LABOUR

## WAGES ON CEYLON ESTATES.

HON'BLE MR. T. REID, B.A., C.C.S.,

Controller, Indian Immigrant Labour.

**A**CCURATE and reliable statistics have not been kept regarding the scale of wages prevalent on Ceylon estates in the past.

The Commission of 1908, however, reported that the usual wages for men were then 33 cents, for women 25 cents and for children from 12 to 20 cents. per day. In 1925 the time work wages, for able-bodied labourers including extra bonuses paid for regular work and the like, would probably be generally 50 to 65 cents for men, 30 to 50 cents for women and 20 to 35 cents for children.

The piece work rates are more attractive, and it is possible for a rubber tapper to earn an average sum of one rupee in half a day, or for a woman tea plucker to earn an average sum of one rupee a day. It is possible for both to earn these sums on many days throughout the year.

The above indication of the scale of wages would be misleading if it were not realised that the figures are only an index to the "nominal" wages prevailing. The "real" wages are much higher, if one takes into account the issue of rice generally at Re. 1-00 per bushel below market price, maternity and infant benefits provided by law, free houses, free firewood, free medical aid, not to mention the *santosums* granted on most estates.

The perquisites referred to not only mean an addition to "nominal" wages, but they prevent the estate labourer from being as hard hit as others by the rise in the cost of living in recent years, especially the enormous increase in tenement rents which has pressed so hard on the working population in towns.

It seems likely that the lot of the most unskilled estate labourer will be still further improved by the introduction of a standard wage, below which no able bodied labourer can be legally paid. This system may affect twenty to forty per cent. of

estate labourers ; it is impossible to say until the system has been some years in force.

The rates proposed are as follows :—

	Men	Women	Child.
	Cts.	Cts.	Cts.
Up-country	54	43	32
Mid-country	52	41	31
Low-country	50	40	30

Discussions regarding estate wages in Ceylon have been vigorous of recent years. There have been divergent opinions, but the desire for fair play is general and the claims of the people who have helped to develop the wonderful agricultural possibilities of the island are not likely to be lightly overlooked.

The creation of the Department of Indian Immigrant Labour in 1923 has given the Indian labourer a protection which is of the greatest value to him.

Delhi, March 15th, 1926.





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(IMMIGRANT LABOUR)



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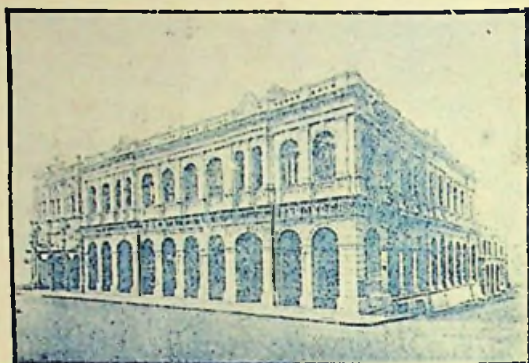
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## COOLY STANDARD WAGE QUESTION

---

Mr. J. FARLEY ELFORD, J.P., U.P.M.

(Editor's Note.—When we wrote to a few prominent Planters asking their opinion re "Standard Wage" some of them referred to this particular article that appeared in the *Times of Ceylon*, hence, we are compelled to reprint the same. We do not propose to make any comments. We would however request readers to peruse the editorial, *Times of Ceylon* on the subject which is reprinted and appended at the close of this article).

**B**EFORE this most important subject comes up for final discussion in Kandy at an early date, I would ask the favour of being allowed to bring to the notice of the planters throughout the Island, through the medium of the Press, one or two points which I think has escaped their attention. In the first instance I would refresh their memories as to what Sir George Barnes said in March, 1921, when he introduced the new Indian Emigrant Bill, and that they should bear well in mind that such statements made by him were on behalf of the Government in support of that Bill:—"That there were some people in India who were opposed to emigration altogether and would like to keep every Indian in India." "These were," he said, "only a small minority, and that the views of that minority were ill-founded and wrong, for history tells us that no nation has ever been really great in the world which tried to keep all its nationals within its own borders."

### WHAT INDIANS GET FROM CEYLON.

It would be against the interests of the Indian Government to stop, or to curtail emigration to Ceylon: for, on the authority of the Madras Government that "out of about 35 millions of human beings in Southern India, it appeared there were 16 millions or not far from one-half of the whole, whose earnings, counting grain, &c., at their full money value, did not average more for a family than a little over 2½d. (15 cents) per day." Taking the average number in a family as being five, the daily allowance for each to supply food, shelter, and clothing, would be ½d. or 3 cents. This would represent in a year of 365 days, a total sum equivalent to Rs. 175,200,000; whereas if these coolies emigrated to the Colonies, they would earn at the very lowest figure, taking actual working days at 274 days in the year, Rs. 1,113,680,000 at an average rate of pay of 27 cents per day,

for a man, woman, and three children. There are in Ceylon 602,510 immigrant Tamil labourers (excluding children), and of this number 451,882 or 75 per cent. are workers, and taking the actual number of working days at 274, due allowance having been made for Sundays, Deevali, and Thaipongal Festivals, as well as wet days, we arrive at the following interesting figures:—250,429 men working 274 days and rated at only 45 cents, Rs. 30,877,895; 201,453 women working 274 days and rated at only 35 cents, Rs. 19,319,342. Total for 451,882 Tamil labourers, Rs. 50,197,237. Again, the 602,510 Tamils in Ceylon, exclusive of children, consume on an average 535,359 bushels of rice per annum, that is on the assumption that a man consumes one bushel per month and a woman three-fourths of a bushel rated at Rs. 6-40 per bushel, amounts to Rs. 3,426,297-60. The total of rice imported and taxed in 1924, was 12,837,635 bushels, valued at Rs. 6-40 per bushel, Rs. 82,160,864, and the import duty on this at Re. 1-00 per cwt., Rs. 6,991,926.

#### THE INDIAN TRADER.

There is also to be considered, the other condiments that go to the making of the cooly's diet, all of which, it can be said, with the exception of Maldive fish, are imported from India.

One cooly consumes per month.		Colombo rates. Per lb.	Value of condiments consumed by 451,882 coolies Rs.
Chillies	1 lb.	@ 28 cts.	126,527
Onions	1½ lbs.	@ 6 cts.	40,669
Tamarind	1 lb.	@ 12 cts.	54,225
Corriander	1 lb.	@ 16 cts.	72,301
Cummin seed	½ lb.	@ 55 cts.	63,263
Cummin seed large	½ lb.	@ 37 cts.	40,669
Garlic	½ lb.	@ 28 cts.	31,531
Saffron	¼ lb.	@ 30 cts.	31,631
Vendium	½ lb.	@ 17 cts.	18,075
Pepper	½ lb.	@ 41 cts.	45,188
Salt	1½ measures	@ 12 cts.	81,338
Mustard	¼ "	@ 34 cts.	36,150
Imported from India			
	per month	Rs. 1.42	641,667
Maldive fish	½ lb. @ 66 cts.	38	
Total		Rs. 1.80	
Rice		Rs. 6.40	
Total per month		Rs. 8.20	

The above figures are purposely put at a very low value, merely in order to show the rich harvest the Indian trader is reaping from these immigrants, as the quantities have only been based on 451,882 coolies actually working, and not including dependents, or on the 602,510 immigrant coolies. We have, therefore, say:—602,510 Tamils consuming rice to the value of Rs. 3,426,297; 602,510 Tamils consuming food to the value of Rs. 641,667.—Total, Rs. 4,067,964. Thus 451,882 working Tamils earn wages equivalent to Rs. 50,197,237, making an aggregate of Rs. 54,265,201.

### • THE COOLIES' CLOTHES.

In addition to the above, there are such things as clothes, &c., to be considered. “The import, purchase, and transport of these commodities, find employment for the merchant, the retail-dealer (who as will be shown, has not been backward in hoodwinking the ignorant cooly), the carrier; and the wants of these functionaries raise around them a race of shop-keepers and others, and yet again the import of articles consumed on the estates and by those dependent on them, giving employment to hundreds of seamen, and calling for thousands of tons of shipping that but for this increased trade would never have been built.” (I have quoted from the Ceylon Directory of 1925). Sir George Barnes evidently foresaw all this, and the calamity which inevitably must ensue if immigration were stopped from India. It is impossible to conceive such a contingency ever arising, for Ceylon's ties with India are so intermingled, and its close proximity to the mainland as well as its accessibility at all times of the year by reason of the Mannar branch line and steam ferry and the Indo-Ceylon Railway complete throughout, undoubtedly facilitates immigration and saves health and time. The coolies too, are perfectly free to come and go as they please.

### A FALLACY.

It is a fallacy therefore to imagine that the Indian Government, would for one moment stop immigration into Ceylon; it is likewise a fallacy to suppose the Government was likely to jeopardise the coolies' means of gaining a livelihood merely because it considered the cooly's wage at the present time as being inadequate or even a living wage without well considering all the proposals for and against the principles of a standard wage for, as admitted



by Mr. Wait, Controller of Indian Immigrant Labour, no standard wage exists in South India. Mr. Wait pointed out that "whatever the labourers get in India, it was desirable that he should get a reasonably comfortable life in Ceylon." It is a little difficult to understand from this statement what Mr. Wait actually is driving at, for no one can possibly deny that Ceylon to the Tamil labourer is a veritable paradise as compared with the life he leads in India, his home, and that he has vastly benefitted in a way that he could not possibly have done by confining his labours to that country. Quoting from the *English Journal*: "The cooly's ambition is to become possessed of a piece of land, and with this view he crosses over to Ceylon and works on the estates, hoarding his wages until he has earned enough to gratify the dreams of his life. But though the desire is natural, unhappily it tends to intensify the evil from which India has long been suffering. There can be no surer source of national poverty than a peasant-prosperity where no limits are assigned to the sub-division of property and where the population consequently increases without check or hindrance. In the Hindu Law a sub-division among male children, an estate of a hundred acres held by one man may be reduced in three generations to holdings of three-fourths of an acre each. In this way the land is speedily exhausted, for its pauper proprietors cannot pay for artificial irrigation, nor are they able to keep cows or bullocks whence to obtain a supply of manure, whether in the form of dung or of ashes."

### THE EMIGRANT BILL.

Reverting again to the new Indian Emigrant Bill, Sir George Barnes evidently inferred that the Indian Government's one aim was to abolish indentured labour, and in no way to interfere with the rights and liberties of the free Indian (British) subject, for, he said, "he would like to have it put on record that the policy ought to be not only to permit, but even to encourage emigration to countries where Indians enjoy the same political rights as other classes of His Majesty's subjects: for in this way there would be found an outlet for India's surplus population and open up more prosperous careers for its depressed classes: and that in this way India would extend her commercial and economic influence, and that last, but not least, she would give Indians a wider outlook on the world generally. The Legislative Assembly would accept the view that, it was necessary to place some control on the emigration of unskilled labour, so as to prevent any possibility of the revival of indentured emigration."

## WHAT HAS BEEN DONE FOR THE COOLY.

Who will gainsay that in Ceylon the Tamil labourer is a free subject and is exceedingly well off, as compared with the Low-country Sinhalese peasant or agricultural labourer. I need not dilate on the many and varied ways in which the Tamil cooly's health and interests have been considered, for they are too well-known; but it is probably not commonly realised what vast sums of money have been expended by estates on the housing of the cooly and in sanitation, etc. On the building of lines alone, in accordance with the regulations as laid down by Government, it will be found that a sum approximating Rs. 30,125,400 has been spent, and something equivalent to Rs. 3,012,525 on the erection of latrines, not to mention hospitals, dispensaries, schools, creches, wells, and incinerators. No further proof is wanted of the Tamil not being contented with his lot in Ceylon, when the annual report of the Indian Immigrant Labour for 1924, which has just been published, is read, for therein is stated that "over one-third of the 153,989 immigrants embarked for Ceylon by the various recruiting agencies, 53,739 were re-immigrants, and that the total number of registrations of recruits for assisted passages at all the agencies beat all previous registrations by over 50,000 and that coincident with agricultural distress throughout some of the oldest recruiting areas, with which Ceylon has valuable connections, the increasingly attractive conditions, of Ceylon estates have become well known for some years. No. less than 62,474 labourers and their families returned to Ceylon, who had previously worked on estates for varying periods."

## PREMIUM ON SLACKING.

With regard to a standard wage, we are undoubtedly up against a very difficult problem. Whatever a man earns he is entitled to, but the Indian Government, it would appear, wants to set the wages by the lowest worker, or more plainly put, the slacker, thereby preventing the good worker from earning a wage consistent with the work he has done, and encouraging a dislike for work. It is ridiculous to assume that industrialism begrudges high wages to workers. It does not, as it realises that it can afford to pay for good work, and for this very reason piecework becomes the ideal system, where it can be adopted, for it encourages the good worker, but the crying out for increases of wage, and no doubt later on, like the British workman at Home,

for less working hours, this not only reduces the amount of employment that can be offered, but it raises costs. It must therefore be seen that the remedy lies with the worker, for efficiency makes for prosperity, and prosperity makes for employment. In this, Mr. Wilkins strikes the right note, when he questioned whether it was safe to fix a standard, they might not be able to adhere to in the future if prices went down, and was the question not of economics? The Director of Statistics reply to this was "that the main point was not whether the wage was economic or not, but whether it was one the Government of India would accept or not." This is hardly logical. It is sound economic law, that work, by making wealth, makes more work, and national prosperity is a universal movement, but cannot be effected by demanding increased prosperity for oneself, while national prosperity is still at a low ebb.

It is only right that the labourer should be safeguarded from giving his labour for less than a living wage. The employer too, must be safeguarded against getting nothing for the wage he gives, so that the wage should be proportionate to efficiency, for in no other way can be got that steady increase in efficiency which is necessary not only to meet increased competition, but to provide the only solid hope of maintaining the higher status of the labourer. The wage must be proportionate to the output, and the object of planting is surely to produce as much as possible at the lowest possible cost, to eliminate waste labour, and to get the best work done, with the least possible physical effort. The land being the source of all wealth must be developed and used to the last ounce of its capacity for the welfare of the entire population, for the more it is made to yield the wider the benefits conferred. It must be borne in mind that there is only a limited amount of money and a certain amount of work, and that it all depends on the workers themselves to create wealth, and work, for industry can only afford to pay for what industry earns.

### A PROPOSED CHALLENGE.

Personally I do not see that it would be a hazardous procedure to challenge the Government of India, for the reasons mentioned in the first part of this letter. The Government of India cannot be unreasonable and expect the impossible. We planters should combine together in an organisation which will be strong enough to ensure that we are treated with justice, and that im-



possible demands are not made upon us. Let us join together and do it. It is up to us to bestir ourselves and get rid of that lassitude and apathy which seems to beset us. We have been asked to give expression to our views on the subject, so give them fearlessly and without prejudice. Don't leave this vital matter to be thrashed out by one or two individuals, give voice to it yourselves, for it undoubtedly concerns you individually and collectively, and remember too, that you are expected by the proprietors for whom you work, to watch and nurse their interests for the furtherance and welfare of the estate for which you are responsible, and that on your decision rests a great responsibility, as the future welfare of the estate is at stake as well as the island's prosperity. Give the members of the P. A. Committee in Kandy your full support, so that they can voice your views with confidence and assurance, and by so doing, appreciably assist your Chairman and your representative in Council for it is not right—that the onus should be thrust upon them, as it is only by concerted action that you will get what you want. A decision has to be arrived at before the new Ordinance is passed. It is therefore imperative that before the subject comes up for final discussion in Kandy, that all District Associations should thoroughly master all the points, both for and against, and so arrive at a definite settlement as to what you are agreed upon. The Indian Government has promised that the proposals which have been received will be treated solely as tentative suggestions and will not be proceeded with until they have been discussed by the bodies concerned.

### COST OF AN INCREASE.

Taking my information from the Ceylon Directory for 1925, the total number of Indian Tamils in Ceylon has been given as 602,510, made up of: males, 333,906; females, 268,604.—Total 602,510. Allowing that out of this number of labourers 25 per cent. or 150,623 are owing to illness or other causes prevented from working, we arrive at a daily outturn of working coolies of 451,882 or 75 per cent. of the 602,510, resident Tamil population, working say 274 days in the year, allowance being made for 91 non-working days. (Sundays, festivals, and wet days).



	Men. Cts.	Women. Cts.	Children over 10 years of age. Cts.
And the approximate present Tamil wage paid being say ...	45	35	25
Against the standard wage as proposed by the Committee:—			
Low-country of ...	50	40	30
Mid-country of ...	52	41	31
Up-country of ...	54	43	32
Average on total ...	51	41	31
Giving an increase on present wage of	6	6	6

And taking an average increase of say 10 cents per head, the 451,882 labourers would earn an increase of a total sum of Rs. 12,381,556-80 in the year, of which say the total acreage in tea and rubber throughout the island is 804,000; acres.

Tea alone, acreage 404,000; acreage 52 per cent.; total excess wages earned, Rs. 6,438,414-70; cost per acre, Rs. 15-90.

Rubber alone, acreage 400,000; acreage 48 per cent.; total excess wages earned, Rs. 5,943,152-10; cost per acre, Rs. 14-80.

Total tea and rubber, acreage 804,000; acreage 100 per cent.; total excess wages earned, Rs. 12,381,566-80; cost per acre Rs. 15-40.

The total on both products tea and rubber exported was 265,070,611 lbs. apportioned as follows:—

Tea.—Total acreage, 404,000; excess cost, Rs. 6,438,414-70; cost per lb. 3'54 cents; amount exported 181,939,731 lbs.; percentage on the lb., 69 per cent.

Rubber.—Total acreage, 400,000; excess cost, Rs. 5,943,152-10; cost per lb. 7'15 cents; amount exported, 83,130,880 lbs.; percentage on the lb., 31 per cent.

Total.—Total acreage, 804,000; excess cost, Rs. 12,381,566-80; cost per lb., 4'67 cents; amount exported 265,070,611; percentage on the lb., 100 per cent.

Cost per lb. increase of 6 cents and 10 cents.

Yield per acre	Increase of 10 cts.	Increase of 5 cts.
Lbs.	Cts.	Cts.
350	2'64	4'10
700	1'32	2'20

Cost per acre on tea and rubber on a 10 cent increase rate of pay on 804,000 acres equals Rs. 12,381,566-80 or Rs. 15-40 per acre.

## AN ENORMOUS DIFFERENCE.

From the above figures it will be seen that not only does this 10 cent excess wage make an enormous difference in the expenditure on an estate of a cost per acre of Rs. 15-40 in the year but a member's remark at the meeting in Kandy of May last, that "very little difference in cost of production would take place whether a standard wage was adopted or not," in which he was confirmed by the Controller of Indian Immigrant Labour. Mr. Wait even went further in saying "that the opinion of his Committee that a well-run estate was already paying practically the same wages as the suggested standards." It would be interesting to know what was the size of this estate, where it was situated, and what were its conditions. For it would appear that a point has been overlooked, namely, that an estate yielding say 350 lbs. per acre of rubber at 6 cents excess wage, works out at 2'64 cents per lb., whereas an estate of 700 lbs. of tea, at the same excess wage rate, works out at 1'32 cents per lb., a moot point, and a most serious one if there should happen to be a fall in price of the commodity, and why should the estate giving the lesser yield be compelled to work at an excess cost per lb., to that of an estate giving a larger yield, it is hardly equitable, though in accordance with Biblical tradition. "Those that have, more shall be given unto them, but those that have not, even the little that they have, shall be taken away!"

An estate of 1,000 acres having an outturn of 750 or 75 per cent. labourers per day must make a very high addition to its estimated expenditure by increase of 6 cents per head per day. Companies have to produce their produce at a profit, which they cannot do if rates of wages are raised and prices are low.

## PRICE OF RICE.

In regard to the supply of rice being supplied to the coolies at a cost of Rs. 6-40 per bushel, the Controller of Indian Immigrant Labour stated "that if rice were issued at a higher price than that, the standard wage would be raised proportionately. This would be very unjust for, should the price of rice rise, as it did in October of 1921, to Rs. 8 per bushel, then on 535,359 bushels consumed by Tamil men and women (exclusive of children) at Rs. 8 per bushel, against the present rate of Rs. 6-40, the excess would be Re. 1-60 per bushel, equivalent to Rs. 856,574-40, and with the total excess of 6 cents on the daily outturn of 451,882 labourers representing 123,815,668 working

days, we have an excess of Rs. 7,428,940-00, or say a total expenditure in a year of Rs. 8,285,514-40, which works out at an average cost of Rs. 10-30 per acre, and this on a yield of 350 lbs. per acre would show an excess expenditure of 2.94 cents per lb., against a yield of 700 lbs. showing an excess expenditure of 1.17 cents per lb. Again in the year of 1922 the price of rubber fell as low as 6 $\frac{3}{4}$ d. or 40 cents per lb. Therefore, taking the lowest cost of production, f.o.b. Colombo, at say 29 cents per lb. London charges:—Shipping, Marine and Insurance and Freight, at 6 cents; London agents and Colombo agents' commission at 3 cts. per lb.—Total 38 cents per lb. Adding to this the cost of 6 cents excess wage on a yield of 350 lbs. per acre, 2.64 cents, making 40.64 cents per lb. Add the excess charged on rice of 30 cents per lb. and we have a total expenditure of 40.94 cents per lb. against a selling price of 40 cts. per lb. or in other words a dead loss of .94 of a cent per lb. so that an estate, of say 300 acres, stands to lose a total sum of Rs. 987 in a year or Rs. 3-29 per acre.

### FOOD PRICE CONTROL.

During the rice shortage in 1920, the Indian newspapers made capital out of the agitation in this country for more strenuous efforts on the part of the Government in the matter of food production, and that the Viceroy himself, with regard to the price of rice, suggested that if this country had devoted itself to the cultivation of staple, instead of non-staple products, it would not be dependent on India for its foodstuffs. It was pointed out that contentions were based on a complete misapprehension of the economic position of this Colony. There is very little prospect of this country ever becoming self-contained in the matter of its staple food, rice, but there is no reason why the Island should not attempt to go in more extensively in the growing of foodstuffs which at the present time is mainly dependent on India for, and to what extent the following table will show:—

		Lbs.
Chillies	...	13,192,032
Onions	...	40,477,808
Tamarind	...	4,659,088
Corriander	...	5,266,240
Cummin Seed	...	1,373,008
Cummin Seed, Large	...	681,072
Garlic	...	1,551,984
Saffron	...	1,039,360
Vendium	...	640,752
Salt	...	4,522,122
Pepper	...	50,960
Mustard	...	715,008
Total	...	75,169,434

Or 33,557 tons, 15 cwts., 2 qrs., and 18 lbs.



At the time of the rice shortage the boutique-keepers at Kalutara complained as an excuse that they were unable to sell at the controlled price, as the bags of rice they received from Colombo were short by 10 to 15 measures. They consequently did not sell at all, but actually hoarded the rice, but on being warned by the Local Board Inspector to resume selling, they then disgorged, and sold a measure up to 40 cents although the fixed Local Board rate was 36 cents. The Government Agent then intervened, and the boutique-keeper sold at 35 cents proving conclusively to what an exorbitant extent they were fleecing the Tamil cooly, the villager, and others who had to depend on them for rice. In addition to this, they raised the cost of caddy-stuffs in order to, no doubt, compensate themselves for the deficiency in the profits on rice they were prohibited from making, and they have ever since consistently taken advantage of, on the slightest pretext of carrying out this iniquitous practice, and nothing has been attempted to check them. To what extent this profiteering is still being carried on, the following rates prove :—

**Excess Profit on Condiments consumed by Indian Tamils.  
602,510 Labourers.**

Condiments	Quantity per head lbs.	Price.			Per pound.			Rs. Cts.	
		Colombo.	Village Caddies.	Excess profit.	Less rail freight.	Less profit at 1 ct. per lb.	Excess profit.		
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.		
Chillies	1	28	35	07	02	01	04	24,100	40
Onions	1½	09	15	06	03	01½	01½	9,037	65
Coriander	1	16	20	04	02	01	01	6,025	10
Cummin Seed	¼	16	20	04	00½	00½	03½	19,581	57
do do large	¼	09	10	01	00½	00½	00½	1,506	27
Garlic	¼	07	12	05	00½	00½	01½	25,606	67
Saffron	¼	07	08	01	00½	00½	00½	1,506	27
Vendium	¼	04	08	04	00½	00½	03½	19,581	57
Pepper	¼	10	15	05	00½	00½	04½	25,606	67
Mustard	¼ mea.	09	10	01	00½	00½	00½	1,506	27
Total Excess Profit per month								134,058	44
" " per year								1,608,701	28

In addition to the above, there are sugar, tea, dry fish, maldive fish, dhal, coconuts, native vegetable, tamarind, salt, etc., of which figures were unobtainable, also cloths.



And now if we take the surplus population, consisting of Sinhalese, Jaffna Tamils, Moors, Burghers, Malays and Eurasians, and others, allowing a deduction for those resident in Colombo, and we have:—

Condiments	Quantity per head lbs. Colombo.	Price.				Per pound.			
		Village Caddies		Rccess rail profit. freight		Less profit at 1 ct.		Rccess profit.	
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Rs.	Cts.
Chillies	1	28	35	07	02	01	04	145,376	16
Onions	2	12	20	08	04	02	02	72,688	08
Coriander	1	16	20	04	02	01	01	36,344	04
Cummin Seed	$\frac{1}{2}$	16	10	04	00 $\frac{1}{2}$	00 $\frac{1}{2}$	03 $\frac{1}{2}$	118,118	13
do dolaige	$\frac{1}{2}$	09	10	01	00 $\frac{1}{2}$	00 $\frac{1}{2}$	00 $\frac{1}{2}$	9,086	01
Garlic	$\frac{1}{2}$	07	12	05	00 $\frac{1}{2}$	00 $\frac{1}{2}$	04 $\frac{1}{2}$	154,462	17
Saffron	$\frac{1}{2}$	07	08	01	00 $\frac{1}{2}$	00 $\frac{1}{2}$	00 $\frac{1}{2}$	9,086	01
Vendium	$\frac{1}{2}$	04	08	04	00 $\frac{1}{2}$	00 $\frac{1}{2}$	03 $\frac{1}{2}$	118,118	13
Pepper	$\frac{1}{2}$	10	15	05	00 $\frac{1}{2}$	00 $\frac{1}{2}$	04 $\frac{1}{2}$	154,462	17
Mustard	$\frac{1}{2}$ mea.	09	10	01	00 $\frac{1}{2}$	00 $\frac{1}{2}$	00 $\frac{1}{2}$	9,086	01



Total Excess Profit per month	826,826	98
" " per year	9,921,922	92
by Indian Tamil	1,608,701	21
<b>Grand Total</b>	<b>11,530,624</b>	<b>20</b>

Sinhalese	Low-Country	...	1,813,490
Do	Up-Country	...	1,019,828
Tamil	Ceylon	...	475,178
Moors	"	...	475,178
Moors	Indian	...	31,258
Burgher and Eurasian		...	27,702
Malays		...	13,135
Others		...	19,282

Total ... 3,634,404

### NO NEED FOR INCREASED WAGES.

The above figures speak for themselves and point pretty conclusively to what an enormous extent profiteering is being carried on in Ceylon, and surely it is high time that these profiteers are brought to book and that foodstuffs should be brought under control in a manner similar to what was done at the time of the rice shortage, for as long as profiteering is permitted to go unchecked, whatever wages the Tamil may earn he will not be permitted to reap the benefit, as such increase will most assuredly go into the coffers of the boutique-keepers. If foodstuffs were brought under Government control then it would readily be seen that there would be no necessity to increase the wage

of the Tamil labourer, not only so but all communities would reap the benefit of the control. If the Colombo markets are being controlled, as I am given to believe they are from the prices quoted daily in the papers, then why not the village caddies? In this we have the answer to the fourth alternative asked for by Mr. Turner, Director of Statistics, and which would prove acceptable and a boon to every individual throughout the island. Of the 602,510 Indian Tamils in the island, 17.01 per cent. or 102,510 are Ceylon born on whom the Indian Government has no control whatsoever. Also, is it possible for an act to be brought into force on only estate labour, for surely it is impossible to have a law for one person and not for the other? Again, what is to prevent an estate cooly from leaving an estate and taking up employment in Government service or in private employ, he is a free British subject and is therefore entitled to the rights and privileges as such.

#### STANDARD OF WORK.

To accept the general principle of a standard wage would prove disastrous, and if accepted, as Mr. Campbell Dudley rightly stated, it would be only fair to fix a standard of work: the labourer was not working so well as formerly: on this fact alone a standard of work would have to be enforced, but the crucial point arrives as to who is to fix this standard and how is it to be arrived at? It would be inconceivable that the Indian Government would take it upon itself to fix it, for it is impossible for them to be acquainted with the conditions involved in the several works. The Tamil is perfectly satisfied with his present wage, as is only evidenced by his not finding it necessary to work every day in the week. If you try to compel him to do so he gives you a month's notice, and, as often as not, dispenses with the notice by clearing off without giving it, and goes to another estate. If he could be induced to work more regularly there would be consequently a big reduction in the labour force required, and this would in turn mean a considerable saving in the cost of housing accommodation and medical expenditure. Also it would mean a Tamil could not afford to ruin his health with drink as he is doing at the present time, and the amount of ill-health would be rendered largely preventable, and what is due to climate considerably lessened by making access to cheap liquor less easy for him. He

will not drink the harmless fresh toddy but takes it unwholesomely mixed, and unless this is checked it will become one of the most terrible diseases that have struck this fine labour force. Where previously 10 per cent. would go and get drunk, now probably 30 per cent., or even more, go, and the outturn on an estate under such conditions, must suffer, and lawlessness will be on the increase. By increasing the rate of wages no great stimulus would be given to Indian emigration. It is a very satisfactory feature of nearly every old estate, that they have a certain proportion of settled cooly population, men, women, and children, born and brought up on the estate (and this valuable nucleus is increasing year by year, especially where children are looked after). It will also be acknowledged that Tamil coolies are more easily recruited for some estates at half the wages paid on others which are unpopular owing to unhealthiness or to some other cause, and this fact is becoming more clearly marked since those employed at the lowest rate have found themselves able to remit more than half their earnings to India, and that these savings in a few years are sufficient to establish them as capitalists when they return to their native villages.

### THE ECONOMIC VIEW-POINT.

Finally a prosperous export trade upon which the island depends for its food supply can only be founded upon a prosperous and a secure market where possession enables the manufacturer to turn out goods in large quantities and therefore cheaply. We must therefore safeguard our industries and must not tolerate any limitations of our activities. Falling prices invariably bring about the most distressing unemployment. I regret having written at such length, but the gravity of the subject must be my excuse, and I would not have presumed to have taken up the pen, but for the sincere endeavour of attempting, in some small measure, to place facts before all employers of Tamil unskilled labour, and so raise an interest and encourage discussion. My figures must not be taken as infallible, for I am no statistician. I merely give them in order to try and help the solving of the several points which have come up for discussion, and which have

ultimately to be decided for good of all. The subject of a standard wage is one which concerns all, individually and collectively, and not solely the planting community, for all trades and industries connected with the tropics will undoubtedly be affected indirectly, if not, directly, and it is not only the immediate present which is concerned, but more so the future years. It is by mass production whatever the article it may be, whether food or material, which alone can produce cheap selling rate and it is there where the law of economics comes in. The subject is all important, that it becomes a national one, and therefore has to be seriously considered not only by the P. A. of Ceylon, and the Low-country Products Association, but by the Estates Proprietary Association, for the whole colony will be affected if there is a rise in the wage of the Tamil unskilled labourer. I have taken upon myself to give the views of others, in order to support my contentions, and I tender my apology for having done so, without obtaining consent, but the urgency of the subject did not permit of time.

*Editorial from The Times of Ceylon, Oct. 16th, 1925.*

### THE STANDARD WAGE QUESTION.

We publish to-day a very able and comprehensive survey of the labour position, especially as it is affected by the standard wage proposal, by Mr. J. Farley Elford. Though we do not agree with everything that Mr. Elford writes, we think his article contains a great deal of informative matter and should conduce to a more useful and profitable examination of this question than it has yet received. With what Mr. Elford says as to the practical impossibility of the Government of India completely stopping emigration of labour into Ceylon we agree. Indeed, much the same thing has often been said in these columns. We think, however Mr. Elford greatly under-rates the danger of such an interference with emigration as might cause a very serious crisis in the Ceylon planting industry should a policy of defiance of the Indian Government be embarked upon. It is quite true that, in view of the immense benefits which Southern Indian villagers and



Southern Indian traders derive from Ceylon, no Government of India would be so insane as to prevent emigration altogether into this Island. It must be remembered, however, that in the past that Government has in actual fact suddenly stopped emigration to other countries, and we do not place by any means beyond the range of possibility either a temporary stoppage of the exodus of labour or such serious interference with it as to cause a grave labour shortage in this country. Men like Sir George Barnes, as Mr. Elford says, fully realise the advantages of emigration and would not of their own volition place any obstacles in the way of emigration, but it must be remembered that very strong unofficial influences are working in the opposite direction, and Ceylon has got to be careful not to place a weapon in the hands of these which they might wield to very destructive effect as far as our labour force is concerned. What might be done, however, is to present to the Indian Government the strong case which Mr. Elford undoubtedly makes out against the standard wage proposal, both in the interests of the cooly and of the estates, which, of course, in the long run become merged. Any step that might at any time render the production of tea or rubber unremunerative would react with disastrous effect on the coolies in India, especially if it synchronised with a famine in that country. We also agree with Mr. Elford in condemning the proposal as it at present stands as putting a premium on slacking, which is already the bane of our labour force. As to the alternative for a standard wage which Mr. Elford suggests, namely, control of food prices, we are afraid that this partakes largely of the character of a counsel of perfection which would be found very difficult of attainment. We have no great faith in the ability of the Government to control prices, embracing as this would, the prevention of short weights and adulteration and numerous other ways of evasion. Contrary to Mr. Elford's information, there is no effective check on prices of foodstuffs in Colombo although the lists issued by the Colombo Municipality doubtless were found useful by householders. Incidentally, these have now had to be discontinued owing to the impossibility of making them accurate. The effort to make estate kaddies general, proved a failure and we doubt whether Government would be any more successful than the planter, in its efforts to control prices.



TEA PLUCKERS

## SUGGESTIONS RE LABOURER'S FOOD

---

MR. S. RANGANATHAN, M.A. (OXON). I.C.S.,

*Agent, Government of India.*

**R**ICE being the staple food of the Indian Labourer, his health and vigour depend, largely, on his ability to obtain an unflinching supply of that article, clean and unblended. The Indian labourer, as a rule, gets his rice from his employer in the form of a weekly dole. The following remarks are made on the assumption that the present arrangements will continue.

The method of distributing rice is as important as are the steps taken to get good, clean and unblended rice for the estates.

The ideal arrangement would be for the Superintendent and the assistant Superintendent, where he is available, to be in personal charge of the rice. The key of the Store-room should be in his hand and the weekly distribution should be carried out under his eye. The alternative is the play of rats and mice the most destructive of which are two-legged.

The presence of the Superintendent or the Assistant Superintendent at the time of distribution, would ensure that it is done without waste of time. The rest of the day (as a rule, Sunday) would then be available to the labourer to do his shopping. Another advantage is that he will get his full measure of rice.

I shall not dogmatise about the other items of his diet. It will be conceded that they should admit of some variety.

This short sketch will not be complete without the mention of the purchasing power of the labourer's money and the quality of the articles which the boutique-keeper sells him. As a rule the Indian labourer is at the mercy of the shopkeeper who varies



the prices and the quality of his goods in obedience to some mysterious call which is not that of honest salesmanship. Here again, the ideal arrangement is the estate store conducted on a co-operative basis. But as such a store costs more time and unstinted spade work than money, something may be done in the interim. Since many of the boutique-keepers, in the up-country at any rate, are the tenants of estates, the Superintendents may in the exercise of their seignorial rights, check profiteering and adulteration. As a last resort they may evict the refractory owners.





## LABOURER'S FOOD

(MEDICO—ECONOMIC)

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FOR

### Sick Coolies

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is a mixture of milk and wheat but prepared scientifically to suit the most delicate stomach.

Full Particulars, Samples and Quotations on Application.

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## BOOKS ON PLANTING

The Diseases of the Tea Bush	By <i>T. Petch</i>	22'22
Green Tea ...	„ <i>Chas. Judge</i>	2'50
Indian Tea Its Culture and Manufacture ...	„ <i>Claud Bald</i>	13'88
Ingram's Ready Reckoner (Tea)		5'55
The Diseases and Pests of the Rubber Tree ...	„ <i>T. Petch</i>	22'22
Rubber and Rubber Planting	„ <i>R. H. Lock</i>	7'22
Indiarubber Laboratory Practice ...	„ <i>W. A. Caspary</i>	7'22
The Rubber Planter's Note-book (A Handy Book of Reference on Para Rubber Planting)		5'55
Ceylon Rubber Planters' Manual	By <i>R. Garnier</i>	16'66
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# INDIAN IMMIGRANT LABOURER'S FOOD

(Medico-Economic point of view)

Part of a lecture delivered by

HON. SIR MARCUS FERNANDO, M.D., B.SC. (LOND.),

Reprinted from *The Ceylon Daily News*, Nov. 15th, 1924.

and Editorial Comments, Nov. 17th, 1924.

(Editor's Note.—When we wrote to Sir Marcus Fernando requesting his permission to reprint a portion of the lecture he delivered at the University College, he replied:—"You may publish anything I said at my lecture but the press report was incorrect and incomplete in many details. They did not report my lecture but made it up from my notes." We advise the readers to follow this reprinted lecture in the light of Sir Marcus' observation; the learned Doctor would have saved many a criticism if he had written immediately to the Press and pointed out "the incorrect and incomplete details." However, part of his lecture dealing with the labourers' food considered from a medical point of view is didactic and is above criticism. We are afraid Sir Marcus' economic point of view is disappointing in certain respects as is shown in the Editorial "*Ceylon Daily News*," Nov. 17, 1924, which we reprint and annex to this chapter).

**T**HE average cost of food and other necessities of a labourer for a month in 1923, was as follows:—

	Cost	Tax
	R. C.	R. C.
Rice 40 lbs. ... ..	4 00	0 33
Salt $\frac{1}{2}$ measure ... ..	0 06	0 2 $\frac{1}{2}$
Kerosene Oil $\frac{1}{4}$ bottle ... ..	0 06	0 01 $\frac{1}{4}$
Maldive Fish 1 $\frac{1}{2}$ lb. ... ..	0 20	0 00 $\frac{1}{2}$
Dry Fish 1 $\frac{1}{2}$ lb. ... ..	0 50	0 01
Dhall and Green Gram 3 lbs. ... ..	0 38	0 01 $\frac{1}{2}$
Chillies $\frac{3}{4}$ lb. ... ..	0 24	0 00 $\frac{3}{4}$
Other Curry Stuffs and Onions ... ..	0 35	0 00 $\frac{3}{4}$
Sugar and Jaggery 1 $\frac{1}{4}$ lb. ... ..	0 20	0 03
Soap ... ..	0 25	0 01 $\frac{1}{4}$
Cloth (average of the year) ... ..	0 75	0 04
Cloth (average of per month) ... ..	0 30	Nil.
Coconuts 5		
Coconut Oil $\frac{1}{4}$ bottle ... ..	0 23	Nil.
Betel and Vegetables ... ..	0 55	Nil.
Total ... ..	8 07	0 52

Average income for each individual per month in 1923 was Rs. 10-02.

## STANDARD QUANTITY OF RICE.

During the rice crisis when rice was rationed (1919-20) 32 pounds was the standard ration for the average in a family and of this standard allowance only a fraction varying from time to time was the actual allowance meted out to town residents. The estate labourers described in this lecture received only 32 pounds for a month as the average during the whole period of rice restriction without any bad results. Moreover the Jail Diet in Ceylon for a male adult at hard work allows only 33 $\frac{3}{4}$  pounds and the result is excellent. In Bombay the male adult worker gets only 41-1 pounds of cereals for the month. The average of 40 pounds of rice for a man, woman and child of estate labour seems therefore to err if at all, on the side of generosity with a small margin for barter of other goods. On the other hand Mr. Bateman's allowance 58 pounds for an adult is far too high and out of all proportion to the requirements of a normal diet. I have laid special emphasis on this fact, because it is this error that has vitiated his conclusions with respect to the economic position of the estate labourer. The cost of rice of a cooly's diet is the most important factor of his necessary expenditure. He calculates on a basis of 58 pounds per mensem for an adult whereas my allowance is only 45 pounds the difference in the saving per month on this item alone amounts to one rupee and thirty cents which is a considerable percentage of his gross income.

## COOLY'S NUTRITIVE REQUIREMENTS.

Let us now turn our attention to the third branch of our study which is involved in the answer to the question. How far does the diet of the cooly satisfy the nutritive requirements of his healthy living and development? In discussing this problem, I must ask the indulgence of that part of my audience which consists of those who are familiar with the elementary facts connected with the Physiology of Nutrition. For those who are not acquainted with this subject, it is necessary to approach this discussion with an explanation of the principal data on which the inquiry will be based. In the first place I must mention that all manner of food-stuffs we consume, when broken up by chemical means may be grouped under 4 classes:—(a) Proteins or albuminoid substances. (b) Fats or Hydrocarbons. (c) Carbohydrates such as starches, sugars, etc., and (d) Mineral substances.



Any particular foodstuff we take may consist of all these constituents in varying proportions or any one or more of them. The white of an egg is a pure protein, olive oil and butter are pure fats and cane-sugar is purely a carbohydrate. On the other hand animal foods and cereals contain two or more of these constituents. The next step is to investigate the manner in which we estimate the food value of each of these constituents. We can reckon their nutritive value by their energy value or the amount of heat they can produce in combustion. Food of man is used up by the tissues of the body (a) in maintaining the body heat at a constant level, (b) in disappearing as muscular and other forms of work and (c) finally in repairing the tissue waste and in the building up of new tissues necessary for the growth of young animals.

### HEAT ENERGY IN FOOD.

The amount of the heat energy contained in the foodstuffs can be very accurately calculated and in such calculations, our unit is what is known as a calorie. Unfortunately for us Britishers these physical measurements are difficult of appreciation, owing to the fact that all scientific work is carried out on the decimal or French system of weights and measures, whilst the British Empire still continues the usage of unscientific and antiquated systems of weights and measures, which vary from country to country and from trade to trade.

I will endeavour to use the English weights, wherever I can conveniently introduce them.

The large calorie is the heat unit necessary to raise 1 kilo of water one degree Centigrade or 1 lb. of water 4 degree F.

The small calorie is the unit of heat necessary to raise one gram of water one degree C.

A person at rest requires about 11 to 14 calories for each pound of body weight.

A man weighing 10 stone or 140 lbs. needs, 1,500 to 2,000 calories a day. With light work he needs 2,500 to 3,000 calories.

One gram of protein or carbohydrate yields 4 calories.


One gram of fat 9 calories.

With these data we can proceed to discuss the cooly's diet. The first consideration in dealing with a diet is to find out its total energy supply. The energy value of the food must satisfy the daily physiological requirements of the worker. If it falls short of the daily needs, the worker will lose weight as under such circumstances, he will have to consume his own tissues in performing his task. In the case of the estate labourer his task is light and therefore he needs much less food energy than one whose occupation is laborious.

The requirements for those employed at light labour in Europe may be put down at something varying between 2,600-3,000 calories per day. But this is the allotment for a man weighing 140 lbs. The Tamil cooly, however, weighs much less. I have no accurate data to go upon on this point. Recently the Medical Officer of the Lahore Medical College found on an examination of his students, over 200 in number, that the average weight amounted to only 112 lbs. In the case of an Indian estate labourer we cannot go far wrong by taking 120 lbs. as the average. For such a weight the calorie requirement may be put down at 2,500.

### NUTRITIVE VALUE OF DIETARIES.

The following table gives the constituents and the calorie equivalents of the diets which I should like to draw your attention to :-



	Proteins	Fats	Carbohydrates	Energy of
	grms.	grms.	grms.	Calories
Italian labourer diet chiefly vegetable ...	82	40	362	2,150
Students (Japan.) ...	97	16	438	2,300
Well-paid Mechanic (Germany.) ...	151	54	479	3,000
Hard-worked Weaver (England.) ...	151	43	622	3,500
Brewery Labourer (Germany) very severe work Exceptional Diet ...	223	113	909	5,600
Low-country Estate Cooly, Adult Male, (Approximately.) ...	73	22	600	2,800
Ceylon Jail Diet No. 1 Cooly Adult Male (Approximate.) ...	73	65	551	2,900
Cooly Diet as estimated by Mr. B. ... (approximate) ...	87	5	744	3,500

In examining these tables you will note at once that all these diets have a total calorie value of well above 2,500, which I have fixed upon as the minimum requirement for a man on light work. There is very little difference between the Jail Diet and my estimate. Mr. Bateman's estimate is considerably in excess, which is accounted for entirely by the over generous allotment of rice he has made. Taking now the individual constituents there is no difference again between my estimate and that of the Jail Diet in the matter of Protein.

The quantity per day, 73 grms. is well above the standard requirements, viz.,  $\frac{1}{2}$  grm. per lb. of body weight as this amounts to only 60 grms. In the case of fats, however there is a considerable difference between the diets. My estimated diet contains 22 grms. per day, Jail, 65 grms. per day, while the Bateman diet, which is based on returns, principally from hill-country estates contains only 5 grms. of fat per diem. This is entirely due to the fact that Mr. Bateman does not include any cocoanuts in his cooly diet, and it is this cocoanut element in the diet which supplies the fat constituents. Rice is well known to be the cereal, which is most deficient in fat and cocoanut fat, in the absence of animal fats, is an extremely useful and cheap substitute. It is even cheaper than rice from a calorie point of view and I want to emphasise this point, because to my mind it is an element in the diet of the poorer classes in this country of the utmost importance. Our knowledge of the value of fats in a diet has been gained considerably from the experience of the great war. Germany and Austria suffered from a fat famine during the last year or two of the war and the great increase in sickness and deterioration of health of the people during these years have been ascribed to fat starvation. We all know that the cooly death-rate in the hill districts and infantile mortality on estates are very high in spite of the fact, that the climatic conditions are extremely good, and I feel certain that the poor health, and what is more the poor resistance

to disease which these workers put up, are due to want of an adequate quantity of fat in their food. In the Low-country cocoanut districts, Tamil coolies maintain better health when the other conditions are similar because it seems to me that cocoanuts appear in their diet. If further evidence is desired you can get it in the healthy and sleek appearance of the prisoners in the Ceylon Jails, where the diet contains a very liberal allowance of this edible fat. ( $\frac{1}{2}$  a coconut per man per day).

### IMPROVEMENT IN CONDITIONS.

There has been considerable improvement in the living conditions of estate labourers in recent years. Hospitals have been opened, dispensaries have multiplied, the sanitary conditions of the lines and their water-supply improved. All these improvements have entailed a considerable addition to the estate expenditure. I venture to think that the betterment of health of estate labourers, quite as great as all these improvements have effected, may be further obtained by estates issuing cocoanuts at cost price to coolies on a liberal scale, just as they are providing rice now. As I have mentioned already, it is the cheapest form of food obtainable in this country. It can supply double its own dry weight of rice in each diet at less than the cost of rice and the benefit that such an addition would bring about, will cost nothing to the estate whilst it will effect a saving to the cooly.

*Editorial from The Ceylon Daily News, Nov. 17th, 1924.*

Sir Marcus Fernando delivered an interesting lecture on the Economic Life of the Estate Labourer last Friday at the University College. In form and treatment it was all that one expected from Ceylon's outstanding economic expert. Well conceived and well executed, the lecture was a model of lucid and succinct reasoning. In these respects it left nothing to be desired. But first we have to question some of the data on which Sir Marcus bases his arguments. He starts by giving the details of the "food and



other necessities " of the labourer. We let pass the first item, namely rice, of which commodity he allows the labourer 40 lbs. a month. As to the rest of the items, almost without exception they strike one as extremely insufficient. Even if we allow that a labourer consumes not more than a  $\frac{1}{2}$  measure of salt a month—Sir Marcus will perhaps say that there is no accounting for taste—can it possibly be maintained that a labourer does not need more than a  $\frac{1}{4}$  bottle of kerosene oil for a whole month? It is absurd on the face of it and yet Sir Marcus seriously puts down this quantity which will not keep the baby-killing bottle lamp alight for a week. Again take the sugar and jaggery item for which the sum of 20 cents is allowed. It is to be presumed that sugar and jaggery are used as adjuncts to something else, for instance tea or coffee. But in this land overflowing with tea, Sir Marcus does not permit even a cent a day for the labourer's cup of tea or coffee. For clothing Sir Marcus gives him an allowance of 75 cents a month, the average for the year. How many articles of clothing he can purchase with this sum he does not say. Mr. Bateman was prepared to give the labourer a change of clothing only once in six months. The interesting state in which the labourer will find himself, if during the six months he sends his single suit of clothing to the wash, was not dwelt upon. Of cocoanuts, Sir Marcus allows the labourer five a month, and no more. If the man has to depend for his cocoanut supply solely on this allowance he must make one cocoanut last six days. But long before six days, putrefaction would have set in in the cocoanut.

We do not propose to go into other details. But some serious omissions in the list must be noticed. According to Sir Marcus, the labourer's diet from year's end to year's end must consist solely of rice, dried fish, dhall, green gram and vegetables. Is it not possible that the wretch occasionally casts a longing eye on, say, an egg? But an egg is a luxury which does not enter into the list prepared by Sir Marcus. Again, is it not

reasonable to expect that the man would occasionally desire to taste a morsel of meat? But Sir Marcus insists on making him, not a vegetarian, certainly a consistent abstainer from flesh food. We have seen that he will not let him touch tea or coffee. That the cup that inebriates he must shun with equal aversion. Sir Marcus makes clear in the condemnatory tone with which he refers to the arrack tavern in the neighbourhood of the estate. Whatever one may think of the labourer's need for an occasional drink it will be conceded that to deny him such things as tea, or coffee, an egg now and then and a little meat is to condemn him to an extremely low standard of living. It is by leading such a hard and austere life Sir Marcus calculated the labourer can save exactly Re. 1.95 a month, not a fabulous figure in all conscience. If he is foolish enough to spend money on such things as eggs and meat even once a week, the surplus of which in Sir Marcus' phrase "he is sole master" will disappear into thin air. Such then is the condition of life of the estate labourer. "We all know" says Sir Marcus "that the cooly death-rate in the hill districts and the infantile mortality on estates are very high in spite of the fact that climatic conditions are extremely good." There we have the cause and the effect."



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**R**ICE is imported into Ceylon from India and Burma in bags, containing generally  $2\frac{1}{2}$  bushels and weighing about 160 lbs. In this chapter I do not purport to dwell on all the qualities of rice that are imported into Ceylon, but will confine myself to the standard qualities of imported rice that are suitable for the consumption of the Labour Force in Ceylon. The prices in the rice market fluctuate, and it is indeed a difficult task to quote average prices though an attempt has been made after consulting some prominent rice merchants of Colombo. The classification of rice is another problem and this is solved along practical lines. At the time of writing this article, Calcutta rice is scarce and hence expensive. Some of the qualities of Calcutta rice mentioned, cannot be procured at present (March, 1926). After, stating the different qualities of rice below with the present average prices, a short description of each kind will follow.

		Average F. O. R. Price Colombo	
		Rs.	
RANGOON RICE	Milchar { No. 1	6 20	—
	{ No. 2	.. 6 10	—
	{ Akyab	.. 6 00	—
	Meadon { Suva	.. 6 25	—
	{ Rangoon Proper	.. 6 10	—
	Natsian { Steel	.. 5 75	—
	{ Proper	.. 5 65	—
	(Ngatsain) { Jungle	.. 5 55	—
	Cargo No. 1 not objected to or	.. 5 45	—
	(Pagidi) No 2 to be rejected	.. —	—
CALCUTTA RICE	Chilet	.. 6 35	—
	*White Soolay	.. —	—
	*Pura Soolay	.. —	—
	*Lardy	.. —	—
	*Kasala	.. —	—

\*Not available at present

**MILCHAR.**—Is the best cooly rice available, and I think it would be a luxury for the cooly to eat No. 1 Milchar. It is a clean, creamish-white quality rice and is free from dirt, boils well and the congee extracted also tastes good. The difference between No. 1 and No. 2 is that the former contains very little broken rice as compared with the latter. There are many different brands of Milchar rice such as "Lion," "Singer," "Moon," "Fish" and "Prawn" and each brand indicates a particular mill. No. 2 Milchar ought to make a good cooly rice if the estate agents are of opinion that the coolies can afford to purchase it. Akyab Milchar is darker in shade and is not always procurable.

**MEADON.**—This kind of rice is plumper than Milchar. The price of the best Meadon (Suva) is the same as Milchar No. 1. This Suva Meadon can only be had for a season (January-May), and it is said to taste better than Milchar. The word "Suva" is very often pronounced as "Java" and this quality of rice is not to be reckoned as rice imported from Java. In Rangoon the price of Meadon is less than Milchar, but in Colombo, in the present market especially, the price is almost the same, the reason being due to the fact that the larger sized Meadon grains weigh more and measure less in a bag of  $2\frac{1}{2}$  bushels.

**NATSIAN.**—I have classified this quality into three divisions. "Steel Natsian" as its name designates was first milled by Messrs. Steel Brothers. It is a clear white rice, a bit thicker than Milchar. It boils well, is a splendid rice and on account of its intermediate quality and price it ought to make a popular cooly rice. The difference between "Steel Natsian" and "Natsian Proper" is, that the former is more polished and pearled than the latter. The "Jungle Natsian" as its name implies, is the rice as it is first collected is not milled, hence it very often contains paddy with a large quantity of dust.

**CARGO.**—Once the popular cooly rice is now seldom imported into Ceylon. The No. 1 quality rice when it is free from dust and dirt, is a fairly good kind of cheap rice. Very often the inferior Cargo rice containing broken grains, with extra dust and dirt, is passed off as No. 1 Cargo, hence I do not advise estate agents to buy this kind of rice. No. 2 Cargo is specially imported for the purpose of blending as there is no demand for it otherwise.

**CHILET.**—This is the best Calcutta cooly rice. It is darker in shade than Milchar but is of a longer grain. This quality is not imported in large quantities owing to the scarcity of demand for the same.

**WHITE SOOLAY.**—Resembles No. 2 Milchar, but is a shade darker and smaller than it. It is a good quality rice, but very often it is more broken than Milchar.

Pura Soolay or brown rice is darker in shade than White Soolay.

**LARDY & KASALA.**—Are inferior Calcutta rice and contain broken rice and dust. They are used very largely for blending purposes. Kasala is darker in shade than Lardy.

I would advise the manager of an estate supply department to study the different qualities of rice by procuring samples of each variety blending the rice and then sifting and picking out the different qualities. It would be an interesting hobby at first, but later would be of immense value in detecting blended rice.

#### PURCHASE AND DISTRIBUTION.

Let me now mention a few facts regarding the purchase of cooly rice and comment on the same. Some firms, who are estate agents, import their own rice and distribute the same to the estates. Unfortunately the rice costs more in view of the fact that firms buy through Messrs. Steel Brothers or Bulloch Brothers, thus paying higher prices besides commissions, etc., whereas Indian merchants have their local representatives who buy at the lowest market price possible. This warning note I offer to the firms that store imported rice, viz., that they should examine their stock *regularly* and see that rice bags are not tampered with by the storekeepers themselves. For instance, the Milchar that is stored may be exchanged for Soolay or Lardy and yet those responsible are ignorant of the fact unless they are expert enough to differentiate between the fine shades of the various qualities of rice. There are other firms of estate agents who accept indents of rice merchants on the promise that they will buy again from these merchants for their estates. This is indeed an excellent business proposition, but the rice should not be bought indiscriminately from such persons. Some merchants place small orders with these estate agents just to capture the estate supply business. Usually they blend the inferior rice they import with the rice they buy through these firms of estate agents and sell the mixture back as unmixed rice, often with huge profits. There are other

estate agents who buy the rice locally and store it before distributing the same to estates. The storekeeper should be cautioned not to exact a commission for each supply of rice he stores. The rice merchants of course pay these extra commissions, but add these amounts to the price of the rice. Bribery in this direction is practised by the merchants for the 'services rendered,' or to avoid fictitious complaints. There is another form of purchase known as 'buying in the open market.' Samples of rice from different merchants are collected directly or through a broker. The chief clerk plays an important role in this for with his supposed experience, he "guides" the young manager in making his selection. To secure such orders one must be on the 'right side' of the chief clerk. Very often buying in the open market results in non-competition in view of the fact, that rightly or wrongly, the same brokers or merchants, get repeated orders. It is far better to buy the rice F.O.R. \* Colombo, than estate outturn. † The planter gets it cheaper and it will avoid all misunderstandings between the purchaser and seller. When a firm buys 'estate outturn' the chetty ‡ adds about fifty cents to the price of each bushel not only to cover the amount on account of shortage but to make good the 18-36 per cent. interest on the credit he allows to the buyers. I advise all estate agents and superintendents of estates to have under lock and key, samples of rice, based on which, purchase is made. The samples should be sealed and should not be accessible to the clerks, some of whom invariably substitute samples that are inferior to help their favourite merchants or brokers and *vice versa* to cause trouble to traders whose rice was bought against their suggestions.

### SHORTAGE.

This is an everlasting complaint in the estate rice supplies. The rice shortage is due to one or two of the three causes enumerated below, or all three operating together:—

- (1) Natural causes,
- (2) Pilferage,
- (3) Necessary sequence.

(1) Mr. S. E. Hancox, the former Deputy Food Controller (C.C.S.), told me that during the rice crisis, when the Government imported rice from Rangoon, the rice shortage was a problem for him to solve. To find out the real causes of shortage he made arrangements to send the rice in sealed bags and under escort. To his surprise the shortage continued! We should not

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\* Free on Railway at Colombo.

† Rice measured on the estate and paid for accordingly.

‡ A man of the merchant class (mostly from Southern India) who generally sells at wholesale rates.



lose sight of the fact that the rice we buy is par-boiled rice—of course there is raw rice also in the market.—When fully boiled rice is left on the table it contracts and regains its usual size. Similarly this boiled rice that is put in bags when it is wet, dries and contracts gradually and this contraction is accelerated when the rice is exposed to sun and air. In Burma they export rice weighing 162 lbs. to be reckoned as 160 lbs. in Colombo. It is now clear, that a certain percentage of the shortage caused in transit is due to natural causes and the maximum shortage to be calculated on this account is  $1\frac{1}{2}$  per cent.

(2) I would suggest to all estate agents to send persons of responsibility to take delivery of consignments of rice from the granaries. Very often some firms send a petty clerk or a peon to take delivery of supplies and the merchants have their own ways regarding measurement and despatch. When sending the rice by train, the estate agents will act wisely to send it in sealed trucks \* which the Government provides to safeguard their interests. Most of the pilferage takes place in the course of transit between the railway station (from where the rice is despatched) and the estates.

(3) "Necessary sequence"—This sounds paradoxical. The merchants knowing that a certain amount of shortage is allowed for, take this opportunity to actually send something less than full measure, to the estate. A representative of the merchant travels in the same train or one following, with a bag of 'Muttu-samba' and other things for the Kanakapulle or Storekeeper in order 'to square matters.' To avoid this trick, the superintendents of estates will do well to get the rice measured in their presence, rather than allow this to be done by the K.P. or Storekeeper.

### RICE-MARKET FLUCTUATION.

The fluctuation of the market price, like that of any other commercial product, depends on the quality of rice available at the time in proportion to the demand for the same. To make this statement clear, let me give examples. Supposing there is surplus rice in the market and less demand for same, the price is bound to be less (come down) and the market, in mercantile phrase, is said to be "down." Again if there is excessive demand in proportion to the rice available, the price is bound to be higher and the market is said to be "up." If the demand is equal or

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*7	Tons	capacity	wagons	hold	100	bags	—	must	have	as	minimum	5	tons
12	"	"	"	"	175	"	—	"	"	"	"	10	"
13	"	"	"	"	180	"	—	"	"	"	"	11	"

"at par" with the output the market is said to be "steady" or "normal." It must, however, be pointed out that in all imported goods, the market price depends more or less on prices ruling at the places of export. The prices that are current at the latter, affect our local market indirectly. About eighteen months ago, owing to the heavy floods in India resulting in the scarcity of rice, importation had to be done from Rangoon and this extra demand on Rangoon rice affected the market in Rangoon as well as in Colombo. Some merchants, during times of scarcity, hoard the rice with a view to make huge profits the following month but very often they lose large sums in such idle speculation. A merchant who understands the market (judging from telegraphic reports from Rangoon and Calcutta and studying the local demand) raises or reduces the price day by day, according to the situation and will be cautious in selling his entire store of rice. When the market is up, it is not advisable always to buy immediately or to wait indefinitely till the market goes "down." One must study both the local and foreign markets as well as one's own requirements and exercise discretion in buying.

#### RICE BLENDING.

Rice blending is often confused with the adulteration of rice: they are not the same thing. The adulteration of rice is the mixing of rice with foreign substances such as dirt and excessive dust. I append the word "excessive" to dust designedly as very often some merchants mix foreign dust with the rice and assert that it is rice dust! Rice blending may be defined as mixing the rice of one country with that of another or mixing two different varieties of rice of distinct qualities. Usually an inferior rice is mixed with a superior kind and sold at the rate charged for the better kind; for example, mixing Calcutta rice with Rangoon rice, or Milchar with Natsian. It is clear from the foregoing explanation that mixing of inferior with superior Milchar or mixing of any other two identical qualities of rice does not come under the category of blending. Can anyone tell with precision what are the component parts and in what proportion each variety exists in the mixture. It is irrational to argue that as long as tea is blended there is nothing wrong in blending rice. In tea, we drink only the decoction of uniform strength, but in rice we eat the grains generally and seldom drink the congee.\* It is equally unreasonable

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\* The thick sticky fluid which is extracted from boiled rice and contains most of the starch.

to compare blended flour, which practically has no boiling point, with that of blended rice composed of different grains which expand at different heat units. Moreover, one cannot say with certainty that the inferior rice, which is blended with good rice is always free of poisonous matter and other elements deleterious to the consumer's health.

For the following reasons the blending of rice should be objected to :-

(1) If we tolerate blending of rice it means we allow faking of food, for example selling mixed Milchar as pure.

(2) By allowing incompatible blending of rice, we tolerate insanitary practices resulting in the sickness of consumers for reasons pointed above.

(3) Low grade, dirty rice is now being imported specially for the purpose of blending, as there is no demand for it otherwise. If we tolerate blending, we induce merchants to import such rice.

(4) By buying blended rice we shut out the importation of pure medium quality Rice, as qualities of rice are multiplied by blending. Milchar (mixtures) to-day may be bought for Rs. 5-80, Rs. 5-85, 5-90, 5-95, 6-00, 6-10.

(5) By not checking blending of rice we give room for profiteers to thrive at the expense of the consumers; for instance, is it possible to detect proportions of blended rice when a sample submitted contains  $\frac{2}{3}$  Milchar and  $\frac{1}{3}$  Cargo or Soolay and when the reverse order follows in bulking? It is better imagined than described how difficult it is to detect such proportions when three or four qualities of rice are blended together!

From information gathered, Ceylon is the only place where such practices are tolerated. It is indeed a shame if this blending of rice continues and the practice be tolerated with impunity. The merchants blend rice of the same colour to avoid detection. For instance they blend Milchar with White Soolay or Cargo No. 1 or Natsian with Pura Soolay or Kasala. The buyers will act judiciously in not trusting their experienced brokers or chief clerks *in toto* when detecting mixtures. The responsible purchaser should be able to detect it himself and when beset with difficulty, he will do well to consult an outside expert rather than depend on the parties mentioned above, who are keen on buying the rice from persons in whom they are interested. I trust the members of the Planting Community will co-operate with the Government and will blot out this undesirable practice of blending rice.

## SHOULD LABOURERS BUY THEIR OWN RICE?

Some Indians are of opinion that the labourers employed on the estates in Ceylon should buy their own rice on the ground that they do not get pure rice for their money, and object to estate buying the rice through their agents who purchase the same as any other commercial product through a broker or through some other intermediary. I agree that the present system of purchase in all cases and in every detail is not satisfactory and there is room for improvement. It must however be mentioned that the planters do a good service to the labourers in storing the rice and giving the same weekly. If money is given to the workmen in lieu of rice, it will be spent, in most cases, on intoxicants, resulting in the starvation of the labourers and their dependents, besides incapacitating them for work. It is certain that all Superintendents of Estates are not bound to buy their rice through their Estate Agents, though they do so as a matter of practice and convenience. The planters will do well to consult the workmen re the quality of rice they would like to buy and should make every effort to procure the same in an unblended state and as cheaply as possible, ignoring all conventions.

## BLENDED RICE AND LEGISLATION REGARDING IT.

At present under sections 265 and 266 of the Penal Code or under Ordinance No. 13 of 1864 and No. 15 of 1862, or in any other ordinance there is no measure to check blending of Rice by legislation and the Government will do well to pass an Ordinance with a view to put an end to this undesirable practice. Those who are interested in export of tea are making every effort to stop the blending of tea on the ground that tea is supposed to be "the staple food of the country." It is palpable whether tea or rice is the staple food of the country. If an Ordinance is passed to put a stop to the blending of tea and if nothing is done by the same Government to prevent the blending of Rice, I might venture to say it will be a slur on British Justice.

The points to which I have drawn attention in this article will suffice for the present. If matters in all these details are given due consideration by those concerned, we shall have taken a great step forward in the things that pertain to that important section of Ceylon labour, the Estate Labourers. If this happens in the near future, my labour and observations will not have been in vain.

The Times Editorial, commenting on my article "Theory and Practice of Rice Blending" is hereto appended.



*Editorial from the Times of Ceylon, Feb. 13th, 1925.*

### BLENDING RICE.

A Correspondent again raises the question of the blending of rice and suggests that Government should take some steps to make this practice illegal. It is generally admitted that the blending of different grades of rice is undesirable, owing to the fact that no two kinds of rice take exactly the same time to boil. The matter seems one primarily for the estate agents, to whom the blended rice is in the main sold for use on estates. The question is an old one, and every little while it is responsible for a crop of letters in our correspondence columns. As we pointed out on a previous occasion, the main source of the trouble appears to be the rice clerk, who acts as intermediary between the Estate Agents and the rice Chetty. Most estate agents stipulate for unmixed rice, and competition in the rice trade to-day is so well organized and so keen that it is impossible for quotations for any given quality of rice to vary more than a cent or two a bushel. With this state of affairs prevailing, unscrupulous dealers look for some way of securing by unfair means orders which they would be anything but certain of securing by legitimate methods. And they find their opportunity in the rice clerk, who is bribed to pass rice which is very much below sample in that it is a mixture not easily detected—clever mixtures of different grades can only be detected by experts. But though the evil is known to exist, it is unfortunately by no means easy to suggest a remedy. In the majority of cases the assistant in the estate agent's office who is nominally responsible for the acceptance of tenders knows very little about rice and has, therefore, to rely largely on the clerk for guidance. Though rice is regarded as a side line in most estate agents' offices, its value in a large office may be several thousands of rupees a month—one well-known Colombo firm stated during the rice control period that they were losing Rs. 7,000 a month owing to short deliveries. In the circumstances, it would be thought that it would pay estate agents to offer sufficient inducement in the way of salaries to make it worth the

while of thoroughly competent men to become experts. It seems a pity that while so much money has been spent on improved housing, and on the prevention of illness generally, this important matter should be overlooked. Pure food is certainly as essential as good housing for the protection of health. While a Pure Food and Drugs Act seems hardly applicable in the case of blended rice, that is, at the same time, no excuse for Government's apparent reluctance to introduce such a measure in Ceylon. For some years the Colombo Municipal Council has urged the necessity for such an Act, but Government has always met them with the reply that the necessary machinery would be too expensive. The Municipality's protests that it has the laboratories and staff necessary, and that Colombo at least is fully prepared to tackle the problem, fell on deaf ears, perhaps because Government fears that if Colombo is protected, places outside the Municipal limits will become the dumping ground for everything that is considered not good enough for Colombo. This, however, appears to be a weak argument so far as imported articles are concerned. The majority of imported goods have to pass through Colombo, and if the importation of foods which, while not necessarily unfit for human consumption, are considered deleterious to health were prohibited, it should be easy to deal with them at the centre of distribution. A start has recently been made by prohibiting the sale of rubbishy teas, and the whole question of a Pure Food and Drugs Act for Ceylon might profitably be referred to a Committee of the Legislative Council, who might at the same time go fully into the rice blending question and ascertain whether the effect of mixtures of rice on the health of those who use it largely is sufficient to warrant some action being taken.



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## LOCAL RICE

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By HON. DR. W. A. DE SILVA

(*Editor's Note.*—We are unable to say at this juncture, whether it is possible or otherwise for the estate agents in Ceylon to float conjointly a company for the purpose of cultivating paddy in our island for the labour force. The Hon. Dr. de Silva in this article observes, "At these new prices paddy cultivation has begun to become a profitable industry." We must be prepared for eventualities and should not always depend on imported rice. We learn that in the Federated Malay States labourers relish the country-rice milled at Kedah and in time we hope our own labourers here will prefer the local rice to imported rice).

ONE can hardly create a demand for an article which is not available in quantity.

Most of the paddy coming from the fields now cultivated in Ceylon is used by the local cultivators for their own consumption. A certain quantity of surplus paddy is available in the Eastern and the North Central Provinces for disposal.

Hitherto the demand for this paddy was restricted, as there were no means of converting paddy into rice on a scale that could enable it to be placed in the market.

With the establishment of rice hulling machinery on a small scale at Anuradhapura and Jaffna the surplus paddy of the North Central and Eastern Provinces is now being purchased in quantity and converted into rice. The quantity of rice made available by this means is a limited one and finds purchasers for local consumption and only a very small quantity is available for use in estates.

The ready demand for surplus paddy created by the establishment of small hulling machines has given an impetus to the cultivators. They are now able to get over 50 per cent. extra value on their paddy than what they obtained hitherto.

At these new prices paddy cultivation has begun to become a profitable industry and if the hulling operations which have been started are continued without interruption, paddy cultivation should very considerably extend. An acre of paddy-land produces say 30 bushels per season and 60 bushels per year.

The cultivator who at one time found the gross money value of a bushel of paddy to be under two rupees and often as low as a rupee to one and half rupees now finds the price of paddy since the establishment of working of hulling machines has risen to over two and half rupees minimum per bushel and rising to Rs. 2-85 cents during some months. Thus the income from an acre of land is considerably increased.

As regards the quality of rice prepared from local paddy there is no question as to its nutritive value, its freedom from admixture and evenness in boiling qualities. Weight for weight or measure for measure, the nutritive value of local rice is very much higher than that of imported rice.

It is however not quite easy to convince the estate labourer as to the scientific value of an article of diet. He, along with most of our town dwellers has a partiality for polished rice which looks white and nice. He has no idea that whiter the rice is, the less sustaining it is, as an article of food. He does not like to make any alteration in his methods of cooking; the quantity of water required for boiling or cooking country rice is a little more than that required for imported rice.

The labourer has no inclination to think of these niceties, he has been used to some things and he usually dislikes a change. But once a labourer or for the matter of that an employer or the more well-to-do takes to country rice he realises its superiority and very seldom would like to give it up.

As regards prices, the sustaining qualities and other reasons that go to make country rice a better article of diet can have no place in influencing it. The price will have to compete with the price of average quality of imported rice. There is a very important reason for the necessity of encouraging the growth and expansion of a local rice industry.

We must face the situation in India. The quantity of food grain available for export from that country cannot increase, on the other hand local demand there will increase year after year for, as has been clearly pointed out, if all the inhabitants in India were to get a proper share of food the surplus available for export will disappear. As the administration in India progresses, the first consideration of the Government of that country will be to see its millions fed properly and restriction of export of food grains may form a part of the settled policy of India.

# FACTS & FIGURES.

RE

LABOURER'S FOOD.

## The Problem of Infant Feeding Solved!

Infant mortality on estates is no doubt due to mothers endeavouring to breast feed their children when they themselves have little or no milk, or are so weak that the little they have contains no nourishment.

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# FACTS & FIGURES

## RE LABOURER'S FOOD.



MR. R. JONES BATEMAN, C.C.S.,

Assistant Director of Statistics 1923.

(Extracts from Ceylon Sessional Papers XXXI—1923.)

THE needs of the cooly which are not supplied by the estate, and for which he has to pay cash, are very few in number. He is supplied with rice, and need only purchase subsidiary foodstuffs. Some of these are sometimes supplied by the estate, which in addition, as stated above, generally supplies free meals to his children. Most coolies have to purchase at any rate the majority of their clothes, but very few coolies on low-country estates use cumblies, and from the returns I have received it would appear that quite half the cumblies needed by coolies up-country are supplied to them by the estate. Their other principal needs are coconut oil and kerosene oil for lighting and other purposes, and cooking utensils.

I have consulted many planters, most of whom had previously gone into the subject of the cooly's budget with some care, and I have had many interviews with coolies, caddy-keepers, and others, to ascertain the articles on which the cooly spends his money. The typical expenditure on food for a month of the average adult male cooly appears to be more or less as shown in the following statement, rice being usually supplied by the estates :-

	Cents		Cents
Salt ... 1½ measure	22	Dry chillies ... ¼ lb.	30
(One measure equals 2 to 2½ lb.)		Tamarind 1½ lb.	16
Maldivé fish* ½ lb.	40	Red onions... 1 lb.	12
Nettali (dry fish)* ... 1 lb.	36	Coriander ¼ measure 6	
Dhall† ... 1 measure	28	(One measure equals about ¾ lb.)	
(One measure equals about 2½ lb.)		Mustard, pepper, &c.	10
Green peas† ... 1 measure	28	Total Rs.	2-28
(One measure equals 2½ to 2½ lb.)			

\* The quantities are interchangeable. Coolies seem to prefer Maldivé fish, and, when they can afford it, take more Maldivé fish and less Nettali.

† These articles each cost about the same, and according to individual taste coolies take more of one and less of the other, generally consuming about 2 measures of the two combined.

This statement (the prices being omitted, as they are dealt with in Appendix C) is reproduced in Appendix B, where I have also shown for purposes of comparison the Ceylon Jail diet (Ordinary No. 1) for 30 days, and figures (multiplied by 30) given by Mr. G. Findlay Shirras, Director of the Labour Office, Government of Bombay, in his report on Working Class Budgets in Bombay, showing the daily consumption of foodstuffs per adult male among the working classes in Bombay. Mr. Findlay Shirras was kind enough to give me permission to reproduce from his report any figures or information I thought fit.

Probably many coolies add other foodstuffs to this diet (which as tabulated above is exclusive of rice) ; but any such additional foodstuffs are so varied that it would be impossible to name any of them as typical ingredients of the coolies' food. Coolies undoubtedly consume a fair quantity of green vegetables, which are not inserted in the above statements; but I could arrive at no accurate figure for the amount consumed. A large proportion of this would be grown by the coolies themselves in their own gardens, and the rest would for the most part be purchased privately from villagers, and not from estate caddies or other shops. Green vegetables are very rarely sold in estate caddies, which makes it impossible to find out the amount consumed or the price paid. Some coolies, especially near towns, have acquired the habit of drinking tea, with which they probably take a little sugar. Meat and bread very rarely figure in their diets, and they consume very little milk, except what they derive from their own cattle or receive gratis from the estate. In part of the Southern Province where fish are plentiful in the rivers, some coolies eat fresh fish. Coolies very rarely seem to take plantains, and then only between meals; they eat jak fruit when they receive it free from the estate as they sometimes do but they rarely if ever seem to buy any. On coconut estates, where a certain number of nuts often forms part of their monthly pay, they may take a few coconuts, but on other estates coconuts as an ingredient in their diet seem to be the exception rather than the rule.

In framing this typical diet I have necessarily disagreed with some of the planters whose opinions I consulted, because there were discrepancies in their opinions which could not be explained away by difference of habits in different localities; but such discrepancies were very few, and the statement of the diet may be taken as conforming very closely to the estimates of the majority of those whom I consulted, confirmed as far as possible by my personal enquiries. With regard to salt, every one of the estimates of consumption which I received allowed one measure per month per adult male. This is distinctly high and in excess of normal requirements; the average Sinhalese, as far as I have been able to ascertain from enquiries of clerks, domestic servants, and others, does not consume more than half a measure, and the figure given by Mr. Findlay Shirras for the average consumption of the adult male among the working classes in Bombay (shown in Appendix B) is only  $\frac{1}{2}$  lb., or little more than half a measure. In spite of this I have increased the estimate of one measure per month, which may show the influence of round numbers; the average cooly certainly does consume a lot of salt, which he puts liberally into his "cunjee" or rice water, and nearly every cooly whom I questioned was quite positive that he consumed anything from one to one and a half measures per month, although few of them, if any, seemed at all inclined to exaggerate the quantities of foodstuffs which they needed. Although salt has no nutritive value, coolies seem to consume very much more than is either normal or necessary. The other items in the statement call for little comment; they may appear to show an undue influence of round numbers, but I have found no evidence that these round numbers are not substantially correct.

With regard to rice, coolies often sell part of their issue; there is no means of estimating at all correctly the quantity thus disposed of, or the price realized for it, since coolies would not generally admit that they had sold it. They probably do not make a good bargain; some coolies ask to receive cash in lieu of rice, although, if they drew the rice and sold it at market price, they

would realize more than the cash which they receive as the nominal equivalent of the rice. For reasons which are given below, and which I admit are very slight, I would suggest that it might be assumed that about one-tenth of their monthly issue of one bushel per head is sold by adult male coolies (using the word "adult" here as elsewhere in the report to denote any one over 14, at about which age or very little later coolies begin to be paid at adult rates). Lusk's coefficients used by the Inter-Allied Scientific Food Commission to determine the food requirements of persons of different sexes at different ages are as follows\*.-

Male over 14	...	1.00	Child, 6 to 10	...	.70
Female over 14	...	.83	Child under 6	...	.50
Child, 10 to 14	...	.83			

If the bushel of rice which is the ordinary man's ration is not more than sufficient, the three-quarters of a bushel which is the ordinary woman's ration is insufficient according to the above scale, and, if so, it is unlikely that coolies would sell any of their rice; if the woman's ration is regarded as being sufficient and not more than sufficient, the man's ration would still be sufficient if reduced from one to nine-tenths of a bushel, since three-quarters is approximately 83 per cent. of nine-tenths. Of course if the women sell any of their rice (and there is nothing to show definitely that they do not) it is probable that the men sell more than one-tenth of a bushel. But there is no means of estimating any such additional amount sold; and it is simpler and not necessarily more incorrect to assume that women sell none of their rice, and that men accordingly sell one-tenth of a bushel monthly, the price realized being about 50 to 60 cents, since, as stated above, they probably do not succeed in driving a hard bargain for it. This assumption receives some confirmation from the fact that on one estate which I visited I found that it was a common practice for bachelor coolies to board with a family, on the terms that they contributed to the ménage their bushel of rice and Rs. 2 monthly. If, as is assumed above, one-tenth of the bushel of rice is sold for about 50 or 60 cents, it means that the family have available for



the purchase of other foodstuffs for their boarder about Rs. 2-50 or Rs. 2-60, leaving them a reasonable margin over the sum estimated in paragraph 8 above as the cost of a cooly's diet excluding rice. To complete the diet there given one should therefore add nine-tenths of a bushel of rice, or about 58 lbs., since a bushel weighs 64 to 65 lbs.

The sufficiency or insufficiency of this diet from a medical point of view cannot unfortunately be properly determined. In an article in the *Tropical Agriculturist* Vol. LVI., No. 4, April, 1921, Mr. Kelway Bamber has shown the nutritive value of many of the Ceylon foodstuffs, and Professor Rae of the University College kindly supplied me with an analysis of many others. The diet contains an abundant quantity of vitamins and calories, but it may be deficient in protein, which is essential to keep a man in health. Medical scientists do not appear to be agreed as to the amount required; old authorities put it at 118 grams per day or about 7-8 lbs. per month for a man weighing 11 stone. The average cooly certainly weighs considerably less than that, and his requirements would therefore be less; and I understand that the modern view is that this figure of 118 grams is too high, and that the correct figure is 70 grams. Professor Rae informs me that the proportion of protein in Maldivian fish and Nettali is probably very high, but no analysis of either appears to have been made. If however the modern estimate of a man's requirements of protein as 70 grams per day is correct, there can be very little doubt that the cooly's diet as given above is amply sufficient in every respect.

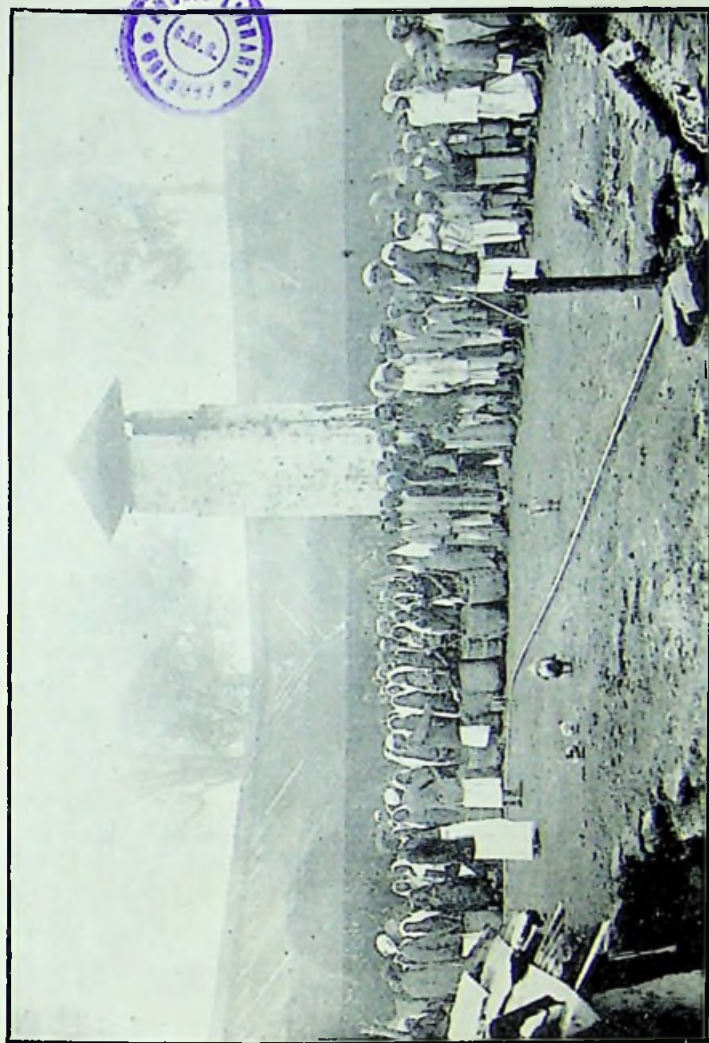
Some coolies spend nearly Re. 1 a month on betel, tobacco, and arecanut, but the average amount spent by a man in a month on these "luxuries" is probably less than 50 cents, and the average amount spent by a woman is probably about 25 cents. It is very difficult to estimate the amount spent on drink; some coolies spend more on this than on food (excluding rice) and consume on an average about a bottle of toddy a day. The price of a bottle is about 15 cents. The expenditure on drink of the whole labour force is not large, and is probably confined to so few individuals that it would be incorrect to include any sum under this head in the average budget.

The typical monthly budget of a male cooly living alone, if the preceding paragraphs are correct, is then as follows :-

	Rs. c.
1. Food ( <i>vide</i> paragraph 8) ...	2 28
2. Betel, &c. ( <i>vide</i> paragraph 13) ...	0 50
3. Clothing ( <i>vide</i> paragraph 15 1/12 of Rs. 13-45)	1 12
4. Cooking utensils ( <i>vide</i> paragraph 16) 1/12 of Rs. 2-00 ...	0 17
5. Kerosene and coconut oil and matches ( <i>vide</i> paragraph 17) ...	0 81
Total ...	<hr/> 4 88 <hr/>

To estimate the budget for a family of one man, one woman, and two children under 14, one can determine the proportionate amount of foodstuffs required by the woman and the children by using Lusk's coefficients referred to above. A woman or a child between the ages of 10 and 14 according to that scale requires .83 of what a man requires, a child between the ages of 6 and 10, .7 of that amount, and a child under 6, half of it. The majority of children under 10 are fed by the estates, so that the following budget is more theoretical than practical:-

	Rs. c.
1. Food, betel, and clothing for man (items 1, 2, and 3 of the preceding budget) ...	3 90
2. Food for woman (.83 of Rs. 2.28) ...	1 89
3. Betel for woman ...	0 25
4. Clothing for woman (1/12 of Rs. 14.60)	1 22
5. Food for child over 10 (.83 of Rs. 2.28)	1 89
6. Clothing for child over 10 (for a girl) (1/12 of Rs. 6.60) ...	0 55
7. Food for child under 6 (.5 of Rs. 2.28)	1 14
8. Clothing for child under 6 (for a girl)*	0 55
9. Cooking utensils (1/12 of Rs. 4) ...	0 33
10. Kerosene, coconut oil, and matches ...	1 61
Total ...	<hr/> 13 33 <hr/>



ESTATE LABOUR (Morning Muster.)

# • APPENDIX C

## Prices at various Places of Articles of the Cooly Diet.

Article	Colombo Municipality	Kandy Municipality	Kandy District	Nuwara Eliya Town	Nuwara Eliya District	Galle Municipality	Galle District	Kurunegala Town	Badulla Town	Badulla District	Katnapura Town	Katnapura District	Price selected as Average in Paragraph 8 of Text
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.
Rice, per bushel	5 75	6 50-8	0	7 0-9	0	4 40-7	50	6 0-8 35	7 0-9	25	6 0-9	50	7 50†
Salt, per measure	12	15	15	18	15	5-12	12	12 16	18	18-21	10-16	16-19	17-18
Maldiva fish, per lb.	62	62	90	70	88	58-60	50	56	60	65-90	56	67-62	80
Nettali, per lb.	30	25-36	25	30-32	36	25-28	—	25	35	31-36	28	36	36
Dhall, per measure	18	24	30	25-30	28	18-20	22	25	25	27-30	20	22-25	28
Green peas, per measure	18	22	30	28-30	31	18-20	25	25	28	25-30	20	25-26	28
Dry chillies, per lb.	34	32	35	36-40	36	28-32	32	30	36	36-50	30	36-40	40
Tamarind, per lb.	12	12	10	12	15	15-16	10	16	12	10-13	12	12-16	12-13
Red onions, per lb.	7	8	10	12	15	7-8	—	8	12	15-16	8	11-12	12
Coriander, per measure	16	20	—	24	25	18-20	16	20	20	25	20	22-25	24

\* Reprinted from Ceylon Sessional Papers XXXI—1923.



## THE LAW OF MASTER AND SERVANT

(With special reference to Estate Labour).

*Contract.*—The law of master and Servant is the contract for hire on the part of the former and service on the part of the latter.

*Parties.*—As a general rule any one may be a Master and anyone may be a servant. There are certain exceptions like infants and lunatics who are incapable of contracting.

*Who is a Master.*—The master is one who has the power to direct what work the servant is to do and how it should be done. If the master has not the power of controlling the manner of doing the work, the person who does the work is an independent contractor and not a servant.

*Who is a Servant.*—A servant is one who binds himself expressly or impliedly to obey the orders and submit to the control of his master in doing the work which it is his duty to do.

*Contract by the Month.*—Every verbal contract for the hire of any servant shall be deemed and taken in law to be a monthly Contract of Service.

*EXCEPTIONS.*—The exception to this rule is work usually performed by the day or by the job or by the journey. A journeyman artificer who works according to time unless there is any special contract to the contrary is a daily labourer.

*Contract with whom entered.*—A contract by a servant is entered with the master or his duly authorised agent. In the case of an estate the master may be the proprietor of an estate or his agent, the employer, who is the chief person for the time being in charge of the estate and under whose superintendence or management the estate is and who possesses the supervision and disposal of the services and labour of their servants. It may be any person, a kangany, a kanakapillai or conductor who is for the time being in charge of the estate.

*Applicability of the word Servant in relation to Monthly Service.*—The word "Servant" is applicable to all menial and domestic servants and also all outdoor labourers whether employed in a private family or in agriculture or in road, Railway or other like work. It also includes pioneers and kanganies and persons in employment similar to the employment of pioneers or of kanganies. It extends to toddy drawers, dhobies, machine rulers in a printing office, saddlers, carriage painters, tappal runners, stokers in a gas works office, a wet nurse (but not one employed to suckle a child as long as she has milk in her breast),

a tanner, a mason. The word labour is applicable to servants other than domestic and menial servants who are engaged in agricultural labour. It means any labourer or kangany (commonly known as Indian Coolies) whose name is borne on an estate register and includes Mohammedans who are commonly known as Tulicans.

*Who are not Monthly Servants.*—Those who are not monthly servants are:—

- (1) A Barber.
- (2) A Lithographing or copying clerk.
- (3) An occasionally employed cook.
- (4) A goldsmith.
- (5) A dhoby not doing the work of one man only.
- (6) Cartmen and boatmen paid by the trip.
- (7) A carpenter on contract work.
- (8) Journeymen artificer.
- (9) Farrier.
- (10) Peon employed in a public office, such as a Fiscal's Office kangany or peon, or peon of District Court.
- (11) A goal guard.
- (12) A cinnamon peeler.
- (13) A dyer.
- (14) A bandsman.
- (15) Tom-tom beater engaged for a wedding ceremony.
- (16) Persons employed solely as clerk and salesman. (A clerk as such is not a domestic servant and is not entitled before dismissal to a month's notice or a month's wages, unless the terms of his agreement were on the footing of the custom as to month's notice or month's wages usually governing the contracts of domestic servants with their employers).

*Chauffeur is Monthly Servant.*—A Chauffeur by special legislation is made a monthly servant.

The fact that wages under a monthly contract are computed at a daily rate does not take away the character of a monthly contract of service.

#### INDIAN LABOURERS.

There are certain special rules and requirements applicable to estate employers and Indian labourers employed on estates in

addition to the general law of master and servant. The law governing them is the Ordinance No. 13 of 1889 (as amended by No. 7 of 1890 and No. 9 of 1909).

*Definition.*—*Estate* means any land in which labourers are employed, and of which ten acres or more are actually cultivated. Several acres of cultivated land which are not widely separated from each other but grouped together for purposes of management may be regarded as a single estate for the purpose of the Ordinance.

**LABOURER** means every labourer and Kangany (Commonly known as Indian Coolies) employed on an estate in other than domestic labour.

It is doubtful whether a Ceylon-born Tamil can come under this definition.

**WAGES** means all sums due to a labourer for and in respect of work and labour done by him on an estate.

**EMPLOYER** means the chief person for the time being in charge of an estate.

**CHECK ROLL** means the record kept on an estate showing the work done by the labourers employed under a monthly contract of service with the estate, the wages earned by them, the advances made and the monthly balance of wages due to them.

**REGISTER** means the book which contains particulars of every labourer employed on an estate whether borne on the check roll or working on any form of contract. Such register contains the following particulars:—Number, name, approximate age, sex, race and caste village taluk, district, father's name, mother's name, height, colour, distinguishing marks, general appearance, kangany's name, date of engagement, estate where last employed unliquidated liability if any to other estates, whether employed permanently or on contract work or on both, number of Mandam certificate if any.

**HEAD-KANGANY.** The head kangany is one who has the labour force in an estate under his charge transacts or supervises all the financial affairs of the estate with his coolies with the exception of the payment of their wages.

In a single estate there may be one or more head-kanganies. The labour force under a head kangany is divided into a number of smaller groups each under the sub-head called the sub-kangany or sillara-kangany. Often the head-kangany is the sole debtor

of the estate, he being the medium through which all advances are made, the sub-kangany and it may be his own personal gang of labourers owing him money while the remainder of his coolies are responsible for their debts individual or collective to the sub-kanganies. The head-kangany supervises work in the fields for which he draws what is called *head-money*, a sum that varies from cents one and a half to two per diem for every labourer of his who daily turns out to work. In addition he is occasionally paid a fixed salary for special duties performed by him.

**SUB-KANGANY.** The sub-kangany is the head of the smaller gangs into which the head-kangany's labour force is divided. He is the sole creditor of the labourers who compose his gang. The sub-kangany usually works in the fields either as an overseer or as a labourer and for this he receives the name which means that he is entitled to the day's pay. He receives in addition what is pence money viz., a sum of from three to four cents a head daily for each labourer in his gang who turns out to work.

Any contract for hire and service for a month can be proved (1) in the ordinary way as in the case of other servants by proving the verbal contract; or (2) by proof of entry of the labourer's name in the check roll of the estate coupled with advance of rice or money from the employer. The check roll entry must have been made in the ordinary course of business of the estate. To punish Singhalese labourers for desertion a distinct verbal or written contract of service must be proved.

*Duties of Employer.*—1. Every employer on the 10th day of January, April, July and October of each year must send to the Government Agent of the Province in which the estate is situated true and correct returns for and in respect of the three months next immediately preceding each of the said four months of the number of male and female labourers employed on the estate, the number of births and deaths that occurred upon the estate during the period.

Failure to make such returns is an offence punishable with a fine not exceeding Rs. 100.

2. Every employer shall forward to the Government Agent of the Province a declaration signed by him that the wages of the labourers have been paid within a month from the month for which such wages have been earned.



Such declaration must reach the Kachcheri within 34 days of the last day of the month for which such wages have been earned.

Failure to do so is an offence punishable on a first conviction with a fine of Rs. 20 and on a second or subsequent conviction to a fine of Rs. 100. Furnishing knowingly a false or incorrect declaration in any material particular is an offence punishable with imprisonment with or without hard labour which may extend to three months or with a fine not exceeding Rs. 500 or with both.

3. Every employer shall keep a complete register of all labourers employed on his estate. On such register shall be entered the names of all the labourers who shall be taken into employment.

A copy of the register shall be forwarded to the Government Agent of the Province. Failure to comply with these requirements is an offence which makes the employer liable to a fine not exceeding Rs. 20 and to a further fine not exceeding Rs. 5 for every day during which such defaults shall continue.

4. Whenever a labourer dies or quits service in the estate the employer shall record in the Register the fact and date of death of a cooly. Failure to do so renders him liable to a fine not exceeding Rs. 20.

5. No employer shall take into his service any labourer other than a boy or girl who has been born in Ceylon and has not previously been employed on an estate, unless he has received in respect of a labourer:—

- (a) A discharge ticket from his former employer.
- (b) In case of a labourer newly recruited from India, a certificate issued from the cooly depot at Mandapam.
- (c) A certificate issued by a Police Magistrate.

Non-compliance with these rules renders the employer liable to a fine not exceeding Rs. 500 or to imprisonment with or without hard labour extending to six months or with both.

6. (a) When a labourer lawfully quits the service of an employer having given notice the employer shall prepare a discharge ticket and forward it to the

new employer of such labourer. In no case shall it be given to the labourer:—

- (b) Where the labourer has not secured a new employer the employer shall give him a memorandum stating that due notice has been given and that a formal discharge ticket will be issued to the new employer.
- (c) In the case of notice by coolies the employer has to state in the memorandum their debts.

Failing to prepare a discharge ticket or the memorandum of any labourer as required is an offence punishable with a fine of Rs. 100 and a further fine of Rs. 5 for every day during which the default shall continue.

7. An employer (1) issuing a discharge ticket false in any material particular; (2) making use of a genuine discharge ticket fraudulently; (3) making a false entry or alteration in a register knowingly; (4) issuing a discharge ticket not being an employer as defined above shall be guilty of an offence and liable on conviction to a fine of Rs. 1,000 or imprisonment with or without hard labour for six months or with both.

*Immunity from Arrest for Civil Debts.*—No kangany or subordinate kangany or labourer shall be liable to arrest for debt in execution of a money decree.

*Magistrate's Certificate.*—On the application of any labourer any Police Magistrate if he is satisfied by affidavit that such labourer has not been employed on an estate for the 36 months immediately preceding or that he has quitted the service of his employer on reasonable cause shall issue to the intending employer of such labourer a certificate to that effect. No stamp is required for the affidavit.

*Lost Discharge Ticket.*—If a discharge ticket has been lost, a Police Magistrate can order the employer who issued it to issue a fresh one and if such employer is no longer in charge of the estate he can order the new employer in charge of such estate to issue a duplicate on payment of a fee of 50 cents.

Any person disobeying the orders of the Magistrate to issue such discharge ticket is liable to a fine of Rs. 100.

## CIVIL REMEDIES.

*When Servant is liable.*—The law of master and servant affords to parties aggrieved relief in damages.\*

A servant is liable in damages to a master.

- (1) Where he leaves the service of the employer without just cause or excuse before the expiration of the agreed term or when no term is fixed for the duration of the contract without giving due notice; or
- (2) Where he repudiates the contract refusing to be bound by it.

The damage is assessed by the loss which the master sustains as the reasonable and probable consequence of the servant's failure to stand by his contract including any expenses which the master incurs or will consist of any sum agreed.

If specially agreed, the master may retain wages due at the time of breach or default and not otherwise.

*When Master is liable.*—The master is liable in damages to the servant

- (1) Where the master is not ready to accept service or expresses his willingness not to be bound by the contract; or
- (2) Where servant is dismissed before the end of the period for which he is engaged without just cause or excuse on the part of the master.

The damage is assessed either on the reasonable and probable loss resulting to the servant from the breach of the contract and the amount of the wages earned and not paid at the date of dismissal or if the servant chooses as the value of the work which he has actually done and for which he has not been paid unless it is expressly agreed otherwise.

*Renewal of Monthly Contract.*—A monthly contract is presumed to be renewed from month to month unless one month's notice or warning is given either by master or servant to terminate such contract at the expiry of a month from the day of giving notice, *c.g.* notice may be given on the 5th of a month to take effect on the midnight of the 5th of the following month.

*Termination of Contract.*—A monthly contract of service

could be terminated by the master :—

- (1) With the servant's consent.
- (2) Against servant's consent by a month's notice or previous warning.
- (3) By payment of servant's wages for the time he has served and also for one month from the time he is discharged.
- (4) Summarily and without notice for :—
  - (a) Theft or embezzlement.
  - (b) Habitual intoxication.
  - (c) Insolence in service.
  - (d) Wilful disobedience of orders.
  - (e) Using threatening or disrespectful language.
  - (f) Incapacity or physical inability.
  - (g) Gross negligence.
  - (h) Endangering master's interests.
  - (i) Imprisonment.

In the case of an Indian immigrant who is disabled and unable to serve, his employer is bound to repatriate him at his own expense if the contract was entered into in India. If the contract was entered into in the Island, employer is to repatriate only if the contract is for service for more than a year.

A monthly contract of service can be terminated by servant :-

- (1) With consent or leave of master.
- (2) Without master's consent by a month's notice or previous warning.
- (3) For misconduct of master, such as ill-treatment of the labourer.
- (4) By an estate employer's transfer of the service of the employee to a new proprietor or manager of the estate on the employee notifying his intention to such new proprietor to determine such contract.
- (5) On servant being incapacitated or disabled permanently.
- (6) On ground of mistake, fraud, duress, undue influence.
- (7) For mental incapacity.
- (8) For impossibility of performance of the contract.
- (9) Where leave of absence is granted by employer for more than a month.
- (10) Non-payment of wages within one month from the month such wages have been earned followed by a demand for wages due forty-eight hours before leaving service of employer.



- (11) (In case of a female labourer) when term of service is interrupted by her confinement and she has not done any work nor received advances or any retaining fee.

*Master's Duties.*—The master has to treat the servant humanely. The master is, as a general rule, not bound to provide board or lodging for his servant in the absence of a contract to that effect, but in the case of domestic servants board and lodging is implied from the very nature of the service unless otherwise agreed.

In the case of estate labourers the employer has to house them and to see that the lines are clean and sanitary.

An employer of coolies bound by ordinary contract of monthly service is not bound to make rice advances. But the general custom in estates is to supply rice in advance and deduct the value from the labourer's wages.

If a servant while in the service of the employer is incapacitated by sickness, the master must provide for the servant lodging, food, medical care at this own expense during his illness. The master is not bound to pay him wages in addition. Some employers advance money, food, clothes or other articles to their employees. They can deduct them from their wages. In an estate the employer must keep himself informed about all cases of sickness in the estate and then take such steps as he deems necessary for immediate relief. He must send away any labourer requiring treatment to hospital or send for the District Medical Officer in case of serious illness.

In the case of childbirth the employer is bound to provide a woman with food and lodging for fourteen days and to see that she does not work for a month unless the medical officer certifies her ability to work.

The kind of work or the amount of work which the master can get out of the servant is regulated by usage. It must be reasonable.

A master must not withhold the wages of a servant for misconduct, neglect of work or service or for the value of any breakages or for damage done to the property of his employer. It can only be done by order of Court abating wages. The employer in the case of immigrant labourers whose wages are paid at a daily rate shall not be bound to provide more than six days' work in the

week. But he has to furnish the servant with work or to give him the opportunity to work on all usual working days during the period of the service.

A master cannot chastise his servant by any bodily correction. He cannot fine him. It is illegal for an employer to mark coolies 'no name' or 'half pay' or 'sick' by way of punishment.

The master's duty in respect of wages will be considered under the heading "Wages."

*Servant's Character.*—On termination of contract a master is not legally bound to give the servant a character or certificate. But if he gives one it must be true and must not be maliciously made. A master who does not justify the bad character given by him is liable in damages. In a domestic servant's pocket register the master has to enter the date and capacity in which the servant is engaged and also the date and cause of discharge. He is obliged to give the servant a character or to state to the Registrar for Servants his reason for failing to do so. The master's statement to the Registrar and the entries in the pocket register as to character are privileged communication unless malice is proved by the servant. A master cannot retain the pocket register after service is over.

Duties of master in respect of estate coolies on termination of contract will be dealt under Indian immigrants.

A master is liable to third parties in damage for injuries caused to third parties by his servant acting within the scope of his ordinary duties and within the general scope of their authority. Third parties owe a corresponding duty not to induce any servant to break his contract with his master unlawfully. Seducing, retaining, concealing servants or undischarged servants are criminal offences in addition to the civil liability for damages.

*Duties of Servants.*—It is the duty of a servant during the subsistence of the contract to be honest, to obey the master's lawful and reasonable orders and to serve him faithfully. It is also his duty to take proper care of his master's property entrusted to him and to exercise reasonable care and skill in the discharge of his duties. Negligence in these respects will make him liable in damages.

A servant shall not:—

- (1) Refuse or neglect to attend at a place of business where he has agreed to attend.
- (2) Leave work unfinished.
- (3) Refuse to finish work.
- (4) Leave the service of his employer without leave or notice.

A servant shall not misbehave by being drunk or by wilfully disobeying the orders of his master or by gross neglect of duty or by any such other act.

A servant shall not act in defiance of his master or use offensive words or behave disrespectfully either by conduct or demeanour.

A servant may not make a false statement as to his former employment nor produce a false or forged certificate nor add, erase or alter anything in genuine certificate given to him by his former employer. A domestic servant shall observe the rules as to registration pocket register or give false information as to service. A servant shall not embezzle his master's money.

*What is Notice.*—A monthly servant can terminate his contract by giving one month's notice. It is a warning given to the master of his intention to determine his contract of service at the expiry of a month from the day of giving such notice. Notice could be given at any time and on any day in the month of his service. The notice to leave is to be given to the Resident Superintendent or the Managing Proprietor who pays the coolies. The notice may be by word of mouth or in writing. The writing need not be in any particular form. The labourer need not sign the notice, but it is usual and safe to do so. It may be given personally or by his authorised agent such as a Proctor.

An exception is made in the case of Indian labourers who have to inform their intention to leave personally to their employer. Usually a notice is sent through a Proctor by registered post and the labourer signifies as well his intention to leave personally. The notice must be given individually. A Kangany cannot give notice for his coolies. Where a Kangany gave notice signed by a Proctor that he and his men intended to leave the service of the complainant, it was held that notice was not good so far as the coolies were concerned. The notice is effectual from the day in which the employer received information.

When a notice is posted the time counts not from the day of posting the notice, but from the date of receipt of the notice by the employer.

An employer cannot avoid receiving notice given by refusing to take delivery of a posted notice. In that case the date of posting has been taken to be the date of notice, more properly it should be the date when the employer would have been aware of the notice had he received one.

## THE ABOLITION OF TUNDU DRAFT OF REVISED LABOUR ORDINANCE GAZETTED

### PENAL CLAUSES TO BE ABOLISHED.

The draft of a new Labour Ordinance was published on October 19th, 1921.

### STATEMENT OF OBJECTS AND REASONS.

The following is the Attorney-General's statement :—

Under Ordinance No. 11 of 1865 and Ordinance No. 13 of 1889 provision is made for criminal proceedings being taken against employers and employed in respect of certain breaches of contracts of hire and service. It is thought that a penal sanction should no longer be attached to such breaches, but that aggrieved parties should be left to their ordinary civil remedies. This Bill in section 5 makes the necessary provision for changing the law in this respect.

The attention of Government has been called to the evils which arise from the issue of the " tundu " when labourers desire to leave the service of one employer and seek that of another. Experience has shown that the " tundu " can be used for the purpose of levying something very like blackmail, and also of hampering the liberty of movement of the labourer. The majority of those who are engaged in the handling of employed labour are strongly opposed to the continuance of the " tundu " system; and the Government of India has recently expressed the view that it would be well if it were stopped. In order to attain this object it is necessary that any attempts at evasion should be severely penalized, and that reason will account for the severity of the penalty proposed to be imposed by section 4 of the Bill.

### DISCHARGE TICKETS.

2 Section 24 of Ordinance No. 13 of 1889 shall be repealed, and the following section shall be inserted in its place:

24. (1) Whenever any labourer quits the services of any employer, having given the notice or warning required by law, it shall be the duty of the employer to prepare a discharge ticket as nearly as material in the form III. in schedule C. If the labourer entered the service of the employer on a discharge ticket, the employer shall file such discharge ticket in his office, and shall prepare a new discharge ticket.

(2) Where the labourer quits the service of his employer in order to take service with some other employer in Ceylon, the former employer shall forthwith forward the discharge ticket to the new employer. But in no case shall the discharge ticket be given to the labourer.



(3) Where a labourer has given the notice or warning required by law, but has not, at the time when he quits the service of his employer, secured any other employment, it shall be the duty of the employer to give him a memorandum in the form IV. in schedule C. stating that the labourer has duly given notice, and that a formal discharge ticket will be issued to any new employer on application. Upon such application being made it shall be the duty of the employer to forward to the new employer within five days of the date of application a discharge ticket.

(4) Any employer who fails to prepare or to forward a discharge ticket, or to give to any labourer a memorandum in any case where he is required by this section to do so, shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one hundred rupees, and a further fine not exceeding five rupees for every day during which such default shall continue.

3 For forms II., III., IV., V., VI., VII., and VIII., in schedule C of Ordinance No. 13 of 1889 there shall be substituted the following forms respectively. (These were not reproduced);

#### PENALTIES FOR ISSUING OR ACCEPTING TUNDU.

4 (1) Any person who after the commencement of this Ordinance—

- (a) Issues or causes or permits to be issued a "tundu;" or
- (b) Accepts or agrees to accept any "tundu" or any obligation arising thereunder or intended to be imposed thereby; or
- (c) Gives or enters into any undertaking, express or implied, with regard to any "tundu;"

to or in respect of any labourers as defined in section 3 of Ordinance No. 13 of 1889, shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding Rs. 20,000, or to imprisonment of either description for any period not exceeding two years, or to both.

(2) For the purposes of this section the expression "tundu" means the document commonly called a "tundu," and in use, at the time of the commencement of this Ordinance, under the provisions of Ordinance No. 13 of 1889; it also includes any document, whatever its form may be, whereby the object attained by a "tundu" at the time of the commencement of this Ordinance are sought to be attained after such commencement.

5 Sections 11, 12, 14, 21, 23, and 24 of Ordinance No. 11 of 1865 and section 4A of Ordinance No. 13 of 1889 are hereby repealed.

# ORDINANCES.

## RE

### IMMIGRANT LABOUR.



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# ORDINANCES.

## RE

### IMMIGRANT LABOUR

(Extract from the "Ceylon Government Gazette"  
No. 7,321 of April 6, 1923).

**T**HE following Notifications issued by the Government of India relating to the rules under the Indian Emigration Act, 1922, are published for general information:—

Notification No. 212 dated March 10, 1923;

Notification No. 213 dated March 10, 1923.

2. With reference to the provision to rule 23 of the Indian Emigration Rules, it is notified that the Governor-General in Council has been pleased to exempt Ceylon permanently from the operation of the rule.

By His Excellency's command,  
**CECIL CLEMENTI,**  
Colonial Secretary.

Colonial Secretary's Office,  
Colombo, March 23, 1923.

#### DEPARTMENT OF REVENUE AND AGRICULTURE.

#### NOTIFICATION.

*Emigration.*

Delhi, the 10th March, 1923.

No. 212.—In exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922, (VII. of 1922), the Governor-General in Council is pleased to make the following rules:—

#### RULES UNDER THE INDIAN EMIGRATION ACT.

1. These rules may be called the Indian Emigra- Short title.  
tion Rules, 1923.
2. In these rules unless there is anything repug- Definitions.  
nant in the subject or context—
  - (a) "The Act" means the Indian Emigra-  
tion Act, 1922 (VII. of 1922).



- (b) " Assisted Return Emigrant " means a return emigrant who is assisted to return to India by the Government of the country to which he emigrated.
- (c) " District Magistrate " means in a Presidency town the Commissioner of Police and elsewhere the District Magistrate of a district.
- (d) " Form " means a form set forth in the schedule to these rules.
- (e) " Labourer " means any person performing unskilled work.
- (f) " Magistrate " means any stipendiary Magistrate appointed under the Code of Criminal Procedure, 1898:  
 Provided that the Local Government may, by notification in the local official *Gazette*, direct that the powers of a Magistrate under all or any of these rules may be exercised by such other class or classes of Magistrates as it may specify in this behalf, either generally or in any specified area or for the purposes of emigration to any specified country.
- (g) " Medical Inspector " means the Medical Inspector of Emigrants.
- (h) " Protector " means the Protector of Emigrants.
- (j) " Return Emigrant " means an emigrant who has left India under the terms of the Act and who returns to India.

## PART I.

### RULES REGARDING EMIGRATION OF UNSKILLED LABOUR.

#### I.—*Emigration Staff.*

3. (1) The appointment of an Emigration Commissioner by the Government of a country to which emigration is lawful shall, for the purposes of these

rules, take effect from the date on which the Governor-General in Council may, by notification in the *Gazette of India*, declare his approval of the appointment.

(2) The Governor-General in Council shall not declare his approval of such appointment unless he is satisfied that the remuneration received by the person so appointed will not depend on the number of labourers whom he assists to emigrate, but will be in the nature of fixed salary.

4. (1) An Emigration Commissioner shall—

Duties of the  
Emigration  
Commissioner.

(a) Be responsible for the diffusion of correct information regarding the country by the Government of which he is appointed, and for all arrangements made to secure emigrants for that country, and to assist them to emigrate thereto;

(b) Control and be responsible for the operations of all persons engaged by him or under his orders in pursuance of such arrangements.

(2) A Local Government, within whose jurisdiction emigrants are secured, shall, subject to the control of the Governor-General in Council, issue instructions for the purpose of carrying into effect the provisions of the Act and of these rules, and the Emigration Commissioner and all officers appointed under the Act or under these rules shall be bound to comply with such instructions.

5. An Emigration Commissioner shall, if the Governor-General in Council so requires, appoint a responsible Assistant to be stationed at a suitable centre for the supervision of Emigration Agents and of the places of accommodation established under rule 18. Such appointment shall be approved by the Local Government within whose jurisdiction such Assistant is to operate.

Appointment  
of Assistant to  
Emigration  
Commissioner.

6. (1) An Emigration Commissioner may, and if required by the Local Government shall, divide the area within a single Province, within which he desires to secure emigrants, into circles approved by the Local

Constitution  
of circles and  
appointment  
of Inspectors  
of Emigration

Government of that Province. For each such circle he shall appoint, with the previous approval of the Protector, an Inspector of Emigration, whose duty it shall be to supervise the work of all persons engaged in assisting and inducing labourers to emigrate to the country represented by the Emigration Commissioner by whom he is appointed.

(2) The salary and allowances of an Inspector of Emigration shall be fixed and shall not depend on the number of emigrants obtained from his circle.

(3) If the Local Government, after such inquiry as it thinks fit, desires an Inspector to be removed from his post, the Emigration Commissioner shall be bound to comply with its request.

Emigration  
Agents

7. (1) An Emigration Commissioner may appoint as many persons as he may consider necessary for purposes of propaganda and for assisting labourers to emigrate. Such persons shall be called Emigration Agents.

(2) Emigration Agents must be men of good character and respectability, and shall, whenever possible, be men who have actually worked in the country for which they are employed. They shall be paid a fixed salary which shall not depend on the number of emigrants recruited by them.

(3) An Inspector of Emigration appointed under rule 6 shall not be appointed an Emigration Agent.

Emigration  
Agent to be  
licensed

8. (1) No person shall operate as an Emigration Agent unless he is in possession of a valid license in Form No. 1 issued by the Emigration Commissioner in this behalf.

(2) A license issued under sub-rule (1) shall be valid for a period of one year, but may be renewed by the Emigration Commissioner for further periods of three months at a time.

(3) The number of persons whom an Emigration Agent is authorized to assist to emigrate, and the area in which he is authorized to operate, shall be specified in every such license.

(4) The Emigration Commissioner shall forward a copy of any license issued by him under this rule to the Protector and to the District Magistrate of every district in which an Emigration Agent is authorized by such license to operate.

9. No person, except under and in accordance with a license issued under rule 8, shall induce, or attempt to induce, any person to emigrate or to attempt to emigrate or to leave any place for the purpose of emigrating.

Unlicensed persons not to recruit.

10. No person shall enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate.

Prohibition of agreements to emigrate.

11. An Emigration Agent shall not operate in a district for which he holds a license, unless the license has been countersigned by the District Magistrate of such district.

Emigration Agent not to recruit unless license countersigned by District Magistrate.

12. If a District Magistrate is satisfied, after such inquiry, if any, as he thinks necessary and after giving the Emigration Agent an opportunity of being heard, that an Emigration Agent who desires to recruit labour in his district is by character or from any other cause unfitted to be employed in such recruitment, he may refuse to countersign the license issued to such Emigration Agent under rule 8; the reasons for such refusal shall be recorded in writing by the District Magistrate.

Power of Magistrate to refuse counter-signature.

13. If any misconduct or disregard of these rules or of the conditions of his license on the part of an Emigration Agent comes to the notice of the District Magistrate of a district in respect of which such Agent's license has been countersigned in accordance with rule 11, or if such District Magistrate finds reason to believe that such Agent is by character or from any other cause unfitted to be an Emigration Agent, he may require such Agent to produce his license and after giving him an opportunity of being heard may, if he is satisfied that such misconduct or disregard has occurred or that he is so unfitted, cancel the counter-signature thereon.

Power of District Magistrate to cancel counter-signature



Notice to  
Emigration  
Commissioner  
of counter-  
signature,  
refusal to  
countersign or  
cancellation  
of counter-  
signature

Powers and  
duties of Sub-  
divisional  
Magistrates.

Production of  
license before  
Magistrate or  
Police Officer,

Endorsement  
by a Magistrate  
on the license

Statement of  
information.

14. When a District Magistrate countersigns or refuses to countersign a license under rule 11 or rule 12, as the case may be, or cancels the countersignature on a license under rule 13 he shall at once report such countersignature, or such refusal or cancellation, to the Emigration Commissioner who granted the license. The Emigration Commissioner shall cancel any license on which countersignature has been refused or cancelled by any District Magistrate.

15. Where a license is limited to a subdivision or any part thereof the powers conferred and duties imposed by rules 11 to 14 shall be exercised and performed by the Subdivisional Magistrate of such subdivision.

16. An Emigration Agent shall, on the demand of a Magistrate or Officer in Charge of a Police Station, produce the license issued to him under rule 8. Should such Magistrate desire to endorse on the license any remark concerning such Agent, he shall be entitled to do so, and such remark shall be reproduced on all subsequent licenses issued to such Agent until it is ordered to be expunged—

(a) By the District Magistrate to whom such Magistrate is subordinate, or if the Magistrate making the endorsement was the District Magistrate by such District Magistrate or his successor in office; or

(b) By the Local Government:

Provided that the Local Government shall not order an endorsement made by a Magistrate other than the District Magistrate to be expunged, unless the District Magistrate competent to pass such order has refused to do so.

# *11.—Statement of Information to be supplied to Emigrants.*

17. (1) The Emigration Commissioner shall be responsible for the preparation of a statement containing information relating to the country which he represents, and the Emigration Agent shall supply a copy

of such statement to every person, whom he attempts to induce to emigrate to such country, and shall obtain a receipt from such person for every copy so supplied.

(2) The statement shall not be brought into use until it has been approved by the Governor-General in Council, to whom it shall be submitted by the Emigration Commissioner through the Local Government.

(3) The statement shall be in a form prescribed by the Emigration Commissioner and shall be printed in English and in the vernacular language or languages of the local area in which the Emigration Agent operates.

(4) Without prejudice to the generality of its contents, the statement shall contain information relating to the following heads, namely:—

- (a) The climate of the country;
- (b) The nature of the work open to emigrants;
- (c) The hours of work *per* day generally prevalent in the country, and the days of rest generally allowed;
- (d) The wages generally offered, and the deductions, if any, made from them;
- (e) The arrangements generally available for housing and treatment during sickness;
- (f) The cost of living for labourers in the country in question; whether rations are supplied to labourers, and if so, whether cooked or uncooked, and whether free of cost or on payment;
- (g) The duration of the journey from India to the country and the nature of the arrangements for the journey;
- (h) The conditions of repatriation;
- (i) The facilities available in regard to education and the observance of religious rites;
- (k) The prospect of land being granted for cultivation;
- (l) The special punishments, if any, inflicted for labour offences.

For the purposes of clause (d) and clause (f) of this sub-rule, wages and cost of living shall be stated both in rupees and in the currency of the Colony.

III.—*Places of Accommodation in Areas in which Emigrants are obtained.*

Establishment  
of places of  
accommodation

18. In any district in which the Local Government so directs the Emigration Commissioner shall provide sufficient and proper accommodation in a suitable place for such intending emigrants as he may collect pending their production before a Magistrate and removal to the port of embarkation. The Emigration Commissioner shall inform the District Magistrate of the situation proposed by him for the place of accommodation, and shall obtain his approval to such situation before the place is brought into use.

Requirements  
to be observed  
in connection  
with places of  
accommodation

19. (1) In and in connection with every place of accommodation provided in accordance with rule 18, the following requirements shall be observed, namely :—

- (a) The premises shall be maintained in a cleanly condition, and facilities for the cleanliness of the inmates thereof shall be available;
- (b) The premises shall be capable of accommodating the largest number of persons likely to require accommodation therein at any one time;
- (c) The number of persons, whom the premises can simultaneously accommodate, as determined by the District Magistrate or Protector, shall be inscribed on a board affixed in a conspicuous place for the information of persons hereinafter required or authorized to inspect the premises, and the persons simultaneously accommodated therein shall not exceed such number;
- (d) A notice board shall be prominently exhibited immediately outside the premises, whereon it shall be stated that the premises are a place of accommodation provided in

accordance with these rules and are in charge of a person specified by name ;

- (c) The premises shall be within reasonable distance of a plentiful supply of wholesome drinking water, and suitable arrangements for bathing and for the purposes of nature shall be made ;
- (f) A woman, who is not an intending emigrant, shall not be accommodated therein without the special permission of the Emigration Commissioner ;
- (g) The premises shall contain separate accommodation for the use of women entitled to accommodation therein who desire, or are required by tribal or local custom to be separately accommodated ;
- (h) The premises shall be such as to admit of suitable medical treatment of any inmate thereof who falls ill, and all sanitary requirements in connection therewith shall be duly observed ;
- (i) The person in charge of the premises shall keep an inspection book for the entry of remarks by persons hereinafter required or authorized to inspect the same.

(2) Subject to the requirements specified in sub-rule (1), the accommodation provided in accordance with rule 18 shall be deemed to be sufficient and proper within the meaning of that rule, if it is in accordance with the standards of comfort observed by persons residing in the same area and belonging to the same class of life as the intending emigrants.

(3) All intending emigrants shall be entitled to free medical treatment in the event of their falling sick while in a place of accommodation provided under rule 18.

(4) The Local Government may prohibit the use of any place of accommodation, which they consider unsuitable, either absolutely or until such improvements and alterations as they may specify have been



carried out, and in urgent cases the District Magistrate may prohibit the use of any such place pending the orders of the Local Government.

Inspection of  
and visits to  
places of ac-  
commodation.

20. (1) The District Magistrate shall arrange for every place of accommodation provided under rule 18 to be visited and inspected by a Magistrate not less than once a month.

(2) In a Presidency town the Local Government, and elsewhere the District Magistrate, shall appoint a visiting Committee composed of non-officials for the purpose of inspecting any such place, and it shall be the duty of every member of such Committee to inspect such place at such intervals of time as the Local Government or District Magistrate, as the case may be, may determine.

(3) In addition to the persons hereinbefore required to inspect such places of accommodation, the following classes of persons shall be authorized to inspect any such place, namely :—

(a) Gazetted revenue and police officers serving in the District in which the place is situate ;

(b) Where the place is situate in a Municipal area, the members of the Municipal Committee for that area, and the members of any District, Taluk, or Local Board whose jurisdiction adjoins that area ;

(c) Where the place is not situate in a Municipal area, the members of any District, Taluk, or Local Board, within whose jurisdiction it is situate.

(4) Emigration Agents or other persons in charge of any such place shall afford every facility for its inspection by any person required or authorized to inspect it.

(5) Any person required or authorized to inspect any such place may record his remarks in the inspection book referred to in clause (i) of sub-rule (1) of rule 19. A copy of such remarks shall be forwarded

forthwith to the Emigration Commissioner and to the District Magistrate by the Emigration Agent or other person in charge of such place.

(6) Friends and relatives of any intending emigrant accommodated in any such place shall be permitted to visit such place and to converse with such intending emigrants, and no such friend or relative shall be removed or excluded from such place on the ground that he is trying to dissuade an inmate thereof from emigrating.

#### IV.—RESTRICTIONS ON RECRUITING BY EMIGRATION AGENTS.

21. Emigration Agents shall not operate in pilgrim centres during times of pilgrimage or at places where festivals are in progress or at any place notified by the Local Government in this behalf.

Operations not to be extended to pilgrim centres and places notified by Local Government.

22. No intending emigrant below the age of 18 years who is unaccompanied by a parent or guardian and no intending female emigrant unaccompanied by a relative over 18 years of age shall be assisted to emigrate.

Persons below the age of 18 years and women unaccompanied by a relative not to emigrate.

23. Men who are unmarried or unaccompanied by their wives shall not be assisted to emigrate to any one country in any one year to a number exceeding one in five of the total number of persons so assisted :

Restriction on emigration single men

Provided that the Governor-General in Council may exempt any specified country from the operation of this rule or may in the application of this rule to any specified country modify the ratio fixed thereby.

#### V.—PRODUCTION BEFORE A MAGISTRATE.

24. (1) Prior to despatch to the port of embarkation every intending emigrant shall be produced before the District Magistrate or such other Magistrate as may be deputed by the District Magistrate in this behalf, and such Magistrate may examine such emigrant regarding the reason for desiring to emigrate and his knowledge of the conditions attaching to his emigration. Neither the Emigration Agent nor any person on his behalf shall be present at such examination. Emigrants recruited at the port of embarkation shall be produced before a Presidency or other Magistrate appointed in this behalf at such port.

Production of emigrants before Magistrate.

(2) The Emigration Agent shall submit in triplicate to the Magistrate before whom intending emigrants are produced in accordance with sub-rule (1) a nominal roll in Form No. 2 of the persons whom he proposes to assist to emigrate.

Magistrate to  
check nominal  
roll.

25. (1) On production of intending emigrants before a Magistrate under sub-rule (1) of rule 24 the Magistrate shall check the persons so produced with the nominal roll forwarded to him under sub-rule (2) satisfy himself that the Act and these rules have been complied with.

(2) If on examination of any intending emigrant such magistrate finds—

- (a) That an intending emigrant who is below the age of 18 or is a woman bears to one of the other intending emigrants not so disqualified the relationship stated in the roll;
- (b) That any other intending emigrant—
  - (i.) Has been recruited by a licensed Emigration Agent; and
  - (ii.) Is willing to emigrate and understands the statement of information supplied to him under rule 17; and
  - (iii.) Has not been induced to emigrate by any coercion, undue influence, fraud, misrepresentation or mistake,

he shall record in the three copies of the roll that such intending emigrant is permitted to emigrate.

(3) If the Magistrate is of opinion that any intending emigrant should not be permitted to emigrate, he shall record on the copies of the roll an order to this effect, stating the reasons for such order.

(4) If the Magistrate feels any doubt as to the alleged relationship of any dependent to any other intending emigrant, he may make further inquiry and call for further evidence before recording his orders on the roll.

(5) After the nominal roll has been checked in accordance with sub-rule (1) and after such amendments as are necessary have been made therein, one copy thereof shall be filed in the office of the Magistrate and the remaining two copies shall be handed to the Emigration Agent for submission, respectively to the Protector at the port of embarkation and to the Emigration Commissioner.

26. No person rejected under sub-rule (3) of the preceding rule shall be permitted to emigrate, and every person so rejected shall, with his dependents, if any, be returned to his home, at the expense of the Emigration Agent.

Rejected person  
not to be per-  
mitted to  
migrate.

27. (1) Any person desiring to emigrate and claiming that he is not subject to the provisions of the Act and of these rules relating to emigrants may appear before a Magistrate with evidence, oral or documentary, that he is not an "emigrant" within the meaning of clause (b) of sub-section (1) of section 2 of the Act.

Confirmation  
of non-emigrants

(2) The Magistrate, after such inquiry as he thinks necessary, shall, if satisfied that the applicant is not an "emigrant" to the country to which he proposes to emigrate within the meaning of clause (b) of sub-section (1) or section 2 of the Act, grant him a certificate to that effect and shall endorse the documentary evidence of identity where such is produced.

(3) A certificate granted by a Magistrate and the documentary evidence of identity endorsed by the Magistrate under sub-rule (2) shall, if produced before any Magistrate, authority, or officer acting under the Act, not later than six months after the granting thereof, be conclusive proof that the person named therein is not an "emigrant" within the meaning of the Act to the country specified therein.

#### CONVEYANCE OF EMIGRANTS TO THE PORT OF EMBARKATION.

28. Every person permitted to emigrate under the Act or these rules shall be conveyed with all convenient despatch, by or under the orders of the Emigration Agent to the place of accommodation established

Despatch of  
persons permit-  
ted to emigrate.



at the port of embarkation in accordance with the provisions hereinafter contained.

Competent person to accompany emigrants to port of embarkation.

29. (1) When an emigrant has been examined under rule 24 at a place beyond the limits of the port of embarkation, he shall while proceeding to such port be accompanied throughout the journey either by the Emigration Agent himself or by a competent person appointed in that behalf by the Emigration Commissioner.

(2) The Emigration Agent or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

#### VII.—*Non-recruited Emigrants.*

Non-recruited emigrants.

30. (1) Persons who desire to obtain assisted passages, but do not desire the assistance of Emigration Agents, may apply direct to the Emigration Commissioner of the country to which they wish to proceed. The application shall be accompanied by certificate in Form No. 3 from a Magistrate having jurisdiction in the area in which such person resides, unless the application is made at the port of embarkation.

(2) If the Emigration Commissioner agrees to grant assisted passages to any persons applying to him under sub-rule (1), they may be assisted to proceed to the place of accommodation established under rule 18 and shall be dealt with thereafter in the same manner as persons assisted to emigrate by Emigration Agents or if applying at the port of embarkation shall be received into the place of accommodation established under rule 31.

#### VIII.—PLACES OF ACCOMMODATION AT THE PORT OF EMBARKATION.

Place of accommodation at port of embarkation.

31. For every port from which emigrants embark to the country represented by an Emigration Commissioner, such Emigration Commissioner shall establish on a convenient site approved by the Local Government a suitable place of accommodation for the reception and lodging for all emigrants accommodated in such place.

32. A place of accommodation established under rule 31 shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector, and on sanitary grounds by the Medical Inspector, and until a license for its use has been granted by the Protector in Form No. 4.

Place to be licensed.

33. The Protector may at any time cancel a license granted under the preceding rule—

Cancellation of license

- (a) If he considers that the place in respect of which the license was granted has become unhealthy, or unsuitable in any other respect for the accommodation of emigrants; or
- (b) If the Emigration Commissioner has failed, after reasonable notice, to comply with any of the requirements of these rules in respect of such place.

34. The arrival of any emigrant at the place established under rule 31 shall be reported forthwith by the person in charge of such place to the Emigration Commissioner who shall submit a weekly return of such arrivals to the Protector.

Report of arrival of emigrants.

35. (1) The Protector and the Medical Inspector shall, at least once in every week during which any emigrants may be kept in any such place, inspect the emigrants and examine the state of such place, and the manner in which the emigrants therein are lodged, fed, clothed, and otherwise provided for and attended to.

Inspection by Protector and Medical Inspector

(2) The Protector and the Medical inspector shall, in their inspection and supervision of such places, comply with directions to be framed for their guidance by the local Government.

36. A resident medical officer approved by the Medical Inspector shall, unless the local Government otherwise directs, be appointed by the Emigration Commissioner for every place of accommodation established under rule 31, and his name shall be registered in the Protector's office. He shall keep a hospital register in Form No. 5 and shall produce it for inspection when the place is visited by the Protector or

Appointment of resident medical officer.

Medical Inspector. The Emigration Commissioner may appoint additional Medical officers approved by the Protector.

Inspection of  
and visits to  
place of ac-  
commodation.

37. (1) Every place of accommodation established under rule 31 shall be open to inspection by any non-official persons whom the Local Government may appoint in this behalf.

(2) A visitor's book shall be kept in every such place in which the Protector and Medical Inspector and any of the non-official persons referred to in sub-rule (1) shall enter the dates of their visits and may make any such suggestions or remarks as they think fit.

(3) Friends and relations of any emigrant accommodated in any such place shall be permitted to visit such place and to converse with such emigrant, and no such friend or relation shall be removed or excluded from such place on the ground that he is trying to persuade an inmate thereof to return to his home.

Residence of  
Emigration  
Commissioner  
in or near place  
of accommoda-  
tion

38. The Emigration Commissioner shall reside or shall depute a responsible representative to reside within, or in some place immediately adjoining every place of accommodation, established under rule 31 with a view to the exercise of immediate and sufficient control over subordinates, and to the prevention of irregularities.

Registers to be  
maintained and  
returns to be  
submitted.

39. The Emigration Commissioner shall cause registers for every place of accommodation established under rule 31 to be kept in Forms Nos. 6 and 7, and the entries therein to be punctually, legibly, and accurately made. An annual return of accommodation and a monthly return of sickness in such place shall likewise be prepared in Forms Nos. 8 and 9, respectively, and shall be forwarded by the Emigration Commissioner to the office of the Protector. A weekly hospital report in Form No. 10 shall also be furnished by the Emigration Commissioner to the Medical Inspector.

40. (1) In the event of cholera, smallpox, or other communicable disease appearing in a place of accommodation established under rule 31, every emigrant attacked by the disease shall be sent to an outside hospital for treatment; and the relatives of the affected person, if any, not accompanying the patient to such hospital and all contacts shall at the same time be placed in a segregation shed situated in an isolated part of the premises; and shall not be permitted to move or be removed thence without the written permission of the resident medical officer appointed under rule 36.

Procedure on  
occurrence of  
infectious or  
contagious  
diseases

(2) Relatives accompanying an affected person to an outside hospital shall be provided either with food or with a subsistence allowance.

41. The removal of the name of any emigrant from the register kept in Form No. 6 for any cause other than embarkation, and any death or other casualty occurring among the emigrants shall be reported in Form No. 11 to the Protector not later than the day following the occurrence, and any death from whatsoever cause shall also be reported to the Medical Inspector before noon on the following day.

Report of  
casualties.

42. (1) In the case of the death of an emigrant before embarkation, the Emigration Commissioner shall make a correct inventory in a register to be kept in Form No. 7 of the personal property which such emigrant had with him at the time of his death, and shall forward such property, together with a descriptive list thereof, to the office of the Protector for disposal:

Deaths

Provided that any foul clothing in the possession of such emigrant shall be burned.

(2) The Emigration Commissioner shall also notify the death to each of the successors entered in column 14 of Form No. 6.

(3) Claims made by relatives shall be communicated to the Protector who shall, after such inquiries as may be necessary, dispose of the property referred to in sub-rule (1) in such manner as he may think fit.



## IX.—EXAMINATION BEFORE EMBARKATION.

Nominal roll of  
emigrants about  
to embark

43. A nominal roll in duplicate of all emigrants who are about to embark shall be prepared in Form No. 12, and the Emigration Commissioner shall be responsible for the correctness and legibility of the entries made therein.

Examination  
before  
embarkation.

44. (1) Before any emigrants leave the place of accommodation established under rule 31 the existence in the nominal roll prescribed by rule 43 of an entry relating to each such emigrant and the correctness thereof shall be verified, and they shall be examined as to their fitness to undertake the voyage by the Medical Inspector who shall make over the nominal roll with the report of his inspection to the Protector.

(2) The Protector shall examine the emigrants and may refuse permission to an emigrant to embark on any of the following grounds:—

- (i.) That the Medical Inspector reports that such emigrant is unfit to undertake the journey to the country to which he or the person on whom he is dependant, as the case may be, has agreed to emigrate;
- (ii.) That the provisions of the Act or of these rules have been in any way contravened in relation to such emigrant; or
- (iii.) That such emigrant appears not to have understood the conditions on which he is proceeding and on such conditions being adequately explained to him is unwilling to embark.

Recording of  
Protector's  
orders.

45. (1) The Protector shall state on each copy of the nominal roll prescribed by rule 43 whether each emigrant is permitted to embark or is refused permission, recording his reasons briefly in the case of refusal.

(2) One copy of the nominal roll shall be recorded in the office of the Protector and the other copy made over to the Emigration Commissioner for record in his office.

47. An emigrant to whom permission to embark seven days have elapsed from the date of his arrival at the place of accommodation established under rule 31.

Emigrant not to embark for seven days.

47. An emigrant to whom permission to embark is refused on the ground specified in clause (i.) of sub-rule (2) of rule 44 shall, if his unfitness to undertake the journey is of a temporary nature and if the Medical Inspector so recommends, be detained in the place of accommodation until he is reported by the Medical Inspector to be fit to undertake the journey, and shall then be permitted by the Protector to embark. Any intending emigrant who is related to an intending emigrant so detained shall be entitled, if he so desires, to remain with such emigrant in the place of accommodation and to receive maintenance therein.

Detention of emigrant temporarily unfit to undertake voyage.

48. An emigrant to whom permission to embark is refused by reason of his permanent unfitness to undertake the journey or on the ground specified in clause (ii.) or clause (iii.) of sub-rule (2) of rule 44 shall with his dependents, if any, be returned to his home through the Protector's office at the expense of the Emigration Commissioner.

Disposal of rejected emigrants.

49. (1) An emigrant who is to be returned to his home in accordance with rule 48 shall be examined by the Medical Inspector on the day fixed for his departure and unless certified by him to be fit to bear the journey shall not be permitted to depart.

Examination of rejected emigrants.

(2) An emigrant to whom permission to depart has been refused in accordance with sub-rule (1) shall be detained under treatment in the place of accommodation until such time as the Medical Inspector certifies that he is fit to bear the journey to his home.

50. For each emigrant permitted by the Protector to embark a fee shall be levied from the Emigration Agent or the Emigration Commissioner at such rate as may be prescribed by the Governor-General in Council in this behalf, and no part of such fee shall be recovered from such emigrant.

Fee to be charged for emigrants permitted to embark.

## X.—RETURNED EMIGRANTS.

Lodging of  
return  
emigrants.

51. (1) Assisted return emigrants shall be disembarked only at ports from which emigration has been declared lawful, and shall on arrival be accommodated in a place of accommodation appointed by the Emigration Commissioner in that behalf, where they shall be properly lodged and provided for until the Emigration Commissioner is in a position to arrange for their departure to their homes.

(2) The Emigration Commissioner shall prepare in Form No. 13 a list of assisted return emigrants who have returned in a sick or helpless condition and after the Medical Inspector has endorsed his remarks thereon shall forward it to the Protector.

Treatment of  
sick return  
emigrants.

52. Sick return emigrants shall be entitled, if they so desire, to be treated in hospital at the place of accommodation appointed under rule 51 or elsewhere, and on their discharge from hospital shall be dealt with in accordance with the provisions hereinafter contained.

Despatch of  
assisted return  
emigrants to  
their homes.

53. Assisted return emigrants shall, if they so desire, and if the terms on which they emigrated so entitle them, be returned to their homes at the expense of the country to which they emigrated. Such assisted return emigrants as are considered by the Medical Inspector to be physically or mentally helpless, shall be so returned by the Emigration Commissioner under proper escort.

Payment of  
deposits made  
in the Colonies  
by return  
emigrants

54. (1) If the Emigration Commissioner is satisfied that a returned emigrant has deposited money for transmission to India through the Government of the country from which he has returned, the Emigration Commissioner shall forthwith make payment to him of the equivalent in Indian money at the rate of exchange current at the port of disembarkation of the money so deposited. The Emigration Commissioner shall draw the attention of such emigrant to the disadvantages attaching to the carrying on the person of considerable sums of money in notes or silver, and shall if such emigrant so desires assist him to obtain postal money orders payable to himself at such post office as he may name.

(2) Amounts so payable to an emigrant who has died on the voyage, together with any unclaimed property which such emigrant had with him at the time of his death, shall be forwarded by the Emigration Commissioner to the Protector for disposal in such manner as may be prescribed by the Local Government.

55. On the disembarkation of any batch of assisted return emigrants the Emigration Commissioner shall report to the Protector the number of assisted return emigrants in such batch who embarked from the country to which they emigrated with the number, if any, who died during the voyage to the port of disembarkation and the cause of death in each case.

Report to  
Protector of  
deaths during  
the voyage.

#### XI.—AGENTS APPOINTED UNDER SECTION 7 OF THE ACT.

56. (1) The Agents appointed in any place under section 7 of the Act shall be generally responsible for the welfare of emigrants in that place and for carrying out the purposes of the Act in relation to such emigrants.

Agents  
appointed under  
section. 7

(2) Such Agents shall obtain information on any matters affecting the welfare and status of Indians in the countries in which they are employed, and shall communicate such information to the Governor-General in Council.

(3) They shall prepare and submit annual reports, in such form as may be prescribed by the Governor-General in Council in this behalf, regarding the condition of Indians in the country in which they are appointed.

(4) They shall, so far as may be possible, protect and advise all classes of Indian emigrants within their charge and bring any requirements of such emigrants to the notice of the proper authorities in India or in the country in which they are appointed.

(5) They shall, in the case of countries to which emigration for the purposes of unskilled work is permitted under section 10 of the Act, inspect on arrival every ship specially chartered for conveying emigrants, shall maintain registers of the emigrants arriving in and departing from the country, shall visit



places where emigrants work and reside, and shall satisfy themselves that the conditions on which emigration is permitted are being strictly observed.

(6) They shall be directly subordinate to the Governor-General in Council.

(7) In carrying out the above duties they shall act in co-operation with the Immigration Department of the Government of the country in which they are appointed.

## PART II.

Application for permission to engage or assist persons to emigrate under section 16.

57. Every application under section 16 of the Act for permission to engage or to assist any person or persons to emigrate for the purpose of skilled work, shall, besides furnishing the information required by the said section, contain a full statement of the name of the applicant, his father's name, his place of residence, and his occupation or profession.

Copy of application and the order thereon to be forwarded to Protector.

58. Where the permission applied for is granted by the Local Government, such Local Government shall forward to the Protector at the port at which the intending emigrants are to embark a copy of the application and of the order of permission passed thereon under section 17 of the Act.

Certificate to be granted by Protector to the applicant.

59. (1) The Protector shall, if the Local Government, so directs, give to every person permitted to engage, or to assist any person to emigrate under the provisions of Chapter IV. of the Act, a certificate in Form No. 14.

(2) Before giving such certificate the Protector shall satisfy himself that every emigrant has been supplied with a written statement correctly explaining the terms of his employment and the general conditions of life obtaining in the country to which the emigrant intends to proceed.

Register of complaints to be maintained by Protector.

60. The Protector shall maintain a register of complaints received by him from emigrants registered by him under section 18 of the Act, whether made during their absence from India or after their return, and shall record briefly the results of any investigation made by him and the action taken thereon. The register shall be maintained in Form No. 15. •

## PART III.

### SUPPLEMENTARY.

Power to exclude or modify application of rules

61. The Governor-General in Council may by notification in the Gazette of India direct that, for the purposes of emigration to any specified country, these rules shall apply with such exceptions or modifications as may be specified in such notification.



Form No 3.—Form of Certificate for Persons applying for Assisted Passages without the Intervention of Emigration Agent.

[See rule 30 (1).]

Persons applying for Assisted Passages.		Dependents.		Sex.	Age.	Caste.	Occupation	Residence.			
Name.	Father's Name.	Name.	Relationship to Emigrant.					District.	Thana.	Village, Town or Mohalla.	

Certified that the persons named and described above are desirous of proceeding to the country of \_\_\_\_\_, if granted assisted passages. They do not appear to have been induced to emigrate by any Emigration Agent or any other person, and their emigration is not prohibited by the Emigration Act or the rules framed thereunder.

Dated at \_\_\_\_\_.

Magistrate of \_\_\_\_\_.

## Form No. 4.—Form of License for Place of Accommodation.

(See rule 32).

The Emigration Commissioner for ——— is hereby authorized to accommodate in each shed of his place for accommodation of emigrants at ——— the number of emigrants entered against it.

Serial No. of Shed.	Measurement of Platforms in each shed.			Number of Emigrants to be accommodated in each Shed.	Remarks.
	Length.	Breadth.	Superficial Area.		
Accommodation shed No. 1 ...					
Accommodation shed No. 2 ..					
Accommodation shed No. 3 ..					
Accommodation shed No. 4 ...					
Total number allowed in place of accommodation.					
Hospital shed No. 1 ...					
Hospital shed No. 2 ...					

N.B.—Platform space in accommodation sheds shall be 15 superficial feet per emigrant with a gangway of 6 feet. The space in hospital sheds shall be 28 superficial feet to each emigrant.

A fresh license will be required if the sheds are increased in number or size.

This license shall be in force for one year only from the date hereof.





[See rules 39, 41 and 42 (2).]

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Form No. 8.—Accommodation Return.

(See rule 39.)

Return of emigrants accommodated in the place of accommodation of the ——— Agency during the year 19—.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
District from which Emigrating	Number despatched from place of accommodation in Recruiting District	Infants born on the way	Left behind on the way	Released	Deserted	Died	Arrived from Recruiting Districts	Number at close of previous Year	Transferred from other places of accommodation.	Re-admitted from outside Hospital or Asylum.	Born in place.	Total of columns 8—12	Rejected as unfit	Released	Transferred to other places	Sent to outside Hospital or Asylum	Disposed of as Orphans	Deserted	Died	Despatched to Colony	No. at close of Year	Number of returned Emigrants emigrating again	Number of returned Emigrants	Account of Savings of returned Emigrant	Remarks



## Form No. 9.—Form of Report of Sickness at the Place of Accommodation.

(See rule 39.)

Return of Sickness among emigrants accommodated in the place of accommodation of the \_\_\_\_\_ Agency during the month of \_\_\_\_\_ 19\_\_.

Disease	Number remaining under Treatment from last Month	Under Treatment during the Month			Discharged	Sent to outside Hospital or Asylum	Deaths			Under Treatment at close of the Month	Remarks
		Men	Women	Children			Men	Women	Children		
1	2	4	5	6	7	8	9	10	11	12	13

Persons.	
Number remaining in the place of accommodation at the close of last month	...
Admitted during the month	...
Total	...
(a) Daily average strength (b) Daily average of sick (c) Percentage of sick to strength (d) Percentage of deaths to strength...	
Persons.	

Dated at \_\_\_\_\_, the \_\_\_\_\_, 19\_\_.

Resident Medical Officer.

N.B.—The following rule should be observed:—

(a) To find the daily average strength of emigrants, divide the sum of the total number of persons present daily by the total number of days.

(b) To find the daily average number of sick, add together the number of sick in hospital for each day, and divide the total by the number of days.

(c) To find the rate per cent. of daily average of sick to strength, take the daily average number of sick and multiply the number by 100, and divide the product by the daily average strength.

(d) To find the rate per cent. of deaths to daily average strength, multiply the total number of deaths by 100, and divide the product by the daily average strength.

*Instructions.*—This monthly return to be forwarded to the Medical Inspector, and a duplicate to the Protector of Emigrants within a fortnight of the month following that to which it relates.

*NOTE.*—When cases are returned as “ fever ” and are not either simple, continued, or malarial fever, a note should be added specifying the kind of fever from which the emigrants are suffering.





# Particulars of Fatal Cases.

Name of Patient	Caste	Sex	Age	District	Admitted to Place	Admitted to Hospital	Disease	Date of Death

Daily average of depôt population: ———.

Percentage of sick to population: ———.

Daily average of sick: ———.

Percentage of deaths to population: ———.

\_\_\_\_\_  
Depôt Surgeon.

NOTE:—When cases are returned as "fever" and are not either simple, continued, or malarial fever, a note should be added specifying the kind of fever from which the emigrants are suffering.

\_\_\_\_\_  
Memo. No. ———.

Forwarded to the Medical Inspector for information

Dated at ———, the ———, 19——.

\_\_\_\_\_  
Emigration Commissioner for ———.



# Form No. 11.—Form of Report of Casualties in Place of Accommodation.

(See rule 41.)

Return of emigrants removed from the attendance roll of the \_\_\_\_\_ place of accommodation on the \_\_\_\_\_ 19\_\_\_\_.

Names of Emigrants and Dependents	Father's Name	Caste	Age	Sex	Date of Magistrate's Order permitting Emigration	District from which obtained	Name of Emigration Agent	Particulars of Place of Accommodation			Particulars of Casualties			Particulars of Rejection			Particulars of Release		Whether released with consent of Protector of Emigrants.	Remarks.	
								Date of Admission into place of accommodation	Number in place of accommodation	Description	Death	Cause	Date	Cause	Date	Whether by Protector of Emigrants or by Emigration Commissioner	Date	Cause to be specified as to whether— 1. On account of rejection of relatives, or 2. Irregular recruitment, or 3. Unwillingness to migrate, or 4. Unwillingness of relatives to emigrate, or 5. Claims of relatives, or 6. Non-requirement by agency, or 7. Any other cause.			Note.—Any of the first six causes may be specified by entering the indicat- ing number, against the emigrant's name, but 'any other cause' should be fully stated—

Memo No. —

Forwarded to the Protector of Emigrants for information.

Dated at \_\_\_\_\_, the \_\_\_\_\_, 19\_\_\_\_. Emigration Commissioner for \_\_\_\_\_.

N. B.—This return should invariably be forwarded to the Protector's office on the date following that on which any reduction of the number of emigrants in the dépôt occurs from any cause whatever except embarkation.

Form No. 12.—Nominal Roll of Emigrants who propose to embark

(See rule 43.)

Serial No.	Place at which produced before Magistrate	Date of Magistrate's Order permitting Emigration	Name	Father's Name	Sex	Age	Caste	Residence	District	Post Office	Village Town, and Mohala	Successor to Estate in India			Father's Name	Residence	Orders of the Protector.
												Occupation	Country of Destination	Name and Residence			



Form No. 14. — Form of Certificate to be granted by the Protector to an Applicant to engage, or to assist, Emigrants for Skilled Labour.

[See rule 59 (1).]

Certified that \_\_\_\_\_ resident of \_\_\_\_\_ has been permitted by the Government of \_\_\_\_\_ to engage or to assist, the person or persons, named below, to emigrate for the purpose of \_\_\_\_\_, and that the requirements of Chapter IV. of the Indian Emigration Act, 1922, and of the rules thereunder have been fulfilled.

Particulars of person or persons engaged or assisted to emigrate, and of his or their dependents, if any:

Name	Father's Name	Village or Town, Thana, Tahsil or Taluk, and District or Residence.	Serial Number in Register maintained under Section 18 of the Indian Emigration Act, 1922.
1	2	3	4

Form No. 15. — Register of Complaints from Emigrants.  
(See rule 60.)

Country to which Emigrant proceeded.	Date and Number of Registration of Emigrant in Register maintained under Section 18 of the Indian Emigration Act, 1922.	Date of Complaint	Substance of Complaint	Summary of investigation made	Action taken
1	2	3	4	5	6

J. HULLAH,  
Secretary to the Government of India.



No. 213.

**GOVERNMENT OF INDIA.**  
**DEPARTMENT OF REVENUE AND AGRICULTURE.**

**EMIGRATION**

*Delhi, the 10th March, 1923.*

**NOTIFICATION.**

In exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922, (VII. of 1922), read with rule 61 of the Indian Emigration Rules, 1923 (hereinafter called "the said rules"), the Governor-General in Council is pleased to direct that for the purposes of the emigration of labourers to Ceylon, the Straits Settlements, the Federated Malay States, and the Unfederated Malay States the said rules shall apply with the following exceptions and modifications, and further to direct that the said rules may for the said purposes be construed with such further alterations not affecting the substance as may be necessary or proper.

1. In the said rules, references to an Emigration Agent and to Emigration Agents shall be read as referring to a kangany and to kanganies, respectively.

Kanganies.

2. For rules 7 and 8 of the said rules the following shall be substituted, namely:—

" 7. (1) For the purposes of assisting labourers to emigrate, an Emigration Commissioner may utilize the services of persons despatched, in accordance with the provisions hereinafter contained, from the country which he represents; such persons shall be called kanganies.

" (2) A kangany must be an Indian of the labouring class and must have been previously employed as a labourer under the employer for whose service he desires to obtain emigrants.

" (3) The remuneration of a kangany shall be regulated in such manner as may be approved by the Local Government.

Kanganies to be licensed.

" 8. (1) No person shall operate as a kangany unless he is in possession of a valid license issued by the authority appointed in this behalf by the Government of the country from which the kangany is despatched and endorsed by the Agent, if any, appointed for that country under section 7 of the Act or by his deputy.

" (2) On arrival in India the kangany shall present his license to the Emigration Commissioner who, after such inquiry, as may be necessary shall endorse it, or, if he refuses to endorse it, shall return it to the authority by whom it was granted.

" (3) No license issued under sub-rule (1) shall be valid unless and until it has been endorsed by the Emigration Commissioner under sub-rule (2). Every license so endorsed shall be valid for a period of one year from the date of such endorsement and may be renewed by the Emigration Commissioner for further periods of three months at a time.

" (4) The number of persons whom a kangany is authorized to assist to emigrate and the area in which he is authorized to operate shall be specified in every such license; such number shall not exceed :—

" (a) For the period for which the license is in the first instance valid, twenty persons exclusive of dependants; and

" (b) For each period for which the license is renewed under sub-rule (2), ten persons exclusive of dependants.

" (5) The Emigration Commissioner shall forward a copy of every license endorsed by him to the District Magistrate of every District in which the kangany is authorized to operate.

" (6) A license issued under sub-rule (1) shall be in a form approved by the Local Government, and the name and description of every intending emigrant shall be entered thereon by the kangany in a space provided for the purpose.

" (7) A kangany whose license has been endorsed by the Emigration Commissioner under sub-rule (2) shall be deemed to be engaged by the Emigration Commissioner for the purposes of clause (b) of sub-rule (1) of rule 4 of the said rules."

3. For rules 11 to 14 of the said rules the following shall be substituted, namely :—

" 11. A kangany shall not operate in any area in respect of which his license has not been endorsed by Emigration Commissioner.

Kangany to operate only in areas for which licensed

" 12. An endorsement by the Emigration Commissioner under sub-rule (2) of rule 8 shall be accepted by the District Magistrate of any District in which the kangany is authorized to operate as *prima facie* evidence that the kangany is fit and proper person for employment as such, but should any such District Magistrate at any time have good and sufficient reason to think otherwise, he may notify the Emigration Commissioner accordingly, and the Emigration Commissioner shall forthwith suspend the license until such District Magistrate has held such inquiry as he may deem necessary.

District Magistrate may hold inquiry as to Kangany's fitness.

Orders to be  
passed at close  
of inquiry.

Right of Emi-  
gration Com-  
missioner to be  
heard before  
cancellation of  
license.



Emigrant to  
appear before  
village munsiff  
or headman  
before departure  
for the port of  
embarkation.

Emigrant not to  
be taken to port  
of embarkation  
in certain  
circumstances.

" 13. At the close of the inquiry referred to in rule 12, the District Magistrate shall either permit the order of suspension to be removed or shall cancel the license.

" 14. Before a license is cancelled under rule 13, the Emigration Commissioner or his Deputy shall be entitled to appear before the District Magistrate and to be heard by him."

4. In rule 15 the said rules, for the figures " 11 " the figures " 12 " shall be substituted.

5. In rule 18 of the said rules, the words "production before a Magistrate and" shall be omitted.

6. Rules 24, 25, and 26 of the said rules shall apply only to intending emigrants from Districts specified in this behalf by the Local Government by notification in local official *Gazette*. In the case of emigrants from Districts not so specified, the following rules shall be substituted for the rules aforesaid, namely:—

" 24. Before an intending emigrant leaves the village in which he resides, he shall appear before the village munsiff or headman of such village who shall ascertain whether the members of the family of such intending emigrant have any objection to his emigration, and whether such intending emigrant is aware of the conditions attaching to his emigration.

" 25. If such village munsiff or headman finds no objection to the emigration of such intending emigrant, he shall initial the entry of his name in the kangany's license.

" 26. If objection is taken to the emigration of such intending emigrant by the members of his family, or if the village munsiff or headman sees any other reason for refusing permission to emigrate, he shall note such objection or reason on the license and such intending emigrant shall thereupon be bound to appear before a Magistrate in the subdivision, and shall not be conveyed to the port of embarkation without the permission of such Magistrate whose decision shall be final."

7. In rule 27 of the said rules, after the word "Magistrate" wherever it occurs, save where it occurs for the last time in sub-rule (3), the words "or the Protector" shall be inserted.

8. In rule 46 of the said rules the word "three" shall be substituted for the word "seven."

9. In the schedule to the said rules, Form No. 1 shall be omitted.

J. HULLAH.

Secretary to the Government of India.



# ORDINANCES.

RE

EDUCATION IN ESTATE SCHOOLS  
MEDICAL WANTS, ETC.

.CONTRACTS FOR HIRE AND SERVICE  
DEPARTMENT OF  
INDIAN IMMIGRANT LABOUR.

## S. E. N. NICHOLAS & Co.

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Cocktails, and  
Gin and Bitters*

*A cocktail with-  
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is a waste of the  
other ingredients.*

*"The heart of a good Cocktail."*

## ORDINANCES

### RE ESTATE-SCHOOLS



**An Ordinance to make better provision for Education,  
and to revise and consolidate the Law relating thereto.**

*(See Part V. of this Ordinance).*

[Date of Governor's assent: February, 19, 1920.]

[Date of commencement to be fixed by Proclamation.]

W. H. MANNING.

**W** HEREAS it is expedient to make better provision for education, and to revise and consolidate the law relating thereto. Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. This Ordinance may be cited as "The Education Ordinance, No. 1 of 1920," and shall come into operation on a day to be fixed by the Governor by Proclamation in the *Government Gazette*.

Short title and  
Commence-  
ment

2. (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

"The Director" means the Director of Education.

"The Assistant Director" means the Assistant Director of Education.

"The Department" means the Department of Education created under the provisions of this Ordinance.

"The Board" means the Board of Education appointed and constituted under the provisions of this Ordinance.

"District Committee" means an Education District Committee appointed and constituted under the provisions of this Ordinance.

"Assisted school" means a school, whether secondary or elementary, to which aid is contributed from the public funds of the Colony.

" Government school " means a school, whether secondary or elementary, already or hereafter established by, or transferred to, Government and maintained entirely from the public funds of the Colony.

" Parent " includes a guardian and any person who has the legal or actual custody of a child.

" Estate school " means an estate school established under the provisions of " The Rural Schools Ordinance, 1907," or hereafter established under this Ordinance.

" Prescribed " means prescribed by regulation or by law made under this Ordinance.

(2) The occupier of the premises in which any child usually resides shall be deemed to have the actual custody of such child until the contrary is proved.

## PART I.

### THE DEPARTMENT OF EDUCATION, THE DIRECTOR, AND OFFICERS.

Department of Education.

3. There shall be a Government Department to be styled the Department of Education, the head whereof shall be called the Director of Education.

Officers of Department.

4. The officers of the Department shall be as follows :

- (1) The Director of Education ;
- (2) The Assistant Director of Education ;
- (3) The Inspectors, Assistant Inspectors, and Sub-Inspectors of Schools ;
- (4) The Secretary of the Board ; and
- (5) Such other officers and clerks and peons as may, in the opinion of the Governor, be necessary for carrying into effect the provisions of this Ordinance.

Duties of Director.

5. (1) It shall be the duty of the Director, under section 10 of this Ordinance, to prepare regulations, and to submit the same to the Board for approval ; and further, to submit to the Board for approval any amendments of such regulations as he may consider necessary, or which he may be requested by the Board to prepare.



(2) He shall be responsible for the carrying out of such regulations.

(3) He shall before the month of April in each year make to the Board, for submission to the Governor, a report upon the state of every educational establishment supported or aided by public funds under the provisions of this Ordinance, and such report shall be printed and laid before the Legislative Council.

(4) He shall further, whenever he shall think fit, or whenever he shall be required by the Board to do so, report to the Board on any matter relative to the education of youth in the Colony.

## PART II.

### BOARD OF EDUCATION.

6. (1) There shall be established a Board to be styled the Board of Education, and composed of not less than sixteen or more than twenty members nominated by the Governor, of whom the Director and the Assistant Director and two Unofficial Members of the Legislative Council shall be four. Board of Education.

(2) Every member of the Board other than the Director and Assistant Director shall hold office for the term of three years from the date of his appointment.

(3) No act or proceeding of the Board or of any Committee of the Board shall be invalidated or questioned on account of any vacancy among the members of such Board or Committee, or of any defect in their appointment.

7. The Board shall not be an administrative or executive body, but the Governor or the Director may refer any matter to the Board for their advice. Board to be advisory.

8. The Director shall be Chairman of the Board, Chairman. provided that in his absence the Board may elect one of its members as chairman at any meeting.

9. (1) Any member, other than the Director or Assistant Director of Education, may resign his seat on the Board by letter addressed to the Governor. Resignation and vacation of membership



(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the meetings of the Board during the preceding twelve months or during his tenure of office in such months shall be considered to have vacated his seat on the Board, unless he has been absent from ill-health or with the leave of the Board.

(3) In case of the absence on leave or through ill-health of any member of the Board, the Governor may appoint any person to act in his stead.

Powers of  
Board as to  
framing  
"The Code."

10. (1) The Board may make regulations, which shall be known as "The Code," and may deal with the following subjects:

(1) ELEMENTARY AND SECONDARY  
EDUCATION.

- (a) The establishment, taking over, transfer, recognition, maintenance, continuance, or discontinuance of elementary and secondary schools.
- (b) The course and schedules of studies and the course of manual instruction in such schools, and the books and apparatus to be used therein.
- (c) The discipline to be enforced in such schools.
- (d) The inspection and examination of such schools, and the manner in which inspecting officers shall perform their duties.
- (e) The duties of local managers, and the manner of their performance.
- (f) The qualifications required in school teachers of various classes, and the payment of fixed salaries and other emoluments to such teachers; and the appointment, classification, suspension, and removal of such teachers.
- (g) The appointment of officers to secure the attendance of children at elementary schools in districts in which by-laws for their compulsory attendance are in force, and for the payment of the salaries of such officers by the prescribed authority.

- (h) The powers of such officers to demand and obtain information with regard to children who are required by such by-laws to attend such schools, and to require the production of such children before them for inspection.
- (i) The entry by such officers upon any premises and the search thereof for the purpose of gaining or verifying information with regard to any such children.
- (j) The provision for the infliction of penalties for the contravention of any of such regulations which may amount to a fine not exceeding twenty rupees, or in default of payment to imprisonment of either description for a period not exceeding one month.

#### (II). TRAINING OF TEACHERS.

- (k) The establishment, taking over, transfer, administration, maintenance, continuance, or discontinuance of Government and assisted training schools for teachers.

#### (III). INTERMEDIATE SCHOOLS AND NIGHT SCHOOLS.

- (l) The providing or aiding of night schools and of schools intermediary between elementary and secondary schools, which shall be subject to such provisions of the Code as the Board think fit to apply.

#### (IV). GENERAL.

- (m) The award and tenure of exhibitions and scholarships.
- (n) Technical, agricultural, and commercial education.
- (o) The payment or remission of fees, subject to the provisions of the Code, in respect of attendance at any school.
- (p) The standards of accommodation and of sanitation to be maintained in Government and assisted schools, and also in all private schools or places in which classes attended by children of school-going age are held.

(q) Generally for the regulation and conduct of the business of the Board and of any committees thereof.

(2) Regulations made under this section shall be published in the *Government Gazette* for general information, and shall not have any force or effect until they have been confirmed by the Governor in Executive Council. Provided that such confirmation shall not take place before the expiration of one month after such publication.

(3) All such regulations shall, after such confirmation as aforesaid, be published in the *Government Gazette*.

(4) Two copies of the Code shall, within ten days of publication, be sent to each head teacher of a Government school, and to the local manager of each assisted school for the purpose of being handed over to the head teacher of such assisted school.

(5) All regulations published as aforesaid shall be laid as soon as conveniently may be before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

Duties of  
Board

11. It shall be the duty of the Board to advise upon all questions connected with the education of youth in the Colony which are referred to them by the Governor or the Director; and further, it shall be competent for the said Board to make recommendations to the Governor or the Director in connection with such education without previous reference.

Business of  
Board.

12. (1) The Board shall meet once at least in every two months on such day as may be prescribed.

(2) The Director may at any time summon a meeting of the Board, and on a requisition signed by any three members he shall summon a meeting of the Board.

(3) The requisition shall state the object for which the meeting is required to be summoned.

(4) Seven members of the Board shall form a quorum.

(5) The Chairman shall have a casting, as well as an original, vote.

(6) The Board shall keep a minute book in which their proceedings shall be recorded.

### PART III.

#### RELIGION IN SCHOOLS AND LOCAL MANAGERS.

13. No applicant shall be refused admission into any assisted school on account of the religion, nationality, race, caste, or language of such applicant or of either of his parents.

*Religion, nationality, race, caste, and language.*

14. Religious teaching shall not form part of the instruction to be given at any Government school, whether secondary or elementary, by any teacher; but any minister or teacher of religion authorized by the Director by writing under his hand may give religious instruction to the children of the religious denomination to which the minister belongs at such times and places as may be agreed upon between him and the Director.

*Religious instruction in Government schools.*

15. (1) It shall not be required as a condition of any child being admitted into or continuing in an assisted school that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subject in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent or guardian, or that he shall attend the school on any day exclusively set apart for religious observance by the religious body to which the parent belongs.

*Conscience clause*

(2) The time during which any religious observance is practised or religious instruction is given at any meeting of an assisted school shall be either at the



beginning or the end, or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Director, and to be kept permanently and conspicuously affixed in every school-room, and any scholar may be withdrawn by his parent or guardian from such observance or instruction without forfeiting any of the other benefits of the school.

Local  
Managers.

16. (1) The Director may appoint such persons as he thinks fit to be local managers for Government schools, and he may in his discretion remove any such manager at any time.

(2) Any such appointment or removal shall be notified in the *Government Gazette*.

(3) The head or governing body of the religious denomination in connection with which an assisted school is conducted, or the governing body of any other assisted school, shall have the power at any time to appoint local managers for such school, or to require the retirement of any such local manager. Provided that the Director may also require the retirement of any local manager of an assisted school.

(4) The appointment of any local manager to an assisted school, together with the acceptance thereof in writing by the person so appointed and the notification of retirement of any local manager, shall be delivered to the Director by such head or governing body as aforesaid.

(5) No teacher or any person who derives any profit or emolument from any school shall be a local manager.

#### PART IV.

#### EDUCATION DISTRICTS AND DISTRICT COMMITTEES.

Formation of  
education  
districts.

17. For the purposes of this Ordinance the area contained within—

- (a) Every Municipal town;
- (b) Every Local Board town brought under the provisions of this Ordinance by Proclamation by the Governor in Executive Council;

- (c) Every local authority created under any enactment hereafter to be passed for the extension of local government in the Colony;
- (d) Every district brought under the provisions of this Ordinance by Proclamation by the Governor in Executive Council; shall be an education district under this Ordinance.

18. (1) In every education district there shall be an Education District Committee, which shall consist of not less than six or more than nine members, as may be ordered by the Governor in Executive Council.

Education  
District  
Committee.

(2) Two of such members shall—

- (a) In the case of the Committee of an Education District which is situated within the administrative limits of a Municipal town, be nominated by the Council of such town;
- (b) In the case of the Committee of an Education District which is situated within the administrative limits of a Local Board town which has been declared to be an education district, be nominated by the Local Board.
- (c) In the case of the Committee of an Education District which is situated within the administrative limits of any local authority created under any enactment hereafter to be passed for the extension of local government, be nominated by such local authority.

(3) The Governor in Executive Council may, by Proclamation in the *Government Gazette*, increase the number of members nominated under the last preceding sub-section.

(4) All members to the extent to which they are not nominated under the provisions of the two last preceding sub-sections shall be nominated by the Governor.

(5) Every member of the District Committee shall hold office for three years from the date of his appointment.

(6) No act of proceeding of the Committee shall be invalidated or questioned on account of any vacancy amongst the members of such Committee or of any defect in their appointment.

Chairman.

19. The members of each District Committee shall from time to time elect one of their members to be Chairman of such Committee.

Tenure of  
office of  
Chairman.

20. Every Chairman shall hold office for one year from the date of his election, unless his term of office shall meanwhile have ceased or expired.

Resignation  
and vacation  
of membership

21. (1) Any member may resign his seat on the Committee by letter addressed to the Colonial Secretary if nominated by the Governor, and to the authority appointing him if nominated by the Council of a Municipal town or by a Local Board or local authority.

(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the meetings of the Committee during the preceding twelve months, or during his tenure of office in such months, shall be considered to have vacated his seat on the Committee, unless he has been absent from ill-health or with the leave of the Committee.

(3) In case of the absence on leave or through ill-health of any member of the Committee, the Governor, or the authority appointing him as aforesaid, may appoint any other person to act in his stead.

Business of  
District  
Committee

22. (1) A District Committee shall meet once at least in every two months on such day as may be prescribed.

(2) The Chairman may at any time summon a meeting of a District Committee, and on a requisition signed by any three members, he shall summon a meeting of the Committee.

(4) Three members of a District Committee shall form a quorum.

(5) The Chairman shall have a casting, as well as an original, vote.

(6) Each District Committee shall keep a minute book in which their proceedings shall be recorded.

(7) Every District Committee shall before the month of March in each year make to the Board a report upon the state of every educational establishment supported or aided by public funds situated within their district.

23. In any area within the jurisdiction of a Village Committee constituted under Ordinance No. 24 of 1889, such Village Committee may, within such area, exercise such powers of a District Committee as may be delegated to such Village Committee by any by-law made by such District Committee. Village Committees.

24. All District and Village Committees shall assist the Director in all matters relating to elementary schools within their respective districts or areas. Committees to aid Director.

25. (1) A District Committee may make by-laws for carrying out the provisions of this part of this Ordinance, and particularly, but without restricting such general power, may make by-laws— By-laws by District Committees.

(a) For the regulation and conduct of the business of the Committee;

(b) For the delegation of any powers conferred upon them by this Ordinance to Village Committees, and for the manner in which such powers are to be exercised and carried out by the Village Committees and their officers;

(c) Specifying the limits of any area within which efficient provision has been made for elementary education by means of schools situated either within or outside of such area;

(d) Requiring, subject to such exemptions and qualifications as may be contained in such by-laws, the parent of any child between the ages of six and fourteen years, or in the case of Muhammadan and Tamil girls, between the ages of six and ten, residing within such area, to cause such child to attend an elementary school, unless he has made adequate and suitable provision for the education of such child. Provided that no such by-law shall involve the attendance at any school by any



child from any distance exceeding three miles ;

(e) Determining the days on which and the hours during which children shall attend such school ;

(f) Generally for carrying out the provisions of this part of this Ordinance ;

and may attach a penalty not exceeding a fine of ten rupees, or, in default of payment, imprisonment of either description for a period not exceeding fourteen days, and in the case of a continuing offence, an additional fine not exceeding ten rupees per day to the breach of any such by-law.

(2) A parent shall be deemed to have made adequate and suitable provision for the education of his child—

(a) If he proves that his child is in regular attendance at an elementary school or at a school certified by the Director to provide adequate and suitable education ; or

(b) If he proves that he has made such other provision for his child's education as the Director or some officer of the Department authorized by him shall certify to be adequate and suitable ; or

(c) If he produces a certificate from the Director or some officer of the Department authorized by him recommending that the child shall be exempted from compulsory attendance.

(3) (a) No parent shall be convicted for not causing his child to attend school, if he proves to the satisfaction of the court that he had reasonable cause for not causing such child to attend.

(b) A parent shall be deemed to have a reasonable excuse for not causing his child to attend school, if he proves that the child is prevented from attending by sickness or other unavoidable cause.

(4) By-laws under this section shall be submitted by the District Committee for the approval of the Board of Education.

(5) All such by-laws, if approved by the Board of Education, shall then be submitted, for confirmation, to the Governor in Executive Council, and if and when so confirmed shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages, and shall thereupon be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

26. Upon the publication under section 25 of this Ordinance of by-laws for securing the attendance of children at school in any education district, any rules made by the Village Committee of any subdivision situated within the administrative limits of any such district, under the provisions of section 6 of "The Village Communities Ordinance, 1889," for such purpose which may then be in force in such subdivision, shall from the date of such publication be abrogated and shall cease to have effect, and no rules for such purpose shall thereafter be made; but nothing in this section shall prejudice anything lawfully done under such rules.

Repeal of Village rules by publication of by-laws under section 25.

27. Such moneys as may from time to time be granted by the Legislative Council from general revenue for the purpose shall be allocated by the Director amongst the Education District Committees.

Allocation of Government grant.

28. (1) A District Committee may, with the approval of the Director, apply the money placed at their disposal as hereinbefore provided for the benefit of the Government schools at which the children in their district attend, and may, with the like approval, make provision therefrom for—

Application of money at disposal of District Committee.

- (a) Erecting new buildings, extending existing school buildings, making and fencing school gardens and playgrounds, constructing teachers' dwelling houses, and wells for school gardens, and other necessary premises and offices;
- (b) Repairing school buildings, teachers' dwelling houses, fences, wells, offices, and premises;

(c) Supplying furniture, school apparatus, and agricultural implements.

(2) In special cases, and with the approval of the Director, a District Committee may apply such money for the benefit of assisted schools within their district.

(3) A District Committee may also, subject to the provisions of this Ordinance—

(a) Pay the salaries of clerks and other officers employed by them: and

(b) Make any payments necessary for carrying out the objects of this Ordinance.

Keeping and  
audit of  
accounts.

29. (1) Accounts shall be kept by each District Committee of their receipts and expenditure, and those accounts shall be made up to the thirty-first day of December in each year, and any balance of receipts over expenditure shall be carried forward to the following year.

(2) The accounts shall be audited annually by the Colonial Auditor, and shall be open at all times to inspection by him and by any other officer appointed by him to inspect them. A copy of the accounts for each year shall be forwarded to the Colonial Auditor not later than the thirty-first day of January of the succeeding year.

(3) A correct summary of the accounts for each year shall be published in the *Government Gazette*.

## PART V.

### ESTATE SCHOOLS.

Application of  
Part V. to  
estates.

30. (1) Parts II., III., and IV. of this Ordinance shall not apply to an estate on which there are more than twenty-five children between the ages of six and ten of labourers employed thereon.

(2) Whenever it appears that the children of such labourers can be more conveniently educated by means of the schools of the education district within or near which such estate is situated, the Governor may, by order in the *Government Gazette*, exempt such estate from the operation of this part of this Ordinance, and direct that it shall be subject to Parts II., III., and IV. thereof.

31. Two or more estates may, with the sanction in writing of the Director, combine for the purpose of providing a common school under a joint manager for the instruction of the children on such estates.

Combined schools.

32. It shall be the duty of the superintendent of every estate to provide for the vernacular education of the children of the labourers employed on the estate between the ages of six and ten, to appoint competent teachers, and to set apart and keep in repair a suitable schoolroom.

Duty of superintendent as regards education of children on estate.

33. (1) No child between the ages of six and ten shall be employed on any work upon any estate before the hour of ten in the morning.

Restriction on employment of children.

(2) It shall be the duty of every superintendent to take effective measures for securing the observance of the provisions of this section, and any superintendent who shall fail so to do shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees.

34. (1) The parent of every child between the ages of six and ten, such parent being employed as a labourer on the estate, shall cause such child to attend the estate school during the hours prescribed by rules made by the Director.

Parents to see that children attend school.

(2) Any parent who fails to comply with the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding ten rupees, or, in default of payment, imprisonment of either description for any period not exceeding fourteen days.

35. (1) It shall be the duty of the superintendent to supply the school teacher with the information necessary to allow of such teacher keeping a register showing the names and ages of the boys and girls, being the children of labourers employed on the estate, between the ages of six and ten.

Register of children of school-going age.

(2) It shall be the duty of the school teacher to keep such register, and also to keep an attendance register showing the presence or absence of each child on every day on which school is held.



(3) Such first-named register shall be corrected or renewed on or before the tenth day of each month, and shall be open to inspection as hereinafter provided.

(4) Any superintendent or teacher who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty rupees, or to imprisonment of either description for any period not exceeding one month.

Inspection of  
Schools

36. (1) The Director shall from time to time cause estate schools to be inspected, and on such inspection the superintendent, who shall have at least three days' clear notice of the inspection, shall afford the inspecting officer all reasonable facilities for inspecting the registers hereinbefore required to be kept and the children on the estate.

(2) Any superintendent who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for any period not exceeding three months.

Enforcement of  
obligation on  
superintendent  
to provide for  
education of  
children.

37. (1) Whenever provision has not been made to the satisfaction of the Director for the vernacular instruction of the children on any estate and for the supply of a suitable schoolroom, the Director may issue a notice to the superintendent calling upon him to make provision for the vernacular education of the children or for a schoolroom; and if such notice has not been complied with to the satisfaction of the Director within six months from the date when it was given, the Governor in Executive Council may authorize some person to enter upon the estate and erect a suitable schoolroom thereon and to provide suitable instruction for such children.

(2) The cost of erecting and maintaining a schoolroom and of providing instruction for the children shall from time to time be certified by the person so authorized, and shall be recovered in the manner provided by "The Medical Wants Ordinance, No. 9 of 1912," for the recovery of money payable under section 10 of the said Ordinance.

(3) The provisions of sections 34, 35, and 36 of this Ordinance shall apply to a school established under this section.

## PART VI. GENERAL.

38. (1) It shall be the duty of any person who desires to open a school or give instruction in English or any other language in any schoolroom or any building not previously used by him for the purpose to any class or classes attended by children of school-going age, at least one month before the opening of such proposed school or the commencing of such proposed instruction, to report particulars of such school or instruction to the Director, and thereafter supply such information as may be required by the Director with regard to his school or his class or classes, and the courses of instruction he is giving or proposes to give.

*Duty of persons opening new schools to report to Director*

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

39. (1) It shall be lawful for the Director, Assistant Director, and any inspecting officer of the Department, and for the Chairman of any District Committee within the administrative limits of such Committee, to enter and inspect any elementary school, and all the registers of admission and attendance of any such school.

*Powers of inspection.*

(2) Any person obstructing the Director, Assistant Director, or any such inspecting officer or Chairman acting in pursuance of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees.

40. (1) All offences under this Ordinance or under any regulations, rules, or by-laws made thereunder shall be triable by a Police Magistrate; or in the case of a Municipal town, by a Municipal Magistrate; or in the case of any offence committed within the jurisdiction of any Village Tribunal or Village Committee, by the Village Tribunal or Village Committee.

*Jurisdiction in respect of offences*

(2) The Village Tribunal or Village Committee shall have jurisdiction to award the maximum punishment prescribed therefor, anything in the Criminal Procedure Code or in "The Village Communities Ordinance, 1889," to the contrary notwithstanding.

Power of  
Magistrate in  
certain cases to  
order child to  
be sent to  
certified  
industrial  
school.

41. (1) If within the jurisdiction of any Police Magistrate or Municipal Magistrate any child of such age as to be liable to attend school neglects habitually, and without reasonable excuse, to attend such school, or is found habitually wandering about the streets and not under proper control, or in the company of disorderly or immoral persons or of reputed criminals, it shall be the duty of the attendance officer, after due warning to the child and to the parents of the child, if they can be found, to present a written report, certified by the Chairman of the District Committee, to the Magistrate.

(2) The Magistrate shall summon such child and the parents (if they can be found) before him, and, if satisfied of the truth of the report, may order such child, if a male, to be caned in accordance with the provisions of "The Flogging Regulation Ordinance, 1904," or order any such child to be sent to any school or institution certified by the Governor under "The Youthful Offenders Ordinance, 1886" (hereinafter referred to as "a certified industrial school"), for such period (subject to the limitations prescribed by section 19 (d) of the said Ordinance) as to such Magistrate shall seem proper.

(3) The costs of maintaining and educating the child at the certified industrial school shall be defrayed, in the first instance, by the District Committee, but the Magistrate may in his discretion issue an order to the parent of such child requiring such parent to pay the whole or any part of the costs of such maintenance, provided that such order may be made on the application of an attendance officer, and shall be made and enforced, so far as is consistent with the provisions of this Ordinance, in the manner provided by sections 32 to 37 inclusive of "The Youthful Offenders Ordinance, 1886."

42. With regard to proceedings under this Ordinance, or under any regulation, rule, or by-law thereunder, the following provisions shall have effect, namely :

(1) The Magistrate, President, or Chairman may, instead of imposing a fine, make an order directing that the child shall attend school, and that if he fails to do so, the person on whom such order is made shall pay a fine not exceeding the fine to which he is liable for failing to cause such child to attend school.

(2) The Magistrate, President, or Chairman may require by summons any parent of a child required by regulation, rule, or by-law to attend school to produce the child before him, and any person failing without reasonable excuse, proof whereof shall lie on the parent, to comply with such summons, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding twenty rupees.

(3) When a child is apparently of the age alleged for the purpose of the proceeding, it shall lie on the defendant to prove that the child is not of that age.

(4) A certificate purporting to be under the hand of the Director or any officer of the Department authorized by him stating that a child has reached a particular standard of education, or is or is not under adequate and suitable instruction, or stating that any school does or does not provide adequate and suitable instruction, shall be sufficient evidence of the facts stated in such certificate.

43. Any private land which may be required for the purposes of, or incidental to, the erection or extension of school buildings, teachers' houses, offices, or premises, or for the establishment of school gardens or playgrounds, or otherwise for the purposes of this Ordinance, may be acquired by the Crown for such purpose under the provisions of "The Land Acquisition Ordinance, 1876," or of any other Ordinance for the time being in force providing for the acquisition of private land for public purposes.

Acquisition of  
land for  
purposes of  
Ordinance  
Repeal



## Preamble.

44. The following Ordinances, namely, "The Town Schools Ordinance, 1906"; "The Rural Schools Ordinance, 1907"; "The Rural Schools (Amendment) Ordinance, No. 14 of 1913"; "The Town Schools (Amendment) Ordinance, No. 34 of 1916"; "The Rural Schools (Amendment) Ordinance, No. 8 of 1917"; and "The Rural Schools (Amendment) Ordinance, No. 34 of 1917," are hereby repealed.

Passed in Council the Fourth day of February,  
One thousand Nine hundred and Twenty.

W. T. SOUTHORN,

Clerk to the Council.

Assented to by His Excellency the Governor the  
Nineteenth day of February, One thousand Nine  
hundred and Twenty.

GRAEME THOMSON,

Colonial Secretary.



(Reprinted from Vol. III. of "A Revised Edition of the Legislative Enactments of Ceylon" (1923), the paging of which has been retained).

## MEDICAL WANTS ORDINANCE

No. 9 of 1912.

**An Ordinance to consolidate and amend the Ordinances relating to the Medical Wants of Labourers in Planting Districts.**



*(As amended by No. 16 of 1916, No. 25 of 1916, and No. 29 of 1916.)*

**W**HEREAS it is expedient to consolidate and amend the Ordinances relating to the medical wants of labourers in planting districts: Preamble  
Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

### CHAPTER I.

#### PRELIMINARY.

1. This Ordinance may be cited as "The Short title.  
Medical Wants Ordinance, No. 9 of 1912."

2. In this Ordinance, unless the context otherwise implies— Definitions.

"Medical Officer" includes any district medical officer and any officer of the Medical Department charged with duties of supervision or inspection in connection with estates.

"District Medical Officer" includes district medical assistant, visiting medical officer, and visiting apothecary.

"Estate" means any estate in which labourers are employed having ten acres of land actually cultivated in tea, rubber, coffee, cacao, cardamoms, coca, camphor, pepper, or cinchona.

"Government Agent" includes Assistant Government Agent.

"Hospital" means any Government hospital.

" Dispensary " means any Government dispensary.

" Labourer " means a labourer employed upon an estate, and includes kangani and female labourer, and any child or other relative of a labourer resident upon the same estate.

" Immigrant labourer " means any labourer as defined by section 2 of Ordinance, No. 9 of 1909.

" Prescribed " means prescribed by rules made under this Ordinance or, in the absence of such rules, by departmental rules or orders.

" Superintendent " means any person in the immediate charge of an estate.

## CHAPTER II.

### ORGANIZATION OF ESTATES MEDICAL DISTRICTS.

Governor may declare estates medical districts.

3. It shall be lawful for the Governor, by order in Executive Council, to declare any district of the Colony an estates medical district for the purposes of this Ordinance, and to define the limits of the district by reference to the estates comprised therein.

District hospitals and dispensaries.

4. There shall be established for every medical district such hospitals and dispensaries as may be necessary for the medical wants of the estates of the district.

District medical officers.

5. The Governor may appoint district medical officers and apothecaries for any estates medical district at such salaries as may from time to time be provided by the Legislature, and with such duties as he may from time to time determine.

## CHAPTER III.

### DUTIES OF MEDICAL OFFICERS.

Duties of district medical officer.

6. It shall be the duty of a district medical officer for the purposes of this Ordinance—

(a) Upon the written request of a superintendent, to visit any sick labourer upon his estate ;

- (b) To direct the removal to hospital of any such sick labourer whose removal he may consider necessary ;
- (c) To attend upon all such labourers who at the direction of a district medical officer or otherwise may be admitted to hospital.

7. It shall be the duty of every medical officer (being a duly qualified medical practitioner registered under sections 12 and 13 of Ordinance No. 2 of 1905) for the purposes of this Ordinance from time to time—

Duties of medical officer as to inspection of estates.

- (a) To visit the estates within his district, or any other estate which he may be specially directed to visit, and to inspect the sanitary condition thereof ;
- (b) To examine the labourers on such estates for the purpose of ascertaining their condition of health, and whether they have been duly vaccinated ;
- (c) To inspect all children under the age of one year resident upon such estates, and to give directions to the superintendent for their proper care and nourishment ;
- (d) To direct the removal to hospital of any sick labourer whose removal he may consider necessary.
- (e) To draw the attention of the superintendent to any defect in the sanitary condition of his estate, and in the condition of health of the labourers ;
- (f) If any estate has an estate hospital or dispensary, to inspect such hospital or dispensary ;
- (g) To report to the Principal Civil Medical Officer on all or any of the above matters.

8. Any person who shall wilfully obstruct any medical officer acting in the discharge of his duties under this chapter shall be guilty of an offence against this Ordinance.

Obstruction of medical officer an offence



## CHAPTER IV.

RIGHTS, DUTIES, AND OBLIGATIONS OF  
SUPERINTENDENTS, &c.Rights of  
superintendents.

9. Any superintendent shall be entitled—

- (a) (To medical attendance by a district medical officer upon any sick labourer upon his estate ;
- (b) To the reception at a hospital (subject to the accommodation of the hospital) of any labourer who in the opinion of a district medical officer ought to be admitted to the hospital ;
- (c) To the free supply from the Medical Department for the purpose of any estate hospital or dispensary of all such prescribed drugs as he may require for the medical wants of his Labourers to a value not exceeding fifty cents per labourer per annum ;
- (d) To the supply at cost price from the Medical Department or from a Government dispensary of all such prescribed drugs as he may reasonably require for the medical wants of his labourers other than those authorized by the last preceding paragraph.

Charges Payable  
by superintend-  
ent

10. The following sums shall be payable by every superintendent in respect of medical services rendered under this Ordinance :

- (a) In respect of every visit to an estate for the purpose of attendance on any sick labourer or labourers, two rupees and fifty cents ;
- (b) In respect of the maintenance of a sick immigrant labourer in a hospital for each day's maintenance, thirty cents, or such other sum as may from time to time be prescribed.

Provided that the liability in respect of such last-mentioned charge shall not extend beyond a period of sixty days.

11. All amounts due under the last preceding section shall be a debt to the Crown recoverable from the proprietor of the estate, and shall constitute a charge upon the estate. Liability for charges.

12. (1) It shall be the duty of every superintendent— Duties of superintendents.

- (a) To maintain the lines of his estate and their vicinity in a fair sanitary condition;
- (b) To inform himself of all cases of sickness on his estate, and to take such steps as he may deem best for the immediate relief of the sick;
- (c) To send any labourer to hospital when so required by a medical officer;
- (d) To send for the district medical officer in any case of serious illness or accident;
- (e) To inform the district medical officer within forty-eight hours of every birth and death upon the estate;
- (f) To supply at the cost of the estate every female labourer resident upon the estate, and giving birth thereon to a child, with sufficient food and lodging for one month after the birth of such child, and to take care that the female labourer be not required to work on the estate for one month, unless the district medical officer shall report sooner that she is fit to work;
- (g) To see that all children under the age of one year resident upon the estate receive proper care and nourishment and to comply with all directions given by a medical officer under section 7 (c).

(2) Any superintendent who shall wilfully make default in the performance of any of his duties under this section shall be guilty of an offence against this Ordinance.

*Duties of  
kanganies,  
§2.16 of 1915.*

13. (1) It shall be the duty of every kangani employed upon an estate to give information to the superintendent of every birth, death, and case of sickness or accident in his gang.

(2) Any kangani who shall fail so to do shall be guilty of an offence against this Ordinance.

## CHAPTER V.

### RECOVERY OF CHARGES.

*Government  
Agent to give  
notice of sums  
due.*

14. When any sum of money shall be payable—

(a) In respect of drugs supplied under section 9 (d) ;

(b) In respect of medical services under section 10—

it shall be the duty of the Government Agent to give notice in writing to the superintendent of the estate in respect of which the same is payable, requiring the payment thereof within one month after such notice.

*Power to seize  
property in  
default of  
payment*

15. In default of such payment it shall be lawful for the Government Agent or any person authorized by him in writing in that behalf to seize from time to time all the crops, live stock, and implements, or any part thereof, found on the estate liable in respect of such sum, or any other article or thing whatsoever belonging to the proprietor or any of the proprietors of such estate, until the full amount due by such estate shall be recovered.

*Power to seize  
timber and  
materials of  
buildings,*

16. If there be no sufficient crop, live stock, or implements on such estate to realize the amount due, it shall be lawful for the Government Agent or other person authorized as aforesaid to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and to seize the same.

*Power to sell  
property seized*

17. At any time after thirty days from the date of seizure, unless the sum due shall be sooner paid, with the costs and charges incurred in respect of such seizure, it shall be lawful for such Government Agent or any person as aforesaid to sell the property so seized by public auction. Provided that perishable property may be sold at any time after the date of such seizure.

18. No seizure shall take place under this chapter for any sum of money which shall have been in arrear for a period of one year.

No seizure for arrears.

19. Any property seized under this chapter may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Removal of property seized

20. In the case of the seizure of any property which cannot conveniently be removed, it shall be lawful for the person making the seizure to place and keep a person in possession thereof pending such sale.

Possession of property not removable.

21. The costs and charges of seizure and sale shall also be payable from the proceeds of the property seized, and they shall be as follows:—

Costs of seizure and sale.

(1) For cost of proceeding to the house or land of the party in default in order to seize property, a charge not exceeding eight per centum on the amount due.

(2) For removal of the goods seized, in case such removal takes place, a charge not exceeding eight per centum on the amount due.

(3) For keeping the same in safe custody in case of such removal, a charge not exceeding one rupee per day.

(4) For keeping a person in possession, if the goods seized are not removed, a charge not exceeding one rupee per day.

(5) For the expenses of sale, where any takes place, a charge not exceeding two and a half per centum on the nett proceeds of the sale.

22. It shall be lawful for the Government Agent or person authorized as aforesaid to break open or cause to be broken open in the daytime any house or building for the purpose of seizing property in pursuance of this chapter, if he shall have affixed to a conspicuous part of such house or building three clear days previously a notice of his intention so to do.

Buildings may be broken open

23. In the event of a sale of property seized, the Government Agent at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also the costs and charges payable under

Return of overplus.



section 21, restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Obstruction of persons acting under this chapter.

24. Whoever shall wilfully obstruct any person in the performance of any duty imposed upon him, or in the exercise of any authority vested in or conferred upon him under or by virtue of this chapter, shall be guilty of an offence against this Ordinance.

## CHAPTER VI.

### MEDICAL WANTS COMMITTEE.

Constitution of Medical Wants Committee.

25. There shall be established a Committee, to be called the Medical Wants Committee, consisting of such members, official and unofficial, as the Governor may from time to time appoint. Provided that three of such members shall be persons whose names are submitted to the Governor by the Planters' Association of Ceylon.

Duties of Medical Wants Committee.

26. The Medical Wants Committee shall advise the Governor—

- (a) On the requirements of labourers as regards the construction of hospitals and dispensaries;
- (b) On the annual statement prepared under section 30, and the estimate to be framed thereon;
- (c) On the rebates to proprietors authorized by section 27;
- (d) On all rules made under this Ordinance;
- (e) Generally on all such matters relating to the administration of this Ordinance as the Committee may desire to bring to the notice of the Governor, or as the Governor may refer to it for advice.

Power to grant rebates to certain proprietors.  
[§ 3, 16 of 1915]

27. (1) When the proprietor of an estate or group of estates has at his own cost made provision to the satisfaction of the Principal Civil Medical Officer for the medical treatment of the labourers employed on such estate or group of estates, the Medical Wants Committee may at its discretion, and subject to

rules made under section 32, allow to such proprietor a rebate of the whole or part of the duties paid under section 28 on the exportation of the produce of such estate or group of estates.

(2) In the case of any produce not directly exported by the proprietor of the estate, such rules may provide for the calculation as nearly as may be upon such evidence as the Committee may determine of the amount of export duty paid upon such produce, and any amount so calculated shall for the purpose of the allowance of rebate be deemed to have been paid upon exportation. [§ 3, 16 of 1915.]

(3) Such rules shall be deemed to have effect as from the First day of January, 1914.

## CHAPTER VII.

### FINANCIAL PROVISIONS.

28. The Legislative Council may from time to time by resolution impose duties on the exportation of tea, rubber, coffee, cacao, cardamoms, coca, camphor, pepper, and cinchona, at such rates as the Council may deem sufficient for the purpose of meeting the expenses of the administration of this Ordinance, in so far as the same are not herein otherwise provided for. Expenses of Ordinance to be met by export duty on certain products.

29. For the purpose of estimating the amount for which it may be necessary to make provision under the last preceding section, it shall be the duty of the Principal Civil Medical Officer to prepare annually for submission to the Legislative Council a financial statement of the expenses of the administration of this Ordinance. Annual financial statement.

30. The said statement shall contain on the debit side of the account the following expenses: Debit side of statement.

(a) Any deficiency brought forward on the working of the account for the period of twelve months anterior to that covered by the statement.

(b) A *pro rata* share of the actual expenditure (including salaries of staff) during the twelve months immediately preceding the date up to

which the statement is made up of all hospitals in which immigrant labourers have been treated, based upon the proportion which the number of days passed by the said immigrant labourers in the said hospitals bears to the number of days passed by other patients in the same hospitals.

- (c) A *pro rata* share of the actual expenditure (including salaries of the staff) during the same period of twelve months of all dispensaries at which immigrant labourers have been treated, based upon the proportion which the number of visits paid by the said immigrant labourers to the said dispensaries bears to the number of visits paid by other patients to the same dispensaries.



[§ 2.29 of 1916.]

- (d) In the case of all expenditure properly chargeable to a capital account in respect of all hospital or dispensary buildings declared by the Governor, with the advice of the Medical Wants Committee, to have been primarily constructed or to be primarily maintained for the accommodation of immigrant labourers (including, in the case of buildings completed after the commencement of this Ordinance, the cost of construction), such an annual amount as would be sufficient to liquidate such expenditure, together with interest at four per centum per annum on any unliquidated part thereof, in such equal annual instalments as the Governor, with the like advice, may from time to time determine, until such expenditure is so liquidated, or alternatively, if the Governor, with the like advice, shall, with reference to any period of twelve months in question, so determine, the amount of any such expenditure, or of any part thereof outstanding, in a lump sum.

- (e) In the case of any special hospital or dispensary building completed after the commencement of this Ordinance, such contribution to the cost of construction, whether by way of annual instalments on the terms aforesaid or otherwise, as the Governor, with the advice of the Medical Wants Committee, may determine.
- (f) The cost price of all drugs supplied to superintendents under section 9 (d) during the aforesaid period of twelve months.
- (g) All miscellaneous expenses incidental to the administration of this Ordinance during the same period.
- (h) Any expenditure incurred under any general scheme undertaken by the authority of Government for combating any disease prevalent among estate labourers which the Governor, on the recommendation of the Medical Wants Committee, may direct to be so debited. [§ 2, 25 of 1916.]

31. The said statement shall contain on the credit side of the account—

Credit side of  
statement.

- (a) Any surplus brought forward on the working of the account for the period of twelve months anterior to that covered by the statement;
- (b) The amount of all sums recovered as visiting or maintenance fees under section 10 during the twelve months preceding the date up to which the statement is made up;
- (c) The amount of all fines recovered in respect of all offences against the Ordinance during the same period;
- (d) The amount of all sums received as the cost price of drugs supplied to superintendents under section 9 (d) during the same period;
- (e) The amount of the export duty collected under section 28 during the same period;



- (f) An annual contribution out of moneys provided by the Legislative Council of an amount equal to fifteen per centum of the total expenses of the administration of this Ordinance during the same period, as shown by the debit side of the account.

## CHAPTER VIII. MISCELLANEOUS.

Governor in  
Council may  
make rules.

32. (1) The Governor in Executive Council may make rules regulating—

- (a) The fees payable to district medical officers by superintendents and persons other than labourers engaged upon estates for medical attendance and for medicines dispensed at dispensaries;
- (b) The management of estate hospitals and dispensaries;
- (c) The supply of drugs to superintendents from dispensaries and from the Medical Department;
- (d) The powers and duties of hospital visitors;
- (e) The conditions subject to which rebates will be allowed under section 27, and the evidence which will be required in support of applications for rebate;
- (f) The form in which, and the time within which, applications for rebate should be made;
- (g) The manner in which such rebates shall be made, and generally on all matters connected with the allowance thereof;
- (h) Any other matters necessary for the administration of this Ordinance that cannot be provided for by departmental rules and orders.

(2) All such rules shall be laid as soon as conveniently may be before the Legislative Council, and if a resolution is passed within forty days of their being laid before the Legislative Council praying that any rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

33. The Legislative Council may, from time to time, by resolution amend the definition of "estate" in section 2 by the addition of any agricultural product to the list of agricultural products therein enumerated, or by the elimination of any agricultural product from the said list, and any such agricultural product shall thereupon become subject to or exempt from the imposition of duty on exportation, as the case may be, under section 28.

Power of Governor in Council to amend definition of estate and list of agricultural products.

34. (1) Any person convicted of any offence under this Ordinance shall be liable to a fine not exceeding five hundred rupees.

Penalty for offences.

(2) Every such offence shall be triable by a Police Magistrate, and such Magistrate shall have power to impose the full penalty provided for by this section, notwithstanding any limitation of the ordinary jurisdiction of such Magistrate.

35. This Ordinance shall come into operation on such date as the Governor, by Proclamation in the *Government Gazette*, shall appoint. \*

Commencement of Ordinance.

36. (1) Pending the imposition of the duties authorized by section 28, the duties authorized by section 4 of Ordinance No. 9 of 1882 shall continue to be levied and applied as though the said Ordinance were unrepealed.

Transitory provisions.

(2) Any district appointed an estates medical district under any Ordinance hereby repealed shall continue as an estates medical district under this Ordinance, until provision is otherwise made under this Ordinance.

(3) All medical officers and apothecaries acting as district medical officers or apothecaries for the purpose of any ordinance hereby repealed (whether in pursuance of that Ordinance or otherwise) shall continue to act as district medical officers and apothecaries under this Ordinance, until provision is otherwise made under this Ordinance.

37. The Ordinances enumerated in the schedule hereto are hereby repealed.

Repeal.

#### SCHEDULE.

Ordinance No. 17 of 1880. | Ordinance No. 5 of 1905.  
Ordinance No. 9 of 1882. | Ordinance No. 12 of 1910.  
18th June, 1912.

\* Proclaimed from July 17, 1912, by Proclamation of July, 17, 1912, in *Government Gazette* No. 6,513 of July 19 1912—Edd.

# THE DISEASES (Labourers) ORDINANCE

No. 10 of 1912.

An Ordinance to prevent the spread of Diseases among Labourers.

(Reprinted from Vol. III. of "A Revised Edition of the Legislative Enactments of Ceylon" (1923), the paging of which has been retained.)

(As amended by No. 27 of 1921 \*)

Preamble

**W**HEREAS it is expedient to provide measures to prevent the spread of diseases among labourers upon agricultural estates and other places: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and commencement

1. This Ordinance may be cited as "The Diseases (Labourers) Ordinance, No. 10 of 1912," and it shall come into operation on such date as the Governor, by Proclamation in the *Government Gazette*, may appoint. †

Definitions

2. In this Ordinance—

"Disease" means any disease which may from time to time be proclaimed by the Governor in Executive Council under this Ordinance. ‡

"District medical officer" means a duly qualified medical practitioner registered under sections 12 and 13 of Ordinance No. 2 of 1905, and attached to a Government hospital or dispensary.

\* Proclaimed from March 23, 1922, by Proclamation dated March 23, 1922, in *Government Gazette* No. 7249 of March 23 1922.—*Edd.*

† Proclaimed from January 1, 1913, by Proclamation on November 23, 1912, in *Government Gazette* No. 6534 of November 29, 1912.—*Edd.*

‡ Anchylostomiasis proclaimed as from August 8, 1916 by Proclamation dated August 8, 1916, in *Government Gazette* No. 6818 of August 11, 1916.—*Edd.*

"Anchylostomiasis" for the purposes of Ordinance No. 10 of 1912, shall be a disease due to the presence in the human intestine of a parasite known as the anchylostome or hookworm, which disease is spread from person to person by the eggs and embryo worms of the hookworm.—See Notification dated June 26, 1917, in *Government Gazette* No. 6884 of June 29, 1917.—*Edd.*



" Superintendent " means any person in the immediate charge of any estate.

" Prescribed " means prescribed by rules made under this Ordinance.

" Labourer " includes kangany and female labourer, and any child or other relative of any labourer resident upon the same estate.

3. This Ordinance shall apply to all agricultural estates of which ten acres or more are cultivated. Application of Ordinance

Provided that in any case in which a provincial surgeon is satisfied that any disease in fact prevails upon an agricultural estate with a lesser area of cultivation, he may, by written notice under his hand addressed to the owner or superintendent of the estate, direct that the provisions of this Ordinance shall apply to such estate, and upon the service of such notice upon the owner or superintendent the said provisions shall apply accordingly.

Provided further that in any case in which the Governor in Executive Council is satisfied that the labourers employed by any Government department or by any employer of labour other than a superintendent are housed under such conditions that the provisions of this Ordinance are capable of application to their residential quarters, he may, by Order in Council notified in the *Government Gazette*, apply the provisions of this Ordinance to the residential quarters of such labourers with such modifications as may be necessary for the purpose.

4. Where any superintendent has reason to believe that any disease prevails among the resident labourers of his estate, he shall give notice in writing in the prescribed manner to the district medical officer and request his assistance in the treatment of the disease. Notification by superintendent of prevalence of disease

5. Where a district medical officer receives a notice under the last preceding section, or where he has otherwise reason to believe that any disease is prevalent upon an estate he may enter upon the estate and inspect all the labourers and the sanitary condition Inspection of infected estate by district medical officer



of the cooly lines of the estate, and give such directions as he may consider necessary for the treatment of the disease.

Treatment of  
labourers on  
infected estate.

6. In any such case the district medical officer may—

- (a) Require any labourer to be removed to hospital;
- (b) Require the superintendent to treat the labourers in the prescribed manner in such convenient batches as he may indicate;
- (c) By notice in writing require the superintendent to treat in the prescribed manner all the labourers of the estate—

and it shall be the duty of the superintendent to carry out all such requirements.

Exceptional  
measures where  
disease  
prevails to  
aggravated  
extent.

7. (1) Where the Principal Civil Medical Officer is satisfied that any disease prevails upon an estate to such an extent or under such conditions that it cannot be effectively treated under the provisions of the last preceding section, he may direct a medical officer of his department to inspect the estate.

(2) In any such case the medical officer so authorized shall enter upon the estate and inspect the labourers, cooly lines, latrines, bathing places, and water supply, and do all things necessary to enable him to report to the Principal Civil Medical Officer as to the measures to be taken for the treatment of the disease upon the estate.

(3) The Principal Civil Medical Officer upon receiving the said report may thereupon, by a notice in writing, require the superintendent to carry out such measures, not being measures provided for by section 9, as in the opinion of the Principal Civil Medical Officer are necessary for the purpose aforesaid, and it shall thereupon become the duty of the superintendent to carry out all such measures accordingly:—

Provided that where the expense involved by any such notice exceeds an amount of two rupees per cultivated acre of the estate, an appeal shall lie to the Governor in Executive Council.

8. (1) If within three months from the date of the receipt of the said notice the superintendent shall not have carried out the measures required by the said notice to the satisfaction of the Principal Civil Medical Officer, it shall be lawful for the Governor, in receiving a report to that effect from the Principal Civil Medical Officer, to cause the said measures to be effectively carried out upon the estate.

Power of Governor to carry out such measures at expense of estate.

(2) The cost of any such measures so carried out shall be a debt to the Crown recoverable from the owner of the estate, and shall constitute a charge on the estate.

(3) The sum so due shall be recoverable in the manner prescribed by chapter V. of the Medical Wants Ordinance, No. 9 of 1912.

9. (1) In any case in which any medical officer charged with the duty of the inspection of estates shall report that any set of cooly lines is constructed in such a position or under such conditions that any disease prevalent or liable to become prevalent therein cannot be effectively controlled, and that the said set of cooly lines is not capable of adaptation for its effective control, it shall be lawful for the Governor to condemn such set of cooly lines, and to order its reconstruction to his satisfaction upon such site and under such conditions as shall be suitable for the purpose of the prevention of the spread of the disease, and it shall be the duty of the superintendent to carry out such order.

Power of Governor to condemn insanitary cooly lines.

(2) If within three months of the communication of such order to the superintendent, or such further time as may be directed in the order, the superintendent shall not have complied therewith, it shall be lawful for the Governor to carry out the measures directed by such order, and the expenses thereof shall be a debt to the Crown recoverable from the owner of the estate, and shall constitute a charge upon the estate.

(3) The sum so due shall be recoverable in the manner prescribed by chapter V. of the Medical Wants Ordinance, No. 9 of 1912.

Superintendent  
may require  
labourers and  
others to  
submit to  
treatment

10. (1) A superintendent may require any labourer employed upon an estate, whether resident upon the estate or otherwise, to submit to such treatment as may be prescribed or otherwise lawfully directed under this Ordinance.

(2) It shall be the duty of every such labourer, when so required by the superintendent, to attend at all reasonable times and places and to submit to such treatment.

Superintendent  
to notify  
medical officer

11. It shall be the duty of a superintendent to notify the district medical officer if he has reason to believe that any disease prevails in the immediate vicinity of his estate.

Rules

12. (1) The Principal Civil Medical Officer, with the approval of the Governor in Executive Council, may make rules for the whole Colony, or for any portion of the Colony, for the treatment of diseases under this Ordinance, and for the sanitation of cooly lines with a view to the prevention of the spread of diseases, and in particular for the following purposes:

[§ 2, 27 of 1921]

- (a) Prescribing the location of cooly lines, the manner of, and plans for, their construction, and the materials to be used in their erection;
- (a 1) Providing for the alteration, enlargement, or removal of cooly lines not built according to the rules made under this section;
- (a 2) Providing for such alteration, enlargement, or removal by order of the Principal Civil Medical Officer when there is any contravention of any such rules, and for the recovery of the expenses thereof before the prescribed court;
- (a 3) Providing for the inspection of cooly lines and their surroundings, and for the protection of the water supply of such lines.
- (b) For the provision and regulation of latrines.
- (c) For the \*.....\* removal and disposition of excreta and line refuse.

by [§ 2 (2), 27 of  
1921.]

- (d) For the provision of a surrounding area round each set of cooly lines clear of vegetation.
- (e) For the drainage of cooly lines and their surrounding area.
- (f) For the proper construction and drainage of bathing places.
- (g) For the provision of water supply.

(2) All such rules shall be laid as soon as conveniently may be before the Legislative Council, and if a resolution is passed within forty days of their being laid before the Legislative Council praying that any rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

13. There shall be submitted to the Medical Wants Committee for consideration and advice all rules proposed to be made under the Ordinance. Consultation of  
Medical Wants  
Committee

14. (1) Any person who without reasonable excuse, the proof whereof shall lie upon such person, shall— Offences.

- (a) Make default in the performance of any obligation imposed upon him by this Ordinance, or any rule or order made under this Ordinance;
- (b) Wilfully obstruct any medical officer or any person lawfully acting under his direction in discharge of the duties of such medical officer under this Ordinance, or any rule or order made under this Ordinance—

shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees, or to imprisonment of either description not exceeding one month.

(2) Such fine shall be recoverable before a Police Magistrate, notwithstanding any limitation of his ordinary jurisdiction.



THE DISEASES (LABOURERS) ORDINANCE,  
No. 10 of 1912."

IT is hereby notified that the following rules have been made for the whole Colony by the Principal Civil Medical Officer, with the approval of the Governor in Executive Council, under section 12 of Ordinance No. 10 of 1912, as amended by Ordinance No. 27 of 1921, and are published for general information.

By His Excellency's command,  
Colonial Secretary's Office, CECIL CLEMENTI,  
Colombo, July 24, 1923. Colonial Secretary.

*RULES REFERRED TO.*

CONSTRUCTION OF COOLY LINES.

1. After the promulgation of these rules no owner or Superintendent shall erect or re-erect any permanent cooly lines, except in accordance with plans, drawings, and specifications approved in writings by the Principal Civil Medical Officer or any person thereunto authorized by him in writing. Such lines shall in all respects conform with the requirements and standards set forth in Schedule A to these rules.

2. The Principal Civil Medical Officer may, if he thinks fit in any instance, permit the erection of temporary lines for the accommodation of coolies for a period not exceeding four years from the date of first occupation. Such date shall be reported to the Principal Civil Medical Officer, who may at his discretion forbid the further occupation of such lines at any time within the said period of four years. Such temporary lines shall in all respects conform with the requirements and standards set forth in Schedule B to these rules.

3. Should it at any time appear to any Medical Officer charged with the duty of estate inspection that any cooly lines are by reason of their site, construction, size, condition, or otherwise not in conformity with the requirements and standards set forth in the schedules hereto, he shall report accordingly to the Principal Civil Medical Officer, and shall with his report submit recommendations as to the action necessary, in his opinion, to be taken. On receipt of such report the Principal Civil Medical Officer may, after such inquiry as he shall deem necessary, give to the Superintendent or owner an order in writing requesting

him to remove, alter, or enlarge such lines within one year or such further period as may be allowed by the Principal Civil Medical Officer, provided that such order shall not be made solely upon the ground that the superficial area of a living room is less than 100 square feet. The Principal Civil Medical Officer may, at his discretion, prescribe the site to which the lines are to be removed, the nature of the alterations required, or the extent of the enlargements to be made, and it shall be the duty of the Superintendent or owner to carry out the directions of the Principal Civil Medical Officer in every particular.

4. An appeal shall lie to the Governor from any decision or order made under the above rules by the Principal Civil Medical Officer. Such appeals shall be in writing and shall be forwarded to the Medical Wants Committee for submission to the Governor, whose decision shall be final.

5. Cooly lines shall be built on dry and, where possible, on raised sites, preferably on the eastern slope of a hill, and where a sufficiency of good potable water is easily accessible. In malarious districts the lines shall be whenever possible at a distance of at least 500 yards from swamps and marshes. No lines shall be erected within 2 feet of any bank or cutting which is more than 6 feet high, if other suitable building sites exist. Where any existing cooly line has been erected within 2 feet of any bank or cutting, the Superintendent or owner shall cause an efficient drain to be cut at the base of such bank or cutting.

6. A clear open space of a minimum width of 40 feet shall be left around the lines, which open space shall be kept free of jungle and rank and noisome vegetable growth. No latrines, animal sheds, or other structures shall be erected in this open space.

#### SANITARY MEASURES AND PRECAUTIONS.

7. The Superintendent or owner shall cause the vicinity of the lines to be kept clear of refuse and excreta, and the lines and the drains to be cleaned out daily, and all refuse in or near them to be collected, removed, and disposed of by burning or burying. The Superintendent or owner shall detail a sufficient number of coolies daily to carry out these duties.

8. The Superintendent or owner shall provide—

(a) Covered dustbins in the proportion of one to every five rooms, and, where possible, incinerators for the destruction of rubbish, unless other means satisfactory to the

Principal Civil Medical Officer are taken for its disposal. (Plans of incinerators may be obtained free of charge on application to the Principal Civil Medical Officer).

- (b) Portable wide-mouthed utensils for the use of the children not able to use latrines.

9. The Superintendent or owner shall cause all walls of cooly lines and latrines to be whitewashed or tarred according to the nature of their construction annually.

10. All labourers or occupants of cooly lines shall make a proper use of the latrines and shall not pollute the soil.

11. No cattle or goats shall be kept in the living rooms or verandahs, and no windows or air spaces shall be blocked up.

12. Every Superintendent or owner shall himself visit, or cause to be visited and inspected by a dispenser or other responsible person, all lines and latrines at least twice a week. It shall be the duty of the Superintendent or owner to cause any default, defect, or neglect in the cleaning operations of the lines and latrine to be immediately rectified.

#### WATER SUPPLY.

13. When the domestic water supply for the lines is obtained from sources other than wells, the Superintendent or owner shall provide that it is conducted in such a manner as shall obviate any risk of contamination in transit, and is delivered to the consumer with similar precautions. Earth drains or channels for conducting the water from the source of supply shall not be considered a sufficient safeguard against risks of contamination. The source of supply shall be protected by means of wall or fencing, or in such manner as the Inspecting Medical Officer may consider necessary. No bathing or washing of clothes shall be allowed at any well, or at any source of supply, or along any conduit, or at any reservoir supplying water which is intended for human consumption, except with the permission of the Principal Civil Medical Officer.

The Superintendent or owner shall also provide that—

- (a) All wells are protected from the possibility of surface pollution by properly constructed stone or masonry parapet walls, and are provided with suitable drains to prevent the percolation of waste water from the surface.



- (b) No well is to be within a distance of 50 feet from a pit latrine, unless the bottom of such well be on a higher level of ground than the bottom of the pit latrine.
- (c) Separate bathing and washing places adequately drained are provided for the use of the coolies, wherever possible.

### SCHEDULE A.

#### *Schedule of Requirements and Standards for Permanent Cooly Lines.*

*Floor.*—The floors of living rooms and verandahs shall be raised at least 1 foot above the level of the surrounding ground, and shall be of brick rendered in cement or pointed, or of well stamped gravel 3 inches deep, or other hard material which can be kept dry and clean.

*Dimensions, Ventilation, and Drainage.*—Every living room shall have a minimum superficial floor area of 120 square feet, and shall be provided with a window space of not less than one-fifteenth of the floor area, and shall have no ceilings erected therein, except when the roof is of metal. The verandah posts shall have a minimum height of 6 feet, and the eaves a minimum overhanging of 2 feet 6 inches. Smoke outlets shall be provided. A water-impervious ramp pavement and a partition or barbecue of a minimum width of 5 feet shall be constructed adjoining the whole length of the verandah sloping away into an impervious drain. Adequate provision shall be made for ventilation and lighting by windows or ventilation apertures. The external walls shall be of metal brick (sun-dried or burnt), stone, cabook, or rubble, and shall be lime-washed or lime-plastered. The internal walls shall be lime-plastered. The roofs shall be of tiles, shingles, metal, or other permanent roofing material.

### SCHEDULE B.

#### *Schedule of Requirements and Standards for Temporary Cooly Lines.*

1. The buildings shall have cadjans or thatch roof, wattle, and daub walls, and jungle timber posts and supports.
2. Adequate provision for smoke exit, ventilation, and lighting shall be made as laid down in Schedule A above for permanent lines.
3. Drainage of temporary lines shall be such as is sufficient effectually to remove storm water from the surrounding compounds. The drains may be temporarily lined with rough stones.



# CONTRACTS FOR HIRE AND SERVICE

No. 11 of 1865.

**An Ordinance to consolidate and amend the Law relating to Servants, Labourers, and Journeymen Artificers under Contracts for Hire and Service.\***

*(As amended by No. 16 of 1884, No. 16 of 1905,  
No. 41 of 1916,† and No. 43 of 1921.)*

*(See No. 28 of 1871, No. 13 of 1889, No. 7 of 1890, and  
No. 1 of 1923.)*

(Reprinted from Vol. I. of "A Revised Edition of the Legislative Enactments of Ceylon" (1923), the paging of which has been retained).

Preamble.

**W**HEREAS it is expedient to amend and consolidate the law relating to servants, labourers, and journeymen artificers, under contracts for hire and service: It is enacted as follows:

Interpretation.

1 The word "servant" shall, unless otherwise expressly qualified, extend to and include menial, domestic, and other like servants, pioneers, kangannies, and other labourers, whether employed in agricultural, road, railway, or other like work.

Ordinances repealed.

2 The Ordinances set out in the schedule hereto annexed are hereby repealed except so far as they or any of them repealed any other Ordinance or Ordinances or any part of any other Ordinance or Ordinances, and except so far as respects all offences which may have been heretofore committed against the same or any of them, all rights which shall have accrued, liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance shall come into force.

Verbal contract of service to be a contract of service for one month.

3 Every verbal contract for the hire of any servant, except for work usually performed by the day, or by the job, or by the journey, shall (unless otherwise expressly stipulated, and notwithstanding that the wages under such contract shall be payable at a daily rate) be deemed and taken in law to be a contract for hire and service for the period of one month, and

\* To apply to chauffeurs (except section 12) No. 23 of 1912—*Edd.*

† Repealed by No. 13 of 1889.—*Edd.*

‡ Repealed by No. 43 of 1921.—*Edd.*

to be renewable from month to month, and shall be deemed and taken in law to be renewed, unless one month's previous notice or warning be given by either party to the other of his intention to determine the same at the expiry of a month from the day of giving such notice.

4 The wages of such servant shall be payable monthly, except where the service shall have been determined by notice on a day other than the last day of the month, in which case the wages for the broken period shall be payable to the day the service is so determined, and such wages, where the same shall not be payable at a monthly rate, shall be computed according to the number of days on which such servant shall have been able and willing to work; or, if payable at a monthly rate, shall be in proportion to the number of days on which he shall have been able and willing as aforesaid. Any employer shall be entitled to discharge any such servant from his service under any such contract, without previous notice, provided such servant be instantly paid his wages for the time he has served, and also for one month from the time of such discharge: Provided always that any such contract may at any time be determined by the misconduct of either party in their relative capacity of master and servant, which may be proved by either party against the other.

Wages when payable.

5 Every verbal contract for the hire, according to time, of any journeyman artificer (where no special contract or agreement shall have been made and duly proved) shall be deemed and taken in law to be a contract for the hire of such artificer for one day, and no longer.

Term of verbal contract for journeyman artificer.

6 Provided always that nothing in the preceding clauses of this ordinance shall be constructed to prevent any servant or journeyman artificer, who may continue in the service of his employer beyond the period for which any verbal contract entered into by him is respectively declared binding only in law, as aforesaid, from recovering his wages according to the

Proviso, if service be continued after the time agreed upon.

full period of time of his being in such service; nor to prevent any similar subsequent verbal contract being respectively implied in law from the continuance of such service or otherwise.

Written  
contracts with  
servants and  
journeymen  
artificers for  
terms of service  
exceeding one  
month, but not  
exceeding three  
years

7 No contract entered into in this Island for the hire and service of any servant or journeyman artificer for any period of time longer than one month shall be valid in law, so as to subject any party thereto to the provisions of this Ordinance for not performing the same, unless such contract shall be in writing and shall clearly express the terms and conditions thereof and shall be signed or acknowledged by the parties thereto in the presence of a Police Magistrate, or a Justice of the Peace, or other person expressly authorized by the Governor, such Justice or other person not being himself the employer of such servant or journeymen artificer or the agent of such employer. And it shall be the duty of such Police Magistrate, Justice of the Peace, or other authorized person to see that the contract is fully explained to the parties, and to certify on the contract that they fully understand the terms thereof and are desirous to fulfil the same. And such contract, when produced in evidence and bearing the certificate of the Police Magistrate, Justice of the Peace, or duly authorized person as aforesaid shall be *prima facie* evidence of the matters and things contained therein. And every such contract shall be executed in triplicate; and it shall be the duty of such Police Magistrate or Justice of the Peace, or other authorized person as aforesaid, to give or to cause to be given one copy thereof to the servant and to send or to cause to be sent, within ten days of the execution thereof, another copy thereof to the Police Magistrate of the district wherein such contract shall have been executed, and in default thereof such Magistrate or Justice shall be liable to a penalty of five pounds. And the said Police Magistrate is hereby required to preserve the said counterpart, and to allow any person who may be interested in the said contract

to inspect the same: Provided always that no contract (excepting contracts made under the 8th section of this Ordinance) for the hire and service of any servant or journeyman artificer (whether made in Ceylon or in India, as provided by the 9th section) shall be valid under the provisions of this Ordinance if made for a longer period of hire or service than three years.

8 It shall be lawful for the Civil Engineer,\* the Commissioner of Roads,\* the Surveyor-General, or any other person expressly authorized thereunto by the Governor, to enter into any contract on behalf of Her Majesty, for the hire and service of any person to be employed as a servant or artificer for any period not exceeding five years: Provided that such contract, if made for a period of hire or service exceeding one month, shall, (if entered into in this Island) be in writing and shall be executed in the same manner and be subject to the same rules as are prescribed in the preceding section as respects contracts in the case of persons to be employed in service other than that of the Government.

Contracts for the hire of pioneers, &c., to be employed in the service of Government.

Proviso.

9 Every contract entered into in India for the hire and service in this Island of any servant or journeyman artificer shall be valid and binding so as to subject the parties thereto to the provisions of this Ordinance, notwithstanding that the same be not executed in the manner prescribed by the 7th and 8th sections of this Ordinance: Provided that such contract be in writing and signed or acknowledged by the parties thereto or their agents respectively, and clearly express the terms and conditions thereof; and provided also that such contract be valid and binding according to the laws of India in force at the time of the entering into such contract; and every such contract as aforesaid when produced in any court of this Island shall be deemed valid and binding according to such laws as aforesaid, unless the contrary be proved. It shall be the duty of such employer or his agent with whom any such contract

Contracts entered into in India for hire and service in this Island

Proviso

\* i. e., Director of the Public Works. See No. 16 of 1867—*Edd.*



shall be entered into to give, at the time of entering into such contract, a copy thereof to the servant or journeyman artificer with whom such contract shall have been entered into.

Written  
contracts how  
determinable.

10 Unless provision to the contrary be expressly made therein, no contract entered into and required to be in writing under the provisions of this Ordinance shall be determinable before the expiration of the period specified therein, except by the mutual consent of the contracting parties, expressed in writing, signed or acknowledged by them in the presence of two witnesses, or except when the party contracting to be employed shall have been convicted of an offence, or have become a prisoner, or permanently disabled from completing his contract, and his employer shall elect to determine the contract, or except for some reason sufficient in law to set it aside: Provided that, in case of such disability to serve, the employer shall be bound to furnish the immigrant from India who shall have contracted in India for any period of service in this Island, or who shall have contracted in this Island for any period of service not less than one year, with adequate means of returning to his own country.

Proviso.

11 (Repealed by section 6 of No. 43 of 1921.)

(2) added by No. 41 of 1916, itself repealed by section 6 of No. 43 of 1921.)

12 (Repealed by section 6 of No. 43 of 1921.)

Court may  
make abatement  
of wages or  
damage in case  
of misconduct.

13. Upon any complaint by any servant or journeyman artificer for non-payment of wages, or damages for breach of contract or misconduct by his employer, before a court, having jurisdiction in that behalf, it shall be lawful for such court, at its discretion, to make a proportional abatement out of any sum to be awarded as the wages or damages due to any such servant or artificer, for such days or time as he shall have been proved to have been, without the consent of his employer, absent from or neglecting his service or work, and also for the value of any breakages or damage done to any of the property of his employer by or through the misconduct or gross negligence or carelessness of such servant or journeyman artificer.

14 (Repeated by section 6 of No. 43 of 1921.)

15 If any person shall knowingly and wilfully pretend or falsely assert in writing that any servant or journeyman artificer has been hired or retained in his service or employment, or in the service or employment of any other person or persons, for any period of time whatsoever or in any station or capacity whatsoever, other than that for which such servant or artificer shall have been so employed, hired, or retained or if any person shall otherwise knowingly and wilfully write, sign, or give any untrue, false, forged or counterfeit certificate or writing in favour of the character of such servant or artificer, then in every such case such person or persons so offending shall be liable to a fine not exceeding ten pounds, or to imprisonment, with or without hard labour not exceeding twelve months, or to such fine together with such imprisonment, at the discretion of the court.

Persons giving  
false character.

[*Re 1900, No. 2  
of 1882.*]

16 If any person shall offer himself as a servant or journeyman artificer, asserting or pretending that he hath served in any service or employment in which such servant shall not actually have served, or with a false, forged, or counterfeit certificate of his character or shall in anywise add to or alter, efface, or erase any word, date, matter, or thing contained or referred to in any certificate given to him by his last or any former actual employer, or by any other person or persons duly authorized by such employer to give the same, then in any of the said cases such person or persons so offending shall be liable on conviction to a fine not exceeding three pounds, or to imprisonment, with or without hard labour, not exceeding three months, or to such fine together with such imprisonment, at the discretion of the court.

Servant, &c.,  
making false  
statement of  
former  
employment or  
altering  
character.

[*Re 36, No. 1  
of 1882.*]

17 If any person, having been before in service or employment as a servant or artificer, shall, when offering to hire himself in any employment, capacity, or service, falsely and wilfully pretend not to have been hired or retained in any such previous employment, capacity or service, then and in such case every

Servant, &c.,  
denying former  
employment.

[R. 30, No. 2  
of 1882.]

such person so offending shall be liable on conviction to a fine not exceeding three pounds, or to imprisonment, with or without hard labour not exceeding three months, or to such fine together with such imprisonment, at the discretion of the court.

18 (Repealed by No. 16 of 1884, itself repealed by No. 13 of 1889.)

19 (Repealed by section 6 of No. 43 of 1921.)

20 (Repealed by section 6 of No. 43 of 1921.)

21 (Repealed by section 6 of No. 43 of 1921.)

Kanganyis, &c.  
fraudulently  
disposing of  
advances guilty  
of an offence.

22 Every kangany or other agent who, having been entrusted with any money or valuable security by any person or persons for the purpose of engaging or procuring for hire and service any servant or servants, artificer or artificers for such person or persons, shall with intent to defraud, convert, or appropriate the same or any part thereof to or for his own use or benefit, or the use or benefit of any person or persons other than such person or persons as aforesaid or for any purpose other than such purpose as aforesaid, shall be guilty of an offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported for any term not exceeding seven years, or to be imprisoned for any term not exceeding three years, with or without hard labour.

23. (Repealed by section 6 of No. 43 of 1921.)

24. (Repealed by section 6 of No. 43 of 1921.)

Transfer of  
contract of  
service to new  
proprietor or  
Manager of  
estate.

25. If the estate upon which any agricultural servant or journeyman artificer is employed under any contract to serve for a period exceeding one month shall, during the pendency of such contract, become vested in or be transferred to or placed under the superintendence or management of any person other than the person with or by whom such contract was entered into, such contract and all the rights and liabilities incidental thereto shall be deemed in law to be transferred to the person in or to whom the said estate shall become vested or transferred as aforesaid, or under whose superintendence or management the said estate shall be placed as aforesaid, and such last-mentioned person and such



servant or artificer shall be respectively bound to perform all the terms and conditions of the contract in the same manner, or as near thereto as the nature of the case will admit, as if the contract had been originally entered into between such person and such servant or artificer: Provided always that in case such estate shall become vested in or transferred to any person other than the person with whom such contract shall have been entered into, such servant or journeyman artificer shall thereupon be entitled to determine such contract, if he shall so elect, and give notice of such being his intention to the person in whom the estate shall have become vested or to whom it shall have been transferred, and shall receive all wages then due to him under or by virtue of such contract: Proviso. Provided, however, that the last-mentioned proviso shall not be held to apply to cases where estates are held in partnership by several persons, and where one or more of the partners retire from the partnership or when, on such retirement, other partner or partners, shall take the place of the retiring partner or partners, one or more of the original partners who were parties to the contract continuing in the partnership.

26. Neither the alleged commission of any crime or offence by any person or persons under the provisions of this Ordinance, nor the conviction nor acquittal of any person or persons of any crime or offence under this Ordinance, shall be a bar to any civil action for damages against such person or persons at the instance of any person or persons who may have suffered any injury, or who may allege that he or they has or have suffered any injury from or by reason of the commission of any such crime or offence. Penal provisions of this Ordinance not to affect civil actions.

27 Any servant who shall be incapacitated by sickness from labour whilst in the service of any employer shall be entitled to lodging, food, as well as medical care, at the expense of such employer during such incapacity; provided that the employer shall not be bound to pay the servant during such period his wages in addition: Provided further, that nothing herein contained Employer bound to find lodging, food, and medical care to sick coolies.



shall prevent the employer from determining the contract under the 10th section of this Ordinance in case the servant shall become permanently disabled from completing his contract.

Commencement  
of Ordinance.

28. This Ordinance shall come into operation from the date fixed by the Governor in the Proclamation notifying the confirmation of this Ordinance by Her Majesty.\*

#### SCHEDULE.

No. and Date of Ordinance.	Ordinances repealed.  Title.
5 of 1841	" For the better regulation of Servants, Labourers, and Journeymen Artificers under contracts of Hire and Service and of their Employers."
14 of 1845	" An Ordinance relating to written contracts for the Hire and Service of Pioneers and others in the employment of certain Departments of Government."
13 of 1858	" To amend and explain the Ordinance No. 5 of 1841."
20 of 1861	" An Ordinance relating to contracts for the Hire and Service of Labourers in this Colony."
15 of 1863	" An Ordinance to amend the Ordinance No. 14 of 1845."
16 of 1863	" An Ordinance to extend the operation of the Ordinance No. 20 of 1861."
21st October, 1865.	

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\* Proclaimed from July 1, 1866, by Proclamation of May 2, 1866, in *Government Gazette* No. 3 540 of May 5, 1866.—*Edd.*

## No. 28 of 1871.\*

## An Ordinance to provide for the Registration of Domestic Servants.

(As amended by No. 14 of 1907)

(See No. 23 of 1912).

**W**HEREAS it is expedient to provide for the registration of domestic servants: It is enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. This Ordinance shall come into operation in such towns or districts of the Island, and from such date or dates, as may from time to time be prescribed by the Governor, by Proclamation published in the *Government Gazette*.† The word "district" in this section includes any area the limits of which the Government Agent has defined under the provisions of section 16 of "The Police Ordinance, 1865," for the purpose of establishing a police force therein.

Commencement of Ordinance.

[§ 5.14 of 1907.]

2. The following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

Interpretation clause.

"Master" shall include every person having servants in his employ.

"Servant" shall mean domestic servants, hired by the month or receiving monthly wages, and shall include head and under servants, female servants, cooks, coachmen, horse-keepers, and house and garden coolies.

\* To apply to chauffeurs (No. 23 of 1912).—Edd.

Date of Proclamation.

No. and Date of Gazette.

† Proclaimed in Colombo from

May 1, 1872 ... Mar. 27, 1872 ... 3,873 April 6, 1872

Proclaimed in Kandy from

January 1, 1879 ... Dec. 12, 1878 ... 4,265 Dec. 13, 1878

Proclaimed in limits of Hatton

and Nuwara Eliya Police Courts

from January 1, 1897 Dec. 29, 1896 ... 5,448 Dec. 31, 1896

—Edd.

Governor shall appoint Registrar, who shall be under supervision of the Inspector-General of Police.

3. It shall be lawful for the Governor, from time to time as occasion may require, to appoint for the Island of Ceylon, or for any town or district in which this Ordinance may be brought into operation, a Registrar of Domestic Servants, who shall be under the general supervision and control of the Inspector-General of Police.

#### EXISTING SERVANTS.

Masters to cause servants to be Registered.

4. Within one month of this Ordinance coming into operation in any town or district, it shall be the duty of every employer of domestic servants to cause such servants in his employment to be registered in the register of servants for such town or district, and for this purpose he shall furnish to the Registrar in writing a list showing the names, capacity in which employed, and date of engagement of each of his servants.

To supply lists to Registrar.

Servants to attend personally.

5. It shall be the duty of every servant to attend personally, within three months after the coming into operation of this Ordinance, before the Registrar, and furnish him with information as regards his age, country, previous service, and such other particulars as the Registrar may require.

To procure pocket register.

6. The Registrar shall, on such servant so attending, hand to him a pocket register, in which shall be entered the particulars of his or her present engagement and such memorandum of previous service or antecedents of the applicant as he or she may desire to have recorded in the register. Provided that the Registrar shall not make any such antecedent entry without satisfying himself of the credibility of the statements tendered to him for entry.

Servants quitting employment before pocket registers supplied.

7. If any servant, returned by any master to the Registrar as provided for in section 4, shall leave the service of such master within three months of the coming into operation of this Ordinance and before obtaining his pocket register, such master shall transmit to the said Registrar a memorandum of date and cause of such servant quitting his employment.

## INTENDING SERVANTS.

8. It shall be the duty of the Registrar to receive applications from persons desirous to enter domestic service. He shall satisfy himself that there are reasonable grounds to believe such applicants to be fit and proper persons to enter domestic service; and if so satisfied, shall register them in the general registry, recording what he has been able to learn respecting their antecedents, and the names of any persons who certify to their respectability. And he shall thereupon issue pocket registers to such applicants, which shall contain the particulars of the record in the general registry.

Applicants for domestic service

9. If the applicant can produce no sufficient evidence as to his fitness for domestic service, the Registrar may grant provisional registration, to be thereafter converted into confirmed registration according to the result of subsequent service.

Registrar may grant provisional registration

10. If the Registrar be satisfied that the applicant is not a fit and proper person, he may withhold registration altogether; but it shall be his duty in such case to submit the same to the Inspector-General of Police for his approval.

Registrar may refuse, but must report refusal to Inspector-General of Police.

11. The Registrar shall not grant registration to any convicted thief or associate of thieves, or to any person known to the police to be leading a disorderly or disreputable life, or who shall have been convicted of any infamous crime. Provided that the Registrar may grant registration to any person from whom it may have been so withheld, on application of any householder who may be willing to give such person a trial; provided that the Registrar is satisfied of the respectability of such householder, and that the intention to engage such person as a domestic servant is a *bona fide* one.

Registration to be refused to convicted offenders, &c.

Proviso.

## GENERAL REGULATIONS.

12. After the coming into operation of this Ordinance in any town or district, no master resident therein shall engage a servant who shall fail to produce

Master shall not engage unregistered servant.



his pocket register in evidence of his being registered, or whose pocket register shall not record the termination of his last previous service, if any.

Master to enter engagement in pocket register.

13. On engaging a servant, every master shall forthwith enter in the pocket register the date and capacity in which such servant is engaged, and shall cause the servant to attend personally at the Registrar's office, to have the entry inserted in the general registry.

Master to enter discharge.

14. Every master who shall discharge a servant shall thereupon insert in the pocket register the date and cause of discharge and the character of the servant. Provided that if for any reason he be unwilling to give the servant a character, or to state the cause of discharge, he may decline to do so; but in that case he shall furnish to the Registrar in writing his reasons for so refusing. Provided further that if the master be unable to enter the cessation of the engagement through failure of servant to produce pocket register, he shall report the fact to the Registrar.

Proviso.

Proviso.

Servant to attend at office of Registrar for pocket register entries to be transferred to general registry

15. Every servant shall, within fifteen days after the date of any entry in his pocket register, attend personally at the office of the Registrar of Servants, for the purpose of having such entry recorded in the general registry.

Servants to exhibit pocket registers to police.

16. It shall be the duty of every registered servant to produce his pocket register when called upon to do so by the police.

Registered servants entering service in places not brought under Ordinance

17. Every servant registered under the provisions of this Ordinance shall, if he subsequently enter service in any place not under its operation, attend personally at the nearest police station on his entering or leaving such service, and produce his pocket register to the principal officer of police at such station; and the said officer of police shall record such commencement or termination of service, and communicate the same to the Registrar of Servants for the town or district in which such servant was originally registered.

18. It shall be the duty of any employer of domestic servants not resident in any town or district under the operation of this Ordinance, who shall engage or discharge a registered servant, forthwith to enter the engagement or discharge of such servant in the pocket register, in the manner prescribed in the 13th and 14th sections of this Ordinance, relating to the engagement or discharge of servants in places brought within the operation of this Ordinance.

Masters in places  
not under  
Ordinance.

19. It shall be lawful to the Registrar to issue duplicate pocket registers to replace the originals, which may have become worn out, or which may have been lost or destroyed.

Duplicate  
pocket  
registers.

### PENALTIES.

20. The following penalties are hereby imposed for any of the following acts :

Penalties.

#### AS RESPECTS OFFICERS OF THE REGISTRATION DEPARTMENT.

(1) Any officer of registration department carelessly losing or injuring, or allowing to be lost or injured, any register book or other document while in his keeping, shall be held to be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

Registrar  
and his  
establishment  
or carelessly  
injuring  
documents.

(2) Any officer of the registration department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding three years, or to a fine not exceeding one thousand rupees, or to both :

Registrar  
and his  
establishment  
for corruptly  
injuring  
documents.

(a) Wilfully destroying or injuring any register book or other document, or wilfully permitting or causing any such book to be destroyed or injured.

(b) Falsely making or counterfeiting, or permitting or causing to be falsely made or counterfeited, any part of a register book or document.

- (c) Wilfully inserting or permitting, or causing to be inserted in any register book, or certified copy thereof, or document, any false entry.
- (d) Wilfully giving a false certified copy of a register book or document, or permitting or causing such false certified copy to be given.
- (e) Certifying any writing to be a copy or extract from a servant's register book, knowing the said portion so copied or extracted to be false in any part thereof.

#### AS RESPECTS SUCH OFFICERS AND OTHERS.

Registration officers who take unauthorized fees, and persons who offer such.

- (3) Any officer of the registration department who shall on any pretext or under any circumstance, directly or indirectly collect or receive, and any person who shall offer or pay to such officer, any fee, gratuity, allowance, or recompense, other than he may be duly authorized to collect or receive, shall be held to be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

#### AS RESPECTS MASTERS.

Master not fulfilling any duty or obligation imposed on him by this Ordinance.

- (4) Any master committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees :
  - (a) Failing to furnish to the Registrar, within one month after this Ordinance shall have come into operation in any town or district, the list specified in section 4.
  - (b) Failing to transmit to the Registrar a memorandum of the date of a servant quitting his employ, as required by section 7.

- (c) Engaging a servant, after this Ordinance shall have come into operation, who shall fail to produce his pocket register, or whose pocket register shall not record the termination of the last previous service, if any, as provided by section 12.
- (d) Failing to enter in the pocket register the date and capacity in which a servant is engaged, as required by section 13.
- (e) Failing to insert in such pocket register the date of a servant being discharged, and the cause of such discharge, as required by section 14.
- (f) Declining to give his servant a character, and failing to furnish to the Registrar his reasons for so refusing.
- (g) Engaging or discharging a registered servant in any town or district not under the operation of this Ordinance, without entering such engagement or discharge in the pocket register, as required by section 18.

#### AS RESPECTS SERVANTS.

- (5) Any servant committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees :
 

Servants not fulfilling any duty or obligation imposed upon them by this Ordinance.

  - (a) Failing to attend the Registrar and furnish him with the information required by section 5.
  - (b) Failing to produce his pocket register when requested to do so.
  - (c) Having been once registered under the provisions of this Ordinance, and yet entering or leaving service thereafter in any place not under the operation of this Ordinance, without having attended at the



nearest police station, and producing his pocket register, as required by section 17.

Servants  
giving false  
information.

- (6) Any servant who shall give false information on any matter in which he is required by this Ordinance to give information to the Registrar of Servants, or to any other person, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

#### AS RESPECTS OTHERS.

Other persons  
for injuring  
registration  
documents.

- (7) Any person unconnected with the registration department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding one year, or a fine not exceeding five hundred rupees, or both :
- (a) Wilfully destroying or injuring any register book or document, or causing any such book or document to be destroyed or injured.
  - (b) Falsely making or counterfeiting, or causing to be falsely made or counterfeited, any part of a register book or document.
  - (c) Wilfully inserting or causing to be inserted in any register book or document, or certified copy thereof, any false entry.
  - (d) Wilfully giving a false certified copy of a register book, or causing such certified copy to be given.

## FEES.

21. The following fees shall be levied under this <sup>Fees.</sup> Ordinance; such fees to be paid by masters or servants, or intending servants in stamps, to be attached to the pocket register:

	Rs.	c.
Fee payable by master on causing an existing servant to be registered ...	0	25
„ by master on engaging a new servant ...	0	25
„ by intending servant on provisional registration ...	0	25
„ by intending servant on registration being confirmed ...	0	25
„ by servant for the registration of previous service or antecedents ...	0	25
„ by servant for a duplicate pocket register ...	1	00

22. It shall be lawful for the court awarding a fine to direct that any sum not exceeding half thereof shall be paid to the informer, and the remainder to a fund which shall be called "The Domestic Servants Registration Fund;" the said fund to be regulated in manner as the Governor, with the advice of the Executive Council, from time to time, shall direct.

Appropriation  
of fines

29th December, 1871.



## No. 23 of 1912.

**An Ordinance for the Regulation of Chauffeurs.**

Preamble

**W**HEREAS it is expedient to provide for the regulation of chauffeurs: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1. This Ordinance may be cited for all purposes as "The Chauffeurs Regulation Ordinance, No. 23 of 1912."

Ordinance No. 11 of 1865 and Ordinance No. 28 of 1871 to apply to chauffeurs as if they were domestic servants.

2. Ordinance No. 11 of 1865 (except section 12 thereof), together with all amendments of the same, and Ordinance No. 28 of 1871, together with all amendments of the same, shall apply to chauffeurs in all respects as if they were domestic servants.  
9th September, 1912.

## No. 13 of 1889.

**An Ordinance amending the Law relating to Indian Coolies employed on Ceylon Estates.**

*(As amended by No. 7 of 1890, No. 9 of 1909,\* and No. 43 of 1921).*

*(See No. 3 of 1914, No. 43 of 1921, and No. 1 of 1923).*

Preamble.

**W**HEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 11 of 1865; And whereas it is expedient to repeal the Ordinance No. 17 of 1862 and the Ordinance No. 16 of 1884, and to make more suitable provisions in lieu of those contained therein: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Repeal.

1. There shall be repealed as from the commencement of this Ordinance—

(a) The Ordinance No. 17 of 1862, intituled "An Ordinance to ascertain the proportion of Mortality amongst the Natives of India employed in Agricultural and other Labour in Ceylon."

\* Proclaimed from October 1, 1909, by Proclamation dated August 14, 1909, in *Government Gazette* No. 6324 of August 20 1909.—*Edd*

- (b) The Ordinance No. 16 of 1884, intituled "An Ordinance to amend the Ordinance No. 11 of 1865, intituled 'An Ordinance to consolidate and amend the Law relating to Servants, Labourers, and Journeymen Artificers under contracts for Hire and Service,' and to provide for the speedy recovery of Wages due to Labourers."

Provided that this repeal shall not affect—

- (a) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor
- (b) The continuance of any legal proceeding already instituted and which may be pending under any enactment so repealed, for the recovery of any wages due, or penalty incurred, before the commencement of this Ordinance.

2. This Ordinance shall, so far as is consistent with the tenor thereof, be read and construed, as one with the Ordinance No. 11 of 1865, hereinafter referred to as "the principal Ordinance."

To be read as one with the Ordinance No. 11 of 1865.

3. For the purposes of this Ordinance—

"Estate" means any land in which labourers are employed, and of which ten acres or more are actually cultivated.

Interpretation clause:  
"Estate"

"Labourer" means any labourer and kangani (commonly known as Indian coolies) whose name is borne on an estate register, and includes the Muhammadans commonly known as "Tulicans."

"Labourer"  
[§2, 9 of 1909.]

"Wages" means all sums which may be due to a labourer for and in respect of the work and labour done by him on an estate.

"Wages"

"Employer" means the chief person for the time being in charge of an estate, and includes the superintendent.

"Employer."

"Check-roll" means the record kept on an estate showing the work done by labourers employed under a monthly contract of service with the estate, the wages earned by them, the advances made, and the monthly balance of wages due to them.

"Check-roll."  
[§2, 9 of 1909]

"Register" means the book required to be kept by section 22.

"Register."



Certain provisions of the principal Ordinance extended to labourers and employers and to acts and defaults of third parties in respect of or in relation to them

4. Except as in this Ordinance otherwise expressly provided, all the provisions, regulations, pains, penalties, forfeitures, and abatements enacted in the principal Ordinance, so far as they are applicable to monthly servants or their employers, shall extend, and be construed, deemed, and adjudged to extend, to labourers and employers under this Ordinance; and every act or default, by whomsoever done or committed, which is made punishable by the principal Ordinance, if made or committed in respect of, or in relation to, monthly servants or their employers, shall in the like manner be punishable if done or committed in respect of, or in relation to, labourers and employers under this Ordinance.

Verbal and implied contracts of service.

4A. (Repealed by section 6 of No. 43 of 1921.)

5. Every labourer who shall enter into a verbal contract with the employer for the performance of work not usually done by the day or by the job or by the journey, or whose name shall be entered in the check-roll of an estate and who shall have received an advance of rice or money from the employer, shall, unless he has otherwise expressly stipulated, and notwithstanding that his wages shall be payable at a daily rate, be deemed and taken in law to have entered into a contract of hire and service for the period of one month, to be renewable from month to month; and every such contract shall be deemed and taken in law to be so renewed unless one month's previous notice be given by either party to the other of his intention to determine the same at the expiry of one month from the day of giving such notice.

Payment of wages.  
[§ 49 of 1909.]

6. (1) It shall be the duty of every employer to pay the wages of the labourers in his employment monthly within one month from the expiration of the month during which the wages have been earned.

(2) Where wages are payable at a daily rate, the monthly wages shall be computed according to the number of days on which the labourer was able and willing to work and actually demanded employment,

whether the employer was or was not able to provide him with work. Provided that an employer shall not be bound to provide for any labourer more than six days' work in the week.

(3) When the contract of service is determined by one month's previous notice or warning by the labourer to the employer or by the employer to the labourer, all wages due to the labourer for his period of service shall be paid in full to him by the employer on the day when such contract is so determined as aforesaid.

(4) In computing the amount of wages due to a labourer for any period of service, the labourer shall be debited with the amount of all advances of money made to him by his employer and with the value of all food, clothes, or other articles supplied to him, which the employer is not liable in law to supply at his own expense.

(5) The wages of a labourer shall not be deemed to have been duly paid as required by this section, unless—

- (a) The full amount thereof, subject only to the deductions allowed by sub-section (4), has been paid directly to the labourer himself; or
- (b) At least one-half of such full amount, after such deductions as aforesaid, has been paid directly to the labourer himself, and the balance has been paid to some person expressly authorized by the labourer to receive the same on his behalf or on his account, and the receipt of such person for such payment has been delivered to the labourer.

(6) Where, owing to the absence of any labourer or to any other unavoidable cause, it has not been possible to pay him his wages within the time limited by this section, the employer may retain the sum due to such labourer and shall thereafter pay it to him at the earliest possible opportunity.

(7) Any employer who fails to pay the wages of any labourers in his employment within the period limited by sub-section (1), shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to fifty rupees on a first conviction, and to two hundred rupees on a second or subsequent conviction. If any fine imposed under this section is not paid within twenty-one days of the date when the same is imposed, the Government Agent may recover the amount thereof in the manner provided by section 23 of "The Medical Wants Ordinance, 1880."\*

7. (Repealed by section 6 of No. 43 of 1921.)

Written  
contracts

8. No contract of service entered into with a labourer for any period of time longer than one month shall be valid in law unless the same is executed in all respects in strict accordance with the requirements of the principal Ordinance as to written contracts; and all written contracts between labourers and employers shall be subject to, and governed by, the provisions of the principal Ordinance relating to written contracts.

Wages made  
a first charge  
on estate.

9. Labourers employed on an estate shall, anything in the Ordinance No. 22 of 1871 † to the contrary notwithstanding, have in respect of their wages, whatever the period for which such wages may be due, but not exceeding the sum of twenty rupees earned by each labourer, a first charge upon such estate and such first charge shall have priority over all claims for rents, dues, or otherwise by any lessors, mortgagees, judgment, execution, or other creditors, or by any other persons whatever; and such first charge may be enforced by suit or by claim if instituted or preferred within three months of the last day of the period in respect of which such wages are claimed.

Wages may be  
sued for in  
Court of  
Requests  
whatever the  
amount.

10. The wages due to any labourer or labourers, whatever may be the amount claimed, shall be sued for in a Court of Requests having in other respects jurisdiction in that behalf; and it shall be lawful for one

\* Repealed by No. 9 of 1912.—*Edd.*

† The Prescription Ordinance.—*Edd.*

or more labourers employed on such estate to institute one suit to recover the wages which may be due, not only to him or them, but also to any other labourer or labourers employed on the same estate whose name or names may appear in the plaint, provided that the court in which the suit is instituted is satisfied, after due inquiry, that the labourer or labourers suing is or are authorized to sue for and on behalf of the other or others so named as aforesaid.

Labourers may sue jointly in one suit.

11. In any suit instituted under this Ordinance it shall be sufficient to designate the defendant as the "proprietor of the———estate," specifying the name of the estate on which the labourer had been employed, without naming the proprietor or proprietors thereof.

Proprietor of estate to be party defendant.

12. The party sued or his representative, or any other person allowed by the court to intervene in such suit, shall be entitled to a set-off or counter claim in respect of any sum of money, or the fair and reasonable price of any food, clothes, or other articles which the employer was not liable in law to supply at his own expense, but which money, food, clothes, or other articles had been advanced or supplied to the labourer or labourers as against the wages for which he or they may be suing.

Party sued may claim set-off.

13. It shall be lawful for a mortgagee of an estate to pay and discharge the first charge created by this Ordinance in respect of such estate in favour of the labourers employed thereon; and upon such payment he shall be entitled to add the amount thereof to the sum due upon his mortgage, and the amount so added shall be secured by the mortgage held by him.

Right of mortgagee.

14. When the proprietor of an estate is sued under this Ordinance, and he shall by proof adduced satisfy the court that he did not by himself or by his agent or agents employ all or any of the labourers who are suing him, but that they or any of them were employed on such estate by some other person as trustee, lessee, or mortgagee in possession, he shall be entitled, upon application by him made for that purpose, to have

Proprietor may obtain judgment in same suit against others who have actually employed the labourers.



such other person made a party defendant in the same suit at any time before execution is levied, provided that such other person shall have had reasonable notice of such application, and shall have failed to show cause why he should not be joined in the suit. And the court shall, if satisfied that such other person was primarily liable to pay the amount of wages sued for wholly or in part, and that the same has since the institution of the suit been paid and satisfied by such proprietor, enter a separate judgment therefor as between the proprietor and such other person with such reasonable costs as it may think fit, and enforce such judgment against such other person by a writ of execution.

Proviso.

Provided, however, that no proceedings had as between such other person and such proprietor as aforesaid shall be permitted in any way to delay the progress of the suit as between the labourers and such proprietor.

Procedure.

15. The rules and orders in schedule A hereto shall apply to suits instituted under this Ordinance; and upon any matter not specially provided therein, including the payment of costs, the general rules and orders for Courts of Requests shall be followed in so far as the same may be applicable.

Employers  
to send returns  
to Government  
Agent.

16. Every employer shall, on the tenth day of January, on the tenth day of April, on the tenth day of July, and on the tenth day of October of each year make to the Government Agent of the Province in which the estate is situate, or to some other public officer who may be appointed by the Governor for that purpose and of whose appointment a notice shall be published in the *Government Gazette*, true and correct returns, for and in respect of the three months next immediately preceding each of the said four months, containing each and every of the particulars set forth in the form given in schedule B hereto. The returns shall be made in the English language, and copies of the said form shall be furnished by such Government Agent on the application of the employer free of charge.

Forms of returns  
to be supplied  
gratis by  
Government  
Agent.

Provided that if any of the aforesaid days shall be a Sunday or public holiday, the said returns and declaration shall be made on the next following day not being a public holiday. Proviso

17. Any employer who shall refuse or neglect to make any returns by this Ordinance required to be made, in the form and on the days herein specified, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees; and the production of a certificate under the hand of the Government Agent, to the effect that no returns have been received by him from the person charged, shall in all judicial proceedings be *prima facie* evidence of such person having refused or neglected to make such returns, as the case may be. Offences.  
Penalty.  
Evidence.

18. The Government Agent or such other officer as aforesaid shall forward all such returns to the Colonial Secretary, who shall, so soon as convenient, publish or cause to be published, in the *Government Gazette*, a general abstract of the returns received for any one quarter, in such form as the Governor, with the advice of the Executive Council, shall from time to time require. And an annual general abstract of all such returns for each year shall be laid before the Legislative Council. Returns to be sent to Colonial Secretary.  
General abstracts to be published and laid before Legislative Council.

19. From and after the commencement of this Ordinance no kangani, subordinate kangani, or labourer shall be liable to arrest under the provisions of "The Civil Procedure Code, 1889," in execution of a decree for money. Immunity of labourers from arrest on civil process.

[§ 5, 9 of 1909.]

20. A notice or warning of the intention of any labourer to determine his contract of service, if given by any other person on behalf of the labourer, shall not begin to run or be in any way effectual in law, unless and until the labourer has personally signified to his employer his desire to determine his contract of service. Notice to determine contract of service

Declarations  
that labourers  
have been duly  
paid

21. (1) It shall be the duty of every employer to forward to the Government Agent of the Province every month a declaration under his hand that the wages of the labourers in his employment have been duly paid as required by this Ordinance.

(2) Every such declaration shall be forwarded so as to reach the kachcheri within thirty-four days of the last day of the month for which the wages were earned, and shall be in form I. in schedule C hereto.

(3) Where an employer has given notice in writing to the Government Agent with regard to any estate under his charge that the duty of forwarding the declaration required by this section has been entrusted to an assistant superintendent, such assistant superintendent shall thereupon be bound to comply with the requirements of this section.

(4) Any employer, or any assistant superintendent who is bound as aforesaid to comply with the requirements of this section, who fails in any month to furnish the declaration required by this section within the prescribed time, shall be guilty of an offence, and shall be liable, on a first conviction, to a fine which may extend to twenty rupees, and, on a second or subsequent conviction, to a fine which may extend to one hundred rupees.

(5) Any employer or assistant superintendent bound as aforesaid who knowingly furnishes a declaration which is false or incorrect in any material particular shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description which may extend to three months, or to a fine not exceeding five hundred rupees, or to both.

Duty of  
employer to  
prepare and  
keep a  
complete  
register of  
labourers

22. (1) It shall be the duty of every employer to prepare and keep up to date a complete register of all labourers employed on his estate, whether borne on the check-roll or working on any form of contract. Such register shall be as nearly as material in form II. in schedule C hereto. Every employer shall, within three months from the commencement of this Ordinance, forward to the Government Agent of the Pro-

vince a copy of such register certified under his hand to be correct. Any employer who fails to forward a copy of the register certified as aforesaid within the appointed time shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to twenty rupees, and to a further fine not exceeding five rupees for every day during which such default shall continue.

(2) Every employer shall forthwith enter on the register the names of any labourer who shall be taken into employment on his estate, whether on monthly contract of service or any other form of contract. He shall also, whenever a labourer dies or quits service, record the fact and the date thereof in the register.

Any employer who fails to comply with the requirements of this sub-section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty rupees.

23. (Repealed by section 6 of No. 43 of 1921.)

Duty of employer to issue discharge certificate and penalty for default.

24. (1) Whenever any labourer quits the service of any employer, having given or received the notice or warning required by law, it shall be the duty of the employer to prepare a discharge certificate as nearly as material in the form III. in schedule C, and to give the same to the labourer at the time of his quitting such service as aforesaid.

(2) Any employer who refuses or neglects to give a discharge certificate to any labourer as required by this section shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one hundred rupees, and a further fine not exceeding five rupees for every day during which such default shall continue. [2, 43 of 1921.]

25. The Superintendent of the Cooly Depot at Mandapam Camp or of any other depot established by the Governor or such other officer as may be authorized by the Governor for the purpose shall prepare certificates substantially in the form IV. in schedule C, and any person in respect of whom such certificate shall have been issued shall, on acceptance [3, 43 of 1921.]

Issue of certificates from Mandapam and other depots.



of a permit substantially in the form V. in the said schedule, after arrival in Ceylon, be deemed to have entered into a contract of hire and service with the superintendent of the estate mentioned in the said certificate for the period of one month, renewable and determinable in the manner provided in section 5 of this Ordinance.

(Sub-section (4) added by No. 3 of 1914; itself repealed by section 3 of No. 43 of 1921.)

26. (Repealed by section 6 of No. 43 of 1921.)

27. (Repealed by section 6 of No. 43 of 1921.)

28. Any person who—

(a) Knowingly prepares or issues a discharge ticket which is false in any material particular; or

(b) Fraudulently makes use of a genuine discharge ticket; or

(c) Knowingly makes any false entry, alteration in or addition to the register required to be kept by this Ordinance; or

(d) Not being an employer as defined in section 3 of this Ordinance issues a discharge ticket in respect of any labourer—

shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one thousand rupees, or to imprisonment of either description for a term not exceeding six months, or to both.

29. The Governor in Executive Council may from time to time make such alterations as he may deem requisite in any of the forms prescribed in schedule C hereto, or may prescribe new forms to be used in substitution for any of such forms.

30. No criminal proceedings shall be instituted in respect of any alleged offence under sections 21, 22, 24, and 28 without the previous sanction in writing of the Colonial Secretary.

Offences in relation to discharge tickets and registers of labourers.

Power of Governor to alter forms.

Sanction to the institution of criminal proceedings.

## SCHEDULE A.

*Rules and Orders.*

1. The suit shall commence by the filing of a  
 plaint setting out the period or proximate period for  
 which wages are due to the plaintiff, or to each of the  
 plaintiffs if there be more than one plaintiff; and there-  
 upon the chief clerk shall issue a summons directed  
 to the defendant requiring him to appear before the  
 court on a day therein named, to answer the claim  
 of the plaintiff or plaintiffs, and shall at the same time  
 issue a subpœna to the superintendent of the estate  
 requiring him on the same day as that named in the  
 summons to attend and bring with him the check-rolls  
 and any other documents which may be specified in  
 such subpœna, and shall at the same time cause a  
 notice in form hereunto annexed to be published in  
 the *Government Gazette* of the two following weeks.

Commencement  
 of suit by  
 filing plaint

Issue of  
 summons to  
 defendant and  
 subpœna to  
 superintendent.

2. The summons directed to the defendant  
 shall be served upon the superintendent, or, if the  
 Commissioner so directs, shall be affixed to a  
 conspicuous part of the estate, and such service shall  
 be deemed to be good and sufficient service on the  
 defendant; and in every case the chief clerk shall post  
 a copy of such summons to the superintendent direc-  
 ted to such estate. It shall be competent for such  
 superintendent to appear for and represent the defen-  
 dant in the said suit, and to adduce evidence therein.

Service of  
 summons  
 prescribed

Superintendent  
 may represent  
 proprietor.

3. On the day named in such summons, or on  
 any other day to which the Commissioner may ad-  
 journ or postpone the inquiry, he shall summarily  
 hear and determine the suit and give judgment there-  
 on for such sum or sums as the plaintiff or plaintiffs  
 may be found entitled to; and in determining the sum  
 due to the plaintiff, or if there be more than one plain-  
 tiff, the sum due to each of the plaintiffs, the Com-  
 missioner shall apply any payments, whether in  
 money or in food, clothes, or other articles proved to  
 have been made in partial discharge of wages, to-  
 wards the payment of the antecedent wages in the

Investigation.

order of time in which the same became due, and the Commissioner shall in his judgment specify the extent to which the first charge shall apply, and shall declare the estate bound and executable for and in respect of such first charge.

**Proviso.**

Provided, however, that if the Commissioner be satisfied that the sale of any definite portion of the said estate shall be sufficient to satisfy the first charge, he may, in the first instance, order accordingly.

**Formal decree**

4. As soon as may be after the judgment is pronounced a formal decree bearing the same date as the judgment shall be drawn by the Commissioner in the form hereto annexed; specifying (1) the total amount due to the plaintiffs and (2) the amount for which the estate is bound and executable for and in respect of the first charge.

**Two separate writs may issue.**

5. The Commissioner on non-payment of the amount of the first charge shall issue a writ in the form I. hereunto annexed, and on non-payment of the balance (if any) due under the decree shall issue a writ in the form II. hereunto annexed, which writs may issue simultaneously or independently of each other.

**Judgment how satisfied.**

6. The judgment in the suit shall not be declared satisfied or discharged save by payment into court of the total amount decreed or by deposit in court of such amount by levy in execution; and when such judgment shall be satisfied by payment into court, or when payment shall be made of the first charge, the Commissioner shall issue a certificate to that effect under his hand to the person making such payment.

**Conveyance by Fiscal.**

7. The Fiscal shall execute a conveyance of the said estate or part thereof on sale in execution in favour of the purchaser in the form hereto annexed, and the same shall be sufficient to vest title in the purchaser free from all encumbrances.

8. Upon the payment into or deposit in court of the amount decreed or levied, the Commissioner shall pay or distribute the same to or among the plaintiff or plaintiffs adjudged to be entitled thereto, and make a record thereof. Distribution of sum deposited.

9. It shall be competent for any mortgagee or any other person interested in the suit to intervene therein, if allowed by the court to do so. Intervention by mortgagee.

### NOTICE.

Notice is hereby given that a suit has been instituted in the Court of Requests of——, by (insert number) labourers of——estate, against the proprietor or proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages, amounting to——rupees. Notice.

This —— day of ——, 19—. Chief Clerk.

### FORM OF DECREE.

It is ordered and decreed that the proprietor of the——estate do forthwith pay into court for the use of the plaintiffs the sum of——rupees, and that the said——estate (or if a portion only of the estate is declared bound and executable, here describe definitely the said portion of the estate), bounded or deputed to be bounded on the north by——, east by——, south by——, and west by——; containing in extent——acres, is bound and executable to the plaintiffs for a first charge to the extent of——rupees. Decree.

It is further ordered and decreed that the proprietor of the said estate do pay to the plaintiffs the costs of this action.



## FORM OF WRIT, I.

In the Court of Requests of———.

———, Plaintiff.

Vs.

Proprietor of———Estate, Defendant.

To the Fiscal of the———Province.

Writ of  
execution  
against estate  
for first charge.

Whereas by a judgment pronounced by the Commissioner of the Court of Requests of———, in case No.———, it was ordered and decreed that the proprietor of the———estate do pay into court, in the said suit, the sum of———rupees, and the said———estate (hereinafter described) was thereby declared bound and executable for a first charge to the amount of———rupees; and whereas the proprietor of the said———estate hath made default in paying the said amount:

Levy and make of the said estate, bounded or reputed to be bounded on the north by———, east by———, south by———, and west by———, containing in extent———acres, declared by the judgment of this court bearing date the———day of———, bound and executable for a first charge to the extent of———rupees, by seizure, and, if necessary, by sale thereof (or part thereof, to be defined) the sum of———rupees, and have that money before this court on the———day of———, to render to the said———, and inform this court for what sum or sums, and to what person or persons, you have sold the said estate (or part thereof), and have you there this mandate.

By order of court,

Chief Clerk.

## FORM OF WRIT, II.

In the Court of Requests of———.

———, Plaintiff.

Vs.

Proprietor of———Estate, Defendant.

To the Fiscal of the———Province.

Writ for  
unsecured  
balance

Whereas by a judgment pronounced by the Commissioner of the Court of Requests of———, in case No.———, it was ordered and decreed that the proprietor of the———estate do pay into court

the sum of——rupees, of which sum the sum of  
 ——rupees was declared a first charge on the  
 ——estate, and the balance sum of——  
 rupees has not been paid into court:

Levy and make of the houses, lands, goods, and  
 credits of the proprietor of the said——estate, by  
 seizure, and, if necessary, by sale thereof, the sum  
 of——rupees, and have the money before this  
 court on the——day of——, to render to the  
 said——, and inform this court for what sum or  
 sums, and to what person or persons, you have sold  
 the said property respectively, and have you there  
 this mandate.

By order of court,

\_\_\_\_\_  
 Chief Clerk.

#### FORM OF CONVEYANCE BY FISCAL.

Whereas by a judgment pronounced by the Com-  
 missioner of the Court of Requests of——, in  
 case No.——, it was ordered and decreed that  
 the proprietor of the——estate do pay into court,  
 in the said suit, the sum of——rupees, and the  
 said estate (hereinafter described) was thereby  
 declared bound and executable for a first charge to  
 the amount of——rupees: And whereas the pro-  
 prietor of the——estate hath made default in  
 paying the said amount, and by writ of execution  
 issued from the said court bearing date——,  
 directed to the Fiscal for the——Province, he  
 was directed to levy the said amount by the sale of  
 the said estate (*or part thereof, as the case may be*):  
 and whereas the said estate (*or part thereof*) was  
 seized in execution under the said writ, and after due  
 notice was exposed to public sale on the——day  
 of——, at——, by——, acting under  
 the authority of the said Fiscal, and sold to——  
 as the highest bidder for the sum of——rupees and  
 the said——has paid the said sum to the said  
 Fiscal: Now these presents witness that——, the  
 said Fiscal for the——Province, in consideration  
 of the said sum of——rupees paid by the said  
 ——, the receipt whereof the said Fiscal doth

Conveyance  
 Fiscal.

hereby acknowledge, hath sold and assigned, and doth by these presents sell and assign, unto the said \_\_\_\_\_, his heirs, executors, administrators, and assigns, the \_\_\_\_\_ estate, bounded or reputed to be bounded on the north by \_\_\_\_\_, east by \_\_\_\_\_, south by \_\_\_\_\_, and on the west by \_\_\_\_\_, containing in extent \_\_\_\_\_ acres, and described in the map or diagram annexed, to have and to hold the said estate with its and every of its appurtenances by him the said \_\_\_\_\_, his heirs, executors, administrators, and assigns, for ever, free from all encumbrances.

In witness whereof the said Fiscal hath hereunto inscribed his name at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord One thousand Eight hundred and \_\_\_\_\_.

Witness. \_\_\_\_\_

Signature of Fiscal.

#### SCHEDULE B.

I.—Return of Labourers employed on the \_\_\_\_\_ Estate, in the District of \_\_\_\_\_, during the Quarter ended \_\_\_\_\_, 18—.

	Male.	Female.
Number of Labourers ...		

II.—Return of Births occurring among Labourers upon the above Estate during the Quarter.

Date of Birth.	Mother's Name	Father's Name.

III.—Return of Deaths occurring among Labourers upon the above Estate during the Quarter.

Name.	Age.	Sex.	Name of Village.	Date of Death.	Probable cause of Death.

## SCHEDULE C.

## FORM I.

(Section 21.)

Declaration.

\_\_\_\_\_Estate in the District of\_\_\_\_\_

I hereby declare, in terms of section 21 of Ordinance No. 13 of 1889, as amended by "The Indian Coolies Ordinance, 1909," that the wages of the labourers employed on the above-named estate for the month ending the\_\_\_\_\_day of\_\_\_\_\_, 19\_\_\_\_, have been duly paid in accordance with the requirements of the said Ordinance. [§ 6.9 of 1909.]

(Signed)\_\_\_\_\_,

Superintendent.

Dated the\_\_\_\_\_day of\_\_\_\_\_, 19\_\_\_\_.

## FORM II.

[§ 4.43 of 1921.]

(Section 22.)

## REGISTER OF LABOURERS.

Number :\_\_\_\_\_.

Name :\_\_\_\_\_.

Approximate age :\_\_\_\_\_.

Sex :\_\_\_\_\_.

Race and caste :\_\_\_\_\_.

Village :\_\_\_\_\_.

Taluk :\_\_\_\_\_.

District :\_\_\_\_\_.

Father's name :\_\_\_\_\_.

Mother's name :\_\_\_\_\_.

Height, viz., tall, short, or medium :\_\_\_\_\_.

Colour, viz., dark, light, or medium :\_\_\_\_\_.

Distinguishing marks (if any) :\_\_\_\_\_.

General appearance :\_\_\_\_\_.

Kangani's name :\_\_\_\_\_.

Date of engagement :\_\_\_\_\_.

Estate where last employed :\_\_\_\_\_.

Whether employed permanently, or on contract work,  
or on both :\_\_\_\_\_.

Number of Depot certificate (if any) :\_\_\_\_\_.





§4, 43 of 1921.]

FORM III.  
(Section 24.)

## DISCHARGE CERTIFICATE.

In pursuance of section 24 of Ordinance No. 13 of 1889, this is to certify that the labourer whose name and description are appended entered my service on —day of—, 19—, and was duly discharged on the —day of—, 19—.

The reason for his discharge is—.

## DESCRIPTION OF LABOURER.

Number on Estate Registrar<sup>\*</sup>:—.

Name:—.

Approximate age:—.

Sex:—.

Race and caste:—.

Village:—.

Taluk:—.

District:—.

Father's name:—.

Mother's name:—.

Name of kangani:—.

Height, viz., tall, short, or medium:—.

Colour, viz., dark, light, or medium:—.

Distinguishing marks (if any):—.

General appearance:—.

Date of engagement:—.

Estate where last employed:—.

Whether employed permanently, or on contract work,  
or both:—.

Number of Depot certificate (if any):—.

\_\_\_\_\_,  
Superintendent,  
Date:—, 19—. —Estate, —District.

FORM IV.  
(Section 25.)

No. of Certificate:—.

## DEPOT CERTIFICATE.

I hereby certify that the labourer whose name and description are appended was despatched from \*the depot at—to—Estate on the—day of—, 19—.

\* Apparently a mistake for Register —Edd.

[§ 4, 43 of 1921.]

## NAME AND DESCRIPTION OF LABOURER.

Number on Estate Register :——.  
 Name :——.  
 Approximate age :——.  
 Sex :——.  
 Race and caste :——.  
 Village :——.  
 Taluk :——.  
 District :——.  
 Father's name :——.  
 Mother's name :——.  
 Name of kangani :——.  
 Height, viz., tall, short, or medium :——.  
 Colour, viz., dark, light, or medium :——.  
 Distinguishing marks (if any) :——.  
 General appearance :——.  
 Date of engagement :——.  
 Estate where last employed :——.  
 Whether employed permanently, or on contract work,  
 or both :——.  
 Number of Depot certificate (if any) :——.

(Signed)——,

Superintendent.

Date :——, 19——.

FORM V.

[§4, 43 of 1921..]

(Section 25 )

Date: ———	<i>Ceylon Government Railway.</i>	No: ———
	—————	
	<i>Cooly Railway Permit.</i> <i>Talaimannar Pier.</i>	

(Forms VI. to VIII. repealed by No. 8 of 1914  
and No. 43 of 1921.)

**No. 43 of 1921.**

**An Ordinance relating to Contracts for  
Hire and Service.**

[Date of Governor's assent : December 17, 1921.]

[Date of commencement : December 17, 1921]

Preamble.

**W**HEREAS it is expedient to repeal certain Provisions of Ordinance No. 11 of 1865 and of Ordinance No. 13 of 1889, which render servants, labourers, journeymen, artificers, employees, and employers liable to criminal proceedings in respect of failure to carry out the terms of contract for hire and service :

And whereas it is also expedient to make provision against the issue and use of documents, commonly known as *tundus*, in respect of such labourers as aforesaid :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1. This Ordinance may be cited as " The Labour Ordinance, No. 43 of 1921."

2-4. (Embodied in No. 13 of 1889.)

Penalties for  
issuing  
*tundus*. &c.

5. (1) Any person who after the commencement of this Ordinance—

- (a) Issues or causes or permits to be issued a *tundu* ; or
- (b) Accepts or agrees to accept any *tundu* or any obligation arising thereunder or intended to be imposed thereby ; or
- (c) Gives or enters into any undertaking, express or implied, with regard to any *tundu* ; or
- (d) Enters into or takes any part in any transaction for the transfer of any indebtedness heretofore effected by means of a *tundu* ;

to or in respect of any labourers as defined in section 3 of Ordinance No. 13 of 1889, shall be guilty of an

offence, and shall be liable on conviction thereof to a fine not exceeding twenty thousand rupees, or to imprisonment of either description for any period not exceeding two years, or to both.

(2) For the purposes of this section the expression "*tundu*" means the document commonly called a *tundu*, and in use, at the time of the commencement of this Ordinance, under the provisions of Ordinance No. 13 of 1889; it also includes any document, whatever its form may be, whereby the objects attained by a *tundu* at the time of the commencement of this Ordinance are sought to be attained after such commencement.

6. Section 11, 12, 14, 19, 20, 21, 23, and 24 of Ordinance No. 11 of 1865, sections 4a, 7, 23, 26, and 27 of Ordinance No. 13 of 1889, and "The Indian Coolies (Amendment) Ordinance, No. 3 of 1914," are hereby repealed. Repeals.





## No. 1 of 1923.

**An Ordinance to amend the Law relating to Indian  
Immigrant Labourers.**

[Date of Governor's assent: April 11, 1923.]

[Date of commencement: April 19, 1923.]

Preamble.

**W**HEREAS it is expedient to amend the law relating to Indian Immigrant Labourers: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title

1. This Ordinance may be cited as "The Labour Ordinance, No. 1 of 1923," and shall, so far as is consistent with the tenor thereof, be read and construed as one with the Ordinance No. 11 of 1865 and the Ordinance No. 13 of 1889: Provided that in construing the provisions of the last-named Ordinances, all references to a Government Agent shall be deemed to be to the Controller of Indian Immigrant Labour appointed under this Ordinance.

Definitions.

2. (1) In this Ordinance, unless the context otherwise requires—

"Dependent" means any woman or child who is related to an Indian immigrant, or any aged or incapacitated relative of an immigrant;

"Indian immigrant" means any Indian who emigrates or has emigrated to Ceylon, and includes any dependent of an immigrant;

"Indian immigrant labourer" means—

(a) Any Indian immigrant who comes to Ceylon under an agreement to perform unskilled work for hire in Ceylon;

(b) Any Indian immigrant who is assisted to come to Ceylon otherwise than by a relative, if he comes for the purpose or with the intention of performing unskilled work for hire in Ceylon;

"Unskilled work" includes engaging in agriculture, whether as a kangany, sub-kangany, or labourer;

" Introduce," " introduced," " introduction," with reference to the immigration into Ceylon of an Indian immigrant labourer, means the bringing in of such labourer with a view to his being employed in unskilled work in Ceylon;

" Employer " means the proprietor of an estate and any person who employs any Indian immigrant labourer, and includes the agent, superintendent or manager of any such proprietor or person;

" Controller " means the Controller of Indian Immigrant Labour appointed under this Ordinance, and includes a Deputy Controller to the extent to which he is, by the authority of the Controller, empowered to exercise or perform any of the powers and duties of the Controller under this Ordinance.

(2) In case of any doubt or dispute arising otherwise than in the course of any legal proceedings as to whether—

(a) Any person is an immigrant; or

(b) Any work is unskilled; or

(c) Any person has been assisted otherwise than by a relative; within the meaning of this Ordinance, the question shall be determined by the Controller, and such determination shall be final.



## DEPARTMENT OF INDIAN IMMIGRANT LABOUR.

3. It shall be lawful for the Governor to appoint some fit and proper person to be Controller of Indian Immigrant Labour, and also such Deputy Controllers, medical officers, inspectors, assistant inspectors, and other officers as may be necessary for carrying out the provisions of this Ordinance, and such officers shall be deemed to be public servants within the meaning of the term as used in the Ceylon Penal Code.

Appointment of  
Controller of  
Indian  
Immigrant  
Labour and  
officers

4. The Controller shall be head of the Department of Indian Immigrant Labour, and shall be entrusted with the duty of carrying out the provisions of this or any other Ordinance relating to Indian immigrant

Controller to  
be head of  
department.

labourers, and the measures adopted for the encouragement of the introduction of such immigrant labourers into the Colony.

Annual report  
by Controller.

5. The Controller shall, not later than the thirty-first day of March in each year, present a report to the Governor dealing generally with the carrying out of the provisions of this Ordinance and dealing specially with such matters as he may consider to be worthy of particular attention, or as he may be directed to report upon by the general or specific instructions of the Governor.

Appointment of  
Emigration  
Commissioner.

6. The Governor may appoint a fit and proper person to be Emigration Commissioner for the purpose of supervising and controlling the recruitment of unskilled labourers in India with a view to their emigration to Ceylon.

Inspection

7. (1) The Controller or any Deputy Controller, medical officer, inspector, or assistant inspector may at all reasonable times, with or without notice, enter upon any premises on which Indian immigrant labourers may be employed and inspect the condition—

- (a) Of such labourers;
- (b) Of their housing accommodation; and
- (c) Of the means provided for the medical treatment of such labourers.

(2) Any person refusing to allow the Controller, or any such Deputy Controller, medical officer, inspector, or assistant inspector, to enter and inspect as aforesaid, or hindering, molesting, or obstructing the Controller, or any such Deputy Controller, medical officer, inspector, or assistant inspector in or about any such entry or inspection, shall be guilty of a summary offence, and shall be liable on conviction thereof to a fine not exceeding one thousand rupees, or to imprisonment of either description for any period not exceeding six months, or to both.

Agent of  
Government of  
India.

8. If the Governor-General in Council in India appoints any agent for the purpose of safeguarding the interests of Indian immigrant labourers in Ceylon, such agent shall have the powers conferred upon the officers mentioned in section 7 of this Ordinance, as if he had

been expressly named therein, and may exercise all the other powers conferred upon him by this Ordinance, or any regulations made thereunder.

9. (1) The Governor may appoint any number of persons, not less than nine and not exceeding twelve, two of whom shall be Unofficial Members of the Legislative Council, to be members of the Board of Indian Immigrant Labour.

Board of  
Indian  
Immigrant  
Labour.

(2) Each such appointment shall be for a period not exceeding three years, except that in the case of a member who is an Unofficial Member of the Legislative Council; he shall vacate his seat on the Board on his ceasing to be a Member of the Council.

(3) Any member shall be eligible for re-appointment.

(4) Any member may resign by notice in writing given to the Colonial Secretary.

(5) The Controller shall be *ex officio* Chairman of the Board.

10. (1) The Board shall meet at such place as may be prescribed at least once in every quarter.

Meetings and  
duties of Board.

(2) The Controller may at any time summon a meeting of the Board; and on a requisition signed by any five members, it shall be his duty to summon a meeting of the Board.

(3) The duty of the Board shall be to advise the Controller in regard to matters arising under this Ordinance, but the Board shall not exercise any administrative or executive functions.

#### FINANCE.

11. (1) For the purposes of this Ordinance there shall be established a fund, to be called "The Immigration Fund," which shall be administered by the Controller, subject to the control of the Governor.

Establishment  
of Immigration  
Fund.

(2) As soon as may be after the termination of each quarter, a financial statement showing the position of the Fund shall be submitted by the Controller to the Board for their information.



Formation of  
Fund.

12. The Fund shall be credited with—

- (a) The surplus balance of the Tin Ticket Fund existing at the date on which the Immigration Fund shall come into operation;
- (b) All fees received or recovered under the provisions of this Ordinance from employers in respect of the recruitment or employment of Indian immigrant labourers; and
- (c) Any sum voted by the Legislative Council in aid of immigration from India.

Charges on  
Fund.

13. (1) The Fund shall be debited, save as is expressly provided under this Ordinance, with the whole cost of recruiting and introducing Indian immigrant labourers into this Colony, and with the expenses of the Department in carrying out the provisions of this Ordinance, and particularly, but without detracting from the general liability imposed by this section, with the cost of—

- (a) The recruitment of Indian immigrant labourers;
- (b) The payment of any prescribed allowances to such labourers in the prescribed manner;
- (c) The accommodation, subsistence, and transportation of such labourers, and their reception by the employer to whom they have been allotted;
- (d) The payment of any fees or charges imposed by the Government of India in respect of any persons emigrating from India;
- (e) The repatriation of such labourers and their dependents as hereinafter provided;
- (f) Any prescribed allowance payable to any employer in respect of each such labourer recruited directly on his behalf by any licensed recruiter.
- (g) The salary of the Emigration Commissioner and of all persons employed under him for the purpose of supervising and controlling the recruitment of labourers, and the expenses attendant upon such supervision and control.

(2) The Fund shall not be debited with the salaries and allowances, if any, of the Controller and other officers of the Department of Indian Immigrant Labour, but such salaries and allowances shall be paid out of public revenue.

14. (1) Every employer shall pay to the Controller, for the purposes of the Immigration Fund, such fees in respect of the recruitment or employment of Indian immigrant labourers as may be prescribed by regulations made by the Governor in Executive Council. Fees payable by employers.

(2) The amount of such fees shall be ascertained in the prescribed manner, and payment thereof shall be made at the prescribed times, and may be enforced by seizure and sale in the prescribed manner.

(3) All such regulations shall be laid, as soon as conveniently may be, before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

15. Where any fees in respect of any Indian immigrant labourer for which, under the provisions of this Ordinance, any employer is liable shall remain unpaid for a period of one month after they shall have become payable, the employer shall be subject to a penalty at the rate of ten per cent. on the amount of such fees, to be paid and recovered together with such fees. Penalty for non-payment of fees

#### RECRUITING.

16. (1) The Emigration Commissioner may in his absolute discretion, from time to time, issue licenses to fit and proper persons entitling them to act as emigration agents for the purpose of assisting Indian immigrant labourers to emigrate to Ceylon, and all such agents shall be responsible to, and subject to the orders of, the Emigration Commissioner. Licenses to recruit.

(2) There may be endorsed on the license such conditions as may be prescribed.

(3) Such licenses may be withdrawn by the Emigration Commissioner at his absolute discretion at any time.

Application to  
Controller for  
Labourers.

17. (1) Any person who desires to obtain Indian immigrant labourers may send in to the Controller an application in the prescribed form specifying the number of labourers he requires.

(2) The Controller may in his discretion refuse to accept any such application, or may accept the same, subject to such conditions as he may impose.

### INTRODUCTION OF LABOURERS INTO CEYLON.

On entry into  
territorial  
waters  
Controller to  
take charge of  
immigrant  
labourers.

18. (1) Immediately upon the entry into territorial waters of any vessel containing Indian immigrant labourers, such labourers shall come, and thenceforward, until they shall have reached their place of employment, remain under the care and protection of the Controller and of the officers of his department appointed by him for the purpose.

(2) Any person who molests or interferes, or attempts to molest or interfere, with any such labourer, or induces or attempts to induce any such labourer to withdraw himself from the care or protection of the Controller, or of any of such officers, shall be guilty of a summary offence, and shall be liable on conviction thereof to a fine not exceeding one thousand rupees, or to imprisonment of either description for any period not exceeding six months, or to both.

Recruitment  
transport, &c.,  
of Indian  
immigrant  
labourers to, be  
free of charge  
to labourers.

19. All expenses in respect of the recruitment, accommodation, subsistence, and transport of Indian immigrant labourers shall be paid out of the Immigration Fund, and it shall be the duty of the Controller to make all necessary and proper arrangements, free of charge to the labourer, for his reception by his employer.

## GENERAL.

20. No contract of service between an employer and an Indian immigrant labourer shall be deemed to be for a period longer than one month from the making of such contract, and any contract of service entered into before such immigrant labourer leaves India for any longer period shall be void and of no effect whatsoever.

No contracts of hire to be for longer than one month.

21. No payment made in India by any recruiter to any person intending to emigrate from India to Ceylon to enable such person to pay off any debt before emigrating shall be recoverable in any court in this Colony.

Advances by recruiters to immigrant labourers not recoverable.

22. (1) If the agent referred to in section 8 of this Ordinance shall, at any time within one year of the arrival in Ceylon of an Indian immigrant labourer who has been assisted to come to Ceylon at the cost of the Fund referred to in section 11, be satisfied that the return of such immigrant labourer to his home is desirable, either on the ground of the state of his health, or on the ground that the work which he is required to do is unsuitable to his capacity, or that he has been unjustly treated by his employer, or for any other sufficient reason, such immigrant labourer shall be repatriated, free of cost, to the place of recruitment, and the cost of so repatriating him shall be payable out of the said Fund.

Repatriation of Indian immigrant labourers.

(2) If no such agent is appointed, the Controller shall perform the duties and exercise the powers conferred upon the agent under this section.

23. The Governor in Executive Council may make regulations for all purposes connected with the carrying out of the provisions of this Ordinance, and all such regulations shall, after publication in the *Government Gazette*, be as valid and have the same effect as if they had been contained in this Ordinance.

Governor in Executive Council may make regulations.



## DEPARTMENT OF INDIAN IMMIGRANT LABOUR

(Extract from the "Ceylon Government Gazette" No. 7,339 of July 13, 1923.)

### NOTIFICATION No. 1.

**R**EGULATIONS made by the Governor in Executive Council under the powers conferred by sections 14 and 13 and 23 of "The Labour Ordinance, No. 1 of 1923."

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, July 12, 1923.

CECIL CLEMENTI,  
Colonial Secretary.

### REGULATIONS UNDER SECTION 14 OF THE ORDINANCE.

#### CHAPTER 1.

#### FEEs PAYABLE BY EMPLOYER OF ESTATES PAYING ACREAGE FEES.

1. The employer of any Indian immigrant labourers on any estate of the description named in schedule A attached to these rules shall, except as hereinafter provided, pay by quarterly instalments to the Controller, for the purposes of the Immigration Fund, acreage fees on such a scale as may from time to time be fixed by the Governor in Executive Council and notified in the *Government Gazette*.

2. The first instalment of such fees shall be due and payable on a date to be fixed by the Governor in Executive Council and notified in the *Government Gazette*. Thereafter the instalments shall be due and payable on or before the first day of each quarter, viz., January 1, April 1, July 1, and October 1.

3. (a) For the purpose of assessing the first and second instalments, the employer of any Indian immigrant labourers on any estate of the description named in schedule A shall forward to the Controller, on or before a date to be fixed by the Governor and notified in the *Government Gazette*, a return covering the second quarter of 1923, as nearly as may be material in the form set out in schedule B attached to these rules. Such forms can be furnished by the Controller free of cost to each employer on application, or may be obtained at the nearest Kachcheri or Post Offices in planting districts.

(b) Thereafter the return shall be furnished quarterly to the Controller. The return for each quarter of the year shall be sent in on or before the last day of the following month, *e.g.*, the return for the third quarter on or before October 31, &c.

4. The return shall be certified by the employer under his hand to be correct. Any employer who fails to furnish a correct return, certified as aforesaid, within the prescribed time shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding Rs. 50.

5. Any employer knowingly certifying an incorrect return shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding Rs. 50.

6. (a) Upon the receipt of the return set out in schedule B, the Controller, if he is satisfied that no Indian immigrant labourers have been employed in the estate during the period covered by the return, shall notify the employer that no acreage fees for the ensuing quarter are payable on account of the estate.

(b) If Indian immigrant labourers have been employed during such period or any portion thereof, the Controller shall assess the amount due by the estate as acreage fees, and shall, in the case of the first instalment notify the employer at least seven days before the instalment is payable, of the amount so due, which amount shall thereupon become payable by the employer on the prescribed date. Thereafter the assessment shall be notified at least seven days before each instalment is due. Provided that the Controller may notify any employer that the assessment of the whole or any portion of his estate is held in abeyance until the Controller can cause the same to be inspected. When any such assessment is postponed, but exemption is not eventually granted, the acreage fee as assessed shall be payable seven days after demand by the Controller.

7. If the Controller is not satisfied as to the correctness of the return under schedule B, or if the employer fails to make any such return, the Controller may assess the amount payable by any such estate. Such amount shall be notified to the employer and be payable by him on the prescribed date.

8. Within fourteen days after the receipt by him of any notice regarding the assessment of the rate to be levied on account of any estate, the employer may appeal against such assessment to the Governor in Executive Council whose decision thereon shall be final.

9. If default be made in payment of any instalment, it shall be lawful for the Controller or any person authorized by writing under his hand, either generally or in a special instance, to seize the estate in respect of which such instalment is due, and any crop, or produce thereof, and any movables thereon; and if the amount of such instalment together with any interest due under section 15 of the Ordinance or any costs payable under rule 11 shall not be sooner paid, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

10. It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale, if authorized thereto by general or special instructions issued by the Controller.

11. The costs and charges of seizure and sale shall also be payable from the proceeds of the property seized, and they shall be as follows:—

- (1) The costs of proceeding to the estate of the party in default, a charge not exceeding eight per centum on the amount due;
- (2) The removal of the goods seized in case such removal takes place, a charge not exceeding eight per centum on the amount due;
- (3) For keeping the same in safe custody in case of such removal, a charge not exceeding one rupee per day;
- (4) For keeping a person in possession if the goods seized are not removed, a charge not exceeding one rupee per day;
- (5) For the expenses of sale when any sale takes place, a charge not exceeding two and half per centum on the nett proceeds of the sale.

12. In the event of a sale of property seized, the Controller shall, after deducting the amount of the instalment due as aforesaid, the interest payable under section 15 of the Ordinance and the costs payable under the last preceding rule, restore the overplus, if any, arising from such sale, to the owner of the property sold.

13. If the estate or any part thereof seized as mentioned in rule 9 is sold, a certificate substantially in the form given in schedule D hereto, signed by the Controller, shall be sufficient to vest the land sold in the purchaser. Such certificate shall be

liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

## CHAPTER II.

### FEEs PAYABLE BY PRIVATE EMPLOYERS NOT PAYING ACREAGE FEES.

1. The following fees for the recruitment of Indian immigrant labourers shall be computed and become payable in the following manner by any employer not paying acreage fees, and not being a Government Department, to the Controller for the purposes of the Immigration Fund.

2. Before any license to recruit on behalf of such employer is granted in conformity with section 16 of the Ordinance, such employer shall forward to the Controller an application in duplicate as nearly as material in the form shown in shedule C. Application forms may be obtained free of cost from the Controller.

3. On receipt of the application the Controller shall examine the same, and, if he approves thereof, shall—

(a) Compute the amount which may reasonably be expected to cover the cost of recruiting and forwarding to the employer the number of recruits specified in the application ;

(b) Thereupon notify such amount to the applicant, and call upon him either to deposit the said sum with the Controller or to furnish the Controller with a Bank guarantee for the amount ;

(c) When the deposit has been lodged or the Bank guarantee furnished, forward to the Emigration Commissioner a copy of the application, and notify to him the particulars of the deposit or Bank guarantee made by the employer. The Emigration Commissioner shall thereupon deal with the application as laid down, in section 16 of the Ordinance.

4. Provided that if the employer is a certified subscriber to the Coast Agency of the Ceylon Planters' Association, the Controller may waive the demand for a special deposit or Bank guarantee. In such case the Ceylon Labour Commissioner shall be responsible to the Controller for all charges payable to the Immigration Fund by the employer for the Indian immigrant labourers introduced or recruited on behalf of such employer. The



Ceylon Labour Commissioner may from time to time furnish the Controller with a list of employers certified, for the purposes of this rule, as subscribers to the Coast Agency.

5. When the Indian immigration labourers duly accepted for assisted passages under any license issued under rule 3 (c), and any Emigration Agent accompanying them have been introduced into the Island, the Controller shall, within a reasonable period, ascertain—

- (a) The cost incurred for the transport and subsistence of such Indian immigrant labourers and Emigration Agent from the time of their acceptance as recruits by the Emigration Commissioner until they have been handed over to their employer;
- (b) Any charges incurred in the transport, subsistence, and return to their homes of any such Indian immigrant labourers rejected at any stage of the journey;
- (c) Any special charges incurred by the Emigration Commissioner or Controller for the medical treatment, examination, detention, burial, or cremation of any such Indian immigrant labourers or Emigration Agent accompanying them;
- (d) Any immigration fee duly imposed by the Indian Emigration authority on each such Indian immigrant labourer or Emigration Agent accompanying them;
- (e) Any fee paid to the licensed recruiter for the Indian immigrant labourers duly recruited by him and thereafter accepted by the Emigration Commissioner for despatch from the port of embarkation to Ceylon. Such fee shall be at the rates specified by the employer in his application, in the form schedule C, under rule 2, but shall not in any case exceed the rates sanctioned by the Government of Madras under the provisions of the Indian Emigration Act;
- (f) A capitation fee (to cover the charges incurred by the Department of Indian Immigrant Labour for registration and supervision) for each such Indian immigrant labourer or licensed recruiter introduced into the Island. The amount of such fee shall be fixed from time to time by the Governor in Executive Council and notified in the *Government Gazette*;

- (g) A capitation fee (similarly calculated, fixed, and notified) to be paid into the Fund as a set off against any expenses which may be incurred in repatriating Indian immigrant labourers under section 22 of the Ordinance.

6. When the Controller has ascertained the total amount payable under regulation 5 of this Chapter by any employer, he shall certify the same and present it to the employer for payment within twenty-one days; or if the employer be a certified subscriber to the Coast Agency under rule 4, the bill shall be presented to, and payable by, the Ceylon Labour Commissioner. When such amount is covered by any deposit made under rule 3 of this Chapter by the employer, the Controller shall deduct the amount due from the deposit, and return the balance, if any, of the deposit to the employer. Provided that the amount due shall not be wholly covered by the deposit made by the employer, the Controller shall call on the employer to pay the balance.

7. All moneys recovered by the Controller under the preceding rule shall be paid by him into the Immigration Fund.

8. If any sum due by an employer is not paid as required by regulation 6 of this Chapter, the same may, together with any interest due under section 15 of the Ordinance, and the costs of the seizure and sale, be recovered by seizure and sale of the property, movable or immovable, of the employer in the manner and subject to the conditions laid down in regulations 9 to 13 (both inclusive) of Chapter I.

9. Employers introducing Indian immigrant labourers under the provisions of this Chapter shall not receive any recruitment allowance for labourers so introduced.

### *REGULATIONS UNDER SECTION 13 AND 23 OF THE ORDINANCE.*

#### *A.—RECRUITMENT ALLOWANCES.*

1. Every employer paying acreage fees to the Fund shall receive a recruitment allowance for every Indian immigrant labourer recruited directly on his behalf by a licensed recruiter and thereafter landed in Ceylon under the care of the Controller.

2. Recruitment allowances shall not be payable on children under twelve years of age or on other dependents. The Emigration Commissioner shall decide whether any person is a labourer or dependent, and his decision for the purpose of this rule shall be final.

3. The recruitment allowance shall be on a scale fixed from time to time by the Governor in Executive Council and notified in the *Government Gazette*.

4. Recruitment allowances shall be payable to employers at the end of each half year.

#### B.—SUBSISTENCE AND TRANSPORT ON JOURNEY.

5. The Fund shall provide in respect of every Indian immigrant labourer recruited—

(a) The cost of transport, where necessary, from the office at which he has been accepted by the Emigration Commissioner to the most convenient railway station in India, and his rail and steamer fare thence to the railway station in Ceylon at which he shall be handed over to his employer;

(b) The cost of such meals, provisions or batta in lieu thereof, as may be necessary and sufficient for his subsistence during his journey from the time he is accepted as a recruit until he is handed over to his employer; except such part of the cost as has heretofore been defrayed by the Board of Immigration and Quarantine in respect of his accommodation and detention in quarantine.

6. The Fund shall defray any fees or charges imposed by the Government in India in respect of any person emigrating from India, and assisted by the Fund.

#### C.—DEPENDENTS.

7. The Emigration Commissioner shall accept freely as dependents the wife and children of any duly accepted Indian immigrant labourer when such wife or children are not themselves accepted as labourers. Other dependents accompanying duly accepted immigrant labourers and unfit for registration as labourers may be accepted by the Emigration Commissioner at his discretion.

8. Dependents shall be provided at the cost of the Fund with the same transport, subsistence, or batta in lieu thereof as recruited labourers, but no employer shall be entitled to any recruitment allowance on their behalf.

#### D.—HOLDERS OF RECRUITING LICENSES.

9. Holders of recruiting licenses on their return journey to Ceylon shall be provided, as if they were recruited labourers, at the cost of the Fund, with transport, subsistence, or batta in lieu thereof from the Agency at which they recruit to the railway



station in Ceylon most convenient to their place of employment. Their employer shall not however be entitled to any recruitment allowance on their behalf.

10. Holders of recruiting licenses who travel in charge of their recruits from the office of registration to the port of embarkation, and who, on the departure of their recruits to Ceylon, return to their districts for further recruiting, shall, while accompanying their recruits, be provided at the cost of the Fund with their transport, subsistence, or batta in lieu thereof, as if they were duly recruited labourers. On the departure of their recruits for Ceylon they shall be provided at the cost of the Fund with their railway ticket to the station most convenient for the Agency at which they recruit.

#### E.—ASSISTED IMMIGRANTS NOT DIRECTLY RECRUITED BY HOLDERS OF RECRUITING LICENSES.

11. Indian immigrant labourers who apply directly to the Emigration Commissioner for an assisted passage to Ceylon may be given such under the usual conditions provided that the Emigration Commissioner is satisfied—

- (a) That they are former employees returning to an employer who is willing to employ them; or
- (b) That in the case of new recruits, he can allot them to an employer who is willing to employ them.

#### F.—LABOURERS REJECTED AND TURNED BACK.

12. The Fund shall bear the cost of charges incurred for the subsistence transport, and detention of any person receiving an assisted passage who at any stage of the journey is rejected by the Emigration Commissioner, or by the Indian Emigration authorities, or by the authorities of the Ceylon Board of Immigration and Quarantine, or who for any other reason fails to complete the journey. The Fund shall also bear the cost of returning any such person to his home when the Emigration Commissioner or the Controller are called upon so to return him by any lawful authority acting under the provisions of the Indian Immigration Act, or consider that such return is expedient.

#### G.—MEDICAL EXPENSES.

13. The Fund shall defray—

- (a) Such charges as may be reasonably incurred by the Emigration Commissioner, or the Controller for the medical treatment, supervision, or examination of Indian immigrant labourers while in their charge;



- (b) Any such charges which the Emigration Commissioner or the Controller may be lawfully called upon to pay by the Indian Emigration authorities or by the Ceylon Board of Immigration and Quarantine

14. The Fund may defray any reasonable expenses incurred in the burial or cremation of any person who shall die while being assisted to emigrate.

#### H.—REPATRIATION.

15. The Fund shall bear the cost of—

- (a) The repatriation of any Indian immigrant labourer ordered to be repatriated under section 22 of the Ordinance ;  
 (b) Any other provision for the repatriation of sick or indigent Indian immigrant labourers as may from time to time be authorized by the Governor in Executive Council.

#### 1.—SALARY OF THE EMIGRATION COMMISSIONER AND ADMINISTRATIVE EXPENSES OF HIS DEPARTMENT.

16. The salary and allowances of the Emigration Commissioner shall be paid by the Fund on such scale as the Governor shall from time to time determine.

17. The Emigration Commissioner shall make all payments necessary in India under the provisions of the Ordinance, and shall in general do all things required under the provisions of the said Ordinance, or of the Indian Emigration Law, in connection with the supervision of recruiting, the registration of recruits, the accommodation, subsistence, and transport of Indian immigrant labourers from the offices of registration up to the places of accommodation that may be provided at the ports of departure for Ceylon, and in connection with the return of repatriated labourers to their homes when required. He shall be responsible through the Controller to the Governor for the due performance of his duties.

18. For any purpose under the preceding rule the Emigration Commissioner may, with the approval of the Governor, utilize the services of the Coast Agency of the Ceylon Planters' Association, otherwise known as the Ceylon Labour Commission, or any other Agency similarly authorized by the Governor, and may appoint any person or persons employed in such Agency as Assistant Emigration Commissioners or Inspectors of Emigration under the provisions of the Indian Emigration Act, 1922. Provided that the salaries of the employees of any such Agency and the services

rendered by it are in conformity with the provisions of the Indian Emigration Act or any rule or regulations framed thereunder. Provided also that such Agency shall, if employed, comply with the directions of the Emigration Commissioner duly made to secure such conformity.

19. The remuneration by the Fund to such Agency for services rendered shall be on such scale and under such conditions as may from time to time be agreed upon between the said Agency and the Emigration Commissioner and approved by the Governor.

#### J.—ADMINISTRATION CHARGES.

20. The fund shall defray—

- (a) The cost of collection of the Fund, apart from the salaries and allowances of the Controller's staff;
- (b) The cost to the Department of Indian Immigrant Labour, apart from the salaries and allowances of the Controller's staff, of issuing and examining licenses to recruit Indian immigrant labourers;
- (c) The necessary cost of office rent and equipment, postage, and telegrams in India, stationery, and printed forms;
- (d) The travelling expenses of the Controller, his staff, and members of the Board of Indian Immigrant Labour at such rates as may be approved by the Governor;
- (e) Legal expenses incurred in connection with the work of the Controller or Emigration Commissioner, whether in Ceylon or India;
- (f) Any necessary incidental expenses;
- (g) Any special expenditure not included in the above as may be certified by the Controller to be necessary for the carrying out of the provisions of this Ordinance or of the Indian Emigration Act, and the conditions, rules, or regulations notified by the Government in India thereunder. Provided that the estimates for such expenditure shall have been laid before the Board of Indian Immigrant Labour for its consideration, and shall have been sanctioned by the Governor.

#### K.—CONTRACTS.

21. The Controller and the Emigration Commissioner may from the date on which the Fund comes into operation authorize payments at the rates of the contracts at that time existing with,

or at the rates at that time prescribed by, the Ceylon Labour Commissioner for the cost of feeding and transporting Indian immigrant labourers, and shall thereafter as these contracts expire, or these rates require re-adjustment, make such arrangements as may from time to time be necessary for those purposes.

#### L.—GENERAL.

22. The Emigration Commissioner may at his discretion refuse to register as a recruit any labourer presented by a licensed recruiter, and after registration may reject him at any stage of his journey from the office of registration to the point of his embarkation.

23. The Controller shall arrange for the escort of Indian immigrant labourers from the place of accommodation at the port of embarkation in India to the railway station in Ceylon appointed by the employer as most convenient to his place of employment. The Controller shall also cause the employer to be notified of the intended despatch to him of Indian immigrant labourers, and of the probable date of their arrival at the railway station in Ceylon. It shall be the duty of the employer to meet at such station all Indian immigrant labourers despatched to him and there to take charge of them. Provided that nothing in this regulation shall be deemed to affect the powers conferred on the Controller and his officers under section 18 of the Ordinance.

24. The accounts of the Controller and the Emigration Commissioner shall be audited as the Governor may from time to time direct. The cost of such audit shall be borne by the Fund.

25. The moneys of the Fund shall be banked and deposited as the Governor may from time to time direct.

26. The Immigration Fund shall come into operation on a date to be determined by the Governor and notified in the *Government Gazette*. On and from the date so notified, the various charges to be borne by the Fund shall be defrayed from the Fund. Charges for the transport, escort, and subsistence of Indian immigrant labourers, the recruitment allowances to employers, and the emigration fee imposed by the Government in India shall be payable from the Fund only in respect of such Indian immigrant labourers as shall be accepted on and after the said date by the Emigration Commissioner for immigration to Ceylon.

## SCHEDULE A.

*" The Labour Ordinance No. 1 of 1923 "**Section 14 and 23.*

(Regulation No. 1 of Chapter I. made thereunder.)

The following estates shall pay acreage fees into the Immigration Fund:—

- (a) Estates with ten or more acres planted in tea; for each such acre at a rate to be fixed by the Governor in Executive Council;
- (b) Estates with thirty or more acres planted in rubber, cacao, or cardamom; for each such acre at a rate not exceeding one-third of the rate paid by tea; to be fixed by the Governor in Executive Council;

Provided that—

- (1) Any acreage interplanted with tea and any other product shall rank as an acreage planted in tea; and any acreage interplanted in rubber, cacao, or cardamoms, and any other product, save tea, shall rank as an acreage planted in rubber, cacao, or cardamoms as the case may be;
- (2) Any estate planted partly in tea and partly in rubber, cacao, or cardamoms shall pay the acreage rate due on each product, provided that the total area of the estate shall equal or exceed ten units, reckoning an acre of tea as one unit, and an acre of rubber, cacao, or cardamoms as one-third of a unit;
- (3) Any isolated division of an estate, of whatever acreage, shall rank as part of an estate, provided that it is owned or leased by the same proprietor, and is under the same management;
- (4) If any acreage planted in any product lie abandoned, the Controller shall, on being satisfied that no labour has been employed in the cultivation thereof during the previous quarter, exempt such acreage from assessment for any quarter. Mere cessation of tapping or plucking shall not be deemed a sufficient cause for any such exemption.

## SCHEDULE B.

*" The Labour Ordinance No. 1 of 1923 "**Section 14 and 23.*

(Regulation No. 3 of Chapter I. made thereunder.)

- 1. (a) Name of estate.
- (b) Tamil name of estate.



2. (a) Postal and telegraphic address.  
(b) Name of railway station, serving estate; and distance from estate to station.
3. Revenue District in which estate is situated.
4. (a) Registered No., if any, in Tin Ticket Register.  
(b) Registered No., if any, in Rubber Controller's Register.
5. Name and address of (a) Superintendent.  
(b) Proprietor or Lessee.
6. Name and address of Agent, if any.
7. Total acreage of estate.
8. Acreage, at date of return, planted in tea.  
N.B.—Acreages planted with tea and any other product to rank as acreages planted in tea.
9. Acreage, at date of return, planted in rubber, cacao, or cardamoms.  
N.B.—Acreages interplanted with rubber, cacao, or cardamoms and any other product, save tea, to rank as acreages planted in rubber, cacao, or cardamoms, as the case may be.

10. State the extent of any acreage in section 8 or 9 above, for which exemption is claimed on the ground that it is lying abandoned. Particulars should be given of the exact extent, the date since which the land has been abandoned, and the present condition of the plantation on such land. Mere cessation of tapping or plucking shall not be deemed sufficient for exemption.

11. Number of Indian immigrant labourers on estate on first day of each month in the quarter—.

No. of month,	Name of Month.	Men.	Women.	Children	Total.
1st Month ...					
2nd Month ...					
3rd Month ...					

I, —, Superintendent/Employer of the above estate, certify that the particulars given in the above return have been verified by me, and are to the best of my knowledge correct.

(Signature) —

Superintendent/Employer.

**SCHEDULE C.**  
**APPLICATION TO RECRUIT UNSKILLED LABOUR**  
**FROM INDIA UNDER THE**

*" Labour Ordinance No. 1 of 1923 "*

*Section 14 and 23.*

(Regulation No. 2 of Chapter II. made thereunder.)

1. (a) Name of employer.  
 (b) Postal and telegraphic address.
2. (a) Place of employment for proposed recruits.  
 (b) Revenue district in which it lies.  
 (c) Post town.  
 (d) Railway station serving it, and distance of such station from place of employment.
3. Nature of employment for which labourers are required.
4. Particulars of wages offered—  
 (a) To men.  
 (b) To women.  
 (c) To children.

Any special conditions with regard to piecework, overtime, &c., should be stated. Also whether wages include free housing accommodation or not.

5. (a) Full name of each person whom employer desires to employ as a recruiting agent.  
 (b) Name of district and Taluq in India in which each recruiting agent proposes to operate.  
 (c) Number of Indian immigrant labourers which each recruiting agent desires to recruit.

N.B.—Under the Indian rules (*vide* rule 7 of the rules in Indian Government Notification No. 213 of March 10, 1923), the kangany, *i.e.*, the recruiting agent, must be an Indian of the labouring class, and have been previously employed as a labourer under the employer for whom he is to recruit. His license will be valid in the first instance for one year, and not more than twenty persons exclusive of dependents may be recruited upon such license.

6. Fee payable to recruiting agent for each Indian immigrant labourer recruited by him—

- (a) For men.
- (b) For women.
- (c) For children over twelve.

I, —, the undersigned, forward the above application to recruit Indian immigrant labour under regulation 2 of Chapter II. of the regulations framed under sections 14 and 23 of "The Labour Ordinance, No. 1 of 1923," and certify that the particulars contained therein are to the best of my knowledge correct.

Date —

(Signature —, )

Employer.



### SCHEDULE D.

*The Labour Ordinance No. 1 of 1923 "*  
*Section 14 and 23.*

(Regulation No. 13 of Chapter I. made thereunder.)

WHEREAS under the provisions of section 14 of "The Labour Ordinance, No. 1 of 1923," a sum of—rupees was due to the Controller of Indian Immigrant Labour in respect of fees payable by—proprietor of the estate—in respect of the employment of Indian immigrant labourers on the said estate, and a sum of—rupees was due for costs of seizure and sale, and a further sum of—rupees was likewise due for interest under the provisions of section 15 of the said Ordinance:

And whereas the said estate was seized in conformity with the regulation made under sections 14 and 23 of the said Ordinance and sold in conformity therewith on the—day of—:

And whereas the said estate was purchased by—of—for the sum of—rupees which has been duly paid by the said—:

Now know ye that I, —, Controller of Indian Immigrant Labour, by virtue and in exercise of the powers in me vested in this behalf by the said regulations, do hereby certify that the following property, to wit, — (here describe the property with special accuracy by metes and bounds) —, has been sold to— and purchased by the said—for the sum of—rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said—, his heirs, executors, administrators, and assigns.

Given under my hand this—day of—19—.

(Signature) —,

Controller of Indian Immigrant Labour.

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244 & 366.

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