Chapter Two
The arrival of 'Altas' with thirty six Indian indentured labourers on 2 November 1834 marked the beginning of a new era of emigration of Indian labourers in which they were transported across the political boundaries of India to work for imperial enterprises, especially for work in plantations. Emigration of Indian labourers to other colonies was carried out in a systematic manner through a well structured and carefully administered system – ‘indenture system’, which was evolved and reformed by the colonial authorities through different administrative measures, legislative enactments, Acts, recommendations of Enquiry Committees set up from time to time to identify problems in working of the system and address grievances. Every aspect of the emigration process – from significant aspects like recruitment, terms of service, transportation, and wages to the relatively insignificant issues like accommodation in transit cooked or uncooked food, dress of emigrants – was very carefully regulated by the colonial authorities in Britain, India and Mauritius, at least as reflected through the language of the administrative records.

This chapter attempts to study the indenture system at two juxtaposing levels – first, study of the administrative structure and functioning of the system – rules, acts, reports, agencies for functioning etc. which were articulated in a language which aimed to create an image of the empire as ‘paternalistic benevolent state’ and which was part of the larger project of establishing the hegemony of colonial rule. The second level to be studied in this chapter is the popular response to the indenture system and its opposition by the Indian nationalist leaders as part of the counter-hegemonic project of the Indian national movement.
The indenture system began at the behest of the individual planters of Mauritius with minimal government interference. On 9 September 1834, a representative of Hunter, Arbuthnot and Co. of Mauritius, Mr. G.C. Arbuthnot, signed an agreement with thirty six ‘hill coolies’ in the presence of D. McFarlan, Chief Magistrate at the Calcutta Police Office.\(^1\) The agreement\(^2\) mentioned that these labourers will work on the sugar estate for five years and will receive Rs. Five as monthly wages. In addition to the cash remuneration, they were also to be provided with free food and clothing as per the scale fixed in the agreement, and after completion of five years of service, they were entitled to a return passage.\(^3\) Though this process was a private enterprise, it required certain supervisory measures and administrative formalities like signing of a contract mentioning terms of service, wages, etc., in the presence of a Magistrate, and an examination at the Police Office that the emigrants were going voluntarily and understood the terms and conditions of service.\(^4\)

The initiative of Arbuthnot was immediately followed by other planters and, by the end of following year, fourteen ships carrying coolies from Calcutta touched the shores of Mauritius\(^5\), bringing in 1182 Indian males and 72 females\(^6\) and by the end of 1839 more than 25000 Indian immigrants were brought to Mauritius.\(^7\)

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1. Mc Farlan to Prinsep, dt. 10 Sept. 1834, RA/341, Mauritius Archives (hereafter MA).
2. Copy of agreement in Bengali language is available in Mauritius Archives. RA/341.
7. Ibid.
Table 2.1

Arrival of Indian Immigrants, 1834-39

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1834</td>
<td>75</td>
<td>--</td>
</tr>
<tr>
<td>1835</td>
<td>1182</td>
<td>72</td>
</tr>
<tr>
<td>1836</td>
<td>3639</td>
<td>184</td>
</tr>
<tr>
<td>1837</td>
<td>6939</td>
<td>353</td>
</tr>
<tr>
<td>1838</td>
<td>11567</td>
<td>241</td>
</tr>
<tr>
<td>1839</td>
<td>933</td>
<td>102</td>
</tr>
</tbody>
</table>

Source: General Statement on Indian Emigration, T. Hugon.

However the system started in such haste that it had ample scope for confusion, manipulation and fraud. Very soon complaints about frauds and kidnapping by recruiters, ill treatment during voyage, and misrepresentation about work to be done in Mauritius, stated to surface. J.P. Woodcock of the Bengal Civil Service visited Mauritius in March 1836 and submitted his report to Governor General of India Auckland, in November 1836. Woodcock’s report revealed various problems in the recruitment of emigrants and their transportation to Mauritius. He noted that many emigrants were recruited by false representation about the prosperity of the colony and the nature of work. Pointing out the problems during voyage he wrote:

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'Coolies were disposed of in the waste, between the gangways and the free castle..., being unprotected from every change of weather and climate'. Though the coolies had to assist in the working of the ship, he ruled out the ill treatment during voyage.\(^9\)

Almost at the same time, another member of the Bengal Civil Service, T.C. Scott, went to Mauritius on sick leave. After returning from Mauritius he too reported about the prevailing false representation in mobilizing the ignorant people to migrate\(^10\) and recommended a strict supervision of agreements, identification of emigrants and the accommodation in the ships.

In the meantime, three ships, William Wilson, Adelaide and Indian Oak, which were bringing Indian labourers from Calcutta, reported high mortality rate and cases of Asiatic Cholera and these ships were placed in quarantine in Mauritius.\(^11\) All these ships left Calcutta without a doctor on board and carried full cargo of rice which made proper accommodation impossible for Indian labourers. This event underlined the fact that the transportation of Indian labourers to Mauritius was in complete mess and strict regulations about the passage, space, hygiene and medical facilities were needed on the ships carrying immigrants.

The first initiatives to secure safe passage and regulate the system of recruitment came from the Government of Mauritius which suggested the adoption of the Passenger Act which regulated the general human transportation in the British

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\(^9\) ibid, p. 152.
\(^10\) *Papers Respecting the East Indian Labourers Bill, 1838*, No. XXV Encl. 12(2), pp. 159-164.
\(^11\) On William Wilson, 31 out of 224 passengers died, on Indian Oak 6 out of 212 passengers died and on Adelaide 24 out of 72 passengers died. Colonial Secretary, Mauritius to Chief Secretary, Government of Bengal, dt. 22 April 1837, PP, Vol. iii, No. 180, 1837-38; *Papers Respecting the East Indian Labourers Bill, 1838*, NO. XLII, pp. 210-12.
Chapter 2

demand, and refusal to approve the agreements by Calcutta Police unless the name of the employer is properly mentioned in the agreement. Responding to the adverse reports about the system, Government of India finally decided to intervene and the Law Commission (headed by Macaulay) was assigned the responsibility to formulate regulations for administering the emigration of Indian labourers. Subsequently, Act V of 1837 was passed by the Legislative Council on May 1837, to regulate the emigration from the Calcutta Port. Act V fixed the length of service under contract for five years, extendable for further five years, provision of free return passage, explaining the details of the contract to the intending emigrant in vernacular language by an appointed officer, presence of a native or European doctor and sufficient medicines on vessels carrying emigrants, and maintaining of register at Calcutta port carrying details of the emigrants. The Superintendent of Calcutta Police, Captain Birch, was assigned the responsibility of controlling the system at the Calcutta Port. At the request of Governments of Madras and Bombay, provisions of Act V of 1837, which were limited to the port of Calcutta, were reformulated as Act XXXII of 1837 and extended to the whole of the East India Company’s territories and regulation of the emigration of Indian labourers.

Through these Acts, the government of India tried to prevent the frauds and other abuses in the system but it did not take much time to reveal the ineffectiveness of these preventive measures. Instances of fraud, deception and deaths during voyage were being reported constantly in the newspapers and a general discontent began to

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12 Circular issued by the Colonial Secretary, Mauritius to the people who went to import Indian labourers, PP Vol. iii, No. 180, 1837-38.
13 ibid.
14 PP, Vol. xvi, No. 45, 1841, Appendix 1A.
15 Geoghegan Report, 1873, p. 4; Papers Respecting the East Indian Labourers Bill, 1838, No. XLV, pp. 219-220.
evolve against the emigration of Indian labourers, both in India and England.\footnote{Opposition to the emigration of Indian labourers to Mauritius and other colonies will be discussed at length in the last section of this chapter. However, to maintain the continuity of the narrative, these instances of opposition in India will be cursorily mentioned here along with a detailed discussion of the anti-indenture initiatives in England.}


The British Government, which had so far paid almost no attention to the entire process, suddenly found itself amidst criticism and attack from the liberal humanitarian press and legislators for promoting a new kind of slavery. It adopted a two pronged strategy for damage control and to protect the humanist paternalistic image of the colonial state. The first was that of finding out the problems of the system through Enquiry Committees and of rectifying these problems through strict legislative measures. The second part was to emphasize the point that emigration was, in general, good for the people and was providing them with new opportunities. As a stronger enactment to regulate the emigration, the colonial secretary, Lord Glenelg, drafted an act, entitled very suggestively as 'Act for the Protection of Natives of her
Majesty's Territories in the East Indies contracting for labour to be performed without
the said territories, and for Regulating their Passage by Sea', which was tabled in the
British parliament. The presentation of this draft act was the first attempt so far by the
British government to regulate the emigration process and thus protect the interests of
emigrants and ensure safe passage. However its enactment was deferred because the
Court of Directors of the East India Company sought time to go through its
provisions. 20

In India too, the evils of the indenture system were fast becoming a matter of
concern for the reformist people and press. The Indian Press, especially the English
language paper, Bengal Harkaru, carried a series of news items as well as articles and
poems exposing the deplorable condition of Indian labourers in colonies and the
deceptive and fraudulent methods used for mobilizing them to migrate. 21 This was
considered a big disgrace for the Government. 22 A clergyman in Calcutta, Thomas
Boaz, examined some migrants before they embarked for Mauritius, as well as some
returnee emigrants, and this revealed the deception of Indian labourers and harsh
treatment that they had to face in Mauritius. 23

A meeting was organized in Calcutta Town Hall on 10 July 1838 to register
protest against the 'system' which was presided over by Mr. J. Young, the Sheriff of
Calcutta and attended by many prominent public figures like Thomas Boaz and
Dwarka Nath Tagore and it was resolved that they would ask the Government for a
'full enquiry' into the system. 24 Subsequently a petition was submitted to the
President in Council, A. Ross demanding to ‘ban the export of natives of Bengal to

20 PP, Vol. iii, No. 59, 1837-38, Papers Respecting the East Indian Labourers Bill, 1838, No. XLVI,
pp. 221-230.
21 Bengal Harkaru, 7 June 1838 and 5 July 1838, National Library (hereafter NL)
22 Bengal Harkaru, 9 June, 1838.
23 Cumpston, Indians Overseas, p. 21.
the island of Mauritius and Bourbon, Australia, British Guiana and other places on
grounds of injustice and ill treatment of immigrants' and containing the elements of a
new species of slavery.\textsuperscript{25}

Government of India took serious note of these allegations and the very next
day, 11 July 1838, it suspended the export of Indian labourers to West Indies
temporarily. Considering the non-feasibility of the complete prohibition of the
emigration of Indian labourers, a thorough modification of the existing emigration
regulations was needed to make them more effective. This modification exercise,
needed detailed information about the various aspects of the emigration system and its
functioning for which the Government of India decided to set up committees to
conduct enquiry into the abuses alleged to exist in the exportation of Hill Coolies.

It also requested the Government of Mauritius\textsuperscript{26} and other colonies\textsuperscript{27} importing
Indian labourers to enquire into their condition. On 1 August, a committee comprising
six members, namely T. Dickens, James Charles, W. Dowson, Major E. Archer,
Rassomay Dutt and J.P. Grant, was appointed in Calcutta.\textsuperscript{28} The Dickens Committee
began to collect evidence by examining the people associated with emigration
process, intending as well as returned emigrants, and this process revealed the
numerous evils associated with the system like kidnapping, deception and
misrepresentation, ill treatment during voyage, non conformity of contracts in
Mauritius, and so on, as well as the ineffectiveness of the existing legislative
measures and police supervision in controlling these abuses.\textsuperscript{29} The committee was
sceptical about the effectiveness of further regulatory measures, and hence, by

\textsuperscript{26} Encl. 5 to document 1.4, Carter, Marina and Saloni Deerpalsingh (eds.) \textit{Select Documents on Indian
\textsuperscript{27} (hereafter Select Documents)
\textsuperscript{28} Encl. 6 to document 1.4, Select Documents, Vol. I, pp. 41-42.
\textsuperscript{29} \textit{Report of Dickens Committee}, (also referred to as Calcutta Committee) PP, Vol. xvi, No. 45, 1841;
also V/27/820/1-3, OIOC. (hereafter \textit{Report of Dickens Committee})
majority\(^{30}\) recommended the abandoning of the system.\(^{31}\) The Committee, which was set up to enquire about the general problems with the system and the condition of the emigrants, had done that very diligently. But it was very interestingly concerned with another issue, i.e. the humanitarian image and the moral influence of the British Empire, and it opined that the renewal of this traffic (since it had already been suspended) would weaken the moral influence of the British Government throughout the world and would utterly destroy the effect of all further remonstrations and negotiations regarding the slave trade.\(^{32}\)

Enquiry Committees were set up in Madras and Bombay also. However, they were not as elaborate, the reason being the relatively smaller quantum of emigration from these ports. The Madras Committee generally found the system free from any abuse except the evidence of the Collector of Malabar who expressed his dissatisfaction with the assembling and shipment of coolies. The Bombay Committee in its report dated 20\(^{th}\) September found the system free from any kind of abuse.\(^{33}\)

The Mauritian Government was satisfied with the condition of Indian labourers in the colony, though it welcomed the suggestion of ‘Indian Government for setting up enquiry committee which would dispel the ‘misstatements’ cannot fail to prove highly satisfactory as to the state and condition of the Indian labourers generally.’\(^{34}\) It also, very confidently, invited the officials of the Indian government to participate in the enquiry committee which would make it more ‘agreeable’ and ‘satisfactory’ to the Government of India.\(^{35}\) Accordingly, on 15 October 1838, Government of Mauritius appointed a committee of enquiry to obtain information about the treatment of the Indian labourers in Mauritius, their general working

\(^{30}\) ibid. J.P. Grant and W. Dowson show their disagreement with the report.
\(^{31}\) ibid.
\(^{32}\) ibid.
\(^{34}\) Dick to Prinsep, dt. 12 September 1838, CO/167/210, National Archives, London. (This repository was famously known as Public Records Office before its name is changed as National Archives therefore I have used PRO as abbreviation hereafter)
\(^{35}\) ibid.
conditions and arrangements for their return passage.\textsuperscript{36} In the course of the enquiry, the committee members formed sharply contrasting opinions. C. Anderson, Superintendent at Special Magistrate’s office, submitted a report on 13 November 1838.\textsuperscript{37} Anderson’s investigations revealed that many of the Indian labourers were actually kidnapped from their own country and that they are generally overworked and severely punished on estates, and therefore he underlined the need for a speedy and sure remedy.\textsuperscript{38} Other members contested Anderson’s findings on the pretext of being based on insufficient evidence and concluded that the ‘coolies were treated with humanity and kindness’ and ‘their condition on the island is superior to what it is in most parts of the India’.\textsuperscript{39} The Government of Mauritius expressed its satisfaction with the enquiry, and though Governor Nicolay recognized the abuses in the system of recruiting coolies for Mauritius, he shirked his responsibility by suggesting that it can be rectified only in India.\textsuperscript{40}

Irrespective of the conclusion that they arrived at, these enquiry committees, in course of the investigation revealed the existence of rampant abuses and deceit in recruitment, unhygienic transportation and severe exploitation and ill-treatment in Mauritius. Taking a serious note of all this, the Government of India, which had already suspended the emigration of Indian labourers, passed the Act XIV of 29 May 1839, even before the final report of the Dickens Committee was submitted to the Government of India on 14 October 1840. This Act prohibited the emigration of Indian labourers with effect from 1 July 1839 and any violation of this prohibition was made a criminal offence with penal provisions.\textsuperscript{41}

\textsuperscript{36} Nicolay to Glenelg, dt. 21 May 1834, PP, Vol. xxxvii, No. 58, 1840.
\textsuperscript{37} ibid.
\textsuperscript{38} ibid.
\textsuperscript{39} ibid.
\textsuperscript{40} ibid.
\textsuperscript{41} Extract from the letter of Governor of India, dt. 27 May 1839 pp. 16-18, \textit{Further Papers Respecting the East Indian Labourers Bill}, No. X, 1838.
Government Regulated System: 1842 Onwards

The order of the Government of India prohibiting emigration of Indian labourers came as a serious blow to the sugar planters of Mauritius, who had visualized the possibility of enormous profit from the growing sugar plantation economy. They now feared the death of the sugar industry because of the scarcity of labour force and they started lobbying for the resumption of the system. However, they focused their activities more in Britain with the help of the pro-industrial lobby and urged for a direct involvement of the British Government. A petition by ‘planters, merchants, traders, and other inhabitants of Mauritius’ was submitted to the Government requesting the lifting of the ban on emigration of Indian labourers. Some of the arguments that the petitioners used to support their request were their total dependence on immigrant labourers, huge investments in the sugar plantation, and the benefits of emigration for over-populated India, for Mauritius and for the empire as well.

C. Anderson was delegated to go to London to voice the concerns of the Mauritian planters and lobby for the resumption of the system. This was a conscious choice of the plantation lobby in order to express their willingness to reform the system and show their concern for the grievances of the emigrant labourers, as Anderson had earned great respect from the anti-indenture lobby for his vocal criticism of the indenture system and for pointing out the instances of ill-treatment of Indian labourers in the Mauritius enquiry.

Mauritian planters and other people who were associated with the sugar trade formed the Free Labour Association to collectively argue for the resumption of the emigration from India. Free Labour Association strongly objected to the observations

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42 Planters’ anxiety increased by a simultaneous proclamation of Governor of Mauritius, Nicolay which announced the termination of all apprentices and ending of all compulsory labour. Nicolay to Glenelg, dt. 8 March 1839, PP, Vol. xxxvii, No. 58, 1840 and Anderson to Russell, dt. 1 May 1840, PP, Vol. xxxvii, No. 331, 1840.

and arguments of the Dickens Committee like calling it trade, hardship of emigrants, ignorance and deception of emigrants etc.\(^{44}\) They argued for a system of emigration under the complete control of the Government which would effectively check the fraud and other evils allegedly associated with the previous system. It even proposed an elaborate plan in which emigration was to be carried out by the agents who would be appointed by the Association but should work under the control of the Government. The emigrants would have the choice to opt for their employers, their interests and well being was to be observed by a Magistrate, etc.\(^{45}\) This plan clearly was an effort by the planter lobby to pacify the critic of the indenture system and to get them to withdraw their objection, it not active support, to the resumption of system.

In colonial administrative circles, the tune was gradually changing towards resuming the emigration with almost all major administrators speaking about it in a favourable manner. Stanley, the Secretary of State for Colonies, found it 'among the few resources open to the sufferers (Indian poor) for escaping these calamities (poverty and distress)'\(^{46}\), and that it was necessary for the utilization of 'the fixed capital' and resources of sugar colonies since the ex-salve population had withdrawn itself from agriculture labour.

Prinsep found emigration as a powerful agent of civilization\(^{47}\) which should be encouraged. These opinions were arguing for emigration on lines similar to those which the planters had put forward, i.e. emigration as an avenue for the Indian labourers for escaping their poverty and sufferings and its benefits for the economies

\(^{44}\) PP, Vol. xxx, No. 26, 1842.
\(^{45}\) 'New Plan of Immigration from India, Madagascar, Muscat and Others', dt. 8 June 1840, PP, Vol. xxx, No. 26, 1842.
\(^{46}\) Letter from Secretary of State for Colonies, dt. 22 January 1842. Further Papers Respecting the East Indian Labourers Bill, No. XXXI.
\(^{47}\) Minute of Prinsep, dt. 9 May 1841, PP, Vol. iii, NO. 43, 1841.
of India, Mauritius and ultimately of the empire. The following statement of Lionel Smith reflects the sentiment ‘...the free labourers who find employment here from India... will be infinitely better off here than in their overstocked country; and ...their mercenary habits will be gratified to the ultimate advantage of India and Mauritius.’

Gradually convinced about the necessity of immigrant labour to meet the post emancipation crisis in the sugar economy, colonial office in Britain and the Government of India decided to resume the emigration, though initially only for Mauritius. The Anti Slavery Society raised objections to the attempts to reopen the ‘coorie trade’. It published a pamphlet exposing the ‘deplorable conditions of Indian labourers in colonies’ and petitions were submitted urging the British Government not to reopen the emigration of Indian labourers. However, even the objections of the Anti Slavery Society took a pro-emigration stance but with adequate regulations, which was just contrary to their earlier stand in which they had argued that no law or administrative means can secure fair treatment for immigrants in Mauritius:

‘It is true we have called for a present prohibition rather than regulation of the transportation of coolies, but certainly only for a temporary prohibition; we never thought of shutting up India absolutely and for ever. We must see a great alteration in the whole system before we can set to its extension.’

Once the administration in Britain, Mauritius and India agreed in favour of reopening the emigration, the conditions regulating emigration were worked out and

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48 Smith to Russel, dt. 29 December 1840, PP, Vol. xxxvii, No. 311, 1840.
49 Scoble, John, *Hill Coolies: A Brief Exposure of the Deplorable Condition of the Hill Coolies in British Guiana and Mauritius, and of the Nefarious Means by which They Were Induced to Resort to these Colonies*, Harvey and Dartion, London, 1840. (hereafter Hill Coolies) the term Hill Coolies was used to denote the indentured Indian immigrants because the initial stream of immigrants came from the hill regions of eastern India and Chota Nagpur plateau.
50 Memorial of W. Ball, Chairman of the Committee of Anti Slavery Society, 28 February 1840, in Scoble, *Hill Coolies*; Tregold J.H., *Emigration from India: The Export of Coolies and other Labourers of Mauritius*, British and Foreign Anti Slavery Society, 1842, OIOC.
51 *Anti Slavery Reporter*, dt. 25 March 1840 in Tregold, op.cit.
the final sanction for reopening the migration to Mauritius came in the form of an Order in Council dated 15 January 1842. On receipt of the order in council, Government of India prepared a draft ordinance No. 11 of 1842, in which detailed regulations for carrying out emigration from India were formulated.\textsuperscript{52} When the Government of Mauritius expressed its assent to the above draft ordinance, Act XV was approved by the Governor General of India on 2 February 1842 for regulating the emigration of native inhabitants of the territories under the Government of the East India Company to the island of Mauritius. Act XV of 1842 permitted the emigration from Calcutta, Madras and Bombay and its provisions included appointment of Protector of Emigrants, emigration agents at the port of embarkation, return passage, detailed voyage regulations regarding space, food, medical care; wages and penal provision for any violation of the regulations. Labourers Act XV of 1842 set a government controlled system of overseas emigration of Indian labourers which continued till the 1920s and under which more than 4, 50,000 Indians immigrated to Mauritius. (See appendix 1)

Once the decision to allow the overseas emigration of Indians under Government control was taken by the colonial authorities, an administrative system and legislative structure was gradually being evolved to carry out the emigration process. The essentials of the functioning of the indenture system in India were - financing of the system, legislative guidelines in form of various ordinances and acts passed by Government of India, an administrative machinery to oversee the operations and various enquiry Commissions to find out the problems in the working of the system and to suggest the remedies. These are being briefly discussed below to illustrate the working of the system.

\textsuperscript{52} Title of draft ordinance 11 of 1842. \textit{Select Documents}, Vol. I, Encl. 1 to Document 1.9, pp. 80-82.
i. Financing the System

Since one of the foremost reasons for sourcing emigrants through indenture system was to secure a massive labour force for plantation work, the primary concern of the plantation lobby was to reduce the cost of the introduction of labourers\(^{53}\) so as to obtain maximum possible numbers and to shift the cost ultimately upon the indentured labourers (e.g. deduction from monthly wages for the return passage).

During the period of 1834-39, when indentured emigration was carried out by the planters themselves, they paid for the introduction of labourers at the rate of approximately £10 per emigrant.\(^{54}\) When the system was resumed in 1842, it was financed through 'Bounty system' in which the Government of Mauritius contributed £6 to £7 per adult emigrant introduced and the planter who employed these emigrant labourers contributed £2 (for Madras recruits) and £2,6s. (for Calcutta recruits). Ordinance 2 of 1842 provided for an annual sum of £25000 from colonial revenues to finance the introduction of immigrant labourers.\(^{55}\) To raise this fund, Revenue Committee of the Government of Mauritius decided to impose a consumption duty on all spirits locally manufactured as well as imported into the colony.\(^{56}\) Considering the fact that the cost of introducing the labourer from Calcutta and Madras were the same, Mauritian planters decided on the same bounty for emigration from both the ports.\(^{57}\) Mauritian planters were so desperate to obtain emigrant labour force that in the very first year of the resumption of the indenture system 39,755 immigrants were introduced in the colony.\(^{58}\) This resulted in heavy financial burden for the Government which, together with the planters, had spent £7,00,000 on emigration for

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53 Cost of introducing an indentured labourer was 1/10\(^{th}\) of African labour.
55 Encl., Stanley to Gomm, dt. 27 July, 1842, SA 33/5, MA.
56 Report of the Revenue Committee, dt. 23 May 1842, CO/167/238, PRO.
57 Minute of the proceeding of the Council of Governor, dt. 1 May 1843, CO 167/246, PRO.
58 Hugon Report.
the years 1843 and 1844. Out of this huge expenditure, only £40,000 had been raised from the taxes which were introduced to meet the expenses of the system. Apart from putting heavy burden on the Government treasury, it exposed the complete mismanagement of the system in which massive inflow was allowed without taking into consideration the availability of the funds for this purpose. The need to control the volume of immigration was discussed by the colonial administrators and C. Anderson, Protector of Immigrants at Port Louis who was deputed to go to India, was assigned the task of devising measures to curb the heavy expenditure. Anderson suggested a two-fold remedy: limit the cost by restricting the number of immigrants to be introduced in a year, and reduce the cost by removing the middlemen involved in the process. Accordingly, immigration to Mauritius was confined to the port of Calcutta only and an annual quota was fixed at 6000 emigrants.

This led to the introduction of a new system of financing called the ‘contingent system’ in which the Government of Mauritius had to bear the entire cost of introducing the migrant labourers. However, very soon it was questioned by the Governor of Mauritius as sponsoring the immigration was consuming large amounts of public revenue and benefiting only merchants and planters. In February 1845 a Committee was appointed to report the causes of insufficiency of the labouring population. This committee deviated sharply from the earlier official opinions about the nature of Indian labour as hardworking and docile. They concluded that because of large scale desertion and absence there is a constant need of more labour force and recommended the extension of yearly contractual terms to reduce the cost of

59 Select Documents, Vol. II, p. 3.
61 Blue Book, 1846, MA.
importing new labourers.\textsuperscript{62} Another reason, a rather important one, behind importing the new labourers was to control the wages by simple process of demand and supply and also because the wages of the reintroduced labourers was allegedly very high.\textsuperscript{63} To generate funds for sponsoring the indenture immigration, Colonial Land and Emigration Commission, which was observing the system on behalf of the British Government, proposed to impose a tax on all the people employing immigrant labourers imported at the government expense.\textsuperscript{64} Another proposal to meet the expenses was by making the immigrants repay for the transportation costs as it was widely believed in the administrative circles that Indian immigrants greatly benefit from migrating to work in Mauritius.

Mobilizing the resources to sponsor the immigration of labourers through imposing taxes upon planters and sugar merchants was a matter of continuous contention between the government of Mauritius and the planter lobby. Governor Gomm did not approve the huge expenditure from public revenue to fund the indenture system which was primarily benefiting the planters and merchants.\textsuperscript{65} He attributed to this expenditure the deplorable financial condition of the economy and continuously argued for maintaining the export duty on sugar as well as imposing new taxes upon the planters. The plantation lobby, on the other hand, begged for the reduction of export duty and opposed the introduction of the new taxes quoting the falling sugar prices and economic recession, and often got reprieve directly from the British Government.\textsuperscript{66} However, the debate about the export duties as a resource for financing the indenture system came to an end with Charles Anderson’s appointment

\textsuperscript{62} ‘Report of the Committee appointed to inquire into the causes of the insufficiency of the labouring population’, dt. 19 February 1845, PP, Vol. xxxi, No. 641, 1845.
\textsuperscript{64} Report of Colonial Land and Emigration Commission, 1846, p. 24, OIOC.
\textsuperscript{65} Blue Book 1846, p. 193, MA.
\textsuperscript{66} PP, Vol. xxxvii, No. 280, 1849.
as Governor of Mauritius in July 1849. Anderson, who soon earned a reputation of being pro-planter, decided to review the entire system for the purpose of lessening the costs and in increasing its efficiency.\(^67\) He indicated towards finding resources other than export duty to fund the immigration and subsequently imposed a yearly stamp tax on the first five years of engagements of immigrants.\(^68\)

J.M. Higginson, who succeeded Anderson in 1851, continued this enthusiasm to appease the planters' interests. He supported the introduction of a tax upon the immigrants to relieve the finances of the colony of the burden imposed upon by the obligation to provide return passage as the immigrants were in a position to pay it without hardship, considering their high wages.\(^69\)

Higginson also initiated the administrative debate for allowing the planters to import additional labour force above the fixed annual quota at their (planters') expense, which culminated in passing an ordinance in 1859, allowing the planters to import Indian labour at their own expense. This ordinance ended the era of government financed immigration except for supporting some morally grounded promotional measures like subsidy on female immigration. Henceforth the indentured immigration was financed by the individual planters who needed to employ those labourers.

\section*{ii. Regulating the System}

Regulating indenture system was a delicate administrative task for all the three governments associated with it because, at least in principle, these concerns were different. The Government of India wanted trouble free recruitment in India and fair treatment in Mauritius, while the Mauritian government's concern was to secure a

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labour force for the plantation on profitable terms as it was the backbone of the Mauritian economy. The Colonial Government in Britain had to maintain the delicate balance and secure a fair and humane functioning of the system to save its humanitarian image, acquired in post-emancipation era, from being tarnished by the allegations of anti-indenture lobby in Britain. This task was carried on by a complex combination of contentions, compromises and mediations articulated in various Acts and ordinances and executed through dedicated administrative machinery. In this section I shall briefly discuss the major Acts and Ordinances formulated by the Colonial Governments to regulate the emigration process and the main institutions of the administrative machinery set up for the functioning of the system.

ii.a Acts & Ordinances

The first initiative to regulate the immigration process was taken by the Government of India in response to the reports of its own officers about the irregularities in the recruitment of emigrants and their transportation. Act V of 1837 was passed by the Legislative Council. This act entrusted the Superintendent of Police in Calcutta with the task of regulating the emigration system and supervising the arrangements regarding the accommodation, food and health of emigrants on board the ships.

Act XXXII of 1837 which was passed on 20 Nov. 1837 not only extended the jurisdiction of the previous act to the Ports of Madras and Bombay but elaborated its provisions as well. As per the provisions of Act XXXII of 1837, all the contracts specifying the nature, term and the wages of the services should be verified by the officer appointed by the government on personal appearance of intending immigrant and who will, after ascertaining the fact that the intending emigrant has fully

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understood the terms of contract, give the permit to emigrate; a register was to be maintained by the said officer containing details of all the emigrants – their names, period of contract, destination, contracting parties etc. 71

The principle objectives of these acts were protection of labourers before embarkation, safeguarding them from forcible or deceitful emigration and proper treatment during voyage. 72 But it did not take much time to reveal the rampant violation of these regulations and innumerable examples of fraudulent and forceful recruitment, irregularities in contracts and ill treatment on board 73, and ultimately the Government of India had to prohibit emigration in 1839.

When the emigration of Indian labourers to Mauritius was resumed in 1842, Government of India was very careful and firm in rectifying the problems reported during the initial experimental phase and therefore decided to take direct control over the process. Act XV of 1842 was passed for ‘regulating the emigration of the native inhabitants of the territories under the Government of the East India Company to the island of Mauritius’ and emigration to Mauritius was resumed from ports of Calcutta, Madras and Bombay. Some important provisions of Act XV of 1842 were provision for the appointment of emigration agent at each port, certificate by the emigration agent as necessary for embarkation, and penal clauses for frauds and other wrongful acts. 74 Complementing this legislation Government of Mauritius passed ordinance 11 of 1842 which provided for the return passage after 5 years. 75 T.E. Rogers was appointed as emigration agent at Calcutta, Captain Bidon at Madras and C. Anderson was nominated as the resident Protector of Immigrant at Port Louis. In Britain the

71 Papers respecting East Indian Labourers Bill, pp. 219-220, OIOC.
72 Saha, Panchanan, Emigration of Indian Labour, 1834 – 1900, People’s Publishing House, Delhi, 1974, p. 128.
73 Report of Dickens Committee.
Colonial Land and Emigration Commission which was established in 1840 'for the improvement of the system at present established with regard to emigration and the settlement of crown lands in the colonies' and to further the Government policy on emigration of supervision, advice and in cases limited assistance'. It was required to oversee the overseas emigration from India, though in practice it was confined more to regulating the statistics of indenture: defining sex ratio, defining shipping clauses and setting annual limits on importation, rather than actually rectifying the abuses of the system. Secretary of state for colonies, Lord Stanley expressed concern about the welfare of emigrants. He suggested for the appointment of Protector of Emigrants at the ports of embarkation by the Government of India for the supervision of indenture system and general welfare of emigrants because he was sceptical about the real motive of the functioning of the emigration agents at India appointed by the Government of Mauritius who would actually be promoting the interests of planters rather than those of the emigrants. Despite the legislative measures adopted by the Colonial Government, the inadequacy of regulatory measures and abuses in the system began to resurface from the very beginning of the government run indenture System. WW Bird, a civil servant, noted that the emigrants were deprived of the liberty to enter into contracts of their choice, and drew attention to the fact that the emigration was 'left as formerly to the private speculation of the Mauritian Planters', in which ignorant people were lured for emigration by crimps and duffadars by making false representations.

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77 Carter, Marina, Servants, Sirdars and Settlers: Indians in Mauritius, 1834 – 1874, OUP, Delhi, 1995, p. 28. (hereafter Servants)
Bird’s minute confirmed the doubts raised by Stanley about the vested interest of the Protector of Emigrants. He made it imperative to separate the functioning of the Emigration Agent as Protector of Emigrants where appointment of Protector of Emigrants was by the Government of India, who would actually take care of the interests of the immigrants. Subsequently Act XXI of 1843 was passed by the Government of India which provided for the appointment of an emigration agent by the Government of Mauritius and a Protector of Emigrants by the Government of India at the port of embarkation. Under the new act, no emigrant was allowed to embark for Mauritius without a certificate signed by the Emigration Agent and counter signed by the protector of emigrants. This act also restricted the emigration for Mauritius to Calcutta only because it was felt in the administrative circles that Calcutta alone would provide enough emigrant labour force to meet the requirements of Mauritius and limiting the indenture system to one port would lead to better and effective control over it. But very soon the planters started lobbying in Britain and Mauritius for reopening the emigration from Madras as well. Though the Governor of Mauritius was completely opposed to the unrestricted introduction of Indian labourers, the Mauritian Planters, with support of the British capitalists who had interests in the Mauritian sugar industry, succeeded in convincing the colonial office about the scarcity of agricultural labour in Mauritius because of short duration of contracts, vagrancy and idleness among the existing labourers etc.

Thus, upon the persuasion of the Colonial Office, the Government of India passed Act VIII of 1847 permitting the emigration from Madras on similar terms as in Calcutta. Regulatory measures laid down in Act XXI of 1843 and Act VII of 1847 were followed to administer the indenture system, with usual complaints regarding frauds in recruitment, misrepresentation etc. This continued till 1852, when news
about large scale mortalities during the voyage and ill-treatment of Indian emigrants in Mauritius raised serious suspicions in the Government of India about the general well being and safety of Indian emigrants in the colonies and this led to a major shift in the attitude and response of the Government of India to the indenture system. Now the Government of India, which had so far limited itself primarily to the recruitment process, began to express its concern about the condition of Indian emigrants and decided to intervene in the matter. Act XXIV of 1852 was passed, which provided that the emigration to a specific colony would be allowed only after satisfactory observation of the protection of emigrants in that colony. To protect the interests of the Indian emigrants, the Government of India adopted a measure which no plantation colony could actually afford. Through the Act XIX of 1856 the Governor General of India realized the powers to suspend the emigration to any colony if it believes that the proper measures for protection of emigrants have not been taken and this changed attitude found most eloquent articulation in a letter by the Secretary of Government of India to the Colonial Secretary of Mauritius after the suspension of emigration to Mauritius in the wake of ‘Hyder’ and ‘Futtay Mobarruck’ tragedy. Cecil Beadon, Secretary to Government of India, wrote.

“It is the imperative duty of the Government of India to take care that natives of India are not allowed to emigrate to any part of Her Majesty’s dominions without full security for their just and proper treatment during the whole period of their residence there. The natives of India who leave their homes for Mauritius or any other colony do so in implicit reliance upon the faith of the Government of India that they will be so treated and the

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Government of India cannot escape from the obligation imposed upon it to take steps to ensure that the shall be the case”. 81

This proclamation was carefully articulated in a manner designed to assert the fact that the Colonial Rule in India was not acting at the behest of commercial interests of the British empire and was conscious of its responsibility of protecting the interests of its subjects even at the cost of hampering the imperial economic interests by interrupting the vital labour supply for the plantation work in other British colonies. Ironically the emigration to Mauritius was resumed the very next year.

After this brief interlude in 1856, emigration to Mauritius continued within the legislative premise of Act VII of 1847 and Act XXIV of 1852 and Act XIX of 1856 and several other adhoc ordinances passed from time to time to deal with the temporary crisis in the functioning of the indenture system, which emerged ever so often. In addition to this, there were enormous amounts of discrepancies in the ordinances and Acts for different labour importing colonies though they had to deal with similar issues. This led to a situation of severe confusion for the administrators who were finding it difficult to effectively control the system as the legislative discrepancies were often manipulated by the agents of labour importing colonies. There was thus a need for uniformity in legislative provisions between the system of emigration to the French colonies and the system under which emigration takes place to dependencies of the British Empire and certain other localities. 82 The aim was stated to be the repression of abuses in the recruitment and the protection of

81 Letter from Secretary, Government of India to Colonial Secretary, Mauritius, dt. 31 October 1856 Proceeding No. 12, Gen (Emi.), dt. 8 January 1857, West Bengal State Archives, Kolkata. (hereafter WBSA)
labourers. The result of this consolidated effort was Act XII of 1864, under which all the intending emigrants had to be taken before a Magistrate in the district of recruitment and not at the port of embarkation, which was the practice till then. All the recruits were licensed by the Protector of Emigrants for one year and they were entitled to recruit for the colony specified in the license only and any violation was punished with fine or imprisonment. While registering, it was the duty of the magistrate and Protector of Emigrants to ensure that the intending emigrant is willing to emigrate on his own free will and fully understands the terms of contract and in case of any doubt, they had the powers to refuse the registration. After the arrival at the emigration depot, medical examination of the emigrants was made mandatory and only after that, they were issued the pass to board the ship. This Act clearly defined the duties of the Protector of Emigrants appointed by the Government of India who had been entrusted to license the recruits and had the final say about the registration of emigrants. To protect the interests of emigrants in the adopted land, the emigration agents had to clearly state the period of service and rate of wages which was then duly recorded in the registration document of the emigrants.

Act XII of 1864 made elaborate provisions to regulate recruitment duties of Protector of Emigrants, depot arrangements, voyage etc. and were aimed to root out the evils associated with the system. However the lack of similar spirit among the officials entrusted to enforce its provisions, connivance between the officials and Emigration Agents and manipulation by the Emigration Agents greatly restricted the effectiveness of this Act.

The legislative measures of Government of India and assurances from Government of Mauritius to ensure a fair treatment and comfortable working

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83 ibid.
84 Geoghegan Report. pp. 39-46; Prog. No. 7, Gen. (Emi.), May 1866, WBSA.
conditions in Mauritius received a serious jolt in the 1860s in the wake of falling profits in the sugar industry and epidemic spread of Malaria across the island. The administrative discourse of Mauritian Government towards Indian immigrants was turning from the ‘regime of protection’ to the ‘regime of discipline and control’ and series of legislations were passed to control the mobility of Indian labourers which led to their grievous oppression and discrimination by the administrative authorities. Ordinance 31 of 1867 of Government of Mauritius made the registration mandatory for the ex-indentured immigrants, who also had to carry passes. The official reasons given for enacting such harsh ordinances were the need to control ‘vagrancy’ and crime and ensure healthy sanitary condition in the island but actually it brought the Indian labourers into a condition very close to bondage and socially isolated them. Even the Protector of Emigrants, whose duty was to protect the interests of the immigrants, actually commended the ‘fairness of the said legislation’ ‘to all parties concerned’. This ordinance is a classic illustration of the racist ideology of the colonial authorities, who on the pretexts of ‘civilization mission, ‘promotion of more healthy habits’, etc., practiced the racially discriminatory policies in their crudest form.

The larger implications of this ordinance for Indian immigrants have been discussed at length in Chapter four of this work. However, it may not be out of place to quote a passage from the accompanying report of the Procurer General in order to show the racial prejudices of the colonial authorities. Justifying the ordinance as a check on vagrancy, he wrote about ex-indentured Indians: ‘Many of them turn to a

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86 Report of Protector of Immigrants, dt 16 December 1867, CO/167/501, PRO.
life of plunder, robbing or pilfering at night... it is from these classes that the perpetrators of gang robberies so prevalent of late years, are recruited". 87

The British Government, through the Secretary of State for Colonies, raised objections against the provision of ordinance 31 for being 'repugnant in principle to the liberty to which an emigrant, like every other class of Her Majesty's subjects, is entitled'. 88 However, it did not take any initiative to direct the Mauritian government to soften the 'stringent' measures of Ordinance 31.

Though the Emigration Commission in England found the controlling measures of the Mauritian Government similar to those applied to men under 'ticket of leave' 89 in Britain 90, the British Government refrained from direct involvement and maintained an ambivalent attitude towards the whole issue. It was only in 1871 that it appointed a Royal Commission to enquire into the conditions of Indians in Mauritius, that too when the Governor of Mauritius forwarded the petition of old immigrants.

Act XIII (1864) of Government of India and ordinance 31 (1867) of Government of Mauritius suggest an ironic paradigm shift in the attitudes and concerns of the Government of India and Mauritius towards the system of indenture and condition of Indian emigrants. The Government of India, which initially did not put much effort and energy in the administration of the system and expressed little concern for the conditions of immigrants (some of its officials actually highlighted the well being and prosperity of immigrants in Mauritius), was now trying to take full control over the administration of indenture system. In more than certain terms, it was expressing its determination to make the system free from all the alleged abuses and

87 Report of J. Douglas, Acting Procurer and Advocate General, CO/167/501, PRO.
88 Correspondence relating to the Royal Commission, p. 16, PP, Vol. liii, No. C 1118, 1875.
89 In England, tickets of leave were issued to convicts and prisoners, allowing them liberty with certain restrictions.
concern about the general conditions of the Indian immigrants – their exploitation, discrimination and ill-treatment in the colony. It appointed several committees, not only to enquire into the functioning of the system and to suggest measures to rectify its problems\textsuperscript{91}, but also to report on the condition of Indian immigrants in Mauritius.\textsuperscript{92} Contrary to this new policy of ‘affirmative action’ of the Government of India, the Government of Mauritius, which initially took many initiatives to safeguard the interests of immigrants and to improve their general condition, was now completely siding with the planters and was promulgating stringent measures to control the immigrant labour force. Mauritian Government was now forthrightly promoting a repressive labour regime to protect the interests of planters, at the cost of the general well being and liberty of Indian immigrant labourers. The reason primarily was the enormous political clout of the sugar planters because the political economy of the island was completely dependent upon the sugar.

The Government of India, which had initiated direct involvement with the indenture system, requested the British Government (through the Secretary of State for Colonies) for providing the copies of the reports of the Protector of Emigrants from the colonies importing Indian labourers\textsuperscript{93} as a measure to get the detailed information about the condition of Indian immigrants in the colonies. As another measure to rectify the discrepancies and confusion arising from the various legislative measures relating to emigration, it passed Act VII of 1871, consolidating various previous Acts – Act XLVI of 1860, Act VII of 1862, Act XIII of 1864, Act VI of

\textsuperscript{91} Geoghegan’s Note on emigration from India, 1873; Pitcher’s Report on system of recruiting labourers for colonies, 1882; Grierson’s Report on colonial emigration from Bengal Presidency 1883.

\textsuperscript{92} Geoghegan’s Note on Emigration for India, 1873; Muir McKenzie’s Report on the condition of Indian immigrants in Mauritius, 1893; Major Commin’s report on condition of Indian immigrants in British Guiana, Trinidad, Jamaica and Dutch and French Colonies, 1891.

\textsuperscript{93} Prog. No. 6, Rev. Ag. & Com.(Emi), dt. 26 August 1871. National Archives of India, New Delhi. (hereafter NAI)
1869 and Act VI of 1870. The most striking feature of the new Act, which profoundly exhibits the Indian Government’s determination to exercise full control over the system, was the provision about the suspension of emigration by the Governor General on the ground of unsatisfactory condition of Indian emigrants. This Act also made the regulations relating to the licensing of recruits, depot establishments, sanitation, space and diet provisions on ships, health and sanitation on estates, more stringent and severe penalties were prescribed for the violations. Efforts of Government of India to regulate the system in a much stricter manner through Act VII of 1871 was opposed by the Emigration Agents who raised the fears that such stringent measures about licensing and registration would hamper their business\textsuperscript{94} and some of the sub agents and recruiters even left their jobs.

The Imperial Government in Britain also made an effort to protect the interests of the recruiters and plantation lobby by suggesting the Government of India to suspend the implementation of new rules as much as possible.\textsuperscript{95} Moving further in this endeavour, it put aside all the reports about the deplorable conditions of Indian immigrants in the colonies and protests over the issue, and suggested to the Government of India that it should actively promote the immigration instead of merely supervising and controlling it.\textsuperscript{96} The policy was meant primarily to serve the imperial interests, though it was argued by the administrators that the emigration would benefit the Indian population who had very little prospects in India because of over population and limited resources. The Secretary of State wrote to the Government of India:

\begin{itemize}
\item \textsuperscript{95} Tinker, Hugh, \textit{A New System of Slavery}, p. 245.
\item \textsuperscript{96} Secretary of State to Governor General, dt. 13 May 1875 and 21 June 1875, Prog. Nos.. 4-29, Home, Rev. and Ag. (Emi), February 1880, NAI.
\end{itemize}
“It appears to me that from an Indian point of view, it is desirable to afford an outlet from there redundant regions into the tropical and subtropical dominions of Her Majesty where people who hardly earn a decent subsistence in their own country may obtain more lucrative employment and better homes. From an Indian point of view, therefore, emigration properly regulated and accomplished by sufficient assurance of profitable employment and fair treatment seems a thing to be encouraged on grounds of humanity with a view to promote the well being of the poorer classes." \(^{97}\)

But in the same note, he also stated the imperial interests in promoting the emigration,... "from an imperial point of view, the great advantage which must result from peopling the lower British possessions, which are rich in natural resources and only want of population by an intelligent and industrious race to whom the climate of these countries is well suited, ... In this view, also, it seems proper to encourage emigration from India to colonies well fitted for an Indian population." \(^{98}\)

These excerpts from the letter of Secretary of state sufficiently explain the attitude of British Government towards the indenture system and very clearly explain the fact why it was unfazed by the pressure tactics of the agents of plantation lobby and pro-emigration stand of the British Government Indian Government continued in its efforts to weed out the malpractices in the system through tightening up of regulations. Though again it had limited effects due to the apathy on the part of the British Government which had the ultimate authority in the effective implementation of regulatory measures and who could pressurize the Mauritian Government into ensuring the well being of Indian immigrants and protecting their interest. Two

\(^{97}\) Colonial Secretary to Governor General of India, dt. 24 March 1875, Prog. No. 1-2, Gen., (Col. Emi.), February 1892, WBSA.
\(^{98}\) ibid.
officials of the Government of India, A.O. Hume, the Secretary of the Department of Agriculture, Revenue and Commerce (affairs related to emigration were administered through Emigration Branch of this department) and the Governor of Bengal, George Campbell must be applauded for their genuine concern over the grievances of the emigrants and the efforts to remove the rampant malpractices that prevailed in the recruitment of Indian labourers. Taking a strong note of findings of the Report of Police Commission in Mauritius, Hume drew the attention of the Colonial Secretary of Mauritius towards the laxity and neglect by the Protector of Immigrant in Mauritius and suggested his removal, a suggestion which was turned down by the Colonial Secretary.  

Campbell was also sceptical about the genuineness of colonial officials in protecting the interests of Indian immigrants as he noted that many of them had been actually in the hands of planters and therefore could not be trusted for the protection of Indians.  

The basic approach of the British officials in India also restrained their efforts in making the system free from abuses. Most of them were convinced that emigration a necessity for the Indian population. Even Campbell had found it a necessity though he was fully convinced that because of the planting interests it was difficult to secure justice to Asiatic immigrants. Because of this approach, Indian administrators would never take the extreme decision to abolish the system completely, which could have possibly worked as a deterrent for labour importing colonies and given India an upper hand in negotiations for securing a better future for Indian immigrants.

99 Letter of A.O. Hume to Colonial Secretary of Mauritius, dt. 13 July 1872 and reply of Colonial Secretary, dt. 20 September 1872, cited in Tinker, Hugh, A New System of Slavery, p. 246-247,  
100 Campbell to Governor General of India, dt. 23 September 1872, 7 May 1872, cited in Tinker, Hugh, A New System of Slavery, p. 246.  
In Mauritius, the situation began to show signs of some improvement with the arrival of Arthur Hamilton Gordon as Governor in 1871. He forwarded the petition of old immigrants to the Secretary of State for Colonies, Kimberly, with a note in which he found some of the statements of Adolph de Plevitz to be perfectly well founded, though in a mild tone and careful language.\textsuperscript{102} The British Government responded by appointing a Royal Commission to enquire the conditions of Indians in Mauritius. The Royal Commission submitted its report at the end of 1874, and this Report is still the most comprehensive document about Indian labour diaspora in Mauritius. It endorsed many of the grievances pointed out in the petition of old immigrants, especially regarding the suppression of labour mobility in the name of vagrancy, and took a strong stand against the Protector of Immigrants and Inspector General of Police for their failure in protecting the interests of the immigrants in Mauritius. The Royal Commission recommended a complete reform of the immigration office in Mauritius and a regular and thorough inspection of sugar estates. The Secretary of State endorsed most of the findings and recommendations of the Royal Commission and instructed the Governor of Mauritius to revoke most of the harsh provisions of the Ordinance of 1867.\textsuperscript{103} But it took a couple of years to actually revoke these harsh provisions through promulgation of ordinance 12 of 1878 because Gordon had resigned in the meanwhile. Ordinance 12 of 1878 removed many repressive provisions of 1867 ordinance and provided for a more efficient system of checks for errant planters\textsuperscript{104}, especially article 284 which empowered the Governor to take action against the bad planters.

On the basis of the report of the Royal Commission of British Guiana and Mauritius, the British Anti Slavery Society, which was out of action for quite some time, raised the issue of deplorable conditions of Indian immigrants in colonies. The British Government, responding to the motion and allegations of the representatives

\textsuperscript{104} Select Documents, Vol. I, p. 95.
of the Society, reiterated its support for continuation of the system and once again used the standard logic for promoting the indenture system that it provided an opportunity to survive for the Indians who would have otherwise starved in India. However, it recognized the urgent need for more safeguards to ensure proper treatment of the immigrants in colonies. The British Government moved ahead from its earlier policy of benevolent neutrality and not only supported the system but actually decided to actively encourage it and asked the Government of India to change its attitude which, in the opinion of British Government, was not one of promoting emigration.105

The Indian Government expressed its concern over the findings of the Royal Commission and repeated its desire to appoint the Protector of Immigrants in Mauritius so it could directly observe and control the situation. But much of this was lost in the storm of activities in Britain on the issue of promoting the system and opening it up for new colonies. In 1883, the Government of India repealed Act 1871 and enacted Act XXI of 1883. This act tried to make the existing provisions related to registration, contracts, transportation more strict for the emigration of Indian indentured labourers to Mauritius. It could be termed as the last direct legislative means by the Government of India for the emigration to Mauritius because by then (1880s) the emigration to Mauritius was very little and occasional, though it did not cease, and the attention of Indian Government was directed to the newer destinations like Demerara, Fiji, and Malaya, where Indian labourers were emigrating in massive numbers.

105 Tinker, Hugh, A New System of Slavery, pp. 251-253.
The System Abolished: Anti-indenture Movement in India

Since the very beginning of the emigration of Indians to work as contract labourers in plantation colonies, the abuses related to the recruitment of Indians and their deplorable condition in colonies attracted the criticism of individuals, public forums, political organizations and press in India. In 1910s, a very strong anti-indenture movement was initiated by the Indian nationalists which subsided only when the system was finally abolished. However, the impact of this anti-indenture resistance has been characterised in a negative manner. P.C. Emmer gives ‘the increased political pressure from Indian nationalists’ as a reason for the sudden stop of indenture emigration. He argues that the middle class Indian nationalists, for their hurt national pride and the Indian landowners and capitalists because of the threat to their labour supply, collectively opposed the indenture system and the British government, which had lost its authority in the wake of the First World War, abolished the indenture system under the pressure of this collective opposition.

However Gail Omvedt’s analysis of migration in colonial India argues a completely different position. According to Omvedt, ‘...however strong the nationalist agitation may have appeared, the indenture system in fact ended when it was outmoded and relatively useless for the changing needs of the plantations,’ In the following narrative of anti-indenture protests of Indian nationalists we shall examine the validity of both these assertions.

According to the nature of responses in a historical setting, these responses can be divided into two phases – the first phase or the phase of limited responses.

107 ibid, p.188.
which continued till late 1880s, and the second phase or the phase of organized responses which began during the early 1890s with the beginning of a new phase of political awakening and organizational activities in the backdrop of the formation of Indian National Congress in 1885.

**First Phase**

As early as in 1838, hardly four years after the beginning of organized emigration of Indian labourers to work on sugar plantations in Mauritius, the general mood in India was formed against the system after having heard about the abuses of the system and the stories about the ill treatment of Indians in the colonies. Reporting the abuses of the exportation of Indian labourers, on 5 July 1838, *Bengal Harkaru*\(^\text{109}\) called for its prohibition, ‘if an effort both strong and persevering be not made – not for the modification of trade, but for its immediate prohibition – it will grow into a monstrous evil.’\(^\text{110}\) *Friend of India*, another newspaper from Bengal with missionary sympathies, wrote about the underpayment of Indians in Mauritius,

> 'cooly in not merely the victim of ignorance, but of deceit. The market price of labour at the Mauritius is fifteen dollars a month, and it is only because cooly is ignorant of this fact, that he engages to serve for two and half and his board.'\(^\text{111}\)

Another issue of this paper asserted that ‘the only path of safety lies in absolute prohibition.’\(^\text{112}\)

In 1838, Young Bengal, a radical intellectual group of youth in Bengal under the leadership of Henry Vivian Derozio, took up the issue of the abuses in the

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\(^{109}\) A leading newspaper from Calcutta, sympathetic to the Indian cause.

\(^{110}\) *Bengal Harkaru*, 5 July, 1838.


recruitment of Indians to colonies and their subsequent ill treatment. On 10 July 1838, a meeting against the 'coolie trade' was organized in the Town Hall, Calcutta which was presided over by the Sheriff of the city. A petition to the Colonial government was prepared urging the suspension of all further shipments of coolies until it was proved that the emigration was as greatly advantageous to the Indian people as to the exporters and employers. A group of leading public figures of Calcutta city under the leadership of Dwarakanath Tagore met the President in Council on 26 July 1838 and presented the above petition for the suspension of the system of exporting coolies to the British colonies.

Following the adverse reports about the system and the abuses associated with it in the press, and the protests, the Council of India temporarily suspended further emigration of Indian labourers to the colonies in 1839. A committee, known as the Dickens Committee or Calcutta Committee was set up to investigate the allegations against the system. However, in 1842, the House of Commons in England decided to resume the system of exporting labour from India to the plantation colonies, primarily under pressure from the planters whose interests were severely affected by the prohibition.

After the resumption of the system in 1842, protests were continued in the form of sporadic meetings, occasional reports in the newspapers and petitions submitted to the government. But these protests could not generate the desired strength of public opinion against the system which could have further pressurized the government to prohibit the system. In fact there were very high levels of emigration of Indians to work in plantation colonies from the 1860s to the 1880s. The approach and levels of awakening of the times need to be kept in mind while discussing the limitations of this phase. The main approach of individuals, organizations and public
opinion was humanitarian and was highly influenced by the liberal traditions of England. The levels of political awakening were also embryonic and the process of the emergence of the nationalist discourse against the colonial hegemony, which could argue for the dignity and rights of its people, was yet to begin.

**Second Phase**

The massive emigration of Indian labourers to work in plantation colonies from 1840s to 1870s, despite the reports about the ill treatment of Indians and the callous attitude of the colonial government towards the repeated petitions of Indian leaders to prohibit the emigration caused disillusionment and erosion of faith among the Indian intellectuals and leaders in the post 1880s period. Nationalist leaders linked up the causes of migration and the exploitation and ill treatment of Indians in the colonies with the economic exploitation of Indian resources under colonial rule and the politically subordinate status of India. This provided the theoretical premises to the opposition of indenture system by Indian nationalists.

The first Indian nationalist leader who himself experienced the disabilities of Indian immigrants and the repressive conditions under which they were living was Mahatma Gandhi. Gandhi went to South Africa in May 1893 to plead the case of an Indian merchant. During the very first days of his stay he had to face many disabilities which made him fully aware of the discrimination and disabilities Indians were facing in that colony. He decided to resist this discrimination and started a passive struggle. Gandhi was well aware of the need for propaganda and the support of the outside world especially from the Indian leaders and press. He was in constant touch with Dadabhai Naoroji, Pherozshah Mehta etc. and kept writing to them about
the deplorable condition of Indians in South Africa and for their support in his struggle.\textsuperscript{113}

In India, the Indian National Congress which was on its way to becoming the representative voice of the Indian nationalism also began to voice its concern over the sufferings of Indian in the colonies. However the leaders of Congress took it up with utmost concern after Gandhi’s visit to India. To make the Indian people and government aware about the open racial discrimination and exploitation of Indians in South Africa and to secure their support for the causes of Indians in the colonies, Gandhi published a pamphlet, 'The Grievances of the British Indians in South Africa: An appeal to the Indian Public' (a historic document on the plight of Indians in colonies) in August 1896. This pamphlet, which became known popularly as the Green Pamphlet because of the green colour of its cover, was so revealing and persuasive on the grievances of Indian immigrants that it created a stir in Indian political spheres and mobilized the leaders to take up the issues of the suffering of Indians in the colonies. Gandhi visited Calcutta, Bombay, Pune, Madras; met many nationalist leaders of that time such as M.G. Ranade, Badruddin Tyabji, Pherozshah Mehta, Gopal Krishna Gokhale, and Bal Gangadhar Tilak; and addressed public meetings in Madras, Bombay and other places\textsuperscript{114} Among the other prominent Indian nationalists of the time, Gopal Krishna Gokhale took keen interest in the plight of Indian indentured labourers in the colonies. He was in constant touch with Gandhi since they met in 1898 and was keeping a close watch on the condition of Indians in the colonies.

The Congress session held at Calcutta in December 1901 marked the beginning of a new phase of action oriented response towards the problems of Indian

\textsuperscript{113} CWMG Vol I, pp.173-74 and 248-249.
settlers in the colonies. Mahatma Gandhi himself attended the session and presented a
detailed report and resolution on the conditions of Indians in South Africa. His advice
to Congress was to 'Move the Indian public; let them hold public meetings; if
possible, send deputations to the Viceroy, and do everything that you can do to
strengthen our hands …'¹¹⁵ We shall see that this was the course of action Indian
nationalists adopted.

Gandhi went back to South Africa in 1903 but Gandhi’s plea had an impact on
Indian nationalists and the language of protests was also becoming sharper. In 1902 a
deputation led by Pherozshah Mehta under the banner of Bombay Presidency
Association submitted a memorandum to the Viceroy and urged him to stop the state
regulated migration. The Congress resolutions in 1903 and 1904 are also testimony to
this growing concern and the language of protest¹¹⁶.

'This Congress views with grave concern and regret the hard lot of
his Majesty’s Indian subjects living in the British colonies in South
Africa, Australia and elsewhere, the great hardships and disabilities
to which they are subjected by the colonial government and the
consequent degradation of their status and rights as subjects of the
king and protests against the treatment of Indians by the Colonies as
backward and uncivilized races. '

The Benaras session of Congress in 1906 urged the British Government to
recognise the Indian emigrants as British citizens and, if necessary, even demanded
the prohibition of indenture labour.¹¹⁷ From the Benaras session onwards, we witness
a change in the attitude and demands of the Indian nationalists. So far their demands
were limited to getting redress for Indian Diaspora but with a growing disillusionment

with the British government’s stand on their demands, they began to attack the very root of the problem, and wanted abolition of the system itself.

A big public meeting has organized on 9 September 1909 in Bombay Town Hall which was chaired by Sir Currimbhoy Ibrahim. In the presence of H.S.L. Polak, who was sent by Gandhi to get support from Indian leaders, Gokhale moved a resolution in which he equated the condition of Indian workers with slavery in which they were denied the basic rights and called upon the British government to prevent the continued injustice and ill treatment of Indians and stoppage of further recruitment of Indians.118 He argued that since this question was primarily related to the condition of Indians in India, the struggle against it should be carried out in India. What is to be noted here is a conscious attempt by Indian nationalists to relate the issue of discrimination and disabilities of Indians in other colonies to the colonial subjugation of India and the perception of their humiliation as the humiliation of an ‘Indian’119; so they could use this correlation to further the nationalist awakening in India against colonial rule.

In the same year, Gokhale moved a resolution in the Lahore session of the Indian National Congress asserting the necessity of prohibition of recruitment of indentured labourers from India.

After Gokhale’s speech in the annual session of Congress, the protests against indentured labour and plight of Indians in colonies was taken up in earnest and a new phase of active protests began which finally brought the system to an end in 1920. Another development in the political realm provided Indian nationalists a constitutional forum to raise their voice of protest on the issue of indentured emigration. The Morley-Minto Reforms of 1909 provided for Indian representation in

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119 ibid. p.414
the Imperial Legislative Council. Indian leaders like Gokhale and Madan Mohan Malviya utilized this opportunity in the most eloquent manner for their propaganda against the evils of Indentured labour, and for the betterment of the condition of Indians in colonies.

Many leaders from the indentured Diaspora community also shared the platforms of anti-indenture protest with Indian nationalists. Manilal Doctor, a barrister of Indian origin who went to Mauritius to work among the Indian diasporic community there, was in constant touch with Indian leaders. On Gandhi's suggestions in 1910, he came to India to attend the annual session of the Indian National Congress at Allahabad. There he met Gokhale and Malaviya and reported to them about the plight of Indians in the colony. Again in the Calcutta session in 1911, while seconding a resolution on indentured emigration, he presented a detailed report on the condition of Indians in Mauritius, calling for the earnest attention of delegates to the conditions of Indians in colony and demanded its immediate prohibition.

'It was by painful experience that I came to learn how iniquitous, unjust and immoral that system is. Almost every week gangs of labourers would come to my house and ask my advice and request me to plead their cause before the courts of law...the penal provisions of the labour law...makes this system a system like that of slavery... If a man is ill and does not come to work, and if the medical attendant at the sugar estate says that he is not ill, he will be treated as a criminal and will be sent to jail...... It should be stopped for any country, be it British Guiana or British Demerara or any other place. I think you will all agree with me that indentured system should be stopped at once because it is immoral, irreligious and highly detrimental to the best interests of the country.'

In India, the reaction was becoming stronger and stronger. On 25 February 1910, Gokhale moved a resolution in the Imperial Legislative Council which was presided over by the Viceroy, Lord Minto. Moving the resolution, Gokhale called for the total abolition of indentured labour and called it near slavery.

‘my own view of this system of indentured labour is that it should be abolished altogether. It is true that it is not actual slavery, but I fear in practice in a large number of cases it cannot be far removed from it. To take from this country helpless men and women to a distant land, to assign them there to employers in whose choice they have no voice and of whose language, customs, social usages and special civilization they are entirely ignorant, and to make them work there under a law which they do not understand and which treat their simplest and most natural attempts to escape ill-treatment as criminal offences – such a system, by whatever name it may be called, must really border on servile. I strongly hold therefore that the system should be done away with altogether.’ 121

The annual session of the Congress held in 1911 demanded the total abolition of the Indenture system.

‘...this Congress is strongly of opinion that in the highest national interests, the system of indentured labour is undesirable and should be abolished.’ 122

In the same session, C.Y. Chintamani, a noted nationalist leader from United Provinces, equated it with slavery which is opposed to individual freedom.

‘...if you go to the root of the matter you will come to the conclusion that the difference between indentured labour and the slavery of the old is not very great. Indentured labour is opposed to individual freedom, and it must be abolished if righteousness between man and man is the policy of the government.’ 123

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123 ibid. p.332.
He further argued that the abolition of the indenture system will be a great advantage for Indians and it wouldn’t create much hardship to Indian labour compared to their sufferings in the colonies.124

Gokhale was by this time missing no opportunity to oppose the system and argue for its termination. On 4 March 1912, he moved a resolution in Legislative Council recommending total prohibition of the recruitment of Indian indentured labour.

‘That this Council recommends to the Governor General in Council that the government of India should now take the necessary steps to prohibit the recruitment of Indian labourers under contract of indenture....’ 125

In his powerful and illustrious speech following the moving of the resolution he called the system of indentured labour ‘a monstrous system, iniquitous in itself, based on fraud and maintained by force’.126

Gokhale’s resolution was supported by Mohammed Shafi, Madan Mohan Malaviya, Bhupendra Nath Basu, and Malik Umar Hayat Khan. Malaviya was very vocal against the indenture system in his speech. While condemning the system, he held it responsible for the moral and national degradation. Though the resolution was defeated by 11 votes (33 votes against 22 for), it was a stern warning for the government. All 22 non-official members voted for the resolution which made it quite clear that the public opinion was against the system.

Asserting his commitment for the cause, Gokhale said after the meeting that his motion ‘will be brought forward again and again till we carry it to the successful issue’.

124 ibid. p.333.
126 ibid, p.350.
On Gandhi’s request Gokhale visited South Africa in October 1912 to see the problems of Indian settlers. After his return, Gokhale moved the following resolution, in the annual session of Congress of 1912 held at Bankipur:

‘.... This Congress is strongly of opinion that in the highest national interests, the system of indentured labour is undesirable and should be abolished.’\(^{127}\)

Gokhale, despite his failing health, travelled across India addressing meetings against indenture system and collecting funds to support the struggle of Indians in South Africa. On 14 November 1913, he addressed a meeting in Bradlaugh Hall at Lahore, which was attended Lala Lajpat Rai, Zulfiquar Ali, and Mohammad Iqbal. He spoke at Allahabad, with Tej Bahadur Sapru and Motilal Nehru, at Calcutta with Surendra Nath Banerjee, at Bombay with Aga Khan and Pherozshah Mehta.\(^{128}\) Addressing the Bombay meeting, Aga Khan called it a calamity and unparalleled in the history of Modern India. On 31 December Gokhale issued an evocative statement on the situation in South Africa.\(^{129}\)

Gokhale persuaded C.F. Andrews, a missionary who was British by birth but Indian in heart and mind, to visit South Africa and support Gandhi. C. F. Andrews was actively involved in the movement against indenture system and for its complete abolition. He wrote to Banarasidas Chaturvedi that the complete abolition is the only way to regain the self respect of Indian nation,

‘I now see that we must all strive to get that system at all costs entirely and utterly abolished. It is the only way to regain our self-respect as a great nation and we must do it at all costs.’\(^{130}\)

\(^{127}\) Gokhale, Vol. II, p.454
\(^{128}\) Nanda, Gokhale, p.428
\(^{129}\) Times of India, 1 January 1914.
\(^{130}\) C.F. Andrews to Banarasidas Chaturvedi, dated 13 December,1913. Banarasidas Chaturvedi Papers
Gandhi returned to India in January 1915. By this time, the opposition of indenture system and the question of diasporic Indians had already taken the centre stage of nationalist politics in India. Many organizations at local levels - Indian Coolie Protection Society, Anti-Indentured Emigration League, League for the Abolition of Indentured Emigration, etc. were formed to protest against the system. Gokhale, Malaviya, Motilal Nehru, Pherozshah Mehta and other prominent nationalist leaders were taking a firm stand against the discrimination and disabilities of diasporic Indians. Soon after his return from South Africa, Gandhi launched a massive campaign against the indenture system and the disabilities of diasporic Indians which ultimately brought the system to a formal end in 1920.

Speaking at a public meeting in Bombay on 28 October 1915, he called for the abolition of indenture labour in a year’s time,

‘...However protected that system might be, it still remained a state bordering upon slavery. It would remain a state based upon full fledged slavery and it was a hindrance to national growth and national dignity.’

In March 1916 Madan Mohan Malaviya decided to move a resolution in the Imperial Legislative Council for the abolition of the Indenture system. Taking facts from the recently appeared report of C.F. Andrews, he flayed the system for being inhuman, exploitative and morally degrading.

‘.....it has been shown that the indenture system is thoroughly indefensible. It begins, as Mr. Gokhale observed, in fraud and is maintained by force. It does not benefit the labourer....On the contrary it is a curse to him. And it lowers the status and wages of the free population and brings the name of India into contempt...no

131 CWMG, Vol. XV p. 56.
reforms will prove sufficient; tinkering will not do; the system must be abolished root and branch.'

Viceroy Lord Hardinge, while accepting Malaviya's resolution, was vague about the date of abolition of the system – 'he has obtained the promise for the abolition of the system in the due course'. When Gandhi met the new Viceroy Lord Chelmsford in early 1917, he did not give any definite assurance and also refused to allow to Malaviya to introduce a bill in the Legislative Council for the immediate abolition of the indenture system. This non-committal attitude of the British Government caused anxiety among the Indian nationalists especially Mahatma Gandhi who decided to travel country wide and mobilize people on the issue. He began his tour from Bombay and to press the government for a definite and early abolition of indenture, 31 May 1917 was the date fixed in the Bombay meeting as the date by which indenture system should be stopped.

From Bombay, Gandhi went to Ahmedabad, Karachi, Delhi, Surat, and Calcutta. In support of Gandhi's agitation, protests were being organized across the country mainly under the banner of the *Home Rule League, the Servants of India Society, Bengal and United Provinces Congress Committees, the League for Abolition of Indentured Emigration* etc.

In addition to the organisational efforts of Congress at national levels, there were numerous instances of opposition to the indenture system in localities under the aegis of local organisations. In 1915, when the renewal of emigration to Mauritius was proposed by Mauritian planters, a series of fierce protests were organised in localities. Meetings were organised in villages, market places etc. and pamphlets were circulated in labour recruiting regions like Banaras, Allahabad, Mathura, and Ballia to

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133 *CMWG*, Vol. XV, p. 309
carry out propaganda against the indenture system and dissuade people from emigration. In one such pamphlet people were warned to be careful of the depotwallahs or the agents of emigration agencies:

Save yourself from depot-wallas.
Be careful!!!
Be careful!!!
Be careful!!!

It is not a service but pure deception.
Don’t get enmeshed in their meshes, you will repent.
They take you over seas!!!
To Jamaica, Fiji, Damra, Mauritius,
British Guiana, Trinidad, and Honduras.
They are not colonies but jails.
Save, be careful from depot-wallas.
They spoil your religion under the pretence of service.
Don’t hear sweet talks, they are your enemies.

Allahabad which was a major hub of nationalist politics became a prominent centre for the anti-indenture movement for obvious reasons. A meeting against the indenture system was organized on 19 January 1917, in which Sarojini Naidu made an emotional appeal to end the system,

‘Let the blood of your hearts blot out the shame that your women have suffered abroad. The words that you have heard tonight must have kindled within you a raging fire. Men of India, let that be the funeral pyre of the indenture system. Words from me tonight. No tears tonight, because I am a woman and though you may feel the dishonour that is offered to your mothers and sisters, I feel the dishonour offered to me is the dishonour to my sex.’

134 Proceeding Nos. 29-30, File No. 463/1914, Industries Department, Govt. of UP, UPSA.
135 Proceeding No. 29(c), File No. 463/1914, Industries Dept., Govt. of UP, UPSA.
136 cited in Chand, Special Issue on Indians Abroad, January, 1926.
Prayag Mahila Samiti (Allahabad) organized a protest meeting against the recruiting women for indenture emigration in Allahabad on 18 February 1917, which was presided over by Mrs. Nand Rani Nehru.\footnote{The Leader, 19 February, 1917. (I am thankful to Dr. Visalakshi Menon for this reference)}

On April 12, 1917 British Government stopped the system of indenture labour but did not abolish the Indentures in colonies which implied that it many colonies, Indians would remain under indenture as late as till 1921. C.F. Andrews and Malaviya demanded the immediate termination of all the indentures. Malaviya moved a resolution in Imperial Council in 1918 for the termination of the indentures which have not expired. Finally, on 1 January 1920, all the indentures were abolished which technically made all Indians free in the colonies.

The anti-indenture movement of Indian nationalists was based on two essential deliberations: first, emigration of Indian labourers under indenture system was based on the principles of economic exploitation of resources of colonies in favour of imperial interests and therefore it would never have any scope of redress. Second, they linked the grievances of Indian indentured Diaspora with the larger discourse of anti colonialism and the movement against indenture system was one facet of their attempts to mould public discontent against the colonial rule.