

Department of Indian Immigrant Labour.

HINTS REGARDING ESTATE LABOUR.

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Hints Regarding Indian Estate Labour.

LABOUR LAWS.

1. This Department is often requested to send the "labour laws" or the like. If statute law only is referred to, the following are some of the local Ordinances relating to manual labour. They can be obtained from the Government Recordkeeper, Secretariat, Colombo, on payment of cost in advance—

(a) Ordinance No. 7 of 1889.

„ No. 5 of 1907.

„ No. 12 of 1907.

„ No. 3 of 1910.

„ No. 14 of 1911.

regarding vagrants and to restrict immigration of destitute and vicious persons.....cts.20

(b) Ordinance No. 3 of 1847.

„ No. 4 of 1882.

„ No. 22 of 1884.

„ No. 22 of 1917.

to prohibit natives of India from contracting in Ceylon for labour to be performed elsewhere and relating to emigration of labourers generally.....cts. 15.

(c) Ordinance No. 11 of 1865, No. 28 of 1871.

„ No. 16 of 1884, No. 13 of 1889.

„ No. 7 of 1890, No. 16 of 1905.

„ No. 14 of 1907, No. 9 of 1909.

„ No. 23 of 1912, No. 43 of 1921 and

„ No. 1 of 1923.

relating to servants, labourers and journeymen artificers under contract for hire and servicects. 35.

- (d) Ordinance No. 8 of 1866
 „ No. 3 of 1897
 „ No. 25 of 1909
 for preventing introduction of diseases...cts. 10.
- (e) Ordinance No. 1 of 1895
 „ No. 23 of 1900
 „ No. 14 of 1922
 „ No. 16 of 1923
 relating to registration of births and deaths
cts. 35.
- (f) Ordinance No. 9 of 1912, No. 16 of 1915,
 „ No. 25 of 1916 and No. 29 of 1916,
 relating to medical wants of labourers in planting districts.....cts. 10.
- (g) Ordinance No. 10 of 1912, relating to prevention of the spread of diseases among labourers
cts. 05.
- (h) Ordinance No. 1 of 1920, regarding education
cts. 35.
- (i) Ordinance No. 6 of 1923, relating to the employment of women, young persons, and children.....cts. 10.

2. The following are some of the regulations relating to manual labour framed under a few of the above Ordinances :—

- (I) Regulations framed under the Ordinance No. 1 of 1923, dated July 12, 1923. A copy of these regulations can be obtained from the Controller of Indian Immigrant Labour, Colombo, on prepayment of cost. Postage stamps will be accepted.....cts. 10.
- (II) Regulation under section 12 of Ordinance No. 10 of 1912, dated July 24, 1923. A copy of these regulations can be obtained from the Director of Medical and Sanitary Services on prepayment of cost.....cts. 05.

3. Indian laws and regulations govern the subject of labour in India. The chief Act concerning Ceylon is the Indian Emigra-

tion Act No. VII. of 1922, which can be had from the Government Press, Madras, at.....cts. 25.

Regulations dated March 23, 1923, under the above Act can be had from this Department on prepayment of cost.....cts. 25.

4. Any person without legal training or time to spare for special study will find even the statutory labour law to be considerable in extent and difficult to master.

5. As questions relating to breach of labour contracts frequently crop up, the following suggestions might help in the majority of cases. They are the opinions held in this department and are given for what they are worth.

(a) Estate employers and labourers are, unless otherwise explicitly provided, bound by a monthly contract, tacitly or otherwise renewed on the first day of each month. Breach of contract gives a cause for an action in a civil (not a criminal) court for the damages sustained owing to the breach referred to. Each party, unless otherwise arranged by mutual agreement, is bound to give the other a month's notice of intention to terminate the contract unless there are special circumstances justifying immediate termination. If A decides on June 15th to give notice to B he must give him notice that he, B, will be discharged on July 15th, and *vice versa*.

(b) An employer who actually discharges a labourer thus on July 15th, or who dismisses him summarily for just cause at any time, must pay such labourer's wages up to the last day of service. If a labourer, without just cause, quits service without notice, he is entitled to his wages up to the last day of the month preceding that on which he was guilty of breach of contract. For the latter month he is not entitled to wages.

(c) Such a labourer has *ipso facto* ceased to be in service and he may demand wages due through an agent.

(d) In settling up wages in such cases, the employer may deduct wages paid in advance and the value of such food and clothes supplied to the labourer by way of advances against wages, as the employer is not legally liable to supply free of cost.

(e) But an employer is not entitled to assess and set off his claims for damages caused by the sudden breach of contract, against the labourer's claims for wages.

6. Questions are frequently asked regarding the right of persons to visit estates.

Section 3 of Ordinance No. 38 of 1917 reads:—

“3. Every person found loitering or lurking about in a plantation, unless he can give a satisfactory reason to the Police Magistrate before whom he is tried for such loitering or lurking, shall be guilty of an offence, and shall be liable on conviction before such Magistrate to imprisonment of either description for any term not exceeding six weeks, or to a fine not exceeding twenty-five rupees.”

Section 427 of Ordinance No. 2 of 1883 (the Penal Code) reads:—

“427. Whoever enters into or upon property in the occupation of another with intent to commit an offence, or to intimidate, insult or annoy any person in occupation of such property, or having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult, or annoy any such person, or with intent to commit an offence, is said to commit ‘criminal trespass.’”

RECRUITMENT OF LABOUR.

System of Control.

7. Labourers in India who agree to come to Ceylon to work for the employer who recruits them are technically termed “emigrants,” and should be recruited on licenses issued by this Department to recruiting kanganies. Other labourers or persons who travel from India to Ceylon on business or in search of work are not “emigrants.” An “emigrant” ceases to be such when he has been five years’ resident in Ceylon.

8. License books are issued free to estates which contribute acreage fees after assessment, and this Department pays all the labourers’ expenses from the agency in India nearest their homes to the railway station in Ceylon nearest to the estate concerned.

9. Furthermore, this Department pays an allowance of Rs. 10 per head for each labourer recruited, to cover the expenses of the recruiting kangany.

10. But this allowance is not paid for children, and it is paid only in respect of immigrants over twelve years of age who are working labourers. It is paid half-yearly, in May and November for labourers arriving in the periods October to March and April to September respectively. If, before the accuracy of recruiting allowance payments is questioned, the above is borne in mind, much unnecessary correspondence will be obviated.

11. In the case of would-be recruiters who do not pay acreage fees, recruitment of Indian "emigrants" can be most easily and cheaply done through this Department, the system being deposit in advance or Bank guarantee of the probable cost, with the Controller, followed by issue of a C license and refund by the Controller of the cash balance, if any, when recruitment is completed.

12. Non-emigrants are free to travel to Ceylon at their own expense without hindrance except as regards the detention in quarantine for six days enforced by the Ceylon Government at Tataparai and Mandapam.

13. A recruiting 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 Indian labourers. He must have had at least three months' service on such employer's estate unless he has been over one year resident in Ceylon, when a period of three weeks' residence on the recruiting employer's estate will suffice.

14. Licenses will be issued to women recruiters. If a woman recruiter is an "emigrant," that is a person with less than five years' habitual residence in Ceylon, she must be accompanied on her return journey to Ceylon by a relative over eighteen years of age. A note should always be given to such recruiter stating whether she is an emigrant or a non-emigrant, or the wife of a man with the five years' residence qualification. If her husband is at the coast the fact should always be mentioned.

15. As a rule, licenses will be refused to persons under eighteen years of age and will always be refused unless the Superintendent states special reasons in exceptional circumstances.

16. In the case of Muslim recruiters the employer should state if the recruiters have a Muslim labour force and intend to recruit amongst their own relations and race in places where they have

long-standing connections. If not licenses will not be endorsed, as these men often make use of professional recruiters in India to secure unsuitable labourers.

17. Recruiting kanganyies should be carefully selected and warned to behave properly in India, to avoid making false promises which lead to the turning back of labourers, to comply with the written instructions given to them, not to harass recruits or lend money to, or take money from, them and to keep off the Controller's black list, entry upon which will terminate their recruiting activities.

18. A license for Kanganyies "At Coast" will be sent by the Controller to the Ceylon Emigration Commissioner at Trichinopoly, who will issue such to the agency concerned, where the kangany should be directed to call for it. This is necessary to prevent illegal recruiting by the kangany before the license has been endorsed by the Ceylon Emigration Commissioner. It also prevents impersonation and enables the authorities to obtain the kangany's signature on the license before the license can be used.

19. Where licenses are issued to kanganyies in Ceylon they should be warned not to recruit until their licenses have been endorsed by the Ceylon Emigration Commissioner. Endorsement can be made at the Ceylon Labour Commission office, Dhanushkodi, or at any of the Labour Agencies in South India. The list of such is as follows :—

Arantangi	Madura	Salem
Arkonam	Mandapam	Tanjore
Atur	Musiri	Tinnevelly
Chingleput	Namakal	Trichinopoly
Dindigul	Perambalur	Turaiyur
Erode	Pudukottai	Vellore
	Villupuram	

20. Applications for licenses incorrectly filled in will be returned to the Superintendent by the Controller, even in cases where the latter might risk making corrections himself, as the policy of placing the responsibility for correct details on the applicant has proved to be efficacious to all concerned.

21. If a recruiter loses a license in India he should apply for a new one, not to the Controller, but to the Ceylon Emigration Commissioner, Trichinopoly, or at one of the Labour Agencies.

22. Application for cancellation of licenses issued and duly endorsed by the authorities concerned, should be made to the Ceylon Emigration Commissioner, Trichinopoly.

23. Licenses are usually issued by the Controller for a period of one year from the date of endorsement. But they may be issued on special request to the Controller for a shorter period where, for instance, an employer wishes to enable a particular kangany to recruit in a year on two or more licenses more than the 20 labourers and their dependants for which each license is valid.

24. On expiry of the period of one year referred to, a license may be renewed by the Ceylon Emigration Commissioner, Trichinopoly, for periods of three months for the recruiting of ten labourers during the period of renewal, or, a new license can, of course, be taken out.

25. No Kangany may hold two licenses at the same time or licenses for more than one estate.

Wages Offered on Licenses.

26. In filling up licenses to recruit labourers in India, in the column "minimum wages offered" the wages actually paid to sickly or feeble labourers should not be entered.

27. The wages "offered" are presumably those offered to able-bodied labourers capable of doing a normal day's work regularly, not those paid to labourers who have turned out to be inefficient; and the insertion of such rates as 5 or 6 annas for men do not help recruiting or planting interests generally.

28. On the revised statement given and read out to recruits in India by the authorities, it is stated that the usual rates of wages for able-bodied labourers in Ceylon are for men, 50 to 65 cents, for women 30 to 50 cents, and for children 20 to 25 cents. It is suggested that the minimum time-wage amounts offered on license forms and paid later on to average workers should not be at variance with the above. Bonuses are wages and should be included in a statement of cash wages offered.

Pay Declarations.

29. This Department does not send receipts for monthly pay declarations. As soon as they are received a note is made

in the register and if an estate Superintendent does not receive a reminder he may rest assured that his pay declaration has been recorded. This procedure obviates the necessity of writing about 25,000 letters annually.

30. If labourers desire to be paid two or more months' wages on festival days, employers are requested to see that the request comes really from the labourers and not from their kangannies. Labourers' wages should always be paid to the labourers in person not to kangannies or other subordinates on behalf of the labourers.

Transport of Labourers.

31. Employers are advised in advance of the date of arrival of immigrant labourers. The latter should be met at the railway station concerned where the escort peon will hand over the labourers.

32. Immigrants bound for estates leave Mandapam Quarantine Camp in the afternoon and reach Polgahawella early next morning. Labourers who cannot reach their destination by daylight will be detained and fed at the Labour Distribution Depôts at Polgahawella or Colombo Fort Station so as to enable them to travel by trains which will make it possible for the labourers to reach estates during the daytime. The officer in charge of each of these depôts is called the Supervisor.

Quarantine.

33. The Controller has nothing to do with quarantine work. The Chairman, Board of Immigration and Quarantine, His Majesty's Customs, Colombo, deals with that subject. In India the officials concerned are the Superintendents, Mandapam and Tataparai Camps. Applications to waive detention in quarantine in India should not be addressed to the Controller or Ceylon Emigration Commissioner, Trichinopoly. The Mandapam Quarantine Camp is also the "place of accommodation" provided, as required by the Indian Emigration Act, for emigrants about to leave for Ceylon. But the Controller has nothing to do with quarantine work at Mandapam.

Estate Labour Books.

34. The following books which should be kept at the office of every estate employing Indians are issued free of cost by this Department to those paying acreage fees:—

Register of Labourers	..	Rs.	3.50 4.55 - 75 from bar
Discharge Certificates	2.50 - 25 " "
Pay Declarations	0.50

They are issued Value Payable Post to non-contributors to the Immigration Fund at the prices quoted above. Birth and Death Report Books should be obtained from the Provincial Registrar.

35. Superintendents are legally bound to enter in their Labour Registers the names of all Indian labourers in the employ of the estate, whether they are employed on check-roll, contract or other account and whether they are employed with or without discharge certificates.

36. The registers must be entered up so as to show at any moment the labourers in the employ of the estate, the date of engagement, date of discharge, etc.

37. The registers should be entered up in ink and be available at the estate office, so that, *inter alia*, this Department's inspecting officers can ascertain therefrom the number of Indian labourers in the employ of the estate on the first day of each month.

38. No labourer should be allowed to return to India without an identification certificate. Otherwise he meets with difficulties on his return; and a lot of unnecessary and expensive telegrams are now sent between India and Ceylon owing to the negligence of estate Superintendents in this respect. The following is the best form of identification certificate:

Identification Certificate.

1. Name:———.
2. Father's Name:———.
3. Sex:———.
4. Age:———.
5. Race and caste:———.
6. Distinguishing marks and height:— ———.

7. Kangany's Name :——.
8. District in India :——.
9. Taluk in India :——.
10. Village in India :——.
11. Post Office in India :——.
12. Length of habitual residence in Ceylon :—— —
13. Whether wife or child joining husband or parent in Ceylon.

This labourer is proceeding to India. Should ^{he}/_{she} desire to return, I am ^{willing}/_{not willing} to re-employ ^{him}/_{her}.

.....Estate.

Date :....., 19....

Superintendent.

Repatriation.

39. The Controller has issued free repatriation forms to all estates employing Indians. Such repatriation is granted at the expense of the Immigration Fund, only in cases of incurable disease certified to by a Medical Officer.

ACREAGE FEES.

40. Acreage fees are payable by tea, rubber, cacao and cardamom estates employing Indian labour. An estate comprises all blocks of land in the same neighbourhood owned by one person and superintended by one person. Land is not assessed until it has been planted, but it is assessable before it comes into bearing.

41. Delay in paying acreage fees renders an estate liable *inter alia* to a ten per cent penalty which should be avoided by any estate which is well managed.

Lending Labour.

42. Estates employing Indian labour should have their own labour force and pay acreage fees. Other estates should not by lending Indian labour permanently, allow the borrowing estate to escape payment of these fees to the common fund.

Quitting Service by Labourers.

43. Superintendents should allow labourers to quit service freely if they give a month's notice and should give each one a discharge certificate.

Cash Inducements to Labourers.

44. Superintendents should not injure the industry and labourers by offering them cash inducements to commit breach of their monthly contracts by leaving service without notice.

Rice Supply on Estates.

45. Some rice traders supply blended rice. Estates should insist on getting clean unblended rice of one grade, all of which can be cooked properly in a given length of time, which is not the case with blended rice.

Schools.

46. Estates should provide schools for Indian children and should have them registered by the Director of Education, Colombo, so that they may earn the Government grant allowed.

Housing and Care of Labour.

47. Every estate should in its own, the labourers', and the general interests house its labour properly.

It is desirable to employ properly qualified dispensers and to have trained midwives on estates and lying-in facilities.

Diaries in Estate Offices.

48. In a well-managed estate office unnecessary work and trouble can be avoided by the use of diaries or the like showing the proper dates for attention to the recurrent duties required by law to be taken from time to time.

Official Correspondence.

49. Official correspondence should not be addressed to a person by name, but according to the official designation of the office concerned. If not replies may be delayed if an officer is on circuit or on leave (perhaps in Europe).

The following are telegraphic addresses :—

Name.	Telegraphic addresses.
Controller of Indian Immigrant Labour, Colombo.	Conlabour, Colombo, (and all Post Offices in Ceylon).
Ceylon Emigration Commissioner, Tri- chinopoly.	Comcelem, Trichinopoly (not registered for any other Post Office.

Ceylon Labour Commissioner, Trinchnopoly.	Rubber, Trinchnopoly, (not registered for any other Post Office).
Assistant Labour Commissioner, Mandapam.	Pepper, Mandapam, (not registered for any other Post Office).
Emigration Agent to the Government of India, Peradeniya Road, Kandy.	Zuripunga, Kandy.
Planters' Association, Kandy.	Pack, Kandy.
Superintendent, Mandapam Camp, Mandapam.	Camp, Mandapam.
Superintendent, Tataparai Camp, Tuticorin.	Superintendent, Immigration, Tuticorin.
Commissioner of Labour, Chepauk, Triplicane, Madras.	Labdep, Madras.

Superfluous Correspondence.

50. Unless some special comment is required, covering letters need not be sent to this Department with licenses, pay declarations or assessment returns. Thousands of unnecessary letters of this kind are written annually.

51. Pay declarations are due monthly and B schedule assessment returns quarterly in January, April, July and October. If these were sent in by all estates punctually, much unnecessary correspondence would be avoided, not to mention occasional prosecutions in Court.

51. These "Hints" should be kept at the estate office for reference, and should be referred to when difficulties about procedure, etc., arise.

T. REID,
Controller of Indian
Immigrant Labour.

Department of Indian Immigrant Labour,

Colombo, July, 1926.