Assam was independent, ruled by the Ahom Kings, prior to its occupation by the British in 1826.\(^1\) Until 1833, the East India Company’s Government was undecided about its policy towards Assam. With the charter of 1833 which abolished the company’s monopoly over commercial interests, there opened up the prospects of colonization of Assam with import of private enterprise and capital from Britain. From this year onwards, Englishmen were encouraged by the British administration to invest their capital in the wasteland of Assam to raise cash crops such as indigo, sugarcane and tea. Francis Jenkins (in charge of North-East Frontier 1834-66) pursued a policy of attracting British capitalists to Assam for developing freehold farms growing commercial crops but of no avail.

British private capital began to respond to the prospects of tea by 1830s. The Assam Company was formed in 1839 and began its operations forthwith. During the next two decades, as many as 95 Europeans had been to Assam for short or long stay as staff members of the company.\(^2\) The British officials observed the possibilities of growing tea in Assam even before 1826 and this possibility was confirmed in 1831 when the existence of wild tea plant in Assam jungles was certain. The industry could not make much progress up to 1850. There was one established tea garden in that year and the area under tea was above 2,311 acres.\(^3\)

All developments in Assam during the years 1840 – 1859 centered round tea and the Assam Company. The total acreage under tea plants-mature and immature increased from 2,311 acres in 1841 to about 8,000 acres by 1859.\(^4\) By 1859 the number of estates under private proprietors had increased from 1 to 51.\(^5\) The number swelled to 295 with 31,303 acres of tea crops in 1870. In the year 1883, the total acre under tea worked


\(^{5}\) Ibid.
to 1,89,453 acres. Since then there was no let up in the expansion of tea cultivation (See Table III. 1).

<table>
<thead>
<tr>
<th>Year</th>
<th>Acres of Cultivation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1884</td>
<td>1,89,852</td>
</tr>
<tr>
<td>1885</td>
<td>1,97,510</td>
</tr>
<tr>
<td>1886</td>
<td>2,03,993</td>
</tr>
<tr>
<td>1887</td>
<td>2,11,079</td>
</tr>
<tr>
<td>1888</td>
<td>2,16,676</td>
</tr>
<tr>
<td>1889</td>
<td>2,27,249</td>
</tr>
<tr>
<td>1890</td>
<td>2,31,038</td>
</tr>
<tr>
<td>1891</td>
<td>2,41,823</td>
</tr>
<tr>
<td>1892</td>
<td>2,47,192</td>
</tr>
<tr>
<td>1893</td>
<td>2,54,126</td>
</tr>
<tr>
<td>1894</td>
<td>2,68,796</td>
</tr>
<tr>
<td>1895</td>
<td>2,76,014</td>
</tr>
<tr>
<td>1896</td>
<td>2,91,909</td>
</tr>
</tbody>
</table>

Source: *Annual Report on Labour Immigration into Assam* for the years 1877 to 1915.

Assam had dense and uninhabitable jungles. In the clearing forest and converting it to cultivable land the villagers found the income adequate and were therefore, least interested in the employment offered by the early tea planters. The population of the more developed parts of Assam were, as a rule, neither inclined, nor compelled by circumstances, to leave home in search of livelihood. In 1839, Bruce complained bitterly of the shortage of local labour and in 1841 the Assam Company attempted to import labour from Chota Nagpur. An outbreak of cholera proved disastrous at that juncture and none of the recruits reached the company’s gardens.6

The discovery that the tea plant would grow wild in upper part of the Brahmaputra Valley was made by Robert Bruce. He visited Garghaon for trading purpose in 1823 and there learnt of its existence from a Singpho Chief, who promised to obtain some specimens for him. In the following year these were made over to his brother C.A. Bruce, who, in the outbreak of the Burmese war, volunteered for service and was sent up to Sadiya in command of a division of gunboats. Some of the plants thus obtained were passed on to David Scott, who forwarded them to the Superintendent of the Botanical

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Gardens, Calcutta, for examination. They were pronounced to be the same family, but not the same species, from which Chinese manufactured their tea.\(^7\) Nothing further seems to have happened until 1832.

In 1834, a Tea Committee consisting of seven civilians, three Calcutta merchants, two native persons and Dr. Wallich of the Botanical Gardens was appointed to report on the possibility of cultivating tea in India. Meanwhile fresh enquiries were instituted in Assam and the reports submitted by Captain Jenkins and Lieutenant Charlton convinced the botanists, the Tea Committee and the Government of the identical nature of the Assam plant with that of China.\(^8\) In 1835 Government attempted to establish an experimental garden in Lakhimpur, which however failed. A garden was then started at Jaipur in the Sibsagar District, which was sold to the Assam Company in 1840, which had been originally founded in 1839.\(^9\)

The process of expansion of tea acreage involved considerable expenditure by the planters. It was about one fourth to one fifth what the Government spent in Assam. In 1857, planter's expenditure in the district of Lakhimpur alone was estimated by the Collector at Rs.50,000 to 60,000 per annum, on the basis of a tea crop of 1,30,000 lbs. The Assam Company's main problem was that of maintaining contacts with Calcutta over a distance of some 800 miles. In its early years, the Company continued to depend on its own fleet of country-boats. From 1847 onwards, the Government agreed to operate a rather irregular steamer service between Calcutta and Gauhati – a distance of 600 miles. It was extended up to the Dibrugarh only after 1856.\(^10\)

As early as 1845, the Assam Company had opened or repaired since 800 miles of public roads, had erected 266 bridges and established several ferries across the rivers. Only after 1859, the Government came forward to take up road construction works. The industry made use of wheeled carts drawn by bullocks and sometimes by elephants to

\(^7\) Ibid., p. 404.
\(^8\) Ibid., p. 405.
carry loads over short distances. This development helped the invested in tea gardens but did not lead to an equivalent generation of incomes and distribution of gains amongst the indigenous population of Assam.\textsuperscript{11}

In 1855 the first tea garden was set up in Cachar and cultivation began a few years later in Sylhet. In 1859 a boom began. Companies were formed to acquire those gardens which had been developed by private enterprise. A general scramble ensued to obtain land which resulted in planting out some seedlings and disposing of to a London Company at an exorbitant price. These gardens, made only to sell, could not pay and by 1866 the bubble burst and a period of severe depression in the Tea industry set in.

However, those gardens which had been honestly worked were paying and from 1869 onwards the industry began to flourish.\textsuperscript{12} In the Assam Valley the principal tea areas were in the district of Sibsagar, Lakhimpur and Darrang. Tea was grown on the higher alluvial flats, which were unsuitable for rice cultivation. A high quality of tea was produced but the valley was not so healthy for imported labour as Cachar and Sylhet (Surma Valley).\textsuperscript{13} The Surma Valley Planters had always depended mainly on private recruitment, either through the agency of \textit{sardars} or of labourers of their gardens who had gone to home on leave.\textsuperscript{14}

We have no reliable employment figures for the period. Nor do we know about the wage or what proportion of the labour force constituted the indigenous labour. The ideal proportion of 1.5 per workmen per planted acre never materialized before the sixties; in fact, the number was far short of this figure in the early years. In 1859, when the labourers numbered 8,000 or so, only a small part of this labour force was recruited outside the province.\textsuperscript{15} The most important source of recruitment was the 'Kachari' a tribal group of Darrang district. Besides, peasants from adjacent gardens were also employed in their off seasons through contractors. The wage rate varied between Rs.3

\begin{itemize}
\item \textsuperscript{11}Ibid., p. 291.
\item \textsuperscript{12}Punekar and Varickayil, \textit{Labour Movement in India}, p. 135.
\item \textsuperscript{13}Ibid., p. 147.
\item \textsuperscript{14}Ibid., pp 144 – 145.
\item \textsuperscript{15}Amalendu Guha, "Colonisation of Assam: Second Phase 1840-1856", p. 294.
\end{itemize}
and Rs.3.50 per month in the 1840’s and rose to Rs.4 by 1857. But even these apparently high wage rates did not appear to be sufficiently attractive. The cultivation and processing of tea during the period was purely manual, with little use of mechanical appliances. Yet it was basically different from traditional agriculture because of its capitalistic organization and scientific principles. The crop was new, the skills involved were new; even the scale of production was unprecedented in the region. But the tea gardens were like so many isolated islands of strange ways of life in the midst of a traditional society. The impact of employment opportunities was felt not so much in the two tea districts of Sibsagar and Lakhimpur as in Darrang. The latter was not producing tea till 1859.

The years 1840 – 59 saw the gradual evolution of the new technology of tea culture. Scientific principles of agriculture were systematically experimented with an applied technology. Seedlings were carefully raised. In the 1850’s innovations in pruning and plucking were introduced. Many of the manufacturing process were already organized in such a manner as to make their mechanization easy in the subsequent period. The heavy cost of early experimentation in Assam tea was entirely borne by Government. The Waste Lands Rules revised on 23 September, 1854, rendered 99 years’ lease on more liberal terms. But at the same time the minimum area for which one could apply was raised to 500 acres. Later, however, the limit was reduced to 200 acres and made relaxable to even 100 acres in special cases, if native applicants could satisfy the collectors of their ability to bring cultivators from outside Assam. The new rules stimulated a land rush not only in Assam proper, but also in the adjoining districts of Cachar and Sylhet. But the overall response received from European Capitalists was not impressive.

The planters came up with a three-point prescription of their own to solve the problem of labour shortage. (1) Introduce a regular steamer service Government owned

16 Ibid.
17 Ibid., pp. 295 – 297.
18 Ibid., pp. 305 – 306.
19 Ibid., pp. 299 – 300.
or subsidized — to facilitate their recruitment of labour from outside, (2) Suppress poppy
cultivation as well as the sale of opium, (3) Enhance the assessment of land revenue to
compel villagers to work in the tea industry for wages. All these suggestions except that
of stopping the sale of Government opium were accepted by the administration in due
course. Poppy cultivation was prohibited from 1 May 1860.20

Thus way was cleared for emigration of indentured labour from 1859. Planters
sent recruiting agents ("arkatis" first and then "sardars") to selected areas, where groups
of potential coolies were rounded up and made to sign a contract for full time labour,
obeying all the conditions set out in the contract, for a stipulated period of five years.
There was no demand for any particular skill, but only a capacity to do hard work under
trying conditions.21

II

The returns of the dispatch of indentured labourers in August 1865 shows that
7,230 men, 2,944 women, 620 boys, 508 girls, 241 baby boys and 224 baby girls were
dispatched to Assam. The proportion of females to males was 40 to 42 percent. In August
of the same year the British India Steam Navigation Company’s steamer ‘Punjab’ carried
600 labourers for Assam, Cachar and Sylhet from Kakinada in South India. Being
overloaded, 200 of the labourers were disembarked at Vizagapatnam for the safety of
the vessel.22 By the mid sixties, the policy of recruitment of labour from other provinces
was well under way.23

In January 1875 the Governor-General in Council declared the station of
Dhubri in the district of Goalpara an additional place of embarkation for the emigrants
proceeding to Assam. Dhubri situated on the right bank of the Brahmaputra river near the

20 Ibid., p. 302.
21 Utsa Patnaik and Manjari Dingwaney, Chains of Servitude: Bondage and Slavery in India (Madras:
22 J.C. Jha, Aspects of Indentured Inland Emigration to North-East India 1859 – 1918 (New Delhi: Indus
23 Amalendu Guha, Planter-Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947
meeting of the boundaries of Rangpur district of Bengal and the Goalpara district of Assam.\(^{24}\)

In 1886, J.G. Grant, Superintendent of Labour Transport at Calcutta, reported to the Bengal Government the five routes available during 1878 to 1880: 1. (via) Calcutta to Goalundo, 2. (via) Mugra and Kancharapara to Goalundo, 3. (via) Calcutta to Dhubri, 4. (via) Mugra and Kancharapara to Dhubri and 5. (via) Rajmahal to Dhubri.\(^{25}\)

Arrangements were made with the steam companies on the Brahmaputra to convey labourers more cheaply and more quickly into the labour districts and the journey was further shortened by the construction of a tramway between Dhubri and Teesta. The result was that the land route was hardly used, but in spite of its greater length, many of the labourers chose to travel by it arrived in better condition than those conveyed by water.\(^{26}\) Meanwhile, the Act of 1882 gave sanction for the facilities for free recruitment of labourers, but allowed the emigration to be put under contract on his arrival in the tea districts and this was almost invariably done in all the Assam tea plantations.\(^{27}\)

In 1882, of the 12,434 local contractors registered, 12,205 were made under Section 111 and only 228 were under Section 112 of 1882 Act. In the case of the contractors under Section 112, the employer or his agents appear with the contracting labourers before an Inspector or a Magistrate. Contracts under Section 111 were executed on the garden and then forwarded to the Inspector for registration the popularity of the latter form of contract was easily understood.

The Annual Report on Labour Immigration into Assam for the year 1883 quotes that: 'It is believed that none or hardly any of these were recruited in Madras, but they were Madrasis, who had found their way to Calcutta, were there enlisted by professional contractors.'\(^{28}\)


\(^{25}\) J.C. Jha, Aspects of Indentured Inland Emigration to North-East India, pp. 112 – 113.


\(^{27}\) Assam Labour Enquiry Committee Report, Calcutta, 1906, p. 45.

The daily mail service on the Brahmaputra river was running throughout the year 1884. Already the number of coolies sent by Dhubri, in preference to the Goalundo route, had increased to 90 percent of the total number imported. Of the 26,040 coolies who started from Dhubri, not less than 21,497 went by the daily mail steamers, the remainders being taken up by large steamers running single handed on occasions when the mail steamers were unable to carry off the large number of coolies that had accustomed in the depots at Dhubri.29

In 1886 free emigration was more active than in 1885. The recruitment under the other two systems fell to the lowest level recorded for five years. Initially the recruitment through contractors did not decrease, even though the number of contractors decreased from 10 to 8 in 1882. The number of certified garden sardars increased by 600 but they recruited a far small numbers than might have been expected. 30 Table II. 2 provides figures for the number of indentured and free emigrants brought into Assam.

The Chief Commissioner made special inquiries into the relations between the employers and labourers and he reported that in the non-manufacturing season the average monthly wage for Act labourers was Rs.4-13-3 for men and Rs.3-1-8 for women, while the highest monthly rate was Rs.6-10-6 and Rs.5-15-1. In the manufacturing season the average monthly wage for Act labourers was, for men Rs.5-0-5 and for women Rs.4-5-9. The highest rate was Rs.12-4-6 and Rs.11-10-8. For non-Act labourers (free labourers) in the non manufacturing season the monthly average wage was, for men Rs.6-1-5, for women Rs.3-1-10, for children Rs.2-5-10. The highest monthly rate was Rs.13-0-3 (for men), Rs.5-11-11 (for women) and Rs.4-1-3 (for children). In the manufacturing season the monthly average wage for non-Act labourers was for men, women and children were Rs.6-13-10; Rs.4-6-5 and Rs.2-10-10 respectively. The highest wage was Rs.10-0-5, Rs.12-13-1 and Rs.4-14-9. The non-Act labourers wage always remained higher than that of the Act labourers respectively for each of them.31

30 Jha Aspects of Indentured Inland Emigration, p. 39.
**Table III. 2**  
Indentured Emigrants and Free Emigrants in the Assam Plantations

<table>
<thead>
<tr>
<th>Year</th>
<th>Indentured Labourers or Act Labourers</th>
<th>Free Labourers or Non-Act Labourers</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Garden Sardar (Adults)</td>
<td>Contractors (Adults)</td>
<td>Total</td>
</tr>
<tr>
<td>1877</td>
<td>22,668</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1879</td>
<td>7,414</td>
<td>3,381</td>
<td>10,795</td>
</tr>
<tr>
<td>1880</td>
<td>6,630</td>
<td>5,543</td>
<td>12,173</td>
</tr>
<tr>
<td>1881</td>
<td>9,221</td>
<td>7,177</td>
<td>16,398</td>
</tr>
<tr>
<td>1882</td>
<td>10,805</td>
<td>7,177</td>
<td>17,982</td>
</tr>
<tr>
<td>1883</td>
<td>16,302</td>
<td>9,280</td>
<td>25,582</td>
</tr>
<tr>
<td>1884</td>
<td>8,676</td>
<td>6,583</td>
<td>15,259</td>
</tr>
<tr>
<td>1885</td>
<td>9,092</td>
<td>7,263</td>
<td>16,355</td>
</tr>
<tr>
<td>1886</td>
<td>10,237</td>
<td>11,402</td>
<td>21,639</td>
</tr>
<tr>
<td>1887</td>
<td>12,436</td>
<td>10,165</td>
<td>22,601</td>
</tr>
<tr>
<td>1888</td>
<td>15,277</td>
<td>9,522</td>
<td>24,799</td>
</tr>
<tr>
<td>1889</td>
<td>7,291</td>
<td>10,082</td>
<td>17,373</td>
</tr>
<tr>
<td>1890</td>
<td>9,241</td>
<td>16,071</td>
<td>25,312</td>
</tr>
<tr>
<td>1891</td>
<td>13,513</td>
<td>14,942</td>
<td>28,455</td>
</tr>
<tr>
<td>1892</td>
<td>11,710</td>
<td>14,304</td>
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<tr>
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<td>9,743</td>
<td>13,980</td>
<td>23,723</td>
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<tr>
<td>1894</td>
<td>8,988</td>
<td>21,847</td>
<td>30,835</td>
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<tr>
<td>1895</td>
<td>10,460</td>
<td>18,870</td>
<td>29,330</td>
</tr>
<tr>
<td>1896</td>
<td>22,490</td>
<td>18,121</td>
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</tr>
<tr>
<td>1897</td>
<td>12,080</td>
<td>10,559</td>
<td>22,639</td>
</tr>
<tr>
<td>1898</td>
<td>7,571</td>
<td>11,065</td>
<td>18,636</td>
</tr>
<tr>
<td>1899</td>
<td>16,728</td>
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</tr>
<tr>
<td>1900</td>
<td>8,102</td>
<td>6,147</td>
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</tr>
<tr>
<td>1901</td>
<td>7,988</td>
<td>6,088</td>
<td>14,076</td>
</tr>
<tr>
<td>1902</td>
<td>5,031</td>
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<td>11,126</td>
</tr>
<tr>
<td>1903</td>
<td>4,196</td>
<td>2,868</td>
<td>7,064</td>
</tr>
<tr>
<td>1904</td>
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<td>6,009</td>
</tr>
<tr>
<td>1906</td>
<td>4,890</td>
<td>8,422</td>
<td>13,312</td>
</tr>
<tr>
<td>1907</td>
<td>1,123</td>
<td>6,172</td>
<td>7,295</td>
</tr>
<tr>
<td>1908</td>
<td>664</td>
<td>3,747</td>
<td>4,411</td>
</tr>
<tr>
<td>1909</td>
<td>773</td>
<td>2,565</td>
<td>3,338</td>
</tr>
<tr>
<td>1910</td>
<td>946</td>
<td>2,830</td>
<td>3,776</td>
</tr>
<tr>
<td>1911</td>
<td>1,484</td>
<td>981</td>
<td>2,465</td>
</tr>
<tr>
<td>Year</td>
<td>Males</td>
<td>Females</td>
<td>Total</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>15-16</td>
<td>522</td>
<td>57</td>
<td>579</td>
</tr>
<tr>
<td>16-17</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

* Until 1883 infants were shown separately, but after that year figures for infants were not given. So it is presumed that they were clubbed together with children.


**Note:** The figures in the table illustrate raise in the outflow of migrants from India during the famine years 1891 to 1897 and 1900. Another pattern noticeable is the decline in the number of emigrants under indentured system and the increase in those who moved to Assam as Free labourers since 1904. As the nationalists began to attack on the indentured system, the labourers were permitted to move to Assam as Non-Act workers. Atleast the labourers recruited under indentured system could seek legal remedy but not the workers taken to estates as free labourers.

Contracts under Act XIII of 1859 were also freely employed in some of the labour-districts. The bulk of the contracts in the labour-districts were executed either for three years or for one year, but a considerable number for two years were also executed in Sibsagar district. The larger contracts were made by the newly arrived coolies. In 1890-1891, there was a large decrease in the use of these contracts in the Surma Valley districts, but there was a considerable increase in the Assam Valley. Generally the local contract was used in the former area among the fresh immigrants but in the later among the timer-expired labourers.

In 1892 Madras appeared for the first time as a recognized source from which labourers could be legally drawn and the provisions of the Inland Emigration Act brought into operation in the Ganjam district. In 1893-94, there was a large decline in the number of labourers imported from the Madras Presidency, which caused by the

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32 Ibid for 1889-1890, p. 196.
33 Ibid for 1890-1891, p. 212.
34 Ibid for 1892 – 1893, p. 147.
favourable season and the quantity of work available in Ganjam, the district from which most of the emigrants were drawn into Assam.\textsuperscript{35}

**Table III. 3**

**Emigration to Province of Assam, 1885 - 1904-05**

<table>
<thead>
<tr>
<th>Year</th>
<th>Assam Valley</th>
<th>Surma Valley</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1885</td>
<td>18,043</td>
<td>11,335</td>
<td>29,398</td>
</tr>
<tr>
<td>1886</td>
<td>18,844</td>
<td>12,050</td>
<td>30,894</td>
</tr>
<tr>
<td>1887</td>
<td>26,027</td>
<td>10,436</td>
<td>36,463</td>
</tr>
<tr>
<td>1888</td>
<td>30,839</td>
<td>15,454</td>
<td>46,293</td>
</tr>
<tr>
<td>1889</td>
<td>36,562</td>
<td>19,096</td>
<td>55,658</td>
</tr>
<tr>
<td>1890</td>
<td>24,551</td>
<td>11,529</td>
<td>36,080</td>
</tr>
<tr>
<td>1891</td>
<td>32,439</td>
<td>17,469</td>
<td>49,908</td>
</tr>
<tr>
<td>1892</td>
<td>36,134</td>
<td>19,916</td>
<td>56,050</td>
</tr>
<tr>
<td>1893</td>
<td>33,778</td>
<td>16,897</td>
<td>50,675</td>
</tr>
<tr>
<td>1894</td>
<td>30,321</td>
<td>16,209</td>
<td>46,530</td>
</tr>
<tr>
<td>1895</td>
<td>35041</td>
<td>37,796</td>
<td>72,837</td>
</tr>
<tr>
<td>1896</td>
<td>42,384</td>
<td>38,731</td>
<td>81,115</td>
</tr>
<tr>
<td>1897</td>
<td>66,952</td>
<td>28,979</td>
<td>95,931</td>
</tr>
<tr>
<td>1898</td>
<td>33,762</td>
<td>15,407</td>
<td>49,169</td>
</tr>
<tr>
<td>1899</td>
<td>24,449</td>
<td>7,459</td>
<td>31,908</td>
</tr>
<tr>
<td>1900</td>
<td>44,534</td>
<td>18,199</td>
<td>62,733</td>
</tr>
<tr>
<td>1901</td>
<td>20,764</td>
<td>5,459</td>
<td>26,223</td>
</tr>
<tr>
<td>1902-03</td>
<td>22,173</td>
<td>4,511</td>
<td>26,684</td>
</tr>
<tr>
<td>1903-04</td>
<td>17,574</td>
<td>4,588</td>
<td>22,162</td>
</tr>
<tr>
<td>1904-05</td>
<td>19,337</td>
<td>4,872</td>
<td>24,209</td>
</tr>
</tbody>
</table>


**Note:** The decline in the number of those immigrants into Assam is striking after 1900.

The demand for labour went on increasing and there was a keen competition amongst the various recruiting agencies. The two legalized systems of recruitment, tat by the licensed recruiters and the other by the certified garden *sardars*, suffered at the hands of the self constituted free recruiters.\textsuperscript{36}

The Deputy Commissioner of Golpara reported in 1896 that the increase was probable attributed to the two new railway routes had been sanctioned (a) Khana junction

\textsuperscript{35} Ibid for 1893-1894, p. 148.

\textsuperscript{36} Jha *Aspects of Indentured Inland Emigration*, p. 67.
via Sahebganj and Kathiar to Jatrapur and (b) Lakhisarai via Sahebganj and Kathiar to Jatrapur. The coolies traveled by these routes did not pass through the central station in Bengal at which contracts could enter into.\textsuperscript{37}

In 1896-97, it was noticed that the ‘contractors’ recruits’ were falling off in number, whereas those enlisted by ‘garden sardars’ were becoming more numerous. These sardars secured the best class of labourers and on an average as each sardar enlisted two coolies.

In 1898 due to the outbreak of plague, emigrants were stopped at Calcutta depots for the preliminary period of quarantine. The Bengal Government also decided that the indentured labourers from ‘up-countries’ would not be permitted to enter Calcutta lest they brought cholera. They were to proceed straight via Nihati. The coolies from Ganjam in Orissa and elsewhere were to be quarantined at Goalundo, apart from other emigrants, for ten days before being allowed to proceed further to Assam.\textsuperscript{38}

In 1899 there was a striking decrease in immigration into Assam. Fewer coolies, indeed, were imported into the labour-districts. As compared with 1898, there was a very large decrease in the number of Act coolies brought by sardars and in that of ‘free’ coolies. The total number of labourers who entered Assam was 31,908. Inspite of this general decline, there was an increase of importations from Madras and Central Provinces.\textsuperscript{39} In 1903 the number of immigrant labourers whom under Act VI of 1901 plunged from 93,278 in 1902 to 84,306.\textsuperscript{40} In the same year the railway routes via Dhubri and via Chandpur and Tinsukia were opened as alternative route for all emigrants to reach Brahmaputra Valley.\textsuperscript{41}

In 1905 a conference of the Secretary, General Department of the Bengal Government, the Agent, East India Railway Company and the Superintendent of Emigration Calcutta decided that all indentured labourers for the North-East except from

\textsuperscript{37} Annual Report on Labour Immigration into Assam, 1896, p. 6.

\textsuperscript{38} Jha Aspects of Indentured Inland Emigration, p. 129.


\textsuperscript{40} Annual Report on Labour Immigration into Assam, 1903-1904, p. 1.

the Central Province, the Chotanagpur labourers traveling through Asansol and all other labourers traveling by the East Indian Railway via Asansol should be halted for not less than 24 hours and the others for not less than eight hours. After that they proceed to Goalundo or to Saraghat without any halt at Naihati.\textsuperscript{42}

During this year there was an increase in the number of immigrants from the plain districts of the United Provinces, Bengal, Chota Nagpur and the Sonthal Parganas, but the increase was entirely of non-Act coolies (free), those imported under Act (indentured) showing a decrease.\textsuperscript{43} Thirty eight steamers carried the emigrants to Assam and either to Cachar and Sylhet as against 31 and 9 respectively in the previous year. The trip to Assam took 5 fays and 12 hours and the trip to Cachar and Sylhet took 3 days and 12 hours.\textsuperscript{44}

Even in 1905-06 the emigrants were transported from Goalundo to the Brahmaputra Valley districts in the steamers of the Indian General Navigation and Railway Company Limited and the River Steam Navigation Company Limited, either fully or partly, up to Gauhati or Chandpur and from there by rail. To the Surma Valley districts they were either taken direct or by steamers to Chandpur and then by rail.\textsuperscript{45}

The Bengal Government decided in 1905 that the labourers from Madras Presidency, Orissa division and the Midnapur district of Bengal traveling via Naihati should be halted at this station for not less than eight hours, as previously. Similarly, all the emigrants except the \textit{sardari} coolies traveling via Saraghat, Parvatipur and Dhubri should be halted, as in the past, at Saraghat for a period long enough to have them at least one meal.\textsuperscript{46}

In November of this year the Government of Madras issued revised rules, removing certain restrictions on \textit{sardari} recruitment in the districts of Ganjam and

\textsuperscript{42} Jha \textit{Aspects of Indentured Inland Emigration}, p. 67.
\textsuperscript{44} Jha \textit{Aspects of Indentured Inland Emigration}, p. 131.
\textsuperscript{45} Ibid., p. 130.
\textsuperscript{46} Ibid.
Vizagapatanam as yet given practically no results.\(^{47}\) Since the close of the year 1906, Assam-Bengal Railway and the East Indian Railway arranged to issue tickets to tea garden immigrant labourers on presentation of a credit note, signed by the manager or superintendent of any garden in Assam. The East Indian Railway had further arranged a carriage for immigrant labourers from Assanol to Goalundo and reduced the third class fare to Rs.1 ½ p/ per mile for coolies carried over 100 miles, on the hope of stimulating *sardari* recruitment. This was improved the un-indentured immigration into the Assam tea plantation. Thus the number of adults imported without any contract into Assam formed 75 percent of the whole during this year.\(^{48}\)

In 1906 the Assam Labour Enquiry Committee submitted its report and its recommendations received the attention of government. The report encouraged the *sardari* recruitment, the abolition of local contract and the withdrawal of the right of private arrest. Despite this recommendation and the facilities afforded by Railway Companies for the stimulation of *sardari* recruitment, there was a falling of in immigration. The total number of labourers and their dependants imported during the year 1906-1907 being 25,617 against 31,830 in 1905-06.\(^{49}\)

The average rate of wage for men on the total labour force was increased from 7 s. 8 ¾ d. to 7 s. 9 ½ d. and for women from 6 s. 3 5/6 d. to 6 s. 8 ½ d. The average wage earned by the free men was 6 s. 8 5/9 d. compared with 6 s. 7 1/3 d. in 1905. The average earnings of women rose from 4 s. 9 1/6 d. to 4 s. 11 5/6 d. and children from 2 s. 11 1/12 d. to 2 s. 11 5/12 d.\(^{50}\)

\(^{47}\) Resolution on Immigrant Labour in the Assam Districts of Eastern Bengal and Assam, 1906, p. 2.

\(^{48}\) Ibid.


\(^{50}\) Ibid., p. 166.
Indentured labour laws in Assam

The indentured emigration to Assam as seen in the last section, was organised with the government initiative in 1859. The Lieutenant-Governor of Bengal recommended the planters to adopt the same system of recruitment that was pursued by the planters of Mauritius and recommend legislation if it was necessary for the regulation of organized system of recruitment.\(^5\)

The Act XII of 1859 was passed at the instance of the Master Wardens and Members of the Calcutta Traders Association. The Government by enacting this Act had responded to their demand of settling the losses they sustained due to the breaches of contract or desertion of work by servants. The petitioners had asked for punishment to the workers for breach of contract. It was at first proposed to limit the scope of the Act to the Presidency Towns, but at the suggestion of the Government of Madras a provision was inserted in the Bill that authorised the Governor General or the Executive Government of any Presidency to extend to any place within their respective jurisdiction. It was provided that the powers under the Act should vest in an officer specially appointed by the Government.\(^5\)

The Act XII of 1859 was brought into force. The Act 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. Section 2 provided that if Magistrate was convinced, he could order the offender to repay the money that he received as advance, or order him to perform such work according to the terms of his contract. If he failed to comply with the said order, the Magistrate may sentence him to be imprisonment with hard labour for a term not exceeding three months.\(^5\)

In 1864, the Act was extended to labour districts of Assam (except to Sylhet districts where it was brought to force later). In the 1860’s the cases of imported and


\(^{52}\) Ibid., p. 103.

locally engaged labourers were dealt with for breach of contract. But it was found out that the Civil Law did not give sufficient protection to the employers. The Act helped to prosecute and imprison a labourer for violating the agreement he signed. The Act contained no compensating provisions for his protection, while serving on the tea garden. The verbal contracts were made legal under this Act. The Act was made applicable to contracts not less than a period of 313 days and within 939 days.

In 1861, the Government found it necessary to appoint a three member committee to enquire into the system under which the emigration of labourers to Assam and Cachar was conducted. In 1862 the committee submitted two reports in which it appeared that coolies were sent to Assam by steamer and to Cachar by country boat. They were generally carried during the rainy season. About 10 percent of the emigrants were women and there was no definite agreement as to the rate of wages the labourers was to be received and the term was to be serving under his employer. But it was unearthed that in Cachar companies took five year agreement at Rs.4 a month as wage from the labourers and the Calcutta contractors did not provide proper accommodation for the labourers. The arrangements for the river journey were in the hands of the contractor. The result was that there were no proper arrangements to ensure cleanliness. The food was unsuitable and insufficient. Over-crowding and inadequate medical attendance resulted in high mortality. Based on the report of this committee, the Act III (B.C) of 1863 was passed. It declared that no one should engage any native inhabitant of India within the territories under the jurisdiction of Government of Bengal.

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, in which the recruitment had taken place. The coolie recruited had to appear before the Superintendent. Then the intending labourer would be examined

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55 Ibid., p. 105.


57 Ibid., p. 136.
as to his willingness to proceed. After registration the emigrant was forwarded to the contractors’ depot where the emigrants would be examined by a medical inspector for asserting his or her fitness to proceed to labour in the tea districts of Assam.\textsuperscript{58} The Superintendent had also to ascertain whether the labourers had been well-treated on their journey to the depot and he had power to send back to his home at the contractor’s expense if any emigrant had been ill-treated.\textsuperscript{59}

Before leaving the depot the emigrant had to execute a contract in the presence of the Superintendent. The term of the contract should not exceed five years and the rate of wages was to be specified. Thus the Act III of 1863 fixed the five years indentureship as the maximum period of contract.\textsuperscript{60} Under the rules and regulations framed for the transport of labour from Calcutta to Assam, Cachar and Sylhet, a Superintendent of Labour Transport was posted there to exercise supervision over the labourers.\textsuperscript{61} There was a provision for the licensing of steamers and boats carrying coolies to the labour districts which said that if the emigrant labourers’ vessels did not contain at least one female to every four males, the Superintendent was empowered to refuse to grant embarkation passes to the vessels.\textsuperscript{62}

Even the Act III (B.C) of 1863 did not contain any provision for the protection of the immigrant labourers after his arrival on the tea gardens of Assam.\textsuperscript{63} The Government of Bengal therefore had to pass the Act VI of 1865. The Government cited the following reasons for the amendment of the Act III (B.C) of 1863:

\begin{quote}
  'In consequence of the unfortunate state of the relations existing between employers and labourers in the eastern districts, it is now proposed, as in the case of Colonial Emigration, to continue the interference of Government so long as the contract is current. Such
\end{quote}

\textsuperscript{58} Ibid.
\textsuperscript{59} Ibid.
\textsuperscript{60} Ibid.
\textsuperscript{61} Jha, Aspects of Indentured Inland Emigration, p. 34.
\textsuperscript{62} Assam Labour Enquiry Committee Report, 1906, p. 136.
interference appears to be necessary in the interests of the employer as of the labourer.\textsuperscript{64}

The Act VI (B.C) of 1865 that supplemented the Act III (B.C) of 1863 fixed the minimum wage: Rs.5 for a man, Rs.4 for a woman and Rs.3 for a child under 12 years of age a month. 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.\textsuperscript{65} Section 33 of the Act declared that a labour who absented himself from work should, on conviction before a Magistrate, forfeit his wages for the days of absence and a further sum of four annas a day for absence exceeding seven days or on a second conviction within three months, should be liable to imprisonment for fourteen days.\textsuperscript{66} By Sections, 35, 36 and 37, the employer was empowered to arrest an absconding labourer without a warrant, if the labour were found in the same district. If he was in the service of another employer who was bound to handover the arrested labourer to a police officer or Magistrate within 48 hours, with fine Rs.500. The penalty for desertion was three months' rigorous imprisonment.\textsuperscript{67}

Section 41 provided that a sentence of imprisonment should not terminate the contract, but the labourer was to be made over to his employer on the expiry of his sentence to enable him to complete his contract with his employer. Section 39 imposed a fine of Rs.500/- on any person who enticing, harbouring or employing a labourer under contract.\textsuperscript{68}

Protectors of Labourers and Inspectors of labourers were appointed and they were empowered to inspect the tea gardens of Assam. A fee not exceeding one rupee a year for each labourer was levied from employers to pay the salaries of Protectors and Inspectors. By the Act VI (B.C) of 1865 every estate was required to run a hospital. And the estates which were employing 300 labourers, was bound to employ a medical officer

\textsuperscript{64} Assam Labour Enquiry Committee Report, 1906, p. 136.
\textsuperscript{65} Ibid.
\textsuperscript{66} Ibid.
\textsuperscript{67} Ibid.
\textsuperscript{68} Ibid.
approved by the Local Government. And the Act authorised the Protector of Labourer to suspend the contract of a labourer temporarily if he found unfit for work and such period was not added to the term of contract of the labour. The Protector also empowered to terminate a contract of labour permanently if he noticed that he was unfit for work on the gardens. The Act required the employer to notify the Protector about the completion of contracts and redemption of contracts on his estate.\textsuperscript{69}

The same Act declared that any coolie who wished to make a complaint against his employer to the Protector could thereupon summon the labourer before him; if the complaint was fallacious the number of days spent over the enquiry was added into the contract term.\textsuperscript{70} If a labourer’s wages were two months in arrears, the Magistrate could award him compensation and if the District Magistrate found that a labourer had been abused by his employer or wages were six months in arrear, he could cancel the contract of labourer with the erring employer. And the Act provided that if a committee found an estate or part of an estate was unfit for human habitation, all contracts in respect to estate or part of it could be declared void.\textsuperscript{71}

The employers of the tea estate found the Act VI (B.C) of 1865 as an embarrassment and restrictions to their position. The employers also strongly resented to the interference of the Protectors. The law of 1865 thus became a legislation of unsatisfactory nature. So in 1866 a Bill was introduced into the Bengal Council for the amendment and consolidation of the Act VI of 1865. This Bill was at the stage of enactment was referred to a Select Committee which modified it in important respects. As it originally stood the Bill provided that, where a labourer had twice undergone sentence of imprisonment, working to 60 days the contract might be cancelled on the labourers’ request. The Select Committee revoked this provision. But they provided that a labourer should not be made punishable for desertion, if he deserted on account of reasonable apprehension that his life or health was in danger. The Legislative Council accepted the recommendation of the Committee, but the Governor General refused his


\textsuperscript{70} \textit{Assam Labour Enquiry Committee Report}, 1906, p. 136.

\textsuperscript{71} Ibid.
assent to the Bill after it was passed by the Bengal Council, on the ground that the Bill was not being in accordance with the policy laid down by the Secretary of State. The Government of Bengal appointed a Commission to enquire into the whole question of immigration into Assam, Cachar and Sylhet. In 30 March 1868 the Commission submitted its report.72

The Commission examined the working of the existing law and the proposals to amend it, was submitted recommendations for the formation of the new law: ‘We should like to see all contractors and recruiters for the supply of labour to the tea districts abolished but as that can not be suddenly accomplished we would propose a scheme for obtaining recruits, which we believe to be free from many of the objections to which the present system is open, and which has many advantages which the present system can never have. The scheme we would recommend is simply to open private recruiting under certain provisions, which shall leave the planters almost untrammeled and at the same time ensure complete information and sufficient control on the part of the Government.’73 ...to ensure this, we propose that any employer of labour wishing to dispatch a sardar to bring recruits, should first send him to the Magistrate of the district in which his garden is situated, with a certificate stating his name and description and the district to which he is giving. The Magistrate, having satisfied himself that the description is correct, shall countersign his certificate, and such certificate should hold good for only one trip. A check of this nature is requisite in order to prevent regular recruiters from pretending to be garden sardars, and so evading the Act.74

The Government of Bengal, on consideration of the Commission’s recommendations and the report, brought in a Bill which became law as Act II (B.C) of 1870. Under this law the contract period was reduced to three years. This was the first law and first time that recognized the “Garden sardars”. They were divided into two classes, those authorized to recruit more than twenty labourers and those not so authorized. The former class had to follow the procedure of licensed recruiters and pass

72 Ibid., p. 138.
73 Ibid., p. 139.
74 Ibid.
their coolies through a contractor's depot, but the latter put their coolies on contract in the
district of recruitment or in Calcutta and would take them to the garden by the route that
they preferred.\textsuperscript{75} Arrest without warrant was allowed wherever the coolie might be found,
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.\textsuperscript{76} It was offence to remove any person to the
labour districts without a contract. Every contract should be in writing and should specify
the monthly wage in cash, the period of service, the name of the district, where the
service was to be rendered and the price at which rice was to be supplied to the
labourers.\textsuperscript{77} Copies of new registrations and contracts were to be forwarded to the
Magistrate of the district. On arrival at his destination, the garden sardar had to report
himself to the Magistrate of the district about the number of coolies landed with the
number of those registered and had to report to the Superintendent of Labour Transport at
Calcutta, if any deaths had occurred on the way to the labour districts.\textsuperscript{78}

The Act II (B.C) of 1870 abolished the title of Protector of Labourers and
instead appointed Inspectors and Assistant Inspectors. The Inspector still had power to
temporarily suspend a contract. During suspension the employer required to give the
labourer subsistence allowance and the period of suspension was added to the term of
contract.\textsuperscript{79} Similarly a contract could be cancelled for permanent unfitness, for the
redemption of contract the labourer under the Act VI (B.C) of 1865 received Rs.120 or a
sum equivalent to the minimum rate of wages for the unexpired terms of contract.
However, Act II (B.C) of 1870 determined one rupee for every month of the unexpired
portion of the first year, Rs.3 for every such month of the second year and Rs.5 for every
such month of the third year.\textsuperscript{80}

\textsuperscript{75} Punikar and Varickayil, \textit{Labour Movement in India}, p. 139.
\textsuperscript{76} Ibid.
\textsuperscript{77} \textit{Assam Labour Enquiry Committee Report}, 1906, p. 141.
\textsuperscript{78} Ibid.
\textsuperscript{79} Ibid.
\textsuperscript{80} Ibid.
The Act II (B.C) of 1870 was soon found to be defective in many respects and in 1873 a Bill was brought in to amend it.\(^{81}\) The Lt. Governor of Bengal, George Campbell, got the Act VII (B.C) passed in 1873 repealing Act II (B.C) of 1870. The new Act came into force on 7 January 1874 together with the rules framed there under.\(^{82}\) The most important feature of this Act VII of 1873 was permitted free recruitment outside the provisions of the Act, provided that the contract did not extend beyond one year. The penal clause of the Act was not invoked and inflicted on the labourers. So the employers and planters made no use of the Act.\(^{83}\) However, this provision indirectly legalized their old practice of inducing time-expired emigrant labourers to enter into fresh contracts under the Workmen's Breach Contract Act XII of 1859.\(^{84}\) Under this Act, the right of private arrest could only be exercised at a distance of ten miles from place where a Magistrate resided.\(^{85}\)

While the law was under discussion, it came to the notice of the Lieutenant Governor, Sir George Campbell, that some healthy and popular gardens in Sylhet were recruiting free labourers through-garden sardars without complying with the provisions of the law. He considered that this sort of recruitment should not be interfered with and he proposed that the free recruitment of labourers should be allowed. Such labourers recruited remained permanently outside the purview of the Act.\(^{86}\)

The important change introduced by this Act VII (B.C) of 1873 was the prohibition against unlicensed recruiting was withdrawn. Any person could be imported into Assam outside the provisions of this Act VII (B.C) of 1873 under a contract for a

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\(^{81}\) Punikar and Varickayil, *Labour Movement in India*, p. 139.

\(^{82}\) Jha, *Aspects of Indentured Inland Emigration*, p. 38.


\(^{84}\) Amalendu Guha, *Planter-Raj to Swaraj*, p. 17.

\(^{85}\) Punikar and Varickayil, *Labour Movement in India*, p. 139.

\(^{86}\) Assam Labour Enquiry Committee Report, 1906, pp. 141-142.
term up to one year. But the agreement was enforceable only by suit under the ordinary civil law of contract. By 1878 a large surplus balance had accumulated to the credit of the Inland Labour Transport Fund and within two years of time the Government of Bengal extinguished this by spending were five lakhs on the improvement of communication between Bengal and Assam. The Government of India questioned the legality of this expenditure and suggested that the law should be amended so as to legalize such expenditure. This raised the question of a general amendment of the law.

In 1880 in an enquiry into the causes of the unhealthiness of a garden in Cachar it was found that there was no record showing the earnings of each coolie separately. The garden paid the labourers at the end of each day for their work. For issuing the money directly into the labourers hand instead for the work they had provided ‘tokens,’ which represented each a certain amount of value and which could be en-cashed once in a week or sometimes once in a month. This system of payment was followed by few other gardens too. By this system the managers saved from some troubles. But as under this system the gardens did not maintain any registers for proving the individual labourers’ earning.

On the 6 April 1880, the Chairman of the Indian Tea Districts Association, pleaded with the Governor-General of India in Council to take necessary measures to improve the position of the tea industry of Assam by an amendment of the Act VII (B.C) of 1873. The Lieutenant-Governor of Bengal also expressed similar views to the Government of India. The Government of India, on 18 October 1880, approved the appointment of a Commission to consider the whole question of the working of Act VII (B.C) of 1873. The Commission was constituted and commenced its sitting at Calcutta on the 20 December 1880. The following members constituted the Commission:

A. Mackenzie, Secretary Government of Bengal, President.
W. Aitchison, Manager of the Doloo Tea-Garden, Cachar.

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87 Ibid., p. 142.
88 Ibid., p. 143.
89 Annual Report on Labour Immigration into Assam, 1880, p. 5.
H. F. Brown, representing Messrs. Schoene, KII Burn & Co.,
Dr. J. G. G. Grant, Superintendent of Emigration, Bengal.
L. Hare, Assistant – Secretary to the Chief Commissioner of Assam.
A. B. Inglis, representing Messrs. Begg, Dunlop & Co.,
A. Wilson, representing Messrs. Jardine, Skinner & Co.,

On the 20 January 1881, the Commission submitted the final report, with a
draft Bill for the proposed amendments of the law. The Commissioner appointed to
consider and amend the Act VII of 1873, reported that they found the law defective in
many respects chiefly on the following points:-

(1) That it did not afford sufficient encouragement to free emigration.
(2) That it imposed unnecessary restrictions upon sardari recruiting.
(3) That failed to provide for enforcement of contracts made otherwise than
under provisions of the Act itself.
(4) The remedies provided for employers in the event of the unlawful
absence, idleness or desertion of their contract labourers, were
insufficient.

The Governor – General gave his assent for the new Act I of 1882 on 6
January 1881. The following were the new features introduced by that Act I of 1882.
Section 7 provided that nothing in the Act should be deemed to prohibit any native of
India from emigrating to or entering into a contract to labour in a labour district other
than those under the jurisdiction of the Act.

By Section 9 of this Act, the term of contract was again raised to five years
and minimum wage was fixed 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, was prescribed,
payment being subject to the completion of a daily task. Sub-Contractors were
recognized and there was no material change in regard to the treatment of emigrants
recruited by Contractors. The medical inspection was merely directed to ascertaining that
the emigrant was fit to travel. Local agents were licensed and forbidden to have any

90 Ibid., p. 1.
connection with contractors or recruiters and they were authorised to recruit the labourers without any intervention of garden sardars. ⁹²

Under the Act VII of 1873 a garden sardar’s certificate was only allowed to have its validity for six months. But the Act I of 1882, extended a garden sardar’s certificate’s validity from six months to one year. On the application of the employer, an Inspector or Magistrate could countersign the certificate without requiring the reappearance of the garden sardar before him for a fresh certificate, while effecting renewal. By this Act I of 1882 planters were permitted to recruit any number of persons for the tea gardens. ⁹³

Sections 111 and 112 permitted local labour contracts to be made in labour districts of Assam. But a copy of the contract should be forwarded to the Inspector within one month. On the first visit of the Inspector to the estate he was empower to cancel the contract on the requisition of the labourer. These local contracts were followed the same terms as initial contract in the recruiting districts. 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. ⁹⁴

Labourers absent owing to sickness were to receive a subsistence allowance of 1 ½ annas a day, but if such absence exceeded 30 days in any one year, the excess days were to be added into the period of the contract. The distance from a Magistrate’s court to issue arrest warrant was reduced from 10 to 5 miles. It was provided that, if the food grains used by any class of labourers were not available in the local market at reasonable rates, the employer was to supply them at reasonable rates. ⁹⁵ Section 109 of the Act declared that maximum annual capitation fee leviable from employers for each labourer employed under the Act should not exceed one rupee. Under the old law of Act VII of 1873, one rupee collected earlier was raised to one rupee and eight annas. Section 113 required all employers to keeping up of registers and submission of returns. Section 170

⁹² Assam Labour Enquiry Committee Report, 1906, p. 144.
⁹⁴ Ibid.
⁹⁵ Assam Labour Enquiry Committee Report, 1906, p. 144.
called a system of monthly lists of defaulters from work by the employer to the Inspector, who on enquiry would punish any such defaulters, by add the days of absence on his contract, unless the labourer consents to forgo to his employer the sum of 4 annas for each day of his absence. Repeated absence or desertion could be punished criminally by the Magistrate as under the former law.  

Section 11 of the Act I of 1882 fixed the age as sixteen years or upwards as lawful for entry into a labour contract.  

Section 13 stipulated one hundred rupees for every license to a contractor and fifty rupees to sub-contractor respectively.  

Section 19 required every contractor to maintain suitable depots for the lodging of the labourers, previous to their departure to the labour districts, at such places as to Local Government would suggest. Section 20 declared that no such depot shall be used for the lodging of labourers until which was inspected and approved by the Superintendent and the Medical Inspector. Section 21 required in addition to the depots, the Local Government should establish a separate hospital for treating the labourers who were affected by any dangerously infections or contagious disease. Section 22 required the local Government to appoint a Medical Officer for every hospital depot.  

Section 35 required for every labourers, who were produced before a Registering Officer for the purpose being registered as a labourer, to pay a fee not exceeding one rupee. According to Section 65 every garden-sardar should appear before the Registering Officer of the jurisdiction. Section 87 insisted that the master of vessel should not allow more than twenty emigrants to board on his vessel for the purpose of transporting them to a labour district. The master or owner of any vessel (Section 88), desiring to obtain a license under this Act to carry passengers in such vessels should make a written request for a license to an Embarkation Agent. If the Embarkation Agent (Section 89), was of opinion that the vessel was suitable for carrying labourers to a labour district, he would issue a license to the master of vessel. For obtaining such license

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97 Ibid.  
98 Punkar and Varickayil, Labour Movement in India, pp. 215-216.  
(Section 90) the master of vessels or the owner of vessels had to pay sixteen rupees. This license was to have validity for only one year. Two children under the age of ten years shall be reckoned as one person (Section 92). The vessels licensed under this Act should not proceed on a voyage with labourers until the master received the way-bills from the Embarkation Agent relating to all labourers on board (Section 97).\textsuperscript{100} The master of the vessel should not drop the labour at any place other than that named in the way-bill (Section 98).

Section 123 required every employer to provide housing, water supply and sanitary arrangements to the labourers employed on the estate. Section 154 stated that if any master of vessel boarded more than twenty passengers in contravention of the Section 87, shall be punished with fine two hundred rupees for each passenger so received on his vessel. Similarly as Section 158 denoted, if a master of a vessel permitted a labour to leave his vessel contrary to the way-bill, shall be punished with fine of two hundred rupees.\textsuperscript{101}

Section 174 declared that if any labourer abstained from the work without any reasonable cause for more than seven days in any one moth, shall be liable to forfeit his wages for the period of such absence and to pay a penalty of four annas for each day of absence to his employer. He would be liable to imprisonment for a period up to fourteen days. In case such absence was in any two consecutive months, the imprisonment was for a term of one month. Section 175 required every labourer who deserted from his employer’s service, for the first time he 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.\textsuperscript{102}

The planters did not care to run the risk of taking coolies up to Assam unless he had a firm hold over him and always put him under contract which led to the establishment of the local contract system in 1882. By the Act I of 1882, a labourer could be proceeded to the labour districts as a free immigrant without any contract till his

\textsuperscript{100} Ibid., pp. 222-233.

\textsuperscript{101} Ibid., pp. 233-248.

\textsuperscript{102} Ibid., p. 251.
arrival on the garden. Afterwards he could enter into a local contract not under the Act. As a free immigrant after his arrival into the garden he also could enter into a contract under the Act. He could also be go to the labour districts as an immigrant recruited and registered under the Act and execute a contract before arrival in the labour district. In the first type of contract he was in no way subject to the Act, in the second type of contract he was subject to only to such of its provisions relevant to carrying out of the labour contract. But in the third type of contract he was completely under the Act from the date of his recruitment to until the lapse of his agreements.\textsuperscript{103}

Alexander Mackenzie's Commission had hoped that the scheme propounded by them and embodied in Act I of 1882 would kill the contractor. It had, however, the exactly opposite effect. The contractors took advantage of Section 7 and proceeded to recruit outside the law and evaded its restrictions. They took their recruits to Dhubri where they were taken on contract for five years before a Magistrate.\textsuperscript{104}

Sir Charles Elliot, Lieutenant Governor, was strongly opposed to the Act XIII of 1859 and recommended its withdrawal from Assam. He sent a letter to this effect to the Secretary of State on 17 July 1886. The Chief Commissioner was ordered to enquire into the implication of the repeal of Act XIII of 1859.\textsuperscript{105} In his special report on the working of Act I of 1882, Quinton, the Chief Commissioner, examined the working of Act XIII of 1859 and gave his opinion in favour of its retention and the Government of British India also accepted his recommendation.\textsuperscript{106}

The Government of Bengal passed the Act I (B.C) of 1889, which empowered the local Government to make rules for emigrants' travel accommodation and food. In 1890 the Act was extended to Assam. Even this Act did not help to remedy the condition prevailing.\textsuperscript{107} Therefore, after prolonged discussion, The Inland Emigration Act I of 1882 was amended by the Act VII of 1893 and the title of the Act was also altered as: "The

\textsuperscript{103} Annual Report on Labour Immigration into Assam, 1882, p. 2.

\textsuperscript{104} Assam Labour Enquiry Committee Report, 1906, p. 144.

\textsuperscript{105} Ibid., p. 103.

\textsuperscript{106} Ibid., p. 104.

\textsuperscript{107} Rules Under the Assam Labour Emigration Act I of 1882, as Amended by Act VII of 1893, pp. 1-3.
Assam Labour and Emigration Act.' This Act was extended to the Central Provinces and the Ganjam districts and other parts of the Madras Presidency. The following were most important changes made by this Amending Act of 1893.108

Section 9 reduced the maximum period of a contract from five to four years. Sections 11-11(D) empowered the Local Government to cancel labour contracts in cases of irregular recruitments. The local officers were also 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. Section 42 provided that an employer could demand a medical certificate from a labourer before placing him under contract, for proving his fitness to labour in Assam. Section 111 declared that the maximum period of a contract entered into in a labour district between the employer and the labour direct, should not exceed one year. The execution of such contracts should be restricted to the actual district where the labourer was to be employed. Sections 112-112 (B) legalized the Dhubri Contracts subject to rules to be framed by the Chief Commissioner under the Act.109

Sections 128 to 133 dealt with the powers of the local Administration and the local officers to take action against unhealthy gardens. Under Section 128 the District Magistrate had the authority to set up a Committee on an unhealthy garden and based on a written report of an Inspector, certifying that the garden was unfit for the residence of the labourers, take appropriate action. By Section 130 the Magistrate could order a medical inspection of gardens when the mortality exceeded seven percent. Section 142 (A) empowered the Inspector and Magistrate to equalize the terms of the contract of husband and wife.110

By this Act VII of 1893 the Inspector or Magistrate resident at Dhubri was given jurisdiction throughout the whole Assam Valley, so that four years' local contracts could be executed at Dhubri under Section 112 of this Act for any tea estate in Assam.111

110 Ibid.
Section 2 of the Act VII of 1893 fixed Rs. 100 as fee for a contractor's license and Rs. 50 for a sub-contractor’s license. Section 24 declared Rs. 16 as a fee for providing license to the recruiters. Under Section 90 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. Section 9 required that every sleeping shed should allocate fourteen feet of space to each emigrants' accommodation. Section 12 insisted on providing plentiful supply of the purest water for drinking, cooking and washing for the immigrant labourers who were accommodated in the depot. Section 13 required to provide separate toilets for males and females with properly roofed and ventilated, placed in an accessible position. Section 20 required the Medical Inspector to visit the depots regularly and should give special care for the sanitary condition of such depots. He should take all necessary precautionary action against communicable diseases. For such precautionary arrangement he should keep sufficient medical arrangements at the depots and hospital. And every emigrant in the depot should be vaccinated before leaving for the labour districts. Section 27 declared that Medical Inspector should appoint a resident Medical Officer to the depots and each contractors of the depot should pay their remuneration of their service. And such Medical Officer's name should be registered in the Superintendent’s office.

Section 28 declared that the contractors were directly responsible for the good treatment of the emigrants in the depot. The emigrants in the depot should not be discharged before getting the permission from the Superintendent. And he was responsible for the feeding, clothing and medical treatment of all the emigrants accommodated in the depot. Section 34 required a muster roll of the emigrants in the depot every morning.

The resident medical officer, after his careful examination should enter the names of the sick in his diary which should be countersigned by the contractor. Section 42 required the peons on duty in the depot should be responsible for preserving order and

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112 Rules under the Assam Labour and Emigration Act I of 1882, as amended by Act XII of 1893, pp. 1-3.
113 Ibid.
114 Ibid.
cleanliness, especially during cooking and feeding. He should see that none of the rubbish was accumulated in the depot compound and around the sleeping places and that the sweepers attended to their work regularly.

Section 49 required that if any communicable disease like cholera or smallpox occurred in the depot, every labourer or the dependant who were affected by the disease should immediately be sent to the authorised hospital for treatment. The relatives of the affected persons should not be allowed to accompany the patient and they should be kept in the segregation shed, situated in an isolated part of the depot. They should not be removed from the shed before getting permission from the Medical Inspector. Section 50 required the clothes, blankets and mats that had been used by such patient should be burnt in a safe and suitable place. And the segregation shed should be cleaned carefully with efficient means. The emigrants who were declared as unfit for emigration by the Medical Officer and by the Contractor should be sent back to their native districts of registration at the expense of the contractor according to Section 54.

Section 65 required the garden sardar or the Contractor to provide a cooked meal for emigrants who started on a railway journey after 9 a.m. or before that hour. If cooked meal could not be provided a dry meal instead consisting of bread or biscuit and sugar in the proportion of one pound of bread or two large biscuits and one ounce of sugar to each emigrant above ten years and half of the above said quantities to each emigrant under the age of ten years. Section 69 declared that emigrants should not be put into the train before a medical officer inspected and provide a fit certificate to the labourers to undertake the journey. Section 70 required the train journey of emigrants under conveyance from recruiting districts direct to Dhubri or Goalundo should be performed by the Maihari Ghat or Hooghly- Naihati route. Section 89 declared that every emigrant vessel should have a strong roof and it should be fitted with ridge ventilators, which should cover not less than ten feet to every hundred emigrants accommodated on board.

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115 Ibid., pp. 3-5.
116 Ibid.
Section 93 required a special deck for hospital purpose in the steamer on the upper deck.\textsuperscript{117} Section 98 required four iron-water tanks, each capable of containing four hundred gallons of water, fitted with three moderate sized taps should be provided to the use of emigrants on board. These tanks should be filled before the vessel’s arrival at the place of embarkation with pure water. Two of the tanks only should allowed to use at the same time, the remaining two tanks should reserved as settling tanks.\textsuperscript{118} Section 120 ordered a Medical Inspector to make a special examination of any emigrant vessel in which sickness was reported. If the master of the vessel was not followed the words of the Medical Inspector regarding cleaning and disinfecting of the vessel, the license applied by the master should not be granted. If a vessel was found to be continuously unhealthy for emigrants the license of the vessel should be cancelled. Section 130 declared that the emigrant’s space in the deck should not be encroached in any way by crew or passengers other than emigrants.\textsuperscript{119} Section 137 required the Medical Officer to issue rations daily morning to the emigrants. The food should be prepared and served punctually at 9’o clock in the forenoon and 4’o clock in the afternoon. Boiling rice in bad water should not permitted and when the food was ready, the Medical Officer should inspect the food whether its being properly cooked. Section 149 required the master of licensed vessel at the close of every trip to forward information about the mortality that occurred during the trip among the crew and passengers other than emigrants covered by the Act to the Embarkation Agent at Dhubri for the information to the Superintendent of Emigration at Calcutta.\textsuperscript{120}

The Act of 1893, however, dealt mainly with the prevention of high mortality and the enforcement of sanitary improvements. It did not touch the system of free emigration and the abuses associated with it.\textsuperscript{121} In November 1895, a Commission of Enquiry was appointed by the Government of Bengal to look into labour condition in coal

\textsuperscript{117} Ibid., pp. 5 -9.

\textsuperscript{118} Ibid.

\textsuperscript{119} Ibid.

\textsuperscript{120} Ibid., pp. 9-15.

\textsuperscript{121} Assam Labour Enquiry Committee Report, 1906, p. 145.
industry along with tea industry. The Commission submitted its report in May 1896. It was found that the free contractor's system, which had come up under Act I of 1882 was full of abuses. The commission's report led to passing of Act VI of 1901.122 This Act VI of 1901 was amended and the objects were twofold. First, to place a check on the abuses which had grown up under the system of uncontrolled recruitment by professional agencies and secondly, to improve the condition of the immigrant labourers by raising their wages.123

Section 3 of this Act VI of 1901, a Local Government with the sanction of the Governor-General in Council could prohibit unlicensed recruiting in any area. Garden sardars were required to register their recruits and place them on contract before the registering officer of the district of recruitment. Section 90, empowered the Local Government to allow the recruitment of free labourers by garden sardars in any areas, however, the garden should furnish a list of his recruits to the District Magistrate three days before of his departure from the recruiting district. Section 91 also empowered the Local Government to sanction further relaxation of control over sardar recruitment in the case of particular agencies or associations of employers.124

The term of contract, specified in Section 5 was maintained at four years, but the minimum wages was raised. It was at first proposed to make the wage Rs.6 for a man and Rs.5 for woman but eventually the wage was fixed as Rs.5 for man and Rs.4 for woman for the first year; Rs.5 and 8 annas and Rs.4 and 8 annas for the second and third years and Rs.6 and Rs.5 for the fourth year.125 This Act made little substantial change in the law, but left wide powers to the Government to prohibit unlicensed recruiting in any area. Unfortunately, this meant in practice that many areas were left unlicensed and so uncontrolled.126

125 Ibid., p. 258.
The planters’ private power to arrest his workers was abolished in 1908. In the same year the Government of India by notification under Section 221 of Act VI of 1901 declared that the provisions of that Act relating to the labour districts of Surma Valley and the districts of Kamrup and Golapara in lower Assam were withdrawn. On the recommendation of the Assam Labour Enquiry Committee’s report of 1906 Act XI of 1908 was enacted. In the year 1908 unlicensed recruiting was also abolished. These two legislative actions of the colonial state effectively disarmed much of the penal contract labour system. With the growth of the tea estates the grip of the Government machinery became firm. It was realized that inland emigration could not be governed by the laws passed for colonial emigration. The voluntary absent on the part of many employers from recourse to the Act VI of 1901 and the withdrawal of the right to enter into contracts locally resulted in a steady replacement of ‘Act’ or indentured labour system by ‘non-Act’ or free labour system.

By 1911 the need for more decentralization of power in the department of emigration was realized. The jurisdiction of the Protector of emigrants as Superintendent of Inland Emigration under Act VI of 1901 had been reduced and all District Magistrates and Deputy Commissioners had been appointed Superintendents of Emigration for their own districts. They could grant licenses to contractors, sub-contractors, recruiters as well as local and selecting agents. The Protector of Emigrants, Calcutta had been appointed Superintendent of Emigration for the districts of Howarah and Hooghly in addition to the Magistrates of those districts. A person who had been refused a license by the Protector of Emigrants was not to be licensed by the District Magistrate and Vice versa. In particular, the Magistrate of Howarah and Hooghly were to issue licenses only after

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127 Amalendu Guha, Planter-Raj To Swaraj, p. 104.
130 Ibid., p. 167.
131 Jha, Aspects of Indentured Inland Emigration, p. 34.
133 Jha, Aspects of Indentured Inland Emigration, p. 75.
consulting the Protector of Emigrants and ascertaining whether he had or had not previously received and refused such a similar license. In 1912-1913 at the close of the year total strength of the labour force was 8,21,735 the increase in the labour force was 30,273. But the progress made in the gradual substitution of free for indentured labour was shown by the fact that the number of labourers under contract under Act VI of 1901 fell during the year to 11,366 or 2.3 percent of the total number of adult labourers. In 1913, since the close of the year the Government of India decided that the provisions of Act VI of 1901 was withdrawn from the four upper districts of the Brahmaputra Valley or Assam Valley with effect from July 1914.

From 1914 onwards the Government gradually started to withdraw successive districts from the operation of the indentured system and the Act and the Government announced that the last remaining districts shall withdrawn by July 1914. In view of the abolition of the penal contract, a bill had been approved enabling an owner to recover the cost of importation from anyone unlawfully employing a labourer who had left the former’s service. Free labourers continued to displace indentured labourers and at the end of the year 1913-1914 the number of labourers under Act VI of 1901 amounted to 9,995 which represents only 1.9 percent among the total number of 8,46,569 adult labourers. In 1914-1915 the number of indentured labourers under the Act was 8,181 which represented only 1.5 percent of the total number of 8,79,300 adult labourers.

In 1914-1915 the labourers of all classes recruited in Bengal, Madras, Bihar and Orissa, the United Provinces, Central Provinces and even in the neighbouring princely states embarked at Goalundo. The total strength of the labour force at the close of the year was 9,53,127, showing an increase of 73,797. The number of labourers

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134 Ibid., p. 76.

135 Resolution on Immigrant Labour in the Assam Districts of Eastern Bengal and Assam, 1912-1913, p. 2.


138 Resolution on Immigrant Labour in the Assam Districts of Eastern Bengal and Assam, 1913-1914, p. 1.


140 Jha, Aspects of Indentured Inland Emigration, p. 1.
remained under Act contract (indentured) was only 5,062 or 0.8 percent of the total adult labourers. The indentured labourers were taken to Assam in 21 steamers and this was the last officially approved trip to emigrants to the tea gardens of North-East India as under the indenture system. Many labourers brought to the gardens had settled near the plantations on their own, thus creating a new class of immigrants.

The indenture system dated back to the early days of the tea industry, when Assam was a little known country and difficult of access. With the improvement of communications, the continuance of the system was felt as unnecessary either for the protection of the employers or in the interest of the labourers. Thus in 1915 penal contracts under the Act VI of 1901 had been abolished throughout the Assam tea districts. An important feature of the year 1915 was the enactment of the Assam Labour and Emigration Act VIII of 1915, under which the system of recruitment by licensed contractors was abolished. The Assam Labour Board was constituted for the supervision of the local agents and of the recruitment, engagement and emigration to the labour districts of Assam of natives of India.

### III

**Unspeakable Misery of the Emigrant Labourers of the Assam Plantation**

**I. Working Condition**

For a tea garden labourer the day began generally at 7 a.m. At this time a whistle or a gong was sounded from the factory to announce the start of the working day. Between 7.30 a.m. and at 8 a.m. the whistle or the gong was repeated to summon the labourers to work. The day was long and usually the workers anxious to finish their task before it was hot. During the break the morning’s leaf was weighed either in the field or

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141 Resolution on Immigrant Labour in the Assam Districts of Eastern Bengal and Assam, 1915-1916, p. 2.


at the factory. In the evening before leaving the field till about 4 to 5 p.m. the labourers had to bring the leaf to the factory for weighing.\textsuperscript{146}

The unit of rate-making in tea gardens varied from season to season, depending on location and type of work. The task of various types of work varied considerably from district to district and from estate to estate. Even in the same estate the task varied from time to time. The most important types of work on plantations were those of hoeing and plucking the tea leaves. Hoeing was of two different kinds, namely light or surface hoeing and deep or medium hoeing. The former was done from five to seven times a year and the latter only once a year. The unit of measuring hoeing was a 'Nal'. It was not possible to adopt uniform standards and it was totally depending on each manager's discretion to fix tasks for different types of work. The tasks were commonly fixed either in terms of bushes or 'Nals.' A 'Nal' was an area of 12 feet square.\textsuperscript{147}

II. Nature of Work

The following were some of the tasks that had been traditionally prevalent in the tea estates of Assam. 1. Deep hoeing – 8 to 16 ‘Nals’ allocated for a man; 2. Light hoeing – 40 to 48 ‘Nals’ allocated for a man; 3. Heavy pruning – 60 to 72 bushes for a man; 4. Light pruning – 60 to 180 bushes for a man; 5. Forking and weeding – 160 to 240 bushes for man.\textsuperscript{148}

The leaf plucking was invariably done by the women in the plantation. In plucking, the day’s work varied from 20 to 24 lbs. of leaves, depending upon the quality, season of the year, method of plucking and species of tea-bushes.\textsuperscript{149} In some gardens the total amount of leaf brought in was divided by the number of pluckers and the result was taken to be the daily task and any weight in excess was paid for at proportional rate. This


\textsuperscript{147} Ibid., pp. 180-181.


\textsuperscript{149} Jha, \textit{Aspects of Indentured Inland Emigration}, p. 59.
practice did not give the worker a chance to know beforehand how much he or she had to pluck per day.\textsuperscript{150}

It was significant that the workers’ opportunity to earn was limited by the size of the task which hardly involved a normal day’s work.\textsuperscript{151} Another system also followed in Assam was the ‘unit’ system, under which the worker was paid one anna for performing one unit of work in one hour. This unit system was resorted to when the leaf was scarce. Irregular work, such as forking, transplanting and jungle-clearing was also performed on a time unit basis.\textsuperscript{152}

III. Fraudulent Cases of Recruitment:

The conditions on the tea districts were so un-healthy and harsh. But contract terms were falsely conveyed to potential coolies in order to tempt them to sign.\textsuperscript{153} The fee charged by contractors per recruit varied from Rs.12 to Rs.20.\textsuperscript{154} The planters were, however, prepared to make advance on existing rates as might be found necessary to make organised recruiting effective. While the government waited for the entire planting community to formulate some scheme for recruiting through one central agency, no such scheme was submitted by the latter. Meanwhile the system of obtaining labour from contractors developed rapidly.\textsuperscript{155} The Workman’s Breach of Contract Act XII of 1859 effectively stopped all possibility of escape once the labourers signed the contract and entered the tea estates.\textsuperscript{156}

The Government of Bengal appointed a Commission to enquire into the state and prospects of tea cultivation in Assam, Cachar and Sylhet. On 30 March 1868, the

\begin{flushleft}
\textsuperscript{150} Phukan, \textit{Personal Administration in the Tea Industry of Assam}, p. 183.
\textsuperscript{151} Resolution on Immigrant Labour in the Assam Districts of Eastern Bengal and Assam, 1908, p. 5.
\textsuperscript{152} Phukan, \textit{Personal Administration in the Tea Industry of Assam}, p. 182.
\textsuperscript{154} Amalendu Guha, \textit{Planter – Raj to Swaraj}, p. 18.
\textsuperscript{155} The Assam Labour Enquiry Committee Report, 1906, pp. 135-136.
\textsuperscript{156} Utsa Patnaik and Manjari Dingwaney, \textit{Chains of Servitude}, pp. 115-116.
\end{flushleft}
commission submitted its report in which it appeared that Act III of 1863 had failed in its object. The report revealed that the licensed recruiters employed a band of unlicensed sub-recruiters who constantly induced the coolies to emigrate by false promises and there was no effectual check on this kind of registration in the districts of recruitment.\footnote{157}{Ibid., p. 138.}

Until the passing of Act II of 1870, the sardari system had no legal sanction and the recruitment was organised and conducted by the contractors based in Calcutta. The contractors generally operated through the ‘arkatis’ or sub-contractors who conducted their recruiting operations in market places in a village. In Surmavalley the sardars were active even before the system was given the legal status and worked independently without any supervision. The sardars brought coolies from home by train till Goalundo – a port at the confluence of the Brahmaputra and the Ganges situated in the Bengal district of Faridapur and carried on their journey on the numerous unlicensed country boats playing on the river. Here the immigrants were not registered like those from Assam Valley were registered.\footnote{158}{Nitin Varma, “Coolie Acts and the Acting Coolies: Coolie, Planter and State in the Late Nineteenth and Early Twentieth Century Colonial Tea Plantation of Assam,” \textit{Social Scientist}, 2005, p. 56.}

In 1884 one case of improper coercion to sign a long-term contract was reported in Karimganj. 17 contractors’ coolies arrived on the garden by three year agreements, when the manager compelled them to consent to the alteration of the term to five years. The coolies objected to the term and reported to the Deputy Commissioner. When the Deputy Commissioner called the manger he left Assam. Finally the Deputy Commissioner reduced the term of contract to three years. The same officer cancelled two agreements of men who were allegedly had been forced into agreements by manager by threat. They were headmen among the newly imported labourers and they had no intention to leave their fellowmen in Assam.\footnote{159}{Annual Report on Labour Immigration into Assam, 1883, p. 28.} In 1887 certain writer wrote in the vernacular press about the cruel ill-treatment of the coolies in Assam. This hampered a section of Christian coolies emigrating from Orissa. They were actually recruited by a Reverend. Heberlet, a Baptist Missionary.\footnote{160}{Ibid., p. 6.}
In 1888, in Cachar thirteen complaints were made regarding fraudulent recruitment by immigrant labourers. In Sylhet, the Deputy Commissioner was reported that as some boys were kidnapped from Hazaribagh to the labour districts of Assam. They were sent back to their homes and the sardar was sentenced to three years’ rigorous imprisonment. In Lakhmipur, thirteen cases of fraudulent recruitment were brought to notice of the Deputy Commissioner, of which nine cases related to women who were abducted from their village. In the same year it was reported that two gangs of coolies on their way to gardens in Bengal were kidnapped and forcibly taken to Assam.\(^{161}\)

The high profits of coolie recruiting lured a significant number of freelance Europeans and Indians. An example was John Henry Lawton, a dismissed soldier, who with his posse of armed peons (soldiers) set up the business of “coolie raiding.” Lawton posed as a government official with his group and ordered the coolies into specially constructed temporary depots from which they were taken to Assam. He was prosecuted for five such cases of coolie raiding in 1888 alone.\(^{162}\)

The fear of arkatis’ recruiting caused panic in many recruiting districts. A Magistrate in Hazaribagh district noted in 1889 that: ‘the fear of recruiting in this district is very great and it is not too much to call it a terror.’ Similar reports of widespread fear of Assam recruiting were received from various parts of the recruiting districts.\(^{163}\)

In 1877 arkatis received between Rs.2 and Rs.5 per coolie supplied to the contractors. In 1883, immediately after the promulgation of the Act I of 1882, the money paid to the village arkati nearly doubled to Rs.10 per coolie. By 1888 it was reported that arkatis got Rs.20 per head supplied to the sub-arkatis, who in turn received Rs.50 to Rs.60 per coolie from the depot owners and local agents of the contractor. In 1889 many of the gardens’ managements complained bitterly about the practice of garden sardars selling their coolies to arkatis, since the money they received was invariably much higher than the commission paid by the tea gardens.\(^{164}\)


\(^{163}\) Ibid.

\(^{164}\) Ibid., pp. 152-153.
In 1875, the cost of importing coolies in Sibsagar district of Assam was reported to be Rs.35 per head. However, in 1889, that the cost of recruitment had more than doubled to be about Rs.90 to 100 per head. In 1895, this had raised into Rs.130 to Rs.150 per head.\textsuperscript{165}

During 1888 J.H. Tucker, Assistant District Superintendent of Police was appointed on special duty to report on the subject of abuses connected with the emigration of coolies into Assam. In his report Tucker observed: ‘The whole business of free emigration has become a most lucrative trade and any one can enter and share the large profits; consequently the country is overrun with ‘arkatis,’ who can roam about the whole place without fear of molestation on the part even of the district officials... and the demand for labour for Assam having become so great, with every tendency to increase, and the very high prices that are paid for coolie to work in tea gardens in the province, led to very many Europeans and natives as suppliers of free emigrants, calling themselves local agents but unlicensed.’\textsuperscript{166}

Tucker remarked that great slackness existed at Dhubri in carrying out the strict provisions of the Act concerning registration. The general custom was that to read out the provisions of the Act in front of the so many coolies, to which a few men would answer, while the rest would maintain silence. Then all the individuals would be handed over to some “Baboo”.\textsuperscript{167}

Two young girls, Parbatia and Gandia were enticed away from the banks of the Ganges river, where they had gone on a pilgrimage, by a couple of arkatis belonged to Ram Sewak, a contractor of coolies at Benares, who sent them to Calcutta with the coolies who were to be forwarded to Assam. In Calcutta, the girls wanted the police to send them back to Mongulserai, where they wished to go. The Calcutta firm then wrote to Ram Sewak and censured him for sending such girls and debited the cost of the return journey on him. On alighting at Mongulserai, the two girls were forced to take back to the depot by two other arkatis of Ram Sewaks. They were confined there for two days and

\textsuperscript{165} Government of India Despatch, No. 1, Emigration, 1889, p. 38.
\textsuperscript{166} Ibid., pp. 39-49.
\textsuperscript{167} Ibid., p. 51.
then under instructions from Ram Sewaks took them to Hourah to sell to a Hourah "baboo", an agent, there. En route from the Hourah station to Hurroo’s place, the women made a row again and a constable rescued the girls and took the whole gang to the police station.168

Another case complained to the Deputy Commissioner of Police, H.R. Browne, of Dibrugarh, was relating to three helpless women. There names were Ahlady, Shoshi and Deologni, whereas the last woman Deologni became insane in the course of the voyage. Ahlady alias Khawto was a daughter of a Brahmin and Shoshi, a Boistah woman of the Hooghli district. During their bath in the Ganges at the Juggumath Ghaut in Calcutta, Ahlady told Shoshi that she had a relative in Budda Bazaar whom she would like to see if Shoshi knew the place. Hearing this, some one near them volunteered to show them the place, another one, a woman, confirmed what the man said. 169

The man brought a hackney, took Ahlady and Shoshi therein and drove away. This was at about 10 a.m. After driving from place to place at last, at about 5 p.m. the two were brought into a house where they were confined for five to six hours. Then they were again put in a coach and taken to the Sealdah station. They boarded the train, which was leaving for Goalundo and Dhubri. After their journey in train and then by steamer, at last they arrived at Dhubri. Ahlady and Shoshi were taken to some house where innumerable ragged men, women and children were kept. The next day they boarded a steamer which after five days arrived at Dibrugarh. It was on board Ahlady and Shoshi acquainted with the lady Deologni, who told them that she was a Rajpoot and had two children at her home. Because of a quarrel she made with some one at home, Deologni had walked out of her home in disgust. On her way Deologni acquainted with a man who pretending to console her put Deologni in a train. Deologni, always remembered and cried for her children. The second day suddenly she became mute and showed signs of insanity. For eleven days she did not eat anything. When disembarked at Dibrugarh, Deologni

168 Ibid., p. 68.
169 Ibid., p. 70.
suddenly became as a tigress and started to beat the steamer-doctor with kicks and blows. The next day she died and it had been reported in several news papers.\textsuperscript{170}

During 1890 – 91 cases of fraudulent recruitment were reported, of which 77 persons’ whereabouts could not be traced. Only 13 persons were later reported of their location. The cases were filed by the relatives of the victims before Magistrates, in spite of this in no case, any one of the offenders obtained conviction.\textsuperscript{171} At the time of registration 16 coolies made complaints that they were recruited falsely. All the persons were sent back to the recruiting districts for enquiry. Nine of them deserted en-route. One woman came back. She was put on contract and sent up to Assam, while the other persons could not establish their case. The registering officer made 92 enquiries on suspicion of fraudulent recruitment on his own interest. However, in many cases, the relatives of the coolie women whose whereabouts were identified, did not take any action to get them back.\textsuperscript{172}

In Darrang 16 coolies complained that they had been brought to Assam against of their will. They were repatriated. In Sibsagar, 9 cases of enticement, kidnapping or abduction were reported. In two cases of alleged fraudulent recruitment a woman immigrant and two other minors could not be traced of their whereabouts. In Lakhimpur enquiries were made into 13 cases of alleged fraudulent recruitment. Of which 8 related to the abduction of single women three cases related to three minor boys. Many of these cases’ concerned persons could not be traced.\textsuperscript{173}

No reliable data are available on the number of unhealthy gardens prior to the year 1880. In 1880, there were 48 unhealthy gardens out of a total of 1,055. In 1884, the number of such gardens rose to 93.\textsuperscript{174} In a note Lultman Johnson, Commissioner of the Assam Valley district wrote: ‘The longer I live the less I value protection from the labourer’s point of view... No amount of inspection will improve wages... Some years

\textsuperscript{170} Ibid., p. 70.

\textsuperscript{171} Annual Report on Labour Immigration into Assam, 1890, p. 9.

\textsuperscript{172} Ibid., p. 10.

\textsuperscript{173} Ibid.

\textsuperscript{174} A. C. Phukan, Personal Administration in the Tea Industry of Assam, p. 480.
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experience enabled me to become, or to think I became, an efficient inspector, when I had the time. But when are our officers to find time for efficient inspection… It was the opinion of successive Chief Commissioners that inspections on the tea gardens were often too infrequent and that action in the case of unhealthy gardens was unduly delayed.

Table III. 4 provides the details of the unhealthy gardens in each district of the province. The number of gardens classed as unhealthy increased from 49 in 1887 to 65 in 1888.

Table III. 4
Garden Classified as Unhealthy

<table>
<thead>
<tr>
<th>Districts</th>
<th>Number of Unhealthy Gardens</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet</td>
<td>4</td>
</tr>
<tr>
<td>Cachar</td>
<td>7</td>
</tr>
<tr>
<td>Camrup</td>
<td>2</td>
</tr>
<tr>
<td>Darrang</td>
<td>12</td>
</tr>
<tr>
<td>Nowgong</td>
<td>2</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>21</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>65</td>
</tr>
</tbody>
</table>

Source: Annual Report on Labour Immigration into Assam, 1888, p. 46.

The government of Bengal directed the district officer to include in their annual reports a description of the unhealthy gardens and to indicate the steps taken to make them healthy. In spite of these remedial measures, the number of unhealthy gardens rose from 119 in 1889 to 143 in 1892.

In 1892 the Deputy Commissioner of Lakhimpur wrote that a large number of contracts were cancelled from the gardens of Hillika, Margherita Tea Estate, Talup,

175 Ibid.
176 Assam Labour Enquiry Committee Report, 1906, p. 93.
177 A.C. Phukan, Personal Administration in the Tea Industry of Assam, p. 481.
Sukerating, Dum Duma, Biskakupi, Hatiali and Tiphuk. Of the 1,074 coolies' contracts cancelled, 678 were sent back to their native places. 16 persons died in the gardens and 11 absconded. The rest of the coolies remained on the garden.\(^{178}\) In 1895, in Cachar, 16 complaints of fraudulent recruitments were reported, of which 6 proved to be true and 10 were not proved. In Sylhet, six such cases were reported while in Darrang 7, in Nowgong 13, in Sibsagar 37 and in Lakhimpur 59 were reported.\(^{179}\)

Duraika Nath Haldar, a villager of Ratanpur, district of Nuddia complained of fraudulent recruitment of his wife Thakmoni Malini. She went as a coolie woman under the fake name of Golapi at Juffirband tea estate in Cachar. On enquiry the accusation was proved as true but when the Chief Commissioner sanctioned the order of her repatriation, the sub-divisional officer reported that she had absconded from the garden.\(^{180}\)

In 1896, about 56 contracts were cancelled on grounds of fraudulent recruitment.\(^{181}\) In 1903, nearly 127 immigrant labourers filed cases against their manager regarding ill-treatment in the garden. In these complaints 70 arose out of a single estate in the Cachar district. Totally 792 of such cases were made against the garden managers.\(^{182}\) During 1904-1905, nine complaints of ill-treatment in order to compel re-engagement were lodged by coolies and miscellaneous complaints filed by coolies increased from 87 to 213.\(^{183}\)

**IV. Poor Wages, Lack of Basic Amenities and Planters’ Right to Arrest Deserted Coolies**

The Act of 1863 allowed the planter’s right to arrest runaway coolies.\(^{184}\) However, the Act did not fix any minimum rate of wages nor prescribe any form of

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\(^{178}\) *Annual Report on Labour Immigration into Assam, 1892*, p. 18.

\(^{179}\) Ibid for 1895, pp. 16-17.

\(^{180}\) Ibid.


\(^{182}\) Ibid for 1903-1904, p. 16.


contract. Nor did the Act contain any provisions to regulate payments made by employers to labourers. No interference with the terms of the contract was attempted and when the labourers reached the garden he was left to the mercy of the planters and to the protection of the ordinary law.\textsuperscript{185}

In Khustia there were four depots in 1865 for accommodating 1,000 coolies. Each depot was built on a plan of its own, some ill-roofed, others insufficiently raised from the ground and all with inadequate sanitary arrangements. The labourers were made to sleep on the moist earthen floor. One of the depots had open sheds, providing no shelter from rain and sun.\textsuperscript{186}

In August 1865, a batch of immigrant labourers complained that they had not received their proper allowance of food during their journey from Calcutta to Cachar. In December 1865 the labourers who arrived for Messer's. Begg, Dunlop & Co., complained the same. The ration was served to them not according to any fixed scale. The rice was measured in a tin mug and each coolie got from half to four-fifths of this mug.\textsuperscript{187}

The steamer 'Agra' was a typical example of neglect of the labourers on board. There was scarcely any space to sleep at night. There was no separate hospital on board for the accommodation of the sick. There was no regular arrangement for their bath. They had always to drink the dirty water of the river as there was no water tank.\textsuperscript{188} On board the steamer there was no space for the labourers to walk in the day time and so they spent all their time sitting or perhaps sleeping. At rainy nights, the situation was very pathetic, the screens of the flat were never down. The adopted space for an adult labour in 1860 had been eight square feet. Later on 4 November 1863 it was increased to 10 and 12 feet. This was continued till May 1865. To each labourers on board of 10 years and

\textsuperscript{185}Punekar and Varickayil, \textit{Labour Movement in India}, p. 138.

\textsuperscript{186}Jha, \textit{Aspects of Indentured Inland Emigration}, p. 86.

\textsuperscript{187}Ibid., p. 88.

\textsuperscript{188}Ibid., p. 91.
above, the following scale of provisions was provided: rice: 12 chatacks, mustard oil: 2 Chatacks, Salt: 2 chataks, onions: 2 and garlic: 1.\(^{189}\)

In Assam compensation had never been awarded to coolies whose wages were more than two months in arrears. In 1868 the immigrant labourers were not paid for many months. The provision of the law that an arrested deserter was to be hand over to the police or the Magistrate within 48 hours had been purposely ignored.\(^ {190}\)

In 1860 local labour was paid at the rate of Rs.4 or Rs.5 a month.\(^ {191}\) The earnings of the labourers varied from time to time depending upon the season of the year. In the leaf plucking season women were often able to earn two or even three times their contract wages. Men were often able to earn much out of hoeing. But such large earnings were exceptional and it was not possible for a coolie to earn it throughout the year. On the other hand, many labourers could not earn their full contract wage. It was an invariable custom almost in all gardens that when a labourer did not complete the full task laid down in the garden schedule, he was not paid the full sum.\(^ {192}\) Throughout the whole indentured period, the average wage of the Act labourers remained well below the statutory minimum, the highest being only about Rs.4.75 for men and Rs.3.75 for women. While wages in the tea gardens had stagnated for 35 years since 1865 to 1900, the price of food grains increased by 100 percent.\(^ {193}\)

The passing of the Act of 1882, was followed by the opening of new gardens in remote and unhealthy areas of Assam. Thousands of *arkati* labourers were hastily assembled in newly opened gardens without adequate health protection, availability of safe drinking water and food, which resulted in increased mortality rates within the year. Officials in Assam were certain that it was a direct consequence of the implementation of the new Act and its stringent provisions.\(^ {194}\)

\(^{189}\) Ibid., pp. 94-104.

\(^{190}\) Punekar and Varickayil, *Labour Movement in India*, p. 138.

\(^{191}\) The Assam Labour Enquiry Committee Report, 1906, p. 135.


\(^{194}\) Ibid., p. 151.
V. Mortality During Voyage

The clearing of jungle was extremely dangerous to health. Many of the immigrant labourers were quite unfit for the work physically. However, they were poured into the gardens in thousands, though there were no proper arrangements for their accommodation, food and medical facilities. This led to the high mortality on many gardens among the immigrant labourers. In their endeavoured to get work from an unsuitable unhealthy tea gardens from the unwilling labour force many employers resorted to violence.¹⁹⁵

During the period two years from 15 December 1859 to 21 November 1861, the Assam Company brought 2,272 recruits from outside of whom 250 died on their way. Of a total of 2,569 recruits who were sent down the Brahmaputra in two batches from 2 April 1861 to 25 February 1862, as many as 135 died and 103 deserted. Of 84,915 recruits for Assam between 1 May 1866 and 30 June 1866, 30,000 died.¹⁹⁶ Between 1 July 1865 and 30 June 1866, about 9,147 labourers died while 3,187 deserted.¹⁹⁷ Contractors collected coolies by the hundred on false promises of high pay and light work and dispatched them to the tea districts without any sanitary precautions on their journey. The result was shocking mortality on the voyage.¹⁹⁸ The Act of 1863 was aimed at lessening the fearful death in the transit. However, between 1863 to 1866 the mortality in the contractors' depots and on the voyage up to Assam were about 5,000 out of a total of 8,915 labourers recruited. Thus the Act failed entirely in its object.¹⁹⁹

Even after passing of the Act of 1865, of the total number of 30,858 immigrant labourers admitted into the Calcutta depots, only 28,282 were permitted to the tea districts. Of the remaining 2,576 labourers, 250 were rejected and sent home, while

¹⁹⁵ Punekar and Varickayil, Labour Movement in India, p. 138.
¹⁹⁶ Amalendu Guha, Planter - Raj to Swaraj, p. 18.
¹⁹⁸ Ibid.
¹⁹⁹ Jha, Aspects of Indentured Inland Emigration, p. 99.
370 died in the depots. 877 persons either absconded before reaching Kushtia or died in the depot. The deaths were primarily caused by the cholera.200

In July 1865, Captain J. M. Graham at Gauhati, was shocked to find the lower deck of the steamer ‘Agra’ coming from Kushtia stacked with about 2,500 rice bags up to the roof obstructing ventilation. Besides there were 6 to 7 horses with their attendants. No wonder the labourer were in a sickly state and one labourer had already died. Both the sick and healthy labourers had been herded together.201

The steamer ‘Oudhu’ had left in mid-June 1865 with 658 immigrant labourers on board. There were 55 cases of cholera detected and 52 died during the journey from Serajganj and Gauhati. Three men and one woman committed suicide by throwing themselves into the river. In all 13 labourers absconded but several of them were arrested.202

To prevent any further mortality the government decided that only a steamer with two latrines and a flat with four privies would henceforth be licensed. In spite of these precautions the mortality rate among the emigrant labourers remained excessive.203

In 1868, the enquiry commission’s report exposed that frequent occurrence of cholera led to the high mortality among the emigrant labourers in the depots. The death rate on the river journey was also found to be excessive. The Commission identified that the cholera infection was usually contracted in the Calcutta depots. Statistics as to the sickness and mortality provided by them were inaccurate. The incidence of death on many gardens was quite appalling.204

The Commission believed that unhealthiness of newly cleared jungle lands, want of proper accommodation, over crowding, unhealthy sites, insufficient and unsuitable food, impure water and want of proper medical facilities were the prime causes for the excessive deaths among the immigrant labourers in the labour districts.

200 Ibid., p. 86.

201 Ibid., p. 89.

202 Ibid., p. 91.

203 Ibid., p. 92.

And the Commission accused the Protector, who had special sanitary knowledge, for not visiting each garden more than once a year.205

The Commission further observed: ‘The power to temporarily suspend contracts had very seldom been exercised, but a considerable number of labourers had been repatriated for permanent unfitness. The provision of the law requiring the employer to notify to the contractor the completion of contracts had been generally ignored. No employer had ever given notice to the Protector that a labour wished to make complaint...’206

During 1872-73, about 1,504 labourers died in the tea gardens.207 In 1874 an important experiment was conducted by opening the land route from Rajmahal to Dhuburi for traveling the immigrant labourers into Assam proper. For keeping such immigrants a second emigration depot was opened at Dhubri and emigrant labourers being embarked from thence. The journey through Western Bengal and the detention at Calcutta, where the coolies had to wait for some days before departure, which led to serious consequences. It was believed that during the journey and the time of detention cholera spread. Another measure, which was sanctioned late in the year, was the provision of additional clothing and shelter to immigrant labourers during the winter months on their voyage up to the Brahmaputra. This was suggested because of serious outbreak of cholera being attributed to cold from insufficient clothing.208

Complaints had from time to time been received of the ignorance and inefficiency of native doctors who were sent in charge of coolies. They were represented to be men picked up for the occasion and paid by trip. The rates of mortality were declared very high in Nowgong by the Inspector. The deaths occurred principally among the new arrivals and were mostly due to cholera and smallpox. The same year the Inspector for Upper Assam, wrote in his Report that: ‘The mortality during the past year has been higher than that of 1873 in both the districts of Sibsagar and Lakhimpur, due in

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205 Ibid.
206 Ibid., pp. 138-139.
207 Jha, Aspects of Indentured Inland Emigration, p. 143.
a great measure of cholera, which was very prevalent in many of the gardens. The rainy season was also exceptionally unhealthy, owing to the frequent and long continued floods. I am often told, in making inquiries on the estate as to high death-rate, that it is caused by the state in which the coolies arrive on the gardens, ill and debilitated from the voyage. This is quite true, as I have often seen myself, but it is difficult to find remedy.\textsuperscript{209} During 1874-75, about 2,540 immigrant labourers died on the gardens while 2,955 deserted.\textsuperscript{210}

In the Darrang tea districts, the ‘Gronland’ garden was identified as unhealthy in 1876, because of the high mortality rate. In 1877 when it was specially watched 70 deaths had occurred in the same garden. 38 coolies died due to cholera, 14 deaths were owing to dysentery and 5 to diarrhea, the remainder 13 of deaths were because of various other causes.\textsuperscript{211}

In 1878, there were 11,421 deaths occurred among the immigrant labourers and in 1879 the number got reduced to 6,683. Severe mortality occurred among the Madras coolies because of the general incongruity to the Province’s unfamiliar climate and conditions of life.\textsuperscript{212} (See Table III. 5)

<table>
<thead>
<tr>
<th>Year</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>1878</td>
<td>11,421</td>
</tr>
<tr>
<td>1879</td>
<td>6,613</td>
</tr>
<tr>
<td>1880</td>
<td>6,657</td>
</tr>
<tr>
<td>1881</td>
<td>6,171</td>
</tr>
</tbody>
</table>

Source: Annual Report on Labour Immigration into Assam, 1878-1881.

In the year 1879, highest mortality occurred in the Baramasal tea garden. In Darrang the tea gardens named Barkola, Gellahating, Shadharugrop, Rontholi, Bongong,

\textsuperscript{209} Ibid., pp. 70-71.

\textsuperscript{210} Ibid.

\textsuperscript{211} Annual Report on Labour Immigration into Assam, 1877, pp. 15-16.

\textsuperscript{212} Report on Moral and Material Condition of India, 1878-1879, pp. 93-94.
Sadharu, Panbari, Athrikhat and Balijuri experience severe mortality among the immigrant labour force. In Lakhimpu, the garden named Kahing met high mortality among its labourers.\textsuperscript{213}

In Assam tea gardens average number of infants during 1879 was 21,445 while in the previous year it was 20,010. The number of infants who died in 1879 was 1,472 while 1,776 had died in 1878. Taking the deaths among all classes, infants, children and adults, there were 9,450, while the births were only 4,997.\textsuperscript{214} The mortality among children was increased from 2,415 in 1882 to 3,030 in 1883.\textsuperscript{215} Mortality exceeded 70 percent in following gardens of Lakhimpur tea districts in 1880. In Seelonee garden – 15, Jalukbari garden – 20, Hulmany garden – 44, Behating garden – 22, Nohakottie garden – 7, Kuddim garden – 18, Hukanpukkli garden – 31, Timonah garden – 12, Hukanjurie garden – 5, Bolay garden – 24, Beesakopie garden – 67, Rungmulla garden – 11, Romaria garden – 51, Hurmutty garden – 21, Doolahat garden – 35, Bogparh garden – 23, Kakojan garden 20, Burdoibam garden 9, Sessa garden – 24, Siakatly garden – 11 and another Sessa garden – 14 respectively. The rate of mortality of many of these gardens really had been very large. The Chief Commissioner regretted that the Inspector of Labourers of Upper Assam did not report the deaths fully on each of the above gardens.\textsuperscript{216} This led to the abolition of the Office of Inspector of Labourers in Upper Assam and the duties of inspection were transferred to the district staff, including the Civil Surgeon and to the District Superintendent of Police.\textsuperscript{217} Table III. 6 provides the details of opening and closure of gardens in Assam for the year 1881.

\begin{footnotesize}
\begin{itemize}
\item[214] Ibid., p. 15.
\item[215] Ibid for 1883, p. 30.
\item[216] Ibid for 1880, p. 18.
\item[217] Ibid for 1881, pp. 5-7.
\end{itemize}
\end{footnotesize}
Table III. 6

Opening and Closure of Gardens in 1881

<table>
<thead>
<tr>
<th>Districts</th>
<th>Gardens opened</th>
<th>Gardens closed down</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Cachar</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>Darrang</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Nowgong</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>-</td>
<td>2</td>
</tr>
</tbody>
</table>


Table III. 7, gives district-wise details of mortality which occurred among the adult immigrant labourers in 1883-1884 and 1894.

**Table III. 7**

Mortality of Immigrant Labourers

<table>
<thead>
<tr>
<th>Districts</th>
<th>Labourers Covered by Act 1883-1884</th>
<th>Labourers not Covered by Act 1883-1884</th>
<th>Total</th>
<th>Among (Act labourers) Indentured 1894</th>
<th>Among (non-Act) Free labourers 1894</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet</td>
<td>425</td>
<td>549</td>
<td>974</td>
<td>446</td>
<td>1,685</td>
<td>2,131</td>
</tr>
<tr>
<td>Cachar</td>
<td>419</td>
<td>762</td>
<td>1,181</td>
<td>443</td>
<td>1,721</td>
<td>2,164</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>1,165</td>
<td>440</td>
<td>1,605</td>
<td>1,705</td>
<td>748</td>
<td>2,453</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>887</td>
<td>611</td>
<td>1,498</td>
<td>1,979</td>
<td>984</td>
<td>2,963</td>
</tr>
<tr>
<td>Nowgong</td>
<td>291</td>
<td>164</td>
<td>455</td>
<td>278</td>
<td>286</td>
<td>564</td>
</tr>
<tr>
<td>Darrang</td>
<td>462</td>
<td>276</td>
<td>738</td>
<td>880</td>
<td>364</td>
<td>1,244</td>
</tr>
<tr>
<td>Kamrup</td>
<td>18</td>
<td>36</td>
<td>54</td>
<td>47</td>
<td>60</td>
<td>107</td>
</tr>
<tr>
<td>Total</td>
<td>3,667</td>
<td>2,838</td>
<td>6,505</td>
<td>5,778</td>
<td>5,848</td>
<td>11,626</td>
</tr>
</tbody>
</table>


During 1884, Dr. Eteson, Deputy Surgeon-General and Sanitary Commissioner of Assam related the circumstances that led to increasing incidence of deaths:

‘The condition of the emigrant labourer alters greatly for the worse immediately he is landed from the river steamers and discharged from government sanitary protection. In many important respects
he is thence forward left to his own resources; in others he receives only modified and often injudicious care; in all the conditions of life he is less favourable placed than before. His food is no longer dietetic and carefully cooked; his clothing and bedding is left to himself to provide; his lodging is often inadequate against the variations of climate; his work exposes him to all weathers, and often to dangerous disease-causes; he is unprotected against drinking to excess; nay, he is, in many instances, almost tempted to it; even if he falls ill, the hospital is a name only; he may receive medicine either by daily attendance at a dispensary or given to him in his hut, but the care of suitable food and adequate restoratives are generally speaking unknown. It is no wondered therefore that the rate of sickness and mortality among tea-garden labourers as a class has been always very great; that in many gardens it is above what is counted a frightful epidemic in civilized countries.°

Indeed, since the passing of the Act I of 1882, the mortality in the tea gardens were large and steadily increased. In 1884, 7,614 immigrant labourers died in the province.°°

Cholera was the most important factor for the increase of mortality rate. In noticing the excessive mortality among children, Civil Surgeon of Dibrugurh observed in his report that the condition of child life in tea gardens was cruel. A coolie woman got a variable amount of leave for confinement. After that, if the infant was not strangled at birth, she should either take the baby out to her work spot or leave it in her house, with no one to look after. In the field she would tie the child on her back or left in the nearest drain, it was exposed to the extreme of heat and cold, to wind and rain. Besides the child was ill-fed, which led the child’s death from some bowel-disorder. Thus coolie women were forced to avoid begetting children. Under the circumstance they frequently resorted to abortion.°°° Table III. 8 compares the Provincial Statistics of births and deaths for the eleven years from 1877 to 1887 from which it would be perceived that the death rate had been gradually exceeding the birth rate, except for two years in 1881 and 1882.

°° Government of India Despatch, No. 1, Emigration, 1889, p. 72.
°°° Annual Report on Labour Immigration into Assam, 1884, p. 28
°°° Ibid., pp. 72-73.
Table III. 8

Births and Deaths in Assam Tea Plantations, (1877-1887)

<table>
<thead>
<tr>
<th>Year</th>
<th>Births</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>1877</td>
<td>4,950</td>
<td>7,465</td>
</tr>
<tr>
<td>1878</td>
<td>5,506</td>
<td>11,421</td>
</tr>
<tr>
<td>1879</td>
<td>4,996</td>
<td>6,450</td>
</tr>
<tr>
<td>1880</td>
<td>5,904</td>
<td>6,657</td>
</tr>
<tr>
<td>1881</td>
<td>7,122</td>
<td>6,171</td>
</tr>
<tr>
<td>1882</td>
<td>7,824</td>
<td>7,590</td>
</tr>
<tr>
<td>1883</td>
<td>7,887</td>
<td>9,535</td>
</tr>
<tr>
<td>1884</td>
<td>8,629</td>
<td>11,583</td>
</tr>
<tr>
<td>1885</td>
<td>9,466</td>
<td>10,711</td>
</tr>
<tr>
<td>1886</td>
<td>8,740</td>
<td>12,059</td>
</tr>
<tr>
<td>1887</td>
<td>9,043</td>
<td>11,633</td>
</tr>
</tbody>
</table>

Source: Annual Report on Labour Immigration into Assam, 1877 to 1887.

While in transit both at Dhubri and Brahmaputra in the opening of the year 1888 cholera epidemic broke out in January at Dhubri. It increased in virulence during February and March and finally abated in April. In consequence of the outbreak of cholera, the Government of Bengal prohibited emigration as a temporary measure from certain ‘parts of the lower Provinces’ where cholera was highly prevalent.\(^{221}\)

In 1888, a manager in Sibsagar struck a coolie with a cane. The man died a week afterwards. The matter was reported by the District Superintendent of Police as a ‘petty assault’. The Magistrate determined that the cause of death was Pneumonia. The assault was however proved and the manager was fined Rs.50 without any further enquiry on the death of the coolie.\(^{222}\)

In Lakhimpur a large body of coolies left the garden and complained the Deputy Commissioner about their ill-treatment in the garden. They stated that both men and women had been flogged. The women had been tied to a post in the porch of the manger’s house and their clothes lifted up to their waists and they had been beaten on their buttocks with a stirrup leather by the order of, Anding the assistant manager. The District Superintendent of Police enquired and found that two women named Panu Khumti and Sukni were assaulted in the way described above. The woman Panu Khumti

\(^{221}\) Annual Report on Labour Immigration into Assam, 1888, pp. 9,10.

\(^{222}\) Ibid., p. 71.
was flogged for desertion while Sukni for short work. The assistant manager Anding was tried and imprisoned for ten months and ordered to pay a fine of Rs.450.\textsuperscript{223}

Of the total number of deaths in 1889, about 374 were attributed to cholera, 135 occurred at Dhubri, 90 on steamers and 149 at debarkation depots. The year was considered the most unhealthy and marked by numerous outbreaks of cholera. The mortality was much heavier again among the adult indentured labourers than in adult free labourers.\textsuperscript{224} This forced the provincial government of Assam to depute Surgeon Campbell to investigate the river routes, which the immigrant labourers used to come to Assam in 1890. Lieutenant Governor of Bengal also placed Surgeon-Captain Vaughan on special duty to inspect the sanitary arrangements of emigrant routes to Assam. This resulted in the submission of an elaborate report and placed the responsibility on the civil and sanitary administration to maintain a close vigil on the immigrating coolie irrespective of their legal status to prevent the outbreak of the dread disease.\textsuperscript{225}

Deaths between Goalundo and Dhubri and between Gaughat and Dibrugarh considerably increased in 1892. Out of 278 deaths, many were caused by cholera. The Deputy Commissioner of Golpara reported that cholera was continuously prevalent throughout the year and of unusually virulent type.\textsuperscript{226}

Table III. 9 provide the particulars of the annulment of immigrant labourers’ contracts by Inspectors of the respective labour districts of Assam, on grounds of incapacity under Section 122 of the Act I of 1882. Which shows an enormous increase as compared with the year 1891 to 1892.

\textsuperscript{223} Ibid

\textsuperscript{224} Report on Moral and Material Condition of India, 1889-1890, p. 195.


\textsuperscript{226} Annual Report on Labour Immigration into Assam, 1892, p. 8.
Table III. 9
Annulment of Labourers’ Contracts on Grounds of Incapacity, 1891 - 1892

<table>
<thead>
<tr>
<th>Districts</th>
<th>1891</th>
<th>1892</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syihet</td>
<td>10</td>
<td>103</td>
</tr>
<tr>
<td>Cachar</td>
<td>N.A</td>
<td>37</td>
</tr>
<tr>
<td>Kamrup</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Darrang</td>
<td>23</td>
<td>142</td>
</tr>
<tr>
<td>Nowgong</td>
<td>51</td>
<td>100</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>144</td>
<td>188</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>414</td>
<td>1,074</td>
</tr>
<tr>
<td>Total</td>
<td>643</td>
<td>1,647</td>
</tr>
</tbody>
</table>


Note: The number keeps increasing consistently every year.

The 1896 commission remarked in its report: ‘With regard to the arrangement at Naihati, we would particularly call the attention of Government to the necessity of seeing that the railway carriage are not overcrowded, especially when there is cholera about. In one carriage we found 70 coolies crowded together and forwarded by more than one agent. As we found instance of coolies being kept in railway carriages for over 24 hours without any food.’ In 1896, about 1,519 immigrant labourers’ contracts were annulled on the ground of permanent incapacity from labour.

Assaults:

In 1884, Francis, manger of the Dygoroon tea garden was tried on a charge of assault against a coolie woman with a cane which caused her death. Dr. Conceicao, the Civil Surgeon of Golaghat, who made a postmortem, informed that the death was the result of congestion of the kidneys, which he was of opinion that by violence applied to that part of body where the kidneys were situated. But Francis called a witness to prove that he did not strike the woman, but only lifted his cane and threatened to strike her. Finally Francis was acquitted of the charge. In 1887, in Cachar an assistant manager...

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229 Government of India Despatch, No. 1, Emigration, 1889, p. 78.
was fined Rs.70 for assaulting a coolie and preventing him from leaving the garden to complain.\textsuperscript{230}

In 15 October 1900, European superintendent Greig of the Sibsagar district of Rajmai tea estate received information that some of his coolies stole firewood in the lines. Greig summoned the coolies to his bungalow. During the course of his enquiry he struck one of the coolies, with a stick by delivering blows on the head. The coolie fell down and died on the spot. On Greig’s trial before the court on a charge of causing the death of the coolie, the jury partially wrote a verdict of acquittal to Greig.\textsuperscript{231}

In Lakhimpaur district, Hennessy the assistant manager of the Hukanpuki tea garden, was sitting in the veranda of his bungalow, paying ‘ticca pice’ to some three hundred coolies. A coolie objected to the sum which was given to him. When the coolie shouted and asked the money, Hennessy told the coolie to be quiet and to wait till the paying was over. He refused to be silent and demanded an immediate enquiry. Due to this word Hennessy got furious and went down and struck the coolie with his fist.\textsuperscript{232} Then Hennessy action had aroused the anger of the assembled coolies. In that moment the manager of the garden More arrived and found a serious of disturbance commencing. More asked the coolie, who had been struck by Hennessy, to go out of the place. When the coolie was about to go, his wife and another one woman dragged him back. In the meantime, the crowded coolies moved to the veranda to attack Hennessy but More managed to keep them back for some time. Pieces of bricks were thrown at Hennessy. More asked the Indian doctor to speak, when the crowded coolies surged into the bungalow. This forced the three Europeans to escape from the bath-room. In this incident fourteen coolies were charged and found guilty. Two of them were women. All of them were sentenced to rigorous imprisonment for varied terms from six months to five years.\textsuperscript{233}

\textsuperscript{230} Annual Report on Labour Immigration into Assam, 1887, p. 6.

\textsuperscript{231} Ibid for 1900, p. 23.

\textsuperscript{232} Ibid., p. 24.

\textsuperscript{233} Ibid.
In another one estate, a number of coolies left the estate to make complaint against the manager. The manager stopped the coolies and brought them back to the garden. They were then directed to the manager’s bungalow. The manager, with his clerk and the Indian doctor questioned the coolies for leaving the garden. At the time of enquiry, the wife of one of the coolies sat down. The manager on seeing this seized the woman by her hair with the intention of making her stand up. This enraged her husband, who instantly pulled up split bamboo and attempted to strike the manager. Two other coolies also did the same. But in actuality they did not attack the manager. However, the three coolies were sentenced to one month’s rigorous imprisonment under Indian Penal Code.²³⁴

In Darrang district a still serious case was reported in which a coolie boy died from the effects of beating inflicted by the manager, assistant manager and by some chaukidars of the estate. The boy was suspected of involvement in a theft case. The aforesaid persons in order to confess make him his crime beat the boy with several slaps and strokes with a stick. As a result of severe beating the boy died. The manager and assistant manager were convicted for assault committed on the boy with a fine Rs.150 and Rs.25 respectively.²³⁵

VI. Desertions and Convictions

The terms of contract made desertion a criminal offence and all deserters under labour contract were liable to arrest and prosecution was often abused by the hill tribes who resided outside of the gardens in Assam. Thus guiltiness of Sylhet villagers came to light in 1883 by the Civil Surgeon of this district. He was reported that the villagers made profit by making out of the coolie from the estate from his employer. The villager would entice coolies away from the garden with promises of getting him a better job and would receive money from the coolie for conceal him or her for a time. While the villager would negotiates with the employer of the runaway coolie in which the employer would pay the villager for handover the labour to him. This was attempted on a large

²³⁴ Ibid.

²³⁵ Ibid for 1903-1904, p. 23.
scale at Phuskuri Tea Estate, where attack by the villager Lushais on the labourer quarters was imminent. As expected, there was general flight of the coolies.236

In 1872-73, 1,243 immigrant labourers deserted from the labour districts. According to a report of September 1873 the labour was always planning to escape and the planters did everything to their desertion. At every possible outlet in the coolie lines watchmen were posted and the labourers were not allowed to go out free in night. Anyone catching an escaping labourer was given a reward of Rs.5. Whenever a coolie caught was tied to a pole and flogged. The reward of five rupees was subsequently deducted from the wage of this runaway labourer.237 Table III. 10 provide the information regarding immigrant labourers' desertion and conviction in Assam tea estates for the years 1877 to 1901.

In 1876, 26 immigrant labourers were imprisoned. Compared to 1877, there was an increase of 52, of which 41 were convicted for desertion while 11 were for the offences against the general laws.238 In 1878, about 8,976 labourers deserted from the labour districts.239 During 1879, nearly 30 Act-labourers were convicted for various offences; 10 were punished for rioting, 1 for theft and 19 for desertion. There were also 19 non-Act labourers convicted of desertion under Act XII of 1859. A “garden Babu” was fined Rs.100 for enticing coolies from Cachar. In Cachar 106 newly arrived immigrant labourers were convicted for desertion. Table III.12 shows the district-wise figures for the imprisonment of the immigrant labourers in Assam who were engaged under Act for various offences, for the year 1879.

In 1880, about 485 cases registered against immigrant coolies under Penal Code of the Act XII of 1859 and 709 cases had been registered by the Act I of 1882. The total offences of which estate labourers were convicted was 1,461. Of which 71 for

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237 Jha, Aspects of Indentured Inland Emigration, p. 143.

238 Annual Report on Labour Immigration into Assam, 1877, pp. 15-16.

rioting in garden, 128 for unlawful assembly, 39 for assault, 47 for causing hurt and 609 was desertion. ²⁴⁰

Table III. 10
Immigrant Labourers Convicted for Desertion

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Immigrant Labourers Charged as Deserters</th>
<th>Number of Immigrant Labourers Convicted</th>
<th>Number of Immigrant Labourers Sent to Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>1877</td>
<td>2,584</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1878</td>
<td>8,796</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1879</td>
<td>5,885</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1880</td>
<td>6,254</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1881</td>
<td>4,087</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1882</td>
<td>4,756</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1883</td>
<td>11,048</td>
<td>1,461</td>
<td>N.A</td>
</tr>
<tr>
<td>1884</td>
<td>4,188</td>
<td>1,379</td>
<td>793</td>
</tr>
<tr>
<td>1885</td>
<td>8,954</td>
<td>482</td>
<td>487</td>
</tr>
<tr>
<td>1886</td>
<td>8,891</td>
<td>1,199</td>
<td>88</td>
</tr>
<tr>
<td>1887</td>
<td>8,157</td>
<td>1,325</td>
<td>1,005</td>
</tr>
<tr>
<td>1888</td>
<td>10,356</td>
<td>1,360</td>
<td>N.A</td>
</tr>
<tr>
<td>1889</td>
<td>12,504</td>
<td>1,549</td>
<td>1,017</td>
</tr>
<tr>
<td>1890</td>
<td>10,767</td>
<td>1,612</td>
<td>1,083</td>
</tr>
<tr>
<td>1891</td>
<td>10,680</td>
<td>1,729</td>
<td>1,241</td>
</tr>
<tr>
<td>1892</td>
<td>13,577</td>
<td>1,919</td>
<td>1,295</td>
</tr>
<tr>
<td>1893</td>
<td>15,135</td>
<td>1,915</td>
<td>1,316</td>
</tr>
<tr>
<td>1894</td>
<td>16,105</td>
<td>1,785</td>
<td>1,227</td>
</tr>
<tr>
<td>1895</td>
<td>17,386</td>
<td>1,676</td>
<td>1,108</td>
</tr>
<tr>
<td>1896</td>
<td>17,595</td>
<td>712</td>
<td>N.A</td>
</tr>
<tr>
<td>1897</td>
<td>N.A</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1898</td>
<td>N.A</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1899</td>
<td>N.A</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1900</td>
<td>N.A</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1901</td>
<td>15,021</td>
<td>N.A</td>
<td>247</td>
</tr>
</tbody>
</table>

Source: Annual Report on Labour Immigration into Assam, 1877 to 1901.

Note: The figures suggest the increasing instances of desertion.

Table III. 11 provide details of the increased desertion in the tea districts of Assam.

Table III. 11
Details of the Increased Desertion: district-wise in 1883

<table>
<thead>
<tr>
<th>Tea Districts</th>
<th>Total Desertion</th>
<th>Coolies Covered by Act</th>
<th>Coolies not Covered by Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet</td>
<td>2,622</td>
<td>974</td>
<td>1,648</td>
</tr>
<tr>
<td>Cachar</td>
<td>1,563</td>
<td>594</td>
<td>969</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>1,298</td>
<td>1,075</td>
<td>225</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>994</td>
<td>633</td>
<td>361</td>
</tr>
<tr>
<td>Nowgong</td>
<td>307</td>
<td>169</td>
<td>138</td>
</tr>
<tr>
<td>Darrang</td>
<td>490</td>
<td>198</td>
<td>292</td>
</tr>
<tr>
<td>Kamrup</td>
<td>112</td>
<td>19</td>
<td>93</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,386</strong></td>
<td><strong>3,662</strong></td>
<td><strong>3,726</strong></td>
</tr>
</tbody>
</table>

Source: *Annual Report on Labour Immigration into Assam, 1883*, p. 27.

Table III. 12
Number of Persons Imprisoned, 1879

<table>
<thead>
<tr>
<th>Districts</th>
<th>Imprisonment for Various Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet</td>
<td>38</td>
</tr>
<tr>
<td>Cachar</td>
<td>57</td>
</tr>
<tr>
<td>Kamrup</td>
<td>3</td>
</tr>
<tr>
<td>Darrang</td>
<td>18</td>
</tr>
<tr>
<td>Nowgong</td>
<td>38</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>29</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>228</strong></td>
</tr>
</tbody>
</table>


In 1881, 295 immigrant labourers were jailed for offences under Act VII of 1873 alone. According to the police report 264 cases under Act VII of 1873 and 884 cases under Act XII of 1859 instituted. In the same year 287 coolies were convicted, by the Act VII of 1873 out of 314 who appeared before the court and 940 were convicted out of 1,119 by the Act XII of 1859, of whom 672 coolies imprisoned.241

Table III. 13 details number of coolies prosecuted and imprisoned under Act I of 1882 and Act XIII of 1859 in the year 1884.

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Table III. 13

Coolies Prosecuted During 1884

<table>
<thead>
<tr>
<th>Districts</th>
<th>Under Law</th>
<th>Prosecution</th>
<th>Imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet</td>
<td>Act XIII</td>
<td>28</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>96</td>
<td>53</td>
</tr>
<tr>
<td>Cachar</td>
<td>Act XIII</td>
<td>19</td>
<td>N.A</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>259</td>
<td>162</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>Act XIII</td>
<td>40</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>81</td>
<td>55</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>Act XIII</td>
<td>36</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>132</td>
<td>115</td>
</tr>
<tr>
<td>Nowgong</td>
<td>Act XIII</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>16</td>
<td>12</td>
</tr>
<tr>
<td>Darrang</td>
<td>Act XIII</td>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>103</td>
<td>74</td>
</tr>
<tr>
<td>Kamrup</td>
<td>Act XIII</td>
<td>2</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Act I</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>851</td>
<td>487</td>
</tr>
</tbody>
</table>


On the 10 October 1885, one Sheikh Sukari petitioned the Magistrate of Sibsagar for a discharge certificate under Section 141 of Act I of 1882 for the release of his son, Sheikh Khodadin, from the planter Hosack of Diron tea estate. H.R. Browne, Assistant Commissioner wrote a letter to Hosack and asked him to make his defense. However, Hosack without giving any reply, wrote to the Deputy Commissioner that: ‘the coolie Sheikh Khodadin was not an Act I of 1882 coolie, but a domestic servant. The man denies having put in the application for release.’ On the receipt of this letter, the application of Sheikh Sukari was dismissed on 28 October, 1882, without even calling for evidence.

After the dismissal of the case, Sheikh Sukari somehow communicated to his son Sheikh Khodadin with the Hosack’s letter and Sheikh Khodadin escaped from the garden. On 2 November Assistant Commissioner Browne granted a discharge certificate

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to Sheikh Khodadin, in which he stated: 'Hosack has already written to say that complaint has no contract; so he can leave the employer if he wishes to.'

But on the next day (3 November), Pator Gogi, on behalf of Hosack made a complaint under Section 175 of Act I of 1882 to the Assistant Commissioner Browne, for the arrest of Sheikh Khodadin on a charge of desertion for which Hosack obliged him. He issued a warrant immediately and Sheikh Khodadin was arrested and put on his trial on the same day. He was convicted to undergo seven days' rigorous imprisonment.

During 1886, conviction under Act I of 1882 for desertion numbered 500. However, this number represented only a small proportion of the total number of desertion, which was reported as 8,891. But in 1892 the number of desertion further increased amongst both Act and non-Act labourers. It was found that the unhealthiness prevailing in certain gardens was the most frequent reason cited for desertion.

In 1887, about 492 immigrant labourers were convicted of offences under the Penal Code, as against 436 in the previous year, of which 36 were punished for unlawful assembly, 45 for rioting, 68 for assault or causing grievous hurt and 96 for theft.

**Atrocities:**

In September 1892, C. O. Walling, the manger of the Maduri tea estate in Sibsagar district, misbehaved with a fifteen year old coolie girl. That day the girl was working with two other girls in the bath-room of his house, plastering the wall, when Walling came into his house after his work from the garden in the afternoon called her into his bed-room. She refused to go. Walling then went into the bath room and hit the girl over her shoulders with a stick. He told her that she did not need to do her task, but he required her to amuse him. Afterwards Walling detained the girl in the bath room with in charge of a bearer twelve years old boy, when other girls had gone away for their lunch.
and rest. In the evening the girl informed her mother about this misbehaviour of Walling. Subsequently in December, Walling caught hold of the girl in the garden and tried to make her go with him to bungalow. She promised Walling that she would come there some time later in which she escaped to a friend's house. Afterwards she appeared before a Magistrate. In consequence of this complaint, Walling was convicted for wrongful restraint and assault that he committed against the girl under Indian Penal Code. He was sentenced to a week's rigorous imprisonment with a fine of Rs.100.248

In the same district, Bondu, a non-agreement coolie of the Dhuli garden, wished to leave the garden for his home. When Congdon, manager of the garden, heard this called Bondu and told him to sign an agreement and asked him to repay the money that he received from Congdon earlier. But Bondu refused the manager's demand. So Congdon gave him twenty-five strips over his buttocks. Then the coolie Bondu was sent to Nagajanka, 8 ½ or 9 miles distant from the garden and a chaukidar was ordered to sleep with him for fear of his escaping. Bondu was again taken back to Dhuli, where he was kept at night in a house in charge of another one chaukidar named Mahes, being taken out to work in the day time. For one week he had been kept in this way. On 13 September Bondu escaped from the house and complained to the Assistant Commissioner, Jorhat. Congdon was prosecuted and Rs.100 was fined and Mahes the chaukidar also fined Rs.50 for executed the order of his mater.249

Even at the turn of the century, the relation between employers and labourers were unchanged, outbreak of ill-feelings inevitably occurred from time to time. A coolie woman who had absconded from the Phulbari garden was recaptured and on being brought back to the garden she was flogged in most barbarous manner by the order of the garden manager, T.J.Walker, in presence of all other labourers on the estate. For this outrage the European manger was fined Rs.500 and the Indian garden servants who executed the order were imprisoned for six weeks.250

249 Ibid.
250 Annual Report on Labour Immigration into Assam, 1900, p. 23.
In 1906 eight coolies were charged with unlawful assembly and rioting and in three cases with assault and intimidation. The majority of the cases originated in assaults by the manager. The above charged coolies were imprisoned to various terms for their action by the Magistrates.251

VII. Organised Resistance and Punishment to Coolies

In 1884, in Lakhimpur there was one case of organised opposition by coolies occurred against a manager of a garden. The manager canned one of the coolies who worked in the garden in which the coolies retaliated and beat him severely. In Cachar six cases of riots reported by the Deputy Commissioner. In Sadar from a garden named Bowalia, the manager hit a boy with a stick in the presence of the assembled immigrant labourers. So the labourers beat the manager severely and house arrested him for some hours. By this riotous attack on the manager a dozen of men were sentenced to various terms of imprisonment, for from three days to one year. But the manager was fined Rs.200 for the crime what he committed against the boy.252 The Judge upheld the sentences on the coolies, but reduced the fine on the manager from Rs.200 to Rs. 50.253 In another one case of gheroing the assistant manager of Chinkuri garden in his bungalow for a pay dispute, the Deputy Commissioner imprisoned some of the men for a month.254

During 1887, in Darrang ten-coolies were convicted for assaulting the garden Muharrir and clerk, because the labourers felt that task that allocated to them was very hard and pained. One of the coolies was sentenced to six weeks’ and the rest to fourteen days’ rigorous imprisonment under Section 143, Indian Penal Code. In Tezpur a depot Chaukidar was beaten by a batch of newly arrived coolies, because he prevented them from going to the bazaar and to the native doctor. Three of the accused coolies were sentenced to three months’ rigorous imprisonment and two of them to one month for rioting. From the same garden four coolies were sentenced to one week’s rigorous

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251 Resolution on Immigrant Labour in the Assam Districts of Eastern Bengal and Assam, 1906, pp. 4-8.


253 Ibid.

254 Ibid.
imprisonment. In another case the same punishment was awarded to coolies for beating their sardar, because he did not pay their full wage.\textsuperscript{255}

During 1888, in Darrang, 200 Bengali coolies, armed with sticks gathered and complained that they were not given enough time to eat their food in the middle of the day. The manager accordingly sent information to the police station. The result was that seven of ringleaders were convicted, two of whom sentenced to three months' rigorous imprisonment and the rest were to two months’ rigorous imprisonment, without any of enquiry by the Deputy Commissioner on the charge of rioting.\textsuperscript{256}

In another one case a dispute arose between some coolies and the line chaukidar. The chaukidar tried to get possession of some women and assaulted them in the process. The women raised an outcry in consequence of which the coolies beat the chaukidar severely causing his death. Among the four labourers who were accused in the case, three of them were acquitted latter and the remaining one person was sentenced to two years rigorous imprisonment.\textsuperscript{257}

In 1889 a more serious riot was took place in Sylhet regarding pay in which a crowd of coolies severely beat the manager. Thirteen of them were convicted of rioting and sentenced to various terms of imprisonment ranging from one month to two years.\textsuperscript{258}

In 1896, in Lakhimpur district the sub-divisional officer sentenced five coolies of the Joyhing tea estate ranging from four to five months' to nine months’ rigorous imprisonment under Section 147 of Indian Penal Code for rioting. When the case records were sent to the Chief Commissioner Cotton’s perusal he understood that the riot occurred in consequence of the coolies being forced to work on Sundays or seven days of the week, which was contrary to the provision of Section 116 of Act I of 1882.

Cotton, however, received the records of case just before the elapse of the coolies sentenced period. He ordered immediate release of the coolies. No such case was

\textsuperscript{255} Ibid for 1887, p. 6.

\textsuperscript{256} Ibid for 1888, p. 70.

\textsuperscript{257} Ibid.

\textsuperscript{258} Ibid for 1889, p. 50.
reported from any district in which a manager was convicted of any act of oppression or high-handedness towards his labourers.259

In Lakhimpur, a harshly treated coolie killed the manager with a pick-axe. He was convicted for life by the High Court.260 During 1909 a serious riot broke out in the Talap Tea Estate in Lakhimpur. A crowd of 150 coolies attacked the manager's bungalow. The manger pulled his revolver and fired three shorts. This frightened the mob and facilitated his escape. The coolie rioters were sentenced to nine month's rigorous imprisonment.261

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259 Ibid for 1896, p. 46.
260 Ibid for 1903-1904, p. 23
261 Resolution on Immigrant Labour in the Assam District of Eastern Bengal and Assam, 1909, p. 9.