Conclusion
The British rule in India radically altered the socio-economic conditions. The commercialization of agriculture together with the dumping of English manufactures began to affect the balanced village economy of India. The ruined cultivators and weavers had to, in order to escape starvation deaths, move out of their country as emigrant labourers to British overseas colonies.

The British Indian Government encouraged Indian labourers' emigration into foreign colonies to work on European plantations as cheap manual labourers. The first batch of Tamil indentured labourers from South India reached Ceylon in 1828. During the period of Coffee cultivation, the visit was temporary in nature in Ceylon, because most of the immigrant labourers returned to their native place for doing their harvest work. When coffee came to be replaced by the large-scale cultivation of tea in the last quarter of 19th century the new crop required different type of labour utilization. Thus efforts at settlement of permanent immigrant labour force on the tea plantations were initiated.

I

An enactment in 1839 prohibited overseas emigration for manual labour. Yet emigration to Ceylon took place. The Government of India did not take serious note of the emigration to Sri Lanka. The first attempt at labour legislation in Ceylon was made in 1841. According to this law every verbal or unwritten contract or agreement reached with a labourer would be terminated by a week’s previous notice, given by either party to the other. If a labourer deserted or otherwise misbehaved himself, the District Court would freeze all his wages then due and imprison the guilty for a maximum period of three months and subjected him to hard labour. The law also provided for penalty to employers for their non-compliance with the provisions of the contract. But this law was hardly invoked.

In 1847 Ceylon had facilitated legal emigration from India to Ceylon. But until the passage of the Act XXI of 1858 that insisted on minimum space for a passenger and arrangement for making inspections every six months by the master attendant at Madras, Tuticorin and Cochin, nothing was officially attempted. A new Ordinance proclaimed in 1861 finally enabled the planters to enter into contract with the agricultural
labourers for a period not exceeding three years. The Ordinance that came into force in 1865, contained penal provisions, that included imprisonment for a term, extendable to three months, or with fine not exceeding Rs.50 or with both, to a servant who was guilty of drunkenness, willful disobedience of orders or who quit service without serving one month’s notice on the employer. The Kanganies who misappropriated the money given to them to recruit labourers were blacklisted and debarred for a period not exceeding seven years or imprisoned for a term not exceeding three years with hard labour.

As for employers, those who refused, without assigning any reason, to pay wage due to a labourer or who protected the defiant servants of another estate, were fined Rs.50 or liable to imprisonment upto a period of three months. This Ordinance of 1865 insisted on written contracts in the presence of a Police Magistrate. In the event of a labourer becoming incapacitated due to sickness in the plantation, he or she was entitled to receive lodging, food and medical care at the expense of the employer during the time of indisposition.

The Medical Aid Ordinance passed in 1872 was made applicable to the coffee and chincona estates in Ceylon. Under this Act, Medical Districts were created and the estates in the district were to raise funds required for meeting the estate labourers’ medical requirement. The Ordinance passed in 1881 required that medical care be provided for all workers on the estates and that the cost would be partly collected from the planters. But the legislation was not effectively enforced and as a result the promised medical care remained inadequate.

The Ordinance of 1889 required an employer to maintain a payment register and wanted the superintendent of every estate to send returns once a quarter to the Government Agent. Any employer refusing to issue a discharge certificate to any labourer would be guilty of an offence and be liable, on conviction, to a fine up to one hundred rupees and to a further fine not exceeding five rupees for every day of default.

The Ordinance passed in 1912 attempted to address the issue of indebtedness of the emigrant labourers in Ceylon. It provided that wages earned by the labourers should be personally handed over to each labourer and that each superintendent should certify to that effect. The Government Agent was under obligation to monitor, failing which penalty was levied. The Act further directed that no employer should employ any
labourer other than a boy or girl who had been born in Ceylon. In the case of newly-
imported labourer, a certificate issued by the Government Quarantine authorities at
Mandapam or a certificate issued by a Police Magistrate was made mandatory.

Under the Medical Wants Ordinance of 1912, a fund created out of the levy of
a duty on the export of plantation produce was instituted. The cost of feeding a labourer
in hospital was charged to the estate at 30 cents a day. The fee of the Government
Medical Officer for visiting a sick labourer or labourers on an estate was fixed as Rs.2.5
per visit and was made payable by the estate. The Ordinance stipulated that it was the
duty of the District Medical Officer to inspect its sanitary condition of the estates in his
district. The estate superintendent was authorised to supply drugs, free of cost, from the
Government Department for the medical treatment of his labourers to the value of not
exceeding 50 cents per head. The Ordinance declared that it was also be the duty of the
superintendent to look after the every female labourers after their delivery, by providing
her, at the cost of the estate, with board and lodging for one month after her child birth.
The superintendent was also directed to look after all children below one year, resident
on the estate by ensuring proper care and nourishment. The Ordinance No. 10 of 1912
expected the superintendent to write to the District Medical Officer, if he apprehended
any outbreak of epidemic giving him suggestion for the treatment and arrest of the
disease. An amendment effected in the Ordinance in 1914 fixed the responsibility of
providing medical care to all labourers on the estate.

Whenever there was a need for labour, the plantation superintendents would
send the Kanganies to south India with some money to pay as advance to recruit the
labourers. This amount of the advance usually entered into the estate account book as the
debt of the immigrant labourers. Thus every new Indian immigrant labourers in the
plantation had to initiate their life in debt. The transfer of immigrant labourers from one
estate to the other by _tundu_, it also led to augmentation of a labourer’s debt in account.

Avaricious Kanganies recruited anyone from India to work on the Ceylon
plantations. This led to fraudulent practices in the recruitment of ignorant and innocent
Indians for plantation work. The prospect of getting higher wages was the motivating
factor, but there was no increase in the wages of the emigrant labourers from 1860 to till
1920. For earning a paltry income they had to work in the plantations continuously for 10
or 11 hours. The task work system immiserised them. Whenever labourers fell ill they were not allowed to access their ration.

The fleeing labourers were arrested and jailed. In Ceylon many of the Indian immigrant labourers were charged and convicted for the offence of absence from work. The laws governing the coolies in plantations were in favour of the planters. Absence of medical facilities in Ceylon plantations led to the heavy mortality among immigrant Indian estate labour force. The immigrant labourers were often inflicted with the Malarial fever. The death rate among the estates labourers on some Ceylon plantations, in certain years, was so severe. The high mortality of the immigrant estate population in Ceylon forced the Viceroy of India to request the Government of Madras to take steps to obtain reliable information on high incidence of mortality matter. Marjoribanks and Ahmad Tabmi Marrakkayar enquired about the living condition of the Indian labourers in Ceylon plantation. This Committee gave a report infavour of the then existing system of labour recruitment. However, Karumuttu Thiagaraja Chettiar's independent report and the scathing attack of Indian Press on the wretched system of recruitment of labourers to Ceylon forced the Indian Government to reconsider its emigration policy towards Sri Lanka. A joint standing committee of both houses of the Indian Legislature was constituted in 1922 to frame rules under the 1922 Indian Emigration Act to regulate emigration to Ceylon.

II

The indentured emigration to Assam was introduced in 1859. The planters were advised to adopt the same system of recruitment that was pursued by the planters of Mauritius. The Act XII of 1859 in its preamble had provided scope for punishment to the artisans and workers who committed breach of trust by not working even after receiving the advance money. The Magistrate was authorized by this legislation to sentence a labour offender to imprisonment with hard labour for a term not exceeding three months.

Based on the reports of a committee, the Act III (B.C) of 1863 was passed which fixed the maximum indenture period as five years. Superintendents were appointed to issue license for the contractors and recruiters. The licensed recruiter had to appear with the intending emigrants before the Magistrate of the district, where labourer would be examined as to his willingness to proceed. After registration the emigrant was sent to
the contractor’s depot for medical examination. Though the Superintendent had power to ascertain whether the labourers had been well-treated during their journey, the Act did not contain any provision for the protection of the immigrant labourer after his arrival on the tea gardens of Assam.

The Government of Bengal therefore had to pass the Act VI of 1865. The minimum wage fixed under the Act of 1865 for a man, a woman and a child under 12 years of age a month worked out 5, 4 and 3 respectively. The maximum term of indenture contract was reduced from five years to three years and work was limited to nine hours a day and six days in a week. A labourer who abstained himself from work should, on conviction before Magistrate, forfeit his wages proportionate to days of his absence. The employer was empowered to arrest an absconding labourer without a warrant. If the labourer was in the service of another employer, he was bound to handover the arrested labourer to a police officer or Magistrate within 48 hours. The penalty for desertion was three months’ rigorous imprisonment.

Protectors of Labourers and Inspectors of Labourers were appointed to inspect the tea gardens of Assam. A fee not exceeding one rupee a year for each labourer was levied on employers to pay the salaries of Protectors and Inspectors. And the estates which were employing 300 labourers, was under obligation to run a hospital and employ a medical officer approved by the Local Government. The Act authorised the Protector of Labourer to suspend the contract of a labourer temporarily if he found unfit for work and terminate a contract of labour permanently if he found he was unfit for work permanently. The same Act permitted a “coolie” to complaint against his employer to the Protector. If the complaint was unsustainable or declared false the number of days spent over the enquiry was added into the contract term.

In spite of a number of pro-employer provisions in the Act, the employers of the tea estate found the Act VI (B.C) of 1865 as an embarrassment and restraint to their authority. The employers strongly objected to the interference of the Protectors. The Government of Bengal thereupon brought in the Act II (B.C) of 1870. Under this Act, the contract period was reduced to three years. This was the first law that recognized the “Garden Sardars”. The Garden Sardar had to report to the Magistrate of the district about the number of labourers landed with the number of those registered and to report to the
Superintendent of Labour Transport at Calcutta about deaths if any had occurred on the way to the estates. Arrest without warrant was allowed but the employer was bound to take the absconder to the nearest police station. The Act made it known that when a labourer had actually suffered six months imprisonment for desertion, his contract was to be cancelled.

The Act II (B.C) of 1870, in response to the demands of the Planters, abolished the office of Protector of Labourers and instead appointed Inspectors and Assistant Inspectors. The Inspector still had power to temporarily suspend a contract. The Act II (B.C) of 1870 was amended in 1873. Any person could be imported into Assam outside the provisions of this Act VII (B.C) of 1873 under a contract for a term up to one year.

The Act I of 1882, enacted on the recommendations of a Commission, prohibited any Indian from emigrating to or entering into a contract to work in a tea estate other than those under the jurisdiction of the Act. The Act raised the term of contract to five years and prescribed minimum wage as Rs.5 for a man and Rs.4 for a woman for the first three years and Rs.6 for a man and Rs.5 for a woman for the last two years. Local labour contracts were permitted to be made in tea estates of Assam. But a copy of the contract should be forwarded to the Inspector within one month. The employer fixed the schedule of tasks; the Inspector had power to reduce the scheduled tasks and if the employer objected to the order he could demand the appointment of a committee to decide the task.

The Act I of 1883 fixed the age as sixteen years or upwards as lawful for entry into a labour contract. The government collected one hundred rupees for every license issued to a contractor and fifty rupees to sub-contractor respectively. Every contractor was under the obligation to maintain suitable depots for the lodging of the labourers, previous to their departure to the estates. Such depots were inspected and approved by the Superintendent and the Medical Inspector. The Local Government was to establish a separate hospital for treating the labourers who were affected by any infectious or contagious disease.

"The Assam Labour and Emigration Act" (Act VII of 1893), extended to the Central Provinces and the Ganjam districts and other parts of the Madras Presidency,
reduced the period of a contract again from five to four years. The local officers were
empowered to repatriate the labourers in their native districts with their families and
dependants. They were also authorised to recover the cost of repatriation from the
employer.

The master of vessel should not allow more than twenty emigrants to board on
his vessel for the purpose of transporting them to the destination. The owner of any vessel
desiring to obtain a license under this Act to carry passengers was to make a written
request for a license to an Embarkation Agent. The fee payable on a license for a vessel
to carry passengers not more than one voyage shall be Rs.6. Rs.50 fixed as a fee for the
vessel which carried the passengers for one year. If any master of vessels allowed more
than twenty passengers in contravention of the rule he shall be punished with a fine of
two hundred rupees for each passenger admitted in his vessel. Similarly if a master of a
vessel permitted a labourer to get off his vessel contrary to the way-bill, he was liable for
punishment with fine of two hundred rupees. A labourer who deserted from his
employer’s service for the first time should be punished with imprisonment for a term of
one month, for a second conviction two months and for a third and every subsequent
conviction he should be punished three months of imprisonment.

The local Administration and the local officers had been empowered to take
action against unhealthy gardens. The Magistrate could order a medical inspection of
gardens when the mortality exceeded seven percent. The Act VII of 1893 fixed Rs.100 as
fee for issuing a contractor’s license and Rs.50 for a sub-contractor’s license. Rs.16 was a
fee for providing license to the recruiters. The conditions insisted on included: every
sleeping shed should allocate fourteen feet of space to each emigrant’s accommodation
and providing plentiful supply of the purest water for drinking, cooking and washing for
the immigrant labourers accommodated in the depot and providing separate toilets for
males and females with properly roofed and ventilated placed in an accessible position.
The Medical Inspector should take all necessary precautionary action against
communicable diseases. As a precaution every emigrant in the depot should be
vaccinated before leaving for the estate and the Medical Inspector should keep sufficient
medicines at the depots and hospital. The Medical Inspector was to appoint a resident
Medical Officer to the depots and such Medical Officer’s name should be registered in the Superintendent’s office.

A special deck for hospital purpose in the steamer on the upper deck and four iron-water tanks capable of containing four hundred gallons of water each, fitted with three moderate sized taps were to be provided to the use of emigrants on board. If a vessel was found to be continuously unhealthy for emigrants by the Medical Inspector, the license of the vessel should be cancelled. The Medical Officer was to issue rations daily morning to the emigrants inspect whether the food was being properly cooked.

The Act VI of 1901, passed in the light of the recommendations of an enquiry committee, empowered the Local Government to prohibit unlicensed recruiting in any area. The planters’ private power to arrest his workers was abolished in 1908. In the same year the Government of India by notification declared that the provisions of that Act relating to the labour districts of Surma Valley and the districts of Kamrup and Golpara in lower Assam were withdrawn. The Government gradually withdrew districts successively from the operation of the indentured system and the Government announced that the last remaining districts shall also be withdrawn by July 1914.

In the Assam Valley the indentured emigration to Assam was organised with the government initiative since 1859. Planters sent recruiting agents to targeted areas to sign a contract with potential coolies. These middlemen played a despicable role between planters and emigrants. Aggressive white planters and white overseers of Assam plantations ill-treated and killed many of their immigrant labourers in the plantation with impunity. Insanitary conditions in the first instance led to outbreak of cholera on their voyage while other waterborne diseases killed many of the immigrant labourers in the tea gardens. The death rate on many gardens altogether were appalling. The number of gardens classified as unhealthy increased from year to year. Many employers resorted to violence to quell the resistance of immigrant labourers. This in turn led to many assaults and attacks by the labourers against their managers and the masters.

Continuous hard work and poor diet in the garden incapacitated most of the Indian labourers. The Assam Labour Enquiry Committee constituted in 1906 revealed the sorry state of affairs in Assam and prompted the nationalists to fight for the abolition of the system of indentured labour from the territories of Assam.
Indians had been in Fiji since 1879 as emigrant labourers under a system of indentured labour. Like other Colonies, Fiji took three-quarters of labourers from Calcutta rather than Madras. Up to 1902 the only Fiji Agency in India was in Calcutta. In 1903 with the consent of the British Indian Government, Fiji established an Emigration Agency in Madras. From 1913 onwards Fiji recruited about two-thirds of her emigrant labourers from Madras instead of from Calcutta.

The ordinance proclaimed for Fiji to declare emigration legal in 1878 provided for a free passage to serve as indentured agricultural labourer in the sugar cane plantation of the Fiji Island for five years at a wage of 1 shilling per day. According to this ordinance, the indentured labourers could be prosecuted for desertion, unauthorised absence from work and failure to complete a task and offences such as using abusive language and a few other forms of disobedience. The next ordinance that was brought to force in 1883 prescribed the rations for indentured labourers. For every adult labourers: Rice or Flour-22 oz, or Rice-11 oz and Flour-11 oz, Dal-4 oz, Ghi-1 oz, Mustard Oil- ½ oz, Curry stuff- ½ oz, Sugar- 2 oz, Salt- 1 oz; children over 5 years of age: one half of the adult ration of rice, flour, dal, salt, sugar and fresh milk 1 imperial pint.

The Indian Emigration Act of 1883, enforced in 1886, while including Fiji into the countries to which emigration was considered lawful, dealt with matters relating to the registration of emigrants, the appointment of Registering Officers, the entry into the execution of contracts, the accommodation to be provided on board and the fees to be levied on emigration. From 1885 to 1891 the Fiji legislature had enacted a series of ordinances insisting on plantation owners re-indenturing of the time-expired emigrants before a Magistrate.

The District Medical Officer of the colony was empowered to classify the indentured labourers based on their physical status. The employers were to report the deaths occurring on their estates and advised them to keep a register detailing about the labour force. The amended Ordinance of 1887 facilitated emigrants leaving the Colony with a certificate of five years issued by the Agent General of Immigration. The charges connected with return passages were met from the general revenue.
The Agent General of Immigration, Sub-Agent of Immigrants or Inspector of Immigration had power to check the rations supplied and examine the housing and facility of the hospital provided to the labourers; to enquire into any complaint brought by the labourer against his employer; to deal with breach of the peace or violations of the provisions of the Ordinance. If anybody caused any obstruction to the Immigration Officers in discharging his duty, he was punished after trial by a Magistrate with a fine not exceeding Rs.50/- or imprisonment for a term not exceeding three months. Every adult indentured Indian immigrant labour should on his arrival in the colony be allotted by the Agent General to a plantation. Only then the immigrant was deemed to be indentured to serve on the plantation for a period not exceeding five years. A certificate to that effect signed by the Agent General and employer was issued. The names of children who accompanied their parents were also to be entered on the certificate, as they were also entitled to the privileges of indentured immigrants.

The Agent General could cancel the indenture of any immigrant on grounds of ill-treatment of the labourer or breach of contract on the part of his employer. The Act provided for extension of period of indenture of a labourer to compensate the period lost if he had been convicted by a Stipendiary Magistrate for the offences such as unlawful absence from work, non-completion of task or refusal to perform work or desertion. A time barred indentured labourer could be re-indentured with any employer for any term not exceeding three years, if it was endorsed by the employer and the labourer concerned before the Magistrate of the district or the Agent General of immigration. A sum not exceeding five shillings as fine was collected from the employer enforcing work, beyond that specified in the contract. The law while directing the employer not to force an indentured labour, who was not physically fit for work in the plantation, defined the task which could be performed by an able-bodied male adult labourer in six hours. In case of a female, three-fourths of such work was to be allocated. Every labourer was required to perform five and a half tasks in every week. A labourer punished for the first time on conviction by a Magistrate was fined three shillings. In default of payment of this amount, he should undergo imprisonment for a term not exceeding one month. The wages of the indentured labourers were to be paid in British coin on the Saturday
afternoon of each week. The indentured labourers could proceed against his employer for non-payment of wages or payment in arrears.

The ordinance had introduced the principle that if a labourer demanded a certificate proving the completion of a labourer’s industrial residence it should be provided without any charge of money from him. A hospital was to be provided in every plantation where there were more than five indentured labourers working. The building of the hospital should be inspected and it should have the facilities to accommodate at least one tenth of labour force of the plantation. The Agent General should issue a certificate of approval of the hospital only after his inspection. If the condition of the labourers was very pathetic in any of the plantation, the Governor of the colony had the power to cancel the labourers’ indentureship and not the license of the estate.

In 1892 an ordinance was passed for the purpose of conducting civil marriages of Indian immigrants who were residing in the colony. This law required the labourers, who wished to marry, to register their marriage before the Agent General of the Colony. Any Indian male immigrant above the age of fifteen years and females above twelve years, with the consent of their parents, could convey their desire of their marriage to the Magistrate of the district in which they resided or to the Agent General.

The employer should provide all necessary provisions to the immigrant labourers like water, food, medical aid and sleeping accommodation during their transit between the depots to plantation. If any violation of this section the employer should be punish on summary of conviction by a fine not exceeding 10 pounds and in default of the amount be imprisoned for any term not exceeding one month.

The amending Act of 1895 empowered the Agent General and District Medical Officer to inspect the stores and the building in which ration goods were kept. The Act XII of 1904 provided for the imposition of a fee on the registration of emigrants which became compulsory under the Act of 1902. The Ordinances of 1905 and 1906 were passed to provide the Indian Immigrants with a free return passage to India. The claim for free passage could be made on behalf of children who had come along with an immigrant parent and had completed 12 years of age.

The Ordinance of 1908 raised the age of adult immigrants from 12 years to 15 years. In an effort to appease the planters the government incorporated the provision for
hard labour to indentured labourers who had been three times convicted of desertion, for 
a term not exceeding six months for every subsequent conviction.

Indian Emigrants employed in the Fiji plantation were classified into two 
categories, namely, adult labourers (Male or Female) and minors or children. By which 
they were allocated their task to perform in the plantation, if they completed the full task, 
they were paid 8 annas for adult male labourers. The adult female labourers were given 
half the work assigned to male adult labourers and paid 6 annas on completion of the 
task. The employer provided free accommodation to every indentured labourer. The 
labourers could avail free medicare in the plantation hospital. But facilities offered by 
way of housing and health care were woefully inadequate. By 1897, there was rise in 
sugar production in Fiji. But the wage rates remained the same for the whole of the 
indentured period in Fiji.

One problem, which was inherent in the system of indentured labour, was that 
of violence on the plantations. Conditions on Fiji plantations in this regard were 
abominable. There were many European overseers who were habitually cruel on the 
immigrant labourers. Labourers when became impassioned assaulted in turn many white 
overseers and sirdars. The number of prosecutions in Fiji plantations kept increasing. To 
make the matter worse, the Fiji Government did not recognize Hindu and Muslim 
religious marriages. It became necessary in Fiji for a man or a woman to prove the 
legality of the marriage. As the male - female ratio stood very low (100 males for 40 
women) in Fiji, polyandry became the order of the day.

IV

Thanks to the Indian nationalists' lobby, the Indian government constituted an 
Inter Departmental Committee headed by Lord Sanderson to investigate the whole 
system of indentured labour. This committee had disappointingly reported in favour of 
the system in 1910. The Secretary of State for the colonies wrote to the Governor of Fiji, 
based on the Sanderson's recommendations, drawing his attention to the alarming 
numbers of prosecutions and the extension of indentured period after the first five years. 
The Acting Governor of Fiji admitted that there had been several instances in which 
Magistrates of these colonies had awarded excessive and improper penalties for minor 
breaches of the labour ordinances.
On 4 March, 1912, Gokhale made a scathing attack on the Sanderson Commissions’ Report and moved a resolution in the Indian Imperial Legislative Council. Though indentured labour system was in place in many empire colonies, Fiji represented the worst and hence it was cited both by journalists and the nationalists to get the wretched system abolished. The sustained campaign in India led to the formation of Labour Enquiry Committee in 1914 and its report further strengthened public indignation against the indentured system. During 1915 the Imperial Indian Citizenship Association deputed C.F. Andrews and W.W. Pearson, to conduct an independent inquiry into the condition of labourers in Fiji. In 1916 Andrews and Pearson submitted their Independent enquiry report to the Imperial Indian Citizenship and the report was also circulated to the Indian and foreign news papers. There was a strong objection voiced against the indenture system as the report had uncovered the heartrending stories of the immigrant Indian labourers’ sufferings.

Indian Coolie Protection Society and the Anti-indentured Emigration League launched a crusade. Abolition of the much cursed indentured system became one of the pressing demands of the Indian National Congress. Gandhi, made emigration the substance of his first big political campaign in India. He attacked indenture in his many journalistic writings. The voice of the media spread and awakened the Indians against the hated indenture system. That Indian women were forcibly outraged by the aggressive minded white overseers raised the hackles of Indians. In view of the intense political lobby and relentless battles conducted by the Press and the Indian National Congress, the Government of British India passed the Emigration Bill of 1921 in Legislative Assembly, which regulated emigration to specified countries in a comprehensive way.