CHAPTER VI
LABOUR RELATIONS
The Pykes, employed by the Ahom rulers in the execution of public works under their peculiar revenue system had been confused as forced labourers by some British authorities in Assam. The system of sending volunteers from each family for the execution of public works was regarded by the inhabitants as one of their must be done duties. During the period of civil wars and insurrections when there occurred large-scale depopulation of the country, the inhabitants might have faced great difficulties in sending the volunteers regularly. But at no time coercive measures were employed for the execution of public works. In the private works, the persons employed by men of rank were treated with kindness. It appears from the official records that they were regarded as one of the members of family. And as such forcible employment of inhabitants in the execution of public or private works during the Ahom rule was few and far between.

But when Assam came under the rule of the East India Company in 1826, the British could not procure volunteers like the Ahoms from among the local inhabitants. The military officers had to execute their works by forcibly seizing local inhabitants. In most cases inhabitants were not only forced to

1. Johnstone, Sir James, My experiences in Manipur and the Naga Hills, P.114.
follow Company's Officers instantly but not unoften after proceeding great distance they were released from duties without paying any remuneration. For fear of such forcible seizure even the males had to take shelter in the ravines and the females with their babies in the jungles. Under these circumstances, occasionally the military officers had to resort to extreme coercive measures to get their works quickly done. Such conscription was also permissible under Bengal Regulation of 1806 which was enacted with a view to facilitating movements of troops within the Company's territory.

On the other hand, with the introduction of tea cultivation in Assam, the authorities experienced great difficulties in getting loyal services of imported Chinese artisans. The imported Chinese were, generally, intractable. Even the first recruits of the Assam Company were a troublesome lot. There had been several affrays amongst them on their way upto Assam from Calcutta. Several of them had been wounded, many fled away and Murray, Officer in-charge of the Company, who was escorting these Chinese to Assam, found himself absolutely helpless under such circumstances. On their arrival, nine had to face

4. Ibid.
6. Ibid.
7. Ibid.
trial for alleged assault of the police; and the Board of the Assam Company found it necessary to ask influential parties to endeavour to compromise the matter. Cases were not rare when there had been great uproars; and battles ensued amongst the different castes of Chinese when many of them were wounded. It was also found that even their own men misappropriated the whole amount of money advanced to them for their journey expenses by the Company. Being utterly helpless, later, the Company had to despatch some Burkandages (armed personnels) along with Assistats of the Company to escort such parties to Assam to avoid trouble during transit. Inspite of that frequently serious affrays occurred during voyage and the Magistrate of the district in the transit stations had apprehended large number of Chinese to take their trial. When some of them were charged with some offences, the rest of the Chinese instantly refused to proceed further unless their friends, who had been arrested, were released. Very often they found some excuse or other for not complying with the Company's orders. In some cases, the Company had also to take drastic measures even by discharging some of them. The Company could not force most of them to fulfil their terms of contract.

8. Ibid. P.378-379.
9. Ibid.
10. Ibid.
11. Ibid.
Problems also arose even in the tea gardens when imported Indian labourers were placed under the European Managers. The latter, invariably fresh from England, were ignorant of the language and wholly unaware of the nature and habits of the immigrant labourers. On the other hand, the labourers were also mostly ignorant, simple, and incapable to represent their case to their masters. Inspite of good intention of some Managers, naturally misunderstanding arose between labour and the management.

Under the circumstances, the District Officers in Assam were entrusted with the responsibilities of inspecting the gardens with a view to settling such disputes. Overburdened with duties, the District Officers in the forties and fifties seldom had sufficient time at their disposal to perform the additional duties of inspecting the gardens, mostly situated far away from their headquarters. Moreover, the difficulties of travelling in the province, especially during the rains, rendered it impossible for them to undertake duties of inspection. As a result, the planters neglected to look after the requirements of their labourers even under the trying conditions. No wonder, therefore, to escape from this miserable life, the labourers deserted the gardens. The relation between labour and management inevitably became strained. While the labourers made desperate attempts to desert from the garden, the managers left no stone unturned to resist them from doing so. Worst of such devices which the planters usually adopted was flogging.
The practice was prevalent even in the most reputed gardens of the Assam Company. Retaliatory efforts among the plantation labourers, therefore, gradually increased after sixties in Upper Assam where tea plantations were mostly situated.

**EARLY MEASURES.**

In May 1861, the sections 490 and 492 of the Indian Penal Code were extended to Assam. In May 1864, The Workmen's Breach of Contract Act, 1859 was enforced both in Upper Assam and Cachar by a gazette notification. The Employers and Workmen (Disputes) Act, 1860 was also promulgated at the same time to settle industrial disputes. Under the provisions of the above acts, the breach of contract of service was a penal offence for a worker and, therefore, these were more protective to the employers than to the workers. The legislators had the basic intention to offer only a docile labour force at the command of the employers and scant regard was paid to the interest of the workers.

On the enforcement of the above acts the situation,

12. Ante P.199
13. Vide Act XLV of 1860 (I.P.C.), Chapter XIX. Also B.G.P. No. 375 of 1861, No. 67(a), Thompson to Agent, NEF, January, 1861.
14. Ibid.
15. Ibid.
instead of being improved, deteriorated mainly because of the loopholes in the laws. In Lakhipur alone, within a period of seven and half months, as many as 125 labourers were arrested and tried, and out of that 123 persons were forced to complete the terms of their agreement and 2 of them were sentenced to 2 months imprisonment. Thus, in a single district, within a short time, no less than 125 persons were arrested for desertion. Naturally, life of the labourers in many cases became insecure.

On the other hand, the immigrant labourers, as a counter measure, also resorted to violent activities and even assaulted their Managers. Naturally, the need for suitable measures to safeguard the interests of both the parties became imperative.

TOWARDS ENACTMENT OF PLANTATION LAW.

Early in October 1864, the Tea Plantation Association of Sibsagar made a strong and ably prepared representation to the Commissioner of Assam drawing his attention to the defective character of the laws since enforced. At the same time, the tea planters of Cachar made a direct representation to Cecil Beadon, the Lieutenant-Governor of Bengal (1862-67). Therein, they criticised the prevalent

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20. A.S.Vol. No. 31 of 1864, No. 74. Hopkinson to Govt. of Bengal, 6 October, 1864.

system of inspection of labourers by the District Officers, which, according to them, was defective and not at all helpful in promoting better understanding between the employers and the employed. As a remedy, they suggested radical reform of the existing system of inspection and creation of a Labour Department under the control of an efficient officer. Such a Labour Protector, they added, would try to settle disputes between the two parties and would be a full guarantee against any undue severity or neglect of the conditions of the agreement on the part of the planter. They also assured that as the functions of such protectorate would be exclusively in the interest of tea cultivation they would bear all expenses for its maintenance. For the efficient working of such an inspectorate, they further stated, the department would be left under Government control and supervision.

The Commissioner of Assam, while forwarding the representation of the Sibsagar planters to the Government of Bengal, pointed out the other side of the picture. The Commissioner rightly stated:

"in his plantation...he (planter) may be as much alone and unprotected as if he were at sea and may be several days journey from the nearest Thannah or Cutcherry. His house may be burnt over his head, himself wounded or murdered, his garden rooted up, his coolie away and dispersed beyond the chance of recapture before the authorities hear anything of the matter."

22. A.S.Vol. No. 31 of 1864, No. 74, Hopkinson to Government of Bengal, 6 October, 1864.
On such an analogy, the Commissioner endeavoured to persuade the Government of Bengal the need for adopting measures to protect the planters in Assam. These representations eventually resulted in the passing of the Act VI of 1865, and the following measures were incorporated to ensure better industrial relation in the plantations of Assam.

(1) **Protectorate.**

(a) The Lieutenant-Governor of Bengal was empowered to appoint so many protectors of labourers, as he thought proper, with all or any of the power of the Magistrate, and under such protector, to appoint so many inspectors of labourers, as considered necessary, to assist the protector without magisterial power.

(b) The employers were to pay a yearly sum, not exceeding one rupee per labour, for the purpose of providing for the salaries and emoluments of the protectors and inspectors so employed. Failure to pay that amount, without adequate reason, was subjected to levy the sum by the sale of any movable property.

(2) **Redemption fee of the labourers.**

(a) Labourers were permitted to buy release on payment of Rs.120/- and if he desired to make complaint to protector for personal ill-usage he was allowed to do so through his employer.

(3) **Provisions to protect the interest of the employers.**

(a) Absent from duty below seven days, without sufficient cause, was made liable to lose all claim to wages during the period of absence and for over seven days liable to rigorous imprisonment for fourteen days.

(b) In case of wilful negligence in work, was to lose claims of wages, if below seven days, and in case of recurrence of the habit within six months, rigorous imprisonment for fourteen days.

23. Calcutta Gazette, April 1865.
(c) In case of desertion, the employers of labourers empowered to apprehend him, with or without warrant, within his estate and when desertion would be proved in the court, he was subjected to rigorous imprisonment unto three months. The period of imprisonment was not to be deducted from the contract.

Besides, there were other devices in the act to maintain a vigilant watch over the affairs in the tea estates. But a scrutiny of the provisions would reveal that the act afforded protection more to the employers than to the labourers. Neither was it possible for labourer, who could seldom save anything from his income, to buy his release on payment of Rs. 120/- at a time nor was it practicable for him to lodge a complaint against his manager to the Inspector of Labour in the manner prescribed in the said law. It is not understood as to how such a humiliating article was incorporated in the act. More or less, the act became an indirect license to the planters to curtail liberty of their labourers.

Before long several cases came into the notice of the Government of Bengal from which it became evident that ill-treatment of planters continued as usual. Occasions were there when Chaprassis went to the 'Coolie lines' and compelled the labourers to turn out to work, no matter whether they pleaded illness or not. They gave some medicine before sending them out to work. They went out without eating any food or only food imperfectly cooked. In such cases, some took raw

24. Ibid.

25. Report of Inspection by the Protector of Labourers, Upper Assam, No. 196, 6 March, 1867.
rice with them to eat during their work. Under such circum­stances, the labourers lost all their senses and desperately com­mitted any crime that first appeared in their brain. Idea that readily came to their mind was somehow to desert. But it was not an easy matter to desert from the garden. Sometimes at the very initial stage of their plan they were detected and were inflicted brutal flogging, although the law provided that in such cases they should be prosecuted and fined. The position of the deserting labourers, thus, became extremely miserable. Deserters were sent back from their home districts under the custody of police to the Magistrate of the district where they absconded. Neither deserters could be released on bail nor any one came forward to arrange their early release. Armed with the statutory provisions, the planters not only apprehended the labourers without warrant but also kept them confined for a number of days without handing over to the police. Even during the period of confinement they were tortured. Referring to that, Viscount Cranborne, Secretary of State for India, in his Despatch of December, 1866, to the Governor-General of India remarked:

"it is with feelings of no small astonishment and pain that I hear of the commission of such inhuman practices by persons of British birth within the territories subject to your Excellency's control. I can scarcely credit the rumour mentioned by the Commissioner of Assam that the cases discovered upon the

27. A.S.Vol. No. 32 of 1865-66, No. 157, Hopkinson to Govt. of Bengal, 9 April, 1866.
plantation........are only samples of a practice which prevails on other plantations in the province".

In certain cases, it was found that direct personal ill-usuage was the least cause of their complaints; and their grievances did not usually lie against the local planters, but against the remote, impersonal and irresponsible tea companies which employed the local planters. Some planters were found really sympathetic and kind-hearted and well-acquainted with the requirements of the workers. But to implement their plans, aiming at the labour welfare, they hardly received the approval of the company, which appointed them. That incapability of such planters was very often misunderstood by the ignorant labourers and frequently the former became the victims of labourers' combined resistance. And in a number of cases even the sympathetic planters were also assaulted by their labourers.

To improve relations between the labourers and their managers, companies seldom cooperated with the government officials entrusted with the duties of inspection. Recommendations made by the protector of labourers from time to time never been implemented by the tea companies. According to the statutory provisions, the employers were required to submit half-yearly statements to the government in order to keep it well-informed of the actual

29. A.S. Vol. No. 34 of 1867, No. 128, Hopkinson to Govt of Bengal, 6 May, 1867.

30. Ibid, No. 85, 26 March, 1867.

31. Ibid.
state of things in the gardens. In practice, either they made long delay in submitting such returns of if submitted in time, the information supplied were inadequate and with many discrepancies. Non-coöperation on the part of the Tea Companies was largely responsible for ill-feelings between labourers and the employers.

MEASURES TO COUNTERACT THE EVILS.

Early in February 1867, reviewing the state of things that prevailed in the gardens, Cranborne, the Secretary of State for India, wanted that if the law was not sufficiently severe to counteract the prejudices of race and the temptations of commercial enterprise, it must be made more stringent and that if there was any just ground for doubting the impartiality of the tribunals, before whom offences would be tried, such reforms should be introduced into their composition as should divest them of any bias either towards the planters or the labourers. Cranborne requested the Governor-General to institute a special enquiry and to issue orders to local authorities to find out culprits and to bring them to book. It has already been mentioned that long delay was made in instituting such enquiries. Instead of instituting any enquiry, Beadon hastily introduced a bill in the Bengal Council. Its provisions were most clumsy and one-sided in character and more protective to

32. A.S.Vol. No. 34 of 1864, No. 124, Hopkinson to Govt. of Bengal, 26 April, 1867.

33. A.S.Vol.9(a) of 1867-68, No. 135, Compbell to Protector, Upper Assam, 13 July, 1867.

34. B.G.P.E., February, 1867, No. 21.
the interest of planters. When it was brought to the notice of Sir John Lawrence, the Governor-General of India, by the British Indian Association, the Bill was turned down and the Lieutenant-Governor was directed to appoint the Labour Commission. Gray, who succeeded Beadon as the Lieutenant-Governor of Bengal, at first decided that the proposed Commission should be of a mixed character; and accordingly named three official members and asked the British Indian Association and the Land Holders Association to nominate a member each. Although, the British Indian Association recommended * the name of Degumber Mitter, the Land Holders Association declined to send any representative. The Lieutenant-Governor altered the constitution of the Commission, and made it purely official. Naturally, therefore, the Commission's recommendations were mere palliatives, though entirely at variance with the facts found by them. Even the information given on *some of the important facts were extremely inadequate. Yet they stated in their report:

"Systematic ill-treatment, we believe, has not been frequent. Cases of very great cruelty have occurred in former years but happily they have become more and more rare........the coolies have suffered in many instances.......not from cruelty but from the thoughtlessness of their employers."

35. The Hindoo Patriot, Editorial, 11 May, 1868, P.149.
36. Ibid.
* Most of its members were either planters or connected with tea industry.
37. Ibid.
38. Ibid.
39. B.G.P.File No. 303 of 1869-73, No. 5999, Eden to Secy, Govt. of Bengal, 28 December, 1868.
As remedial measures the Commission, however, suggested the following measures:

1. Abolition of the post of labour protector and substitution of them by that of circle medical inspectors, with no magisterial power, but to work on planters by persuasion. They were to be employed at the payment of planters.

2. A special penalty for the unlawful detention of a labourer beyond his term of contract.

3. Reduction of redemption fee previously fixed at Rs. 120/-

4. A special penalty for violence in arresting a run away labourer and failure to make him over to the police.

The Lieutenant-Governor of Bengal rejected the first suggestion on the ground of paucity of doctors in the country and impracticability of the working of the system simply by persuasion without magisterial power at the pay of planters. The second and third recommendations were accepted while the fourth was rejected as provisions of Indian Penal Code were considered sufficient to deal with such cases. The Lieutenant-Governor favoured, more or less, the continuance of the same system as embodied in the Act VI of 1865. And this eventually resulted in the passing of Act II of 1870. Only the following additional measures were incorporated therein:

1. The Lieutenant-Governor was empowered to appoint assistant inspector with all or any of the powers of Magistrates.

2. The employers were to submit regular returns and to keep registers to make entries by the visiting officers, either

40. Ibid.
41. Ibid.
42. The Calcutta Gazette, 23 March, 1870. P. 587.
Magistrate or any person authorised by him. The latter was allowed to visit at any time and any obstruction to such duties made liable to a fine up to Rs. 500/-.

(3) On completion of contract, if labourers were detained, the employer was to be punished.

(4) Any conviction, either for desertion or for other cause, was not to operate as a release. On expiry of sentence, labourer was to be made over to the employer again.

It is apparent from the above that while more emphasis was laid on the Government supervision, no definite punishment was provided for the breach of contract on the part of the employers. The employers were left virtually unrestrained as enough scope was left in the Act for committing systematic ill-treatment under the cover of the law.

ACTIVE GOVERNMENT SUPERVISION EXTENDED.

When the provisions of the Act were implemented, the Labour Inspectorate became more efficient. Not only Assistant Inspectors were appointed but the District Officers were also made ex-officio protectors of labourers. The Tea Companies were compelled to submit various reports to the Government. Evidently, the latter expressed their great displeasure over the administration for the increasing government interference with their management in the plantation. Their relation with the Commissioner of Assam once again became strained. Such an attitude of the Tea Companies greatly encouraged the planters to become more intolerant and unsympathetic.

43. A.S.Vol.No. 48 of 1872, No. 2305J, Hookinson to Govt. of Bengal, 23 November, 1872.
towards the labourers. Inspite of active Government supervision better understanding could not be established between the labourers and the planters.

In some cases it was found that the labour lines were cordoned by the planters with their puppet chowkidars. Simply on suspicion that by deserting they might complain to the police. At times they were brought to the Manager's bungalow blindfolded and then tied up to a post and flogged in a most brutal way. Being blindfolded again, they were then taken far away from the garden to some unknown place and the cloth being removed were let go. Instances were not rare when over the cane cuts salt was rubbed. Inspite of such brutal tortures, many of them somehow absconded from the gardens. Desertion among the labourers consequently increased. During the year 1870, as many as 186 suits were instituted within a period of nine and a half months in the district of Sibsagar alone of which 24 offenders were imprisoned. Inspite of that, a dishonest planter just to cover the ill-activities of their group made an allegation in the Englishman of 11 June, 1872, that in innumerable cases planters were brutally assaulted or threatened

45. Ibid.
46. Ibid, P. 41.
by the labourers in Assam. Referring to that letter even the Commissioner of Assam writing a letter to the Government of Bengal during the same month proved its falsity and stated that he never heard of any such assault for a fairly long time.

Within two years of the promulgation of Act II of 1870 several cases were reported which amply indicated the unsatisfactory relations in some gardens. Consequently, need for further stringent measures became necessary to protect the labourers from the merciless planters.

Sir George Campbell, when he became the Lieutenant-Governor of Bengal, made a fresh attempt in that direction. But he had to face the opposition of the vested interest. Even some of the high Government officials maintained the view that any change in the existing labour law was neither desirable nor essential. Campbell was determined to make some changes. Being well-conversant with the affairs in the plantation he rightly observed:

We had imposed on the coolies, serving under contract in the tea districts, penal laws of extreme stringency — to such a point that the coolie, who was conveyed to the labour districts under those laws, became......for three years legally and indispensably a slave.

Despite the opposition he introduced a Bill which with some alterations became the Act VII of 1873. The following measures were embodied therein:

50. The Hindoo Patriot, Editorial, 4 August, 1873, p.365.
(1) If aggregate punishment for desertion exceeds over sixty days, the labourer might be released. If less than that period, conviction not to operate as a release.

(2) Labour contract might be declared cancelled, if employer was convicted of maltreatment by sessions court or twice by magistrate.

(3) Labourers were allowed to buy release on payment of sum at the rate of one rupee for every month for the first year, three rupees for every month of the second year and five rupees for every month of the third year.

The rest of the provisions remained, more or less, same as with the Act II of 1870.

Number of desertion among the labourers was one of the important factors to determine the nature of relationship in the plantation. Since the enforcement of the Act VII of 1873 down to 1881 most of the labourers imprisoned were convicted mainly due to desertion. Number of imprisonment for other causes such as rioting, assault etc were practically negligible. Desertion in particular cases rose even upto 22.58% within a period of six months. During the year 1881, of the persons imprisoned in the province, 19% were tea labourers and convicted under the labour law. In that particular year, out of a thousand adult labourers three persons on an average were imprisoned i.e. who never liked to complete their contract and preferred imprisonment.

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53. Ibid.

54. Assam Immigration Report, 1881, Para 76.

55. Ibid.
The Labour Commission which was appointed in 1880 to amend the Act VII of 1873, once again recommended stringent measures to punish labourers for breach of contract. On the other hand, the maximum punishment for a Manager, wrongfully depriving labourer of his liberty, was provided in the bill to be a fine only of Rs. 50/-; whereas the Indian Penal Code provided criminal imprisonment varying one year to three years for such wrongful restraint. Neither they recommended any change for the power of planters to arrest run-away labourers without warrant nor for the repeal of the procedure of making complaint to the Magistrate through the Manager. On the basis of above recommendations, a bill was introduced in Simla in 1881 and it was considered sufficient by its framers to improve industrial relation in the plantation.

The submission of such a bill was followed by strong public agitation in Bengal. The Hindoo Patriot, in its editorial of 7 March, 1881, remarked "the inevitable consequence of such a law would be to place labourers entirely at the mercy of his employer." Under such a penal law it was added the interests of the weak labourers would be entirely sacrificed to those of their strong employers. In December, 1881, the editor suggested that as Assam was exceptionally situated, special care ought to be taken for the protection of liberty of the poor labourers. On 14 December, 1881, the

56. The Hindoo Patriot, Editorial, 7 March, 1881. p.112.
British Indian Association also protested against the proposed measures and requested the Governor-General in Council to make necessary changes in the Bill in the name of justice, liberty and equality. Kunjoolal Banerjee, a respected member of the Hindu Community and a Second Judge in Court in Calcutta, out of purest motives of benevolence, had addressed a memorial to his Excellency the Viceroy in Council on the question of the Bill. He had no interests to serve except those of his country. But he was addressed in the council house in a humiliating manner for advocating the cause of labourers. Maharaja Jatindra Mohon Tagore, only Indian Member in the Council, fought the battle for the labourers in the best way he could in the teeth of opposition he was placed. Outnumbered, his was the solitary voice raised in protest against the bill. The Indian member raised his feeble voice in defence of a cause which was unanimously condemned in the council. In these circumstances the bill became the Act I of 1882. Its provisions were as follows:

1. Punishment for desertion was imprisonment up to one month or fine up to Rs. 20/- or with both, for a second conviction for a like offense imprisonment for a term up to 2 months or with fine up to Rs. 50/- or with both, for a third and every subsequent conviction imprisonment for a term which may extend to three months, or with fine up to Rs. 100/- or both.

60. Ibid.
(2) Magistrates were allowed to impose a fine of R. 50/- on the employer for wrongful arrest of labourer.

(3) No imprisonment was prescribed for the planters. But for any offence a maximum punishment to be imposed was a fine of R. 200/-. Besides, there were other measures which were insignificant. Naturally, therefore, the act was rightly termed as the "Slave Act" by Kristodas Pal, a leading journalist of the age, as more stringent measures were once again incorporated in the labour law to curtail the liberty of the labourers.

DISPUTE BETWEEN LABOUR AND MANAGEMENT.

Evidences may be cited to show as to how racial animosity played no less an important part among a section of the planting community. They maintained such a high notion of their superiority that no local inhabitant of Assam was allowed to pass before them with umbrellas on their heads or on horse back. "As soon as a native was seen on the road," writes Reis and Rayvet on 3 November, 1883, "he was made either to close his umbrella or alight from the horse". On the other hand, they never hesitated to ride through the villagers' rice fields immediately before reaping. Since long past such a notion was common amongst the planters, and it became worse soon after the promulgation of the Act I of 1882. As a matter of fact in some areas villagers trembled at the sight of the

planters. With such a complex a planter cannot be expected to be a kind employer nor a good neighbour. In these circumstances the relationship between the planters and the labourers could not but drifted from bad to worse.

Overwork and detention in the gardens beyond the contract period were also common in many gardens. These were continued even after the enforcement of the act in a modified form. In 1834, about 25,457 local contracts were executed in Assam from amongst the time-expired labourers. Of these, when 9,492 contracts were verified during the year, not less than 117 contracts were found illegal, and had to be cancelled by the inspector "as a punishment on managers for transgressing the rules". Thus, out of 9,492 contracts if 117 cases were contracted illegally, it is reasonable to suppose that from the unverified 15,965 contracts at least 200 contracts were yet to be cancelled for transgressing the rules. Evidently during the year 1834 not less than 200 labourers suffered wrongful confinement; and it conclusively demonstrated that such labourers were "forced to labour for a master, who had no claim to their services".

Withholding of pay and thereby keeping labourer in long standing arrears was also systematically followed. It embittered the relation more than any other reason.

After the promulgation of the said act such practices,

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64. The Bengalee, Editorial, No. IX, 11 December, 1886, P.568.
65. Ibid.
when more ruthlessly practised, resulted in open hostilities between labourer and planters.

All possible devices were adopted by the planters so that the labourers might not desert. Prospects of promotion were offered to Chowkidars for seizure of runaway labourers; with such temptation, the latter became desperate and cruel in their dealings with their fellow labourers. Every ferry man worked as agent with regular pay to detect the deserters. Native clerks in the steamer stations never issued tickets to the tea labourers in case they wanted to go to the district headquarters to lodge any complaint against their Managers. Instead, they detained them in the steamer station and sent information to the planter concerned who took back the labourers. It is needless to mention that such clerks were handsomely rewarded by the planters. Instances were common when deserting labourers were also apprehended with the help of loaded revolvers. A cane became an indispensable accompaniment of the tea garden officials from the manager down to the Siddars. In large number of cases, men and women, old and young, boys and girls, all were equally subjected to the lashes of the whip. Instances of caning for desertion were

66. Ibid.
68. Ibid.
69. Assam Immigration Report, 1886.
innumerable and the cases of death that resulted were also not negligible.

The condition of women labourers was indeed pitiable. They were, generally, tied up to the post in the precinct of the Managers bungalow, their cloths lifted up to their waists and were beaten on the bare buttocks with a stirrup leather either for short of or neglect in work. Isolated cases of outraging women's modesty were not rare. The cases of brutal rape and resulting death of 'Coolie women' were common and such an event created sensation in Bengal when published in the newspaper. Instances may be multiplied which will amply indicate that sex was no less an important factor that helped to deteriorate relation between the labourers and the planters.

Naturally, therefore, the labourers, in certain cases, took law in their own hands. Riotous attacks were occasionally made on the Managers, such as in Bawalia garden in Cachar during 1884, in a number of gardens in 1885, in 1886 and even on several occasions in the later period. Cases were not rare.

74. Reis and Rayyat, News Item, 3 May, 1884, P.205.
75. Vide Assam Immigration Reports of the corresponding years.
when the Managers were 'gheraoed' and kept prisoners for some hours in their houses by their labourers. In Cachar during 1885, out of anger the labourers in some cases even attempted to murder their employer. In 1884, when an Indian Manager of a garden in Cachar insulted several women, the labourers tied up the said Manager with his pony and took him eleven miles to the bungalow of the European Superintendent. In Sibsagar, during 1886, as a mark of protest the labourers resorted to strike on a large scale. During 1888, in Darrang, some labourers armed with sticks attacked the Manager as they had not enough time to take their meals in the middle of the day. While the Manager assured them that they would be allowed extra-time, at the same time he informed the Police which resulted in the arrest of six of their ring leaders. A sympathetic attitude could have easily satisfied the labourers; the Manager, by informing the Police, aggravated the situation. Impatient and irresponsible decisions of haught-headed garden Managers often resulted in great antagonism between the labour and the planter. Such cases occurred in 1884, 1885, 1890 and even in the later period.

Despite such strained relationship, according to

76. Assam Immigration Report, 1885, Para 5.
77. Ibid, 1884, Para 5.
78. Ibid, 1886, Para 5.
80. Vide Assam Immigration Report of the corresponding year.
official reports the relation between planter and the labour was always stated to be on the whole satisfactory. The real meaning of the satisfactory relation, possibly, appeared to them that the labourers as a class behaved well, they had never been obstructive and had always been docile and obedient. It was scarcely possible for ignorant and timid labourers to resist their employers by an organised opposition. Unless exasperated beyond endurance, they did not venture to lay hands upon their masters. Dishonouring their women was an important factor for which they could not check themselves and, being desperate, committed whatever crime first appeared into their mind. Criminality among them, therefore, greatly increased specially when Act I of 1882 came into force. During 1882 to 1893, the labourers unlawfully assembled 580 times to take law in their own hands, murdered 31 persons, assaulted not less than 505 cases; and in many they caused grievous hurt upon others who interfered with their liberty.

DIFFICULTIES IN THE ADMINISTRATION OF JUSTICE.

Notwithstanding the prevalence of such a state of affairs in the gardens hands of justice could not be meted out to the aggrieved. Difficulties arose in bringing the offences committed by the planters to light mainly due to downright dishonesty amongst the government officials and the Magistrates.

81. Vide Criminality Tables appended with the Assam Immigration Report (1882-1893)

* See Table No. I.
As a matter of fact, such a tendency developed gradually among the government officials after 1870. Some of the inspectors, when they visited the gardens, generally dined and pegged with the planters, played and exchanged with them the social amenities of life. And in that way they often performed the important duties of inspection. Seldom under such circumstances it was possible for them to report honestly the anomalies, if any, which came to their notice. And as such, the government could not take any action in all cases against the planters.

There had been a close intimacy between some of the Magistrates and the dishonest planters. Advantage of that intimacy was fully exploited by the planters when a case was filed against them. Under the circumstances judgments were often found biased. In Dibrugarh in 1886, one Kalicharan Bagdi prosecuted a planter named T.E. Hubbert, on a charge of wrongful confinement. The defendant was found guilty under section 342 of Indian Penal Code, which provided the maximum punishment of imprisonment for one year or a fine of Rs.1000/- or both. But Hubbert was fined only Rs.30/-; whereas in another case between the Manager of the Bowalia Tea Garden and some of his labourer the latter was punished with imprisonment for one year, the maximum punishment provided for the offence, although the court admitted that there were very strong causes for provocation. In some cases, punishment given for caning women was only Rs. 50/-. In Mangaldoi, inspite

82. B.G.P., File No.112 Sl. No. 1-9 of 1871.
of sufficient evidence, the Magistrate, while giving judgment, observed "I consider her case a get up one and order it to be filed as a false. The complainant will be prosecuted by the police, section 182 I.P.C." The Bengalee in its editorial of 10 December, 1887 had to remark, "it seems that in Assam the unfortunate coolie, who dares to bring a case against a European, runs the risk of prosecution, if the case is not proved. It is an unfortunate state of things."

Reviewing cases of gross dishonesty of the trying Magistrates, the Chief Commissioner occasionally instructed to award substantial term of imprisonment to the merciless planters. But the corruption was so deep-rooted no major change could be made in the field of administering justice in the plantations. In 1886, it was found that the planters could even influence the High Court Judges. In August 1886, when an anomaly was noticed in the judgment given by a Magistrate, a kind-hearted Assamese gentleman sent all the copies of records relating to the case to the Governor-General of India for information. But the representation was ultimately returned to him through the Chief Commissioner of Assam without taking any action. The difficulties of procuring evidence sufficient for conviction and in the face of

84. The Bengalee, Editorial, 10 December, 1887, P. 569.
85. Ibid.
the bias of the trying Magistrates, it was indeed difficult for labourer to go against his employer even if he was ill-treated. Very few dared to incur displeasure of their employers by giving evidence against them.

An endeavour was, however, made by the Anglo-Indian press to bring to light as many cases of dishonesty as could be possible. But whenever a blackman was a complainant against a Whiteman, and the latter was, eventually, punished, a section of the Anglo-Indian Press, like the Englishman, was sure to denounce the court that administered justice; and if an Indian Journalist ventured to support the judgment of the court, he was at once branded as malicious malcontent against the Anglo-Saxon race. The absence of united front in the press in denouncing dishonesty of the conservative planters, and the tendency of awarding unilateral judgments among some of the Magistrates, both Indian and European, was no less responsible to let situation take a worse shape in the plantations.

PHILANTHROPISTS AS THE SAVIOUR.

Under such circumstances, the philanthropists of Bengal came forward to save the plantation labourers. The press and the educated people of Bengal raised a voice of protest against the state of affairs in the gardens of Assam. The Bengalee on its editorial of 28 November, 1885, reminded the Philanthropists:
"It is high time that our public bodies should stir in the matter and press for the repeal of at any rate for a very material modification of what was not unjustly termed the Slave Act. The coolies are poor, helpless people, incapable of taking care of their own interests, and it is for the leading public bodies in the land to help those who cannot help themselves!"

The appeal was responded to by the leading public all over the country to expose the horrors of plantation life in Assam, and in a number of cases even offered free pleading on behalf of the labourers in the courts by the kind-hearted pleaders mainly from Bengal. Dwarika Nath Ganguli, Assistant Secretary of the Indian Association undertook a strenuous journey from plantation to plantation in the disguise of a "coolie" and later published his experiences in Bengalee in a series of articles under the caption "Slavery in British Dominion! The revelations created a great sensation, and soon a strong public opinion was formed in favour of the movement. An earnest agitation began all over Bengal with a view to inducing Government to appoint a Labour Commission to enquire into the condition of plantation labourers in Assam. Public meetings were held with national songs, processions organised and various slogans voiced. In December 1888, Surendra Nath Banarjee, leader of the progressive movements in Bengal, made an extra-ordinary representation to the Governor-General of India. Through that representation, on behalf of the Indian Association, he endeavoured to prove that the position of tea labourers in many gardens was extremely bad, if not worse than the

87. The Bengalee, News Item, 22 January, 1887, P.42.
condition of the American Negro slaves before their emancipation. The memorial, based on records of the criminal courts and from unimpeachable sources, was an unique document to show a deplorable state of affairs in the gardens. The Amrita Bazar Patrika stated "The matter has gradually grown into such a big scandal that even when an innocent tea planter is acquitted, the public refuse to believe that he was really not guilty." Indian Mirror, supporting the movement, requested Lord Dufferin (1884-1888), the Governor-General, to take immediate step in the matter. The Statesman and Pioneer dittoed, while Hope and Bihar Herald echoed the same sentiment. National Guardian stated "It is not the cause of this province or that province...... It is the cause of humanity". Indian Messenger, even being a religious organ, stated it to be a prima facie case and felt the need of appointing a labour commis-sion. Tribune of Lahore termed the plantation life to be a shameful drama of human life, while Lucknow Advocate termed the whole affair to be disgraceful to any civilized Government. Inspite of these endeavours, the Government of India confirmed that situation in Assam demanded no change in the statute. The only thing that the entire public agitation could bring was an amendment of some of the provisions of Act I of 1882 and that, too, was not made earlier than 1893. No Provision was at all added that could rea-ly help the labourers to meet the ends of justice atleast from

89. The Bengalee, News Item, 15 May, 1888, P.245. Also 7 April, 1888, P. 158 and 27 April, 1889.
the trying Magistrates nor even the punishment for ill-treatment
was made a little more stringent. No Labour Enquiry Commission,
which was the minimum demand of the Indian Press and the educated
public, was appointed earlier than the year 1895, and when appointed,
the Commission's report neither emphasised the need of maintaining
peace in the plantations nor the report suggested any measure for
the general improvement of relations between labour and planter.
Even in the Act VI of 1901 the earlier provisions of Act I of
1882 were simply incorporated.