CHAPTER-IV

BONDAGE IN INDIA: GROWTH OF POLICY PERSPECTIVES
IN BRITISH INDIA

In ancient and middle ages Indian rulers encouraged slavery through various devices. The slaves were not granted any particular rights. They were treated as mere objects simply at the mercy of their master. Except a very few, that too for a limited category of slaves, no ameliorative steps were taken by the indigenous rulers for these poor creatures. Thus Britishers took the legacy of slavery in its most cruel, degrading and widespread form. The British policy towards slavery and bondage was conditioned by their general colonial policy. This colonial policy can be divided into two main phases. The first phase represents the period of merchant capital, dating from the entry of the East India Company in Bengal and reaching its zenith in the later half of the eighteenth century. Its object was to secure maximum profits. Industrial Revolution marked the beginning of the second phase i.e. Industrial Capital. With it a different basis of exploitation was established. It brought about a change of interests in the use of colonies.

1.00 British Colonial Policy: A Basis of Policy
Towards Slavery

The general colonial policy, however, moved in the direction set by the development of British economy. In the march of colonial policy into the subcontinent of India, it is incumbent to analyse mercantilism. The mercantilist system
had deep impact upon the economy of Great Britain and played a big role in building a colonial system in India. This system laid the foundation of the growth of the British Empire. Its climax was the establishment of imperial enterprise of East India Company in India. The objective of mercantilism was to promote economic and political power through proper regulation of internal economy. This system grew out of the urban merchant class, who apparently obtained exclusive monopolistic privileges and took advantage of the state regulation of trade and navigation in their conflict with foreign commercial rivals while enjoying the benefit of laissez-faire in a regulated domestic economy. The objective of mercantilism was to promote economic and political power. Thus, it created an international division of labour. The Europe supplied the ships, Africa supplied the slave labour and the colonies supplied the tropical products. This system led to substantial capital accumulation by merchant traders.

During the merchant capital phase the East India Company was primarily interested in securing maximum profits by trade and providing a flow of tribute to Britain. The administrators adopted a policy of the least possible interference with the indigenous political system. The social conditions favoured this attitude. A handful of eighteenth century Englishmen scattered throughout the Bengal territories,

without English wives, or the prospects of furlough and
with no rigid moral or religious code, soon adapted
themselves to Indian ways of living and set on making their
fortune, before the climate or disease carried them off.
They were seafarers for no cause or political principle and
were content to conduct public business according to its
traditional Indian forms.  

Slavery, the mercantile privileges and monopolies
became unnecessary fetter on economic development, then
there was no need to continue the old practices based on
slave trade. Thus, another epoch of mercantilism developed
which gave a death blow to slave trade and slavery. The year
1760 represented the end of the British mercantile epoch.
It marked the beginning of a considerably great momentum of
British industrial development and, therefore, lessened the
need for mercantilist colonialism.  

The Industrial Revolution brought about the first major change in colonial policy. The
earlier attempts were to get tropical products cheap through chartered companies. But the new policy was to open up the
market for the sale of European manufactures. This factor favoured the establishment of the second phase of colonial
policy in India i.e. industrial capital.

Apart from the change in economic relations, this
phase also marked a transformation in the purpose of political
dominion. The British power in India came to be regarded as

2. Eric Stokes, The English Utilitarians and India, Oxford
3. B.N. Ganguli, Indian Economic Thought: Nineteenth Century
   Delhi, 1977, p. 6.
an instrument for ensuring the necessary condition of law and order and conquering the potentially vast Indian market for British industry. The British discarded their policy of non-interference in customs and usages of the natives. A new, expansive and aggressive attitude of assimilation was adopted. Britain was to stamp her image upon India by the discoveries of science, by commercial intercourse and by transplanting the genius of English and education. Free trade was the solid foundation of this attitude. Its object was to enable India to rise rapidly as a market for British manufacturers and source of raw materials. The new policy renounced all desire for territorial power, but showed impatience to secure nothing less than the empire of trade. For this the concrete steps were land settlement and introduction of a legal system, which embodied the concepts of transferable private property and enforceable contracts. This policy gave a death blow to slavery outright, but encouraged debt bondage.

The colonial policy broke up India's handicraft manufacturing without substituting alternative employment, which led to increased pressure on land and competition among peasants for the tenancy of small plots. At the same time the land settlement imposed a heavy and rigid revenue burden on the peasantry, leading to their chronic indebtedness. Under the new property laws, the land title became freely transferable on non-payment of land rent or revenue. If property was insufficient, the creditor or landlord was
given power over the capacity of the peasant to labour. The landlords and the money-lenders were guaranteed high rates of return from usury. Thus, usury became highly lucrative way of investment for the rural exploiting classes. With the growth of exchange and a sharp increase in the production of exportable commercial crops, trade also became profitable. Thus, the trading capital, money-lending capital and land-purchasing capital flourished in the economic climate of the country subjected to imperialist exploitation. This direct imperialist exploitation did, of course, pauperise a large section of the peasantry. However, it did not affect the overall surplus extraction in agriculture as the control of landlord or moneylender over the labour power of defaulting peasant was guaranteed by legal system enforcing contract (for the greater period of colonial policy) and in practice by relative stagnation in alternative employment opportunities. This general policy indicates that the main objective of the Britishers was to extract the maximum for their benefit out of India. For this object they opted for the rigid policy of non-interference in the local usages and customs. But when native customs clashed with their economic and political interests, then these were systematically tempered with to suit British needs and demands. A similar policy was adopted with reference to the native customs of slavery and bondage.
2.00 pro-Slavery British Policy

When the British took over political power in India, slavery existed legally throughout the length and breadth of the country. It was affirmed, administered and enforced as such, for the Britishers pledged themselves to administer to the natives, local laws and customs in matters of contract, inheritances. The cases involving Hindu and Mohammedan slaves were not decided according to justice and conscience. But the Britishers blindly followed the opinions and advice of the Pandits and Maulwis, as regards the customary usages being followed by the natives of India.  

What is still more astonishing is that there were strenuous defenders of slavery, who pretended that they did not maintain its propriety, but upheld it only on grounds of political or economic expediency. It seems that the British Indian legislators, though they had come to rule over India, on the whole were perhaps more interested in personal profit to their company, than in the welfare of the people.  

The reason for this was perhaps that the ruling authorities before 1858 were in the service of the East India Company and they had to please the Directors of the Company as well as the vast multitude of share-holders, who had more interest in large dividends than in the well-being of the poor creatures. Moreover, at the advent of Britishers, slavery

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was well knitted into the social economy of India. Its abolition was likely to upset the whole fabric of social structure. Thus, the Government shrank from shouldering the responsibility of sponsoring innovations. They followed the beaten track and thought that silence was the safest reply to those who proposed a deviation from the existing state of affairs even for the sake of humanity. 6 When the India Bill of 1833, with a clause for general abolition was introduced, The Duke of Wellington observed:

Though I entertain no doubt whatever that slavery does exist in that country (India)—to a very great extent—(but) I would recommend your Lordship to deal lightly with that matter if you wish to retain your sovereignty in India. 7

Thus, the bill was modified accordingly and the abolition of slavery in India remained a pious hope till the year 1843.

To justify this policy of non-interference every possible argument was extended. The slaves' satisfaction with their conditions along with the mild form of Indian slavery was stressed. It was stated that slavery was a true blessing in the time of famine and food shortage. The inexpediency of abolition of slavery before its abolition in West Indies, the violation of the rights of the slave-owners together with the question of compensation were presented vigorously. Above all, the idea of abolition was

6. Ibid.
7. Ibid.
said to be at variance with the spirit of the rule which was to follow the usage of the country, and the danger inherent in meddling with the age-old practices was also discussed.

3.00 Anti-Slavery Measures

All these arguments were merely plausible rather than based on solid logic. There was no reason to believe that the West Indian slavery was so closely related with the Indian slavery that the two must stand or fall together. The plea of non-interference with native customs indicated the tendency of the officials to exaggerate the public opposition, as earlier, the Britishers had dealt with several other greater evils than slavery without causing much disturbance of law and order and peace of the nation. Even if accepted, Indian slavery was milder and consequently of less destructive nature than the West Indian slavery, but it existed to a considerable extent as an unmitigated evil—an evil known and acknowledged by the Government—undenied and undeniable and it ran counter to every principle of humanity.

3.10 Individual Protests

This fact inspired the most enlightened and unselfish servants of the Company and philanthropists to criticise the Government's policy of indifference. These enlightened persons

8. Ibid.
continued to publicise that the state of slavery is inimical to human happiness and opposed to the improvement and elevation of our species. The officials like Richardson, Harington, Jeylest, Baber and others, who had comprehensive knowledge of the evils of the slavery, tried their best to get matters right. They proposed steps and regulations to ameliorate the law of slavery in India. As early as 1774, the Bengal consultations in a letter to the Council of Dacca proposed, "we are of the opinion that the right of the masters to the children of the slaves, already their property, cannot legally be taken from them in the FIRST GENERATION, but we think that this right cannot and ought not to extend further, and direct that you do make publication accordingly." However, this suggestion was not put into practice. Again in Bengal Judicial Consultations of 1817, the judge of Bareilly Court of Circuit, Jeylest, Esq. suggested that the present system of slavery should be modified by an Act, declaring the children of slaves to be free. In 1818 the Board of Revenue under the Madras Presidency proposed the gradual amelioration of the slaves. The Governor of Prince of Wales Island in 1820, recommended the adoption of some regulations for the benefit of slave debtors and for preventing the usage of debt bondage from becoming a means of perpetuating and extending all the evils and horrors of slavery, only under a different appellation.  

9. Parliamentary Papers on Slavery in India. Printed by the House of Commons, Britain, 1828, p.4.  
10. Ibid., p.453.
1822, suggested that to mitigate the severity of slavery, it should be subjected to the rules of the Mohammedan law.\textsuperscript{11}

Apart from these some suggestions for gradual amelioration or abolition of slavery or emancipation of slaves were also made. In a minute of 1774, on the practice of stealing children from their parents and selling them as slaves the Governor-General remarked, "there appears no probable way of remedying this calamitous evil, but that of striking at the root of it and abolishing the right of slavery altogether."\textsuperscript{12} The Magistrate of Patna, in a letter to the Governor General expressed, "we do not imagine that alterations in the usage of slaves will be attended with any consequences of moment to the cultivation or revenue of this Province."\textsuperscript{13}

The Committee appointed by the Government of Prince of Wales Island recommended in 1808 the immediate and positive emancipation of slaves. Governor Parquhar also favoured the abolition of slavery in the shortest period.\textsuperscript{14}

Phillips recommended that the slaves as well as their annual labour should be valued. The slave should continue in bondage till the estimated value of his labour has reimbursed the master for the original cost. The greater part of these slaves would be free in two years from the date of their valuation.\textsuperscript{15}

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\textsuperscript{11} Ibid., p. 922.
\textsuperscript{12} Ibid., p. 3.
\textsuperscript{13} p. 5.
\textsuperscript{14} pp. 440-41.
\textsuperscript{15} pp. 434-35.
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3.20 Measures for Abolition of Slavery

Though, these humane and judicial efforts were doomed to come to a naught and remained mere thoughts, but the influence of these humane sentiments, the pressure of public opinion and the rising strength of the anti-slavery movement in England had salutary effects in British India. Some partial efforts which included Act 51 Geo III, C.23, applicable to the whole of India, and local enactments of Bengal, Bombay, Madras and Assam, were made to regulate the practice of slave trade. However, these efforts failed to achieve their object, as these could not meet the sanction of the authorities and were enforced half-heartedly.

To combat the malady of slave-trade, the Act 51 Geo III, C.23 was enacted by the English Parliament. This Act made slave trading an offence punishable with transportation beyond sea as felons. The first section of the Act dealt in detail and clearly mentioned the persons and the places to which it extended. It also defined the elements of the offence and declared the penalties for violation of the Act. While the section Four clearly provided that the Act did not apply to the removal of persons who were already slaves from West Indies, no such exception was made in regard to Indian slaves. This was timely and valuable legislation. However, it did not prove effectual, as the officials entertained a difference of opinion on the application of the Act to India.

The Government of India was of the opinion that the Act

applied to the transportation of slaves by sea and not by land. It pleaded that there was a close relation between the 47 Geo. III, C. 36 and the new Act. The object of the first Act was to regulate African slave traffic by sea. As the legislators had the knowledge of the African slave trade to India also, so it could be inferred that the new Act was intended to suppress that traffic. On the contrary if the Act would extend to the removal of slaves by land also, then it would make an offence the habitual removal of the slaves by the inhabitants of India from one British territory to another, whereas such practice had been sanctioned by the immemorial native usages recognised by the Parliament. Under the Act it would become obligatory to carry guilty persons for trial to England, for the Section six of the Act makes such offence cognizable by the court of Admiralty. ¹⁷

On the other hand, the Advocate General of Bombay, H.G. Hacklin, interpreted the Act as extending to the removal of slaves both by sea as well as land. He observed, "In the preamble of the Act, it is stated that it is fit that such measures should be extended to the effectual abolition of the slave trade, whereasover it may be attempted to practise the same." ¹⁸ The immediately following enactment comprehended every possible case of importation of the slaves into British

¹⁷. Extracts from the Resolutions of Vice President-In-Council, in Judicial Department, dated Sept. 9, 1817, Judicial Department, 1821-23, Vol. 44-53, Bombay Record Department.
It is true that the Act was highly penal and would touch the native custom of transportation of the slaves by land. Thus, the Act could be taken as 'a virtual repeal of the Hindu and Mohammedan laws allowing transportation of slaves by land within our own dominions. The cases of such violation could be tried in India, as was the practice in Africa.

The next point of contention was whether the Act forbade interference on the part of the Government in the restoration of the run-away slaves. The Supreme Government and the Government of Bombay were hopelessly divided over this question and the matter was referred to the Court of Directors. It proved that 51 Geo.III,C.23, was only a partially successful measure. Its object was to abolish slave trade, not the slavery. It checked the increase of slaves, but left those already in slavery nearly in the same state as earlier. This is evident from the remarks of the Governor of Bombay, Mr. Frere. He wrote, "The (Act) has the effect of decreasing the traffic and of increasing the prices of the slaves, but not of entirely stopping the trade." This statement can be corroborated by the fact that the highest criminal court of Madras was not even in possession of the copy of the Act. 20

Besides this Act, local enactments were also passed to regulate this inhuman trade. The first of its kind was

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passed at Fort William on June 14, 1774. But it remained a dead letter. Therefore, to suppress the infamous traffic of native children carried on by the Portuguese, and several European seafaring people and traders, Governor General-in-Council issued another Proclamation in 1789. This Proclamation forbade under penalties the exportation of the natives of India to be sold as slaves. The offenders were to be tried at Supreme Court at the cost of the Company. The British subjects were to be tried according to the laws of Britain. The commanders of the vessels were required to declare on oath that they had no slaves on board. This Proclamation was published in English and the country language. For some time this regulation appeared efficacious. But soon it ceased to be enforced and in the subsequent Regulations transmitted to the magistrates for their guidance no mention was made of the Proclamation of 1789.

Another step to ameliorate the plight of slaves was the Regulation of 1799. It modified the Mohammedan Law to the effect that the murder of a slave would be a capital offence. To combat the slave traffic carried on from the Eastern coast of Africa into the high lands and territories of East India and importation of slaves from foreign countries by land, the Bengal Regulation X of 1811 was enacted. By this Regulation the importation of slaves by land as well as by sea was made an offence. It was also provided that persons so imported shall be discharged and be sent back to their
country. The captains of the vessels were required to execute a penalty bond of $5000 before landing their cargo, to the effect that they would not sell slaves.\(^{21}\)

This Regulation also covered the removal of children in order to bring them up as nautch girls. This Regulation was more important than 51 Geo.III C.23, as it covered transportation both by sea and land. From the Reports of the Magistrates of various Districts of Presidency, it appeared that the Regulation X of 1811 proved effective in many parts of Bengal.\(^{22}\)

The traffic in slaves was by this time prohibited in almost every province of British dominion, but no specific order was proclaimed in the District of Delhi. So the slave merchants were having more frequent resort to this quarter. To abolish this abominable commerce, the Resident of Delhi, Metcalfe, issued a Proclamation in 1812. This Proclamation prohibited under penalties slave trading and declared that persons bought or sold in these territories after the issue of Proclamation would be released and made free.\(^{23}\) This enactment prohibited slavery altogether. It checked not only the importation of slaves for sale into the assigned territories, but also prohibited the sale of pre-existing slaves within those territories. The Governor General was of the opinion that the terms of this Proclamation were wider and

\(^{21}\) From F. Hawkins and A. Ross, Offq. Judge of Bareilly Court of Circuit, with copies of letters from Magistrates of various Districts, to George Bowdsworth, dated Dec. 4, 1812, Judicial Department 1821-23, Vol. 44-45, Bombay Record Department.

\(^{22}\) Delhi Proclamation 1812 Judicial Record, dated Dec. 29, 1812, Bombay Record Department.
should be modified, so as to correspond to the Regulation X of 1811. The rules so far enacted had been confined to check the trade in slaves only and did not cover emancipation of the persons already in the state of slavery or prohibit their transfer by their masters within the country. But the Resident stated that public in Delhi had accepted the Proclamation. Thus, the proposed modification was not necessary. The Proclamation continued in full force and effect.  

Within the territories of Delhi the Proclamation produced the desired effect. The Magistrate of Bareilly, in November 1812, referring to provisions of this Proclamation remarked,

The traffic has, I believe, suffered a very material check since the promulgation of the Regulation, in as much as the children are no longer brought down from the hills and publicly exposed to sale — but the children are still sold within the Company's provinces by the subjects of British Government, nor does the Regulation contain any prohibition of such sale.  

But the effect of this Proclamation was limited to a small district and it did not ameliorate the condition of the slaves. Throughout Bengal Presidency except Delhi the slave trade continued. In November 1823, the editor of the Calcutta Journal wrote,

We are informed that 150 enunciex have been landed from Arab ships this season to be sold as slaves in the capital of

25. Ibid., p. 141.
British India. It is known that these ships are in the habit of carrying away the natives of this country, principally females, and disposing them in Arabia in barter for African slaves for the Calcutta market. 26

This article had a salutary effect and a number of measures were adopted in 1823-24 to restrict the slave trade in Calcutta. These measures required the Commanders of the ships to provide on oath a complete list of their crew and passengers to customhouse officers. The Captains of the ship were to be provided on arrival, a copy of the penalties attached to the importation of slaves. The copies of penalties of 51 Geo.III, C. 23 were to be circulated among all the Arab traders, Commanders, the Political Agents and other public officers at or near the ports where the Arab ships usually sailed. Thirdly, these measures provided for a rigid search of Arab ships on their arrival at and departure from Calcutta. 27 At the same time the Governor General-in-Council declared that the penalties of 51 Geo.III, C. 23 shall extend to every resident of Calcutta (foreigners as well Britshers) directly or indirectly implicated in slave trade. 28

26. An Article on Slavery in British India, Calcutta Journal, Nov. 1, 1823, No. 646, Political Department, 1837, Sind. Vol. 880, Bombay Record Department.

27. From the Magistrate of Calcutta to W. H. Bayley, Secretary to the Government of India in Judicial Department, Dated Nov. 27, 1823, No. 646, Political Department, 1837, Sind. Vol. 880, Bombay Record Department.

With the acquisition of new territories the question arose whether these measures applied to the cases of slaves removed from any part of British possessions acquired subsequently to the passing of these measures. These questions were set at rest by the passing of Regulation 1832. This Regulation clearly declared that all slaves removed for the purpose of traffic from any province, British or foreign, into any province subject to the Presidency of Fort William or from one province so subject to another, subsequently to the enactment of 1811, should be considered free. And the penal part of the new Regulation remained the same as the old Regulation. All these anti-slave trade measures adopted in Bengal Presidency were only partially successful.

Later on a prohibition to ships sailing for Calcutta was issued by the local authorities at Muscat and Judda. More efficient customs supervision in the Hooghly further checked the import. But as late as 1833, the Resident at Lucknow ascertained that two batches of African slaves had been imported via Bombay by Mughal merchants. Importation of slaves by land from neighbouring countries into India, and from one Province of India to another was also reported.

3.22 Bombay

To prohibit the importation and exportation of slaves at the port of Bombay and the ports subject to the authority
of Bombay Presidency a Proclamation similar to that of 1769 of Bengal, was issued in 1805. The Proclamation also abolished the customs duties levied on slaves. This Proclamation proved a complete failure. A committee was appointed to inquire into the state of slave trading and a new Proclamation was issued in 1807. This Proclamation required European Commanders and Asiatic owners to sign a declaration that the vessel would not engage in slave-trading. This Proclamation too did not prove efficacious. Reports of slave-trading in the Bombay Presidency continued to pour in. In 1812, the Government of India directed the Government of Bombay to pass regulations on the lines of Regulation X of 1811 of Bengal Code, with the object of checking the trade in slaves both by sea as well as by land. Accordingly, the Bombay Regulation I of 1813 declared the importation of slaves by land and sea a criminal offence. It provided that the slaves imported would be declared free. They could be permitted either to live in the British territories or were to be sent back to their country at the expense of the party who had imported them. But this Regulation could not achieve its object.

Thus in 1820, certain Regulations were framed to be observed by all Arab boats and vessels on arrival at or


30. From F.T. Travers, Custom master to the Honourable President and Governor-in-Council at Bombay, dated Sept. 10, 1807, Judicial Department, 1821-23, Vol. 44-53, Bombay Record Department.

departure from Bombay. These Regulations provided a very complicated procedure. Thus, in a short time, these became obsolete. In 1827, the Bombay Government issued a Regulation. It prohibited under penalties the importation of slaves for sale. It also forbade the importation of slave-children, except in time of famine or with a magistrate's written permission. The slaves so captured were to be declared free and sent back to their places at the expense of the guilty party. The Regulation also checked the exportation of slaves, except with the permission of the magistrate on the guarantee that slave was not being exported for sale. The Regulation also forbade the sale of female slaves causing their separation from their children under ten years of age and stopped their sale for common prostitution. Sale of children by parents was also prohibited, except in time of famine. Other sales of slaves within the zillahs of Bombay Presidency were allowed provided they were registered with a magistrate. Although, the Regulation of 1827 was intended to be an effective measure in checking the evils of slave trade, it could not attain this object as, in the course of time, controversies arose about its meaning and purpose. The slave trade continued in the Company territories. Keeping in view these circumstances a double Proclamation one for the British territories and the other for the states and countries under the political protection of the British Government but not subject to the municipal laws was promulgated in 1837.

32. Regulation XIV of 1827, Regulation of Govt. of Bombay, pp.182-83, Bombay Record Department.
This was a highly penal regulation, as it declared that a person involved in slave trading shall be deemed guilty of felony, piracy and robbery punishable with death.\(^{33}\)

Apart from the issue of this Proclamation of 1837, the Government of Bombay wanted to revise the Regulations of 1820, as these did not prove effective. To suggest new measures in March 1837, a committee was appointed. The committee proposed some new rules and recommended the continuation of other rules of 1820. The most important clause of the new regulation was that the vessels caught engaged in the slave-trade would be seized and condemned. It was thought that the prospect of an immediate loss would alarm the slave-merchants more than the terror of a distant prosecution and punishment, which in practice was very scarce.\(^{34}\) These recommendations of the Bombay Government were referred for the special consideration of the Law Commission.

### 3.23 Madras

The first proclamation to prohibit the exportation of slaves from the Province of Madras was issued in March 1790. It was similar to the one issued in Bengal in 1789.\(^ {35}\) However,

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33. Draft of Proclamation submitted by the Advocate-General of Bombay with his letter of 31st Jan., 1837, No.646, Political Department, 1837, Sind. Vol.880, Bombay Record Department.

34. From the Advocate-General to the Chief Secretary to Government, dated 16th Nov., 1837, Consultation No.36 of 1837, No.646, Political Department, 1837, Sind. Vol.880, Bombay Record Department.

it did not bear much fruit. After the fall of Tipu Sultan in the year 1792-93, a Joint Commission was appointed to inspect the state and conditions in the Province of Malabar. The Commission in its Custom House Regulations made provisions for prohibiting the slave trade. To make this check more effective, the Regulation II of 1812 was enacted. But it failed to achieve its purpose satisfactorily. Advocate General advised for its repeal; he opined that the Regulation II of 1812 coincided with Act 51 Geo.III C.23.

In Malabar, the slavery was predominantly pradial and the slaves were considered as bondsmen attached to the soil. These creatures had their fate knitted with the land. But when the Britishers came into power they encouraged the practice of separation of the slaves from the land. Their sale in execution of the court decrees as well as in satisfaction of the arrears of revenue was sanctioned. Thomas Baber, an official of the Company who exerted himself on behalf of the slaves insisted that this practice should be stopped. Thus, the Board of Revenue by an order dated May 23, 1819 prohibited the practice of selling the slaves on account of the arrears of revenue in Malabar. These orders never came into effect. Even Baber came to know about these orders from a Parliamentary Paper in 1828 on his return to England.

37. Fourth Answer of A.D. Campbell, Appendix to the Report of Select Committee on Indian slavery, 1832, p.452.
38. Baber's answers, ibid., p.425.
39. Ibid., p.440.
In 1826, the Government of Madras passed a Regulation to enforce Act 51 Geo. III C.23 more effectively. It shows that the Government of Madras was confused on this issue as earlier the Regulation of 1812 was repealed on the plea that it covered the same area as the Felony Act. On the other hand, it means that up to the year 1826, no serious attempt was made to enforce the Act of Parliament. It shows that British Indian officials could apparently ignore with impunity the British Parliament. Like others enactments, this Regulation was only partially successful. Another ameliorative measure was the Regulation of VII of 1829, by which slaves were allowed to give evidence in cases in which they were involved. This Regulation again was the result of painstaking and endless efforts of Thomas Baber for the welfare of the slaves.

A number of police regulations and a few rules were also introduced to abolish certain abuses of slavery under the inspiration of Mr. Baber. The absolute dominion of the master over the slave was curtailed. The master became liable for the murder of the slave, just as he was for the murder of a free person.

3.24 Assam

On the lines of the prohibitory measures of three Presidencies, some prohibitory orders were passed in Assam also. On April 10, 1829, the sale of slaves for the arrears of revenue was prohibited by a Government Resolution.

40. "Ibid.
42. Indian Law Commission's Report, 1839-41.
But this Resolution remained a dead letter as is evident from the comment of the Secretary in 1834, that the Resolution of 1829 was not intended to apply to the sale of slaves in satisfaction of the decrees of the court. Thus, this practice continued even as late as 1854. To make efforts for suppression of slavery more efficacious, the Commissioner of Assam in 1830, instructed the Political Agent in upper Assam to ascertain the number of slaves in his province. Thus a register was opened for the registration of slaves within a period of six months. The slaves not so registered were to be declared free. But the Proclamation did not prove effective. The sale of slaves and free children by their parents was not registered in upper Assam.

In continuation of the anti-slavery measures, the Commissioner of Assam issued a Proclamation in 1833. This Proclamation prohibited the sale of any individual to a foreigner under penalties. In the meantime the Court of Directors disapproved the decision of the Government of India of 1834 on the subject of sale of slaves in execution of the decrees of the courts. Directors observed: "We are hardly prepared to sanction the rule you have adopted of allowing slaves to be sold by public auction for the benefit of private creditors." In response to this communication by a temporary order the Commissioner of Assam was instructed to abstain from selling the slaves in execution of decrees or for any object whatsoever.

43. Ibid.
44. Ibid.
Shortly afterwards, a permanent prohibitory order to that effect was passed by the Government of India. This order proved effective and immediately the value of slaves dropped. In 1836 the Government informed the Political Agent in Assam that every individual must be presumed to be in the state of freedom until the contrary was proved. The local officers were prohibited to interfere in the restoration of fugitive slaves to their masters. 45 But the 1836 Order was not even a local enactment. The Governor General only expressed his wish that the local functionaries in Assam should refrain from the restoration of the escaped slaves. Thus, it can be safely concluded that this Order must have proved only partially successful.

3.25 Native States

The anti-slavery campaign of the British in India did not stop with these territories. But it extended to native states under British control as well as the territories under the sovereignty of other nations, such as the ports of Goa, Daman and Diu under the Portuguese sovereignty and the Port of Cochin under the Dutch control. British powers also co-operated with local principalities and foreign powers in suppression of this infamous traffic in slaves. However, the efforts in the immediate neighbourhood of Bombay Presidency were more substantial. The Bombay Presidency, the whole of the Western Coast of India including the native states of

45. ibid.
Kutch, Kathiawar, Porbandar, Sind and the ports of Goa, Daman and Diu owing to their proximity to Africa, Arabia and the Red Sea offered ample facility for the importation of slaves. It was impossible to abolish the slave-trade in the Presidency of Bombay, so long as it continued in the out-skirts.

Following the spirit of British anti-slavery measure, Mr J.P. Willoughby, Political Agent in Porbandar decided to fight with this evil in co-operation with the local chiefs. As the local rulers readily agreed to co-operate in these humane efforts, the Commander Officer at Porbandar was given certain instructions. He was ordered to inspect all vessels arriving at this port to ascertain the presence of the slaves on board. If found, then he was required to take measures for the release of the slaves and detain the vessel, with the help of local authorities, until he got final orders from the Government. These steps proved very effective. For in November in the same year, seventy-four slaves were rescued from bondage. However, these measures remained in force only for a short period. Questions about the legality of application of slave trade abolition laws of Britain to the Porbandar state arose. Thus, the measures which the Bombay Government adopted to combat slave-trafficking in Kathiawar failed. The slave trade continued under the very eyes of Bombay Government.

46. From J.P. Willoughby, Political Agent at Kathiawar to Captain Reid, Commanding Officer at Porbandar, dated 22nd Sept., 1835, Political Department, 1835-36, Porbandar, Vol. 685, Bombay Record Department.
A double proclamation was issued in 1837 by the Government of Bombay. One part of this Proclamation was concerned with the slave trade carried on in the territories of Rao of Cutch and other states and territories under the political protection of the British Government, but possessing absolute sovereignty in their dominions. It declared that the Rao of Cutch and sovereigns or other supreme authorities of these territories had agreed to the suppression and abolition of slave trade and slavery and had authorised the British Government to take necessary steps for this purpose. It provided that persons engaged or assisting in slave trade in these territories would be deemed guilty of piracy, felony and robbery and would be handed over to the proper authorities to be dealt with accordingly. Notwithstanding the Proclamation and other measures taken to prohibit the importation of slaves, slave trade continued.

The Government of Bombay also interfered with the slave trade in Goa, Diu and Daman, the territories under the Portuguese Empire. A letter from the Political Agent in Kathiawar stressed that a considerable number of slaves were imported via Diu, Goa and Daman. It was necessary that this trade should be stopped. The first point was to what extent the treaties of 1815 and 1817 between England and Portugal to stop trade authorised the British Government to resort to active measures in the direction. These treaties did not extend to the Portuguese slave trade to the Equator and under the treaties only special vessels were authorised to capture

47. Draft of Proclamation submitted by Advocate-General with his letter of the Jan.31, 1837, No.646, Political Department, 1837, Sind, Vol.860, Bombay Record Department.
the slave-carrying vessels. The Advocate-General keeping
in view the opinions expressed in the Parliament about the
effect of British interference in the slave-trade by other
nations observed that the Government should not resort to
any anti-slave measures against Goa, Diu and Daman. He
suggested that the only effective measure would be to declare
the slave trade in these ports an act of piracy. 48

But the Government of Bombay was not in a position
to declare that the Captains of Portuguese ships carrying
slaves to Portuguese dominions were guilty of piracy. This
opinion struck at the root of anti-slavery measures in
respect of Portuguese dominions. But the Bombay Government
called upon the Agent for the Governor at Surat, the Political
Agent at Kathiawar and the Political Superintendent at
Sawantwadi to collect information about slave trade in the
ports of Goa, Daman and Diu during the last three years. This
information, though conflicting, was submitted to the Government
of India, which referred it to the Law Commission for considera-
tion.

The efforts of the Bombay Government to suppress slave
traffic in these territories could not give an immediate
result. However, one thing was sure. Whenever the Portuguese
ships carrying slaves made themselves amenable to British
law by offending the slave regulations, the Britishers dealt
with them harshly. This severity indirectly had a salutary

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48. From Advocate-General to Secretary to the Government
of Bombay, dated June 8, 1836, No. 668, Political Department,
Goa, Diu and Daman, Vol. 990, Bombay Record Department.
effect on the Portuguese would-be traders and contributed toward checking the trade in slaves.

3.26 Inter-State Slavery Regulation Measures

Apart from taking direct measures in their own territories and in the territories in immediate neighbourhood, the British authorities also worked in co-operation with other sovereign powers to abolish the slave traffic. As early as 1774, the Governor-in-Council in Bengal in a minute forwarded to the Court of Directors mentioned that the practice of kidnapping children and exporting them on Dutch and French vessels was extensively prevalent in Bengal. A Regulation was passed in 1774 to curb this trade. But it did not prove successful. Thus the Governor General, in a letter to the Court of Directors in August 1789, expressed his abhorrence to this trade in slaves as well as sent the draft of the Proclamation issued in 1789. At the same time, co-operation was demanded from the French authorities for the suppression of this evil. Calcutta Gazette of September 17, 1789 expressed satisfaction over the Proclamation issued by the French Governor of Chandernagar whereby slave trading was prohibited under penalties in all territories under the jurisdiction of the French Government. But slave trade from Bengal continued.

In 1791, the French traders tried to export slaves from Bengal and Andaman Islands to Pondicherry. When the

49. "Papers on Slavery in India", op. cit., p.22.
attention of the French Governor of Pondicherry was called
for he cordially agreed to co-operate with Britishers in
the suppression of this cruel traffic in human beings. 50
However, the French traders were not amenable to these
measures. The French settlement of Mahe became a great
channel and outlet for the supply of the natives of Malabar
to Islands of Bourbon and Mauritius.

The British authorities in Custom House Regulation
made provisions for the abolition of slave-trade. Protests
were sent to the French authorities. The Dutch Government was
also requested to prohibit the barbaric traffic from the Port
of Cochin lying within the limits of its authority. The Dutch
authorities agreed to co-operate with the British in suppress-
ing this detestable trade. They agreed to renew in the strong-
est manner their orders to northern factories to oppose such
an inhuman practice. In 1796, the Government of Bombay in
response to a request from the Sultan and Chiefs of the
Island of Johanna for assistance against the incursions of
the French and Madagascar people, who destroyed and enslaved
the inhabitants, gave assistance to these Islands. 51 The
protest against this evil practice was also sent to the French
authorities. In 1798, the Governor of Pondicherry in a letter
to the Governor of Madras wrote that keeping in view the
repeated complaints by the British, he would issue fresh orders
to check the abuse and punish the guilty. He assured his assis-
tance in combating this evil practice.

50. Ibid., p. 34.
51. Ibid., pp. 82–84.
To check the practice of kidnapping children and selling them in slavery in Kotah State, administratively connected with the Bengal Government, the British authorities co-operated with the local authorities. In 1811, the Gurkha local Governors of Ceded and Conquered Provinces demanded assistance from the British authorities in suppression of slave trade. Accordingly instructions were given to Magistrates of Bareilly, Moradabad, Saharanpur and Meerut to put a stop to this evil. At the same time, the Nepalese administration requested the British Government to co-operate with its measures towards the amelioration of the inhabitants of the mountains and check their export to British India. Orders to that effect were passed. To check the slave trading more effectively the Bengal Regulation X of 1811 was enacted. At the same time, the copies of this Regulation were also sent to native states, to apprise these states of the purport of the Regulation.  

In 1813, the Sultan of Johanna again demanded help from the Bombay Government for the release of certain inhabitants, who had been carried to Mauritius as slaves by the French traders. The Government of Bombay wrote to the Governor of Mauritius to purchase the freedom of those persons, of as well as/several natives of Indian Provinces. The British Government also abolished the duty levied on the sale of slaves and suppressed the traffic in slaves in the territories bordering Nepal, which came under its authority in 1815.  

52. Ibid., pp.99-100.  
53. Ibid., p.224.  
54. Ibid., p.266.
the trade in slaves from the dominions of the Imam of Muscat who were brought to the native states of Cutch and Kathiawar a treaty was concluded between Captain Moresby and the Imam of Muscat, but it could not check the trade. In 1839, the terms of this treaty were extended to cover the Provinces of Cutch and Kathiawar. These extracts show the efforts of the British in occasional co-operation with the foreign and Indian states to abolish slave trade.

In consequence of these measures, many slaves were liberated and importation and exportation of slaves from India was checked to some extent. But these enactments did not prove adequate or successful. The number of these enactments is clear proof of their partial success and inadequacy. In most cases a new enactment was issued on the reported failure of the previous one. These steps are a clear proof of the Government's policy of indifference. Although, the Government had the knowledge of the miseries of the Indian slaves. But the Government made only marginal efforts touching one aspect of the problem i.e. the sale of slaves. These enactments did not bring any considerable change in the state of slavery. Although, the Government had its economic and political reasons for not abolishing slavery immediately—such great changes involving destruction of vested interest cannot materialise in a short time—yet what is more striking and painful is the Government's apathy towards the inhumane degradation, miseries and sufferings of the slaves. What restrained the British Indian Government
from adopting the humane measures to ameliorate the miserable plight of a vast multitude of the inhabitants of this land? The strict action on the questions relating to slavery was always deferred to a more convenient time.

4.00 Anti-Slavery Measures

The Indian slavery caught the attention of the Court of Directors, as early as 1774, when a translation of the native laws of slavery in India was transmitted to them. The concern of the Directors with this subject was maintained through official reports and correspondence. They agreed with the policy of procrastination and indifference of the British Indian Government. They directed the officials of the Company to adopt anti-slave trade measures without doing much injury to private interests or offering great violence to the feelings of the natives. With the advent of the nineteenth century the atmosphere of England changed completely. The gospel of laissez-faire was foreign and the idea of the 'Rights of Man' was being preached. The anti-slavery movement was at its apex. The abolitionists succeeded in securing the enactment of the General Abolition Act of 1807 and Felony Act of 1811.

4.10 From 1774-1833

The attention of the Parliament was drawn towards the sad plight of slaves in India and it was urged to take strict action against the evil of Indian slavery. In 1826 the House
of Commons ordered the printing of copies or abstracts of all correspondence between the Court of Directors of East India Company and the Company's Government in India touching the state of slavery in the territories under the Company's rule.

In 1830, the subject of Indian slavery was broached in the British Parliament. A Select Committee of the House of Lords was appointed to ascertain the state of slavery in British India. The Committee heard the evidence of British officials who had served in India, such as Baber, Campbell, Warden. On perusal of the papers on slavery and evidence of these officials, the Charter Act of 1832 was prepared. This Charter included several directions for the guidance of Indian Government. The Government of India was also required to consider means for mitigating the state of slavery and ameliorating the condition of slaves, "as soon as such extinction shall be practicable and safe" and to prepare a draft of laws and regulations for the purpose aforesaid. The Court of Directors had to withdraw its support for the policy of procrastination. By a despatch to the Government of India in 1834, it stated that it was high time for mitigating the state of slavery in India and to bring about its complete extinction at the first safest moment. The despatch also embodied certain guidelines on the method in which the instructions of the Charter Act of 1832 were to be made

effective. The most important instruction was that the law should be made as severe against injuries done to a slave as if they were done to any other person. The period between this despatch and the adoption of the Act V of 1843 witnessed the persistence by the Directors for mitigating the state of slavery in India and the resistance of Indian Government to their intention. A discussion on the developments in this period would throw enough light on the overall policy of the British towards slavery.

4.20 From 1834-1842

The above-said developments led to the appointment of the Indian Law Commission in June 1835. The Law Commission was a landmark in the history of anti-slavery legislation in British India. The Report of this Law Commission was the most important factor which led to the final abolition of slavery by the Act of 1843. The Law Commission's primary object was to prepare a criminal code for the British Empire. But the repeated instructions of the Court of Directors compelled the British Indian Government to entrust the Law Commission with an investigation into the state of slavery also. In August, 1835, the Governor General-in-Council wrote to the Court of Directors:

The delicate question of slavery in India will be shortly referred to the consideration of the Law Commissioners—(we are in) cordial agreement with the just, enlightened and moderate views entertained by your Hon'ble Court upon the subject.

56. Aug.31,1835, Home Legislative General Letter to Court, No. 3 of 1835, Para 29, Imperial Record Department.
In the early two years of the Commission no special effort to deal with question of slavery was made. However, while drafting the criminal code the question, how far the status of slavery of any of the parties should affect the criminality of the act, persistently attracted the attention of the Commission. Moreover, from the enormous mass of correspondence received, the Commission concluded that a separate report on the subject of slavery was requisite. Accordingly, the Commission proposed to the British Indian Government to authorize some of its members to hold inquiry into the state of slavery, so that proper time and effective measures for the abolition of slavery may be suggested. However, the Government thought that the purpose of the Commission was not to conduct such an inquiry.

In the meantime, the Directors in a letter in August 1838 showed their increasing anxiety and ordered that the attention of the Law Commissioners should be immediately recalled to this question and the report on the means of carrying out the remedial measures should be forwarded to them with as little delay as possible. The repeated instructions of the Directors compelled the British Indian Government to withdraw its vacillating policy. The Commissioners were directed to study in detail the subject of slavery. The result was the following recommendation: 'No act falling under the definition of an offence should be

57. From the Hon'ble the Court of Directors, to the Governor General of India in Council, dated Aug. 29, 1838, Home Department, Legislative Despatch from Court, 1837-38, Para 5, No. 14 of 1838, Imperial Record Department.
This recommendation was fully accepted by the Directors. They further requested the Commission to inquire whether the law at present was sufficiently in accordance with the recommendation or a new enactment was necessary. The British Indian Government was not in favour of either the recommendation or the new law. It thought that in principle the master and the slave were being treated on the basis of perfect equality and the existing law was in conformity with the wishes and directions of the Hon'ble Court of Directors. But the Commissioners thought that due to lack of legislative uniformity, the uncertain state of law and the uselessness of available sources of legal information, a new enactment to mitigate the state of slavery in India was absolutely necessary.

Accordingly, a Draft Act was drawn up in conformity with the wishes of the Home Government. This Draft Act provided that any bodily hurt inflicted on a slave was to be made a punishable offence. Mr. Cameron, a member of the Commission, proposed an extension that the practice of moderate correction should also be held unlawful in future. While discussing the proposed extension, the members of the Commission also considered the fact whether the enactment

58. Ibid., No.15 of 1838, Imperial Record Department.
of the proposed act would give rise to substantial dissatisfaction among the public. To ascertain this it was suggested that the reaction of the public towards already introduced changes with regard to the slavery be considered.

The instances of popular acquiescence in anti-slavery legislation led the Commission to conclude that slavery was advocated by the worst part of society only. The respectable and influential people were ready to co-operate with the administration in the amelioration of the slaves. Thus, the fears of the British-Indian Government with regard to the interference in social and religious practices of the natives were rather illusionary. However, several members of the Commission and the Governor-General-in-Council did not think it expedient to pass a new law along with the proposed extension of Mr. Cameron.

There was a detailed discussion among the members of the Commission and members of Governor-General-in-Council on the Draft Act. Ultimately the Governor-General decided to forward the amended Draft Act, along with their observations to the Home authorities. In reply, the Court of Directors wrote in July 1842, "Having taken into consideration the provisions of the Draft Act, we approve of the enactment which it contemplates.... as the subject of slavery is one intimately connected with the customs and habits of the people of India, and requires in certain localities a greater degree of caution and delicacy in dealing with it for its
suppression than may be necessary in others, we desire to leave to your discretion the gradual or simultaneous introduction of these provisions and enactments in such districts, and at such times as you may consider most favourable to ensure their ultimate success in the immediate mitigation and final extinction of slavery in India. 60

4.30 From 1843-1918

The British Indian Government suddenly abandoned its vacillating policy. In January 1843, Draft Act was published in the Government Gazette. In February, 1843, the Governor General of India, gave his assent to the proposed Act under Section 70, 3 and 4 will IV C 85, for declaring and amending the law regarding the condition of slavery within the territories of the East India Company. 61 The Draft Act at once got the approval of the Governments of Bombay, Madras, Allahabad and the North-West Frontier Provinces. The only Province which ventured to oppose the newly proposed anti-slavery legislation was Bengal. 62

In the same month of February 1843, when the Draft Act was published about 500 Bengali Zamindars, mirasdars and talukdars, from the district of Sylhet, presented a petition in protest against the Draft Act.

60. From the Hon'ble Court of Directors to the Governor General of India-in-Council, dated July 27, 1842, Home Department Legislative Despatch from Court, No. 11 of 1842, Imperial Record Department.

61. Enclosure in a letter from the Officiating Secretary to the Government of India with the Governor General, dated Feb. 11, 1843, Law Proceedings, April-June, 1843, Imperial Record Department.

62. Law Proceedings, April-June, 1843, Imperial Record Department.
A similar petition was forwarded by the Mohammedan inhabitants of the Sylhet district. But these petitions were not heeded to. On the 7th of April 1843, Act V was passed by the President of the Council of India with the assent of the Governor General of India.

The Act aimed at amending the law regarding the condition of slavery within the territories of the East India Company. The passing of the Act gave birth to the question why the government, which had so jealously guarded the policy of non-interference with the native customs, was ready to act in contravention of that principle. What economic and political exigencies prompted the British to take action against slavery in India and to withdraw its procrastination policy? Why were the Britishers ready to violate the rights of rich slave owners, who were the main pillars of revenue and political support? However, a close examination of the Act will make it clear that there was visible action against the basic institution of slavery. The Act was more tactical than based on principle. It did not aim at the abolition of slavery altogether, but attempted to improve the condition of the slaves and to prohibit the right to compulsory labour or services of a person. It did not take all the categories of slaves within its purview. The Britishers were aware of the evils of contract and bonded labour, but they conveniently ignored these forms of labour.

The Act of 1843 was the outcome of the Government's
dilemma whether to preserve the traditional proprietary
rights of the landed gentry in order to secure their
political support or to take some measures to breakdown
the system of the ownership of slaves by indigenous masters,
so that in the interests of its overall colonial policy, the
flow of labour could be ensured from this labour-surplus
colony to the other British colonies. As the general Abolition
Act of 1833 created a void of labour in British colonies, this
Act was essential to satisfy the demands of expanding world
capitalism of which Britain was the centre. The Act of 1843
was a convenient way out and was accompanied by a host of laws
to provide a supportive structure for maintaining the use of
forced labour. Under the new system, the master was not the
owner of person of the worker (as under slavery) but it
perpetuated exploitation under the conditions of bondage.

The rights of the slave owners were not affected
adversely for because of the existence of exploitative
relations between classes in an agrarian context where the
slaves were totally under the economic and social control
of the local dominant authority, the Act remained peripheral
to the defacto practices. The Government, despite suggestions
from its officials, did not come forward with the grant of
land or substantial education or employment opportunities for
the slaves.

The ranks of debt bondage were swelled by large numbers
of ex-slaves who had gained freedom only to exchange it for
bondage in some form. The immediate result of the Act V of 1843 was that deeds of sale were replaced by written agreements whereby the ex-slaves pledged their labour for a cash loan or food. At the same time, the whole gamut of the economic policies of the colonial state - free import of cheap manufacture, heavy revenue burdens, rigid collection in cash, application of the laws of distraint of property, and the imprisonment of defaulting debtors - led to a massive displacement of artisans on the one hand and a pauperisation of large sections of the indebted poor peasantry on the other hand. This process was further accelerated by the administration with a strong landlord bias. The feudal relations of production were reinforced by the British legally. As a result, merchant and usurer capital established itself as the dominant independent form of accumulation, restricting itself to the sphere of exchange and thriving on feudal production relations. The British in alliance with the feudal elements checked the development of capitalist relations in production and allowed the precapitalist relations to establish a firm footing in the agrarian sector. All these factors lowered the land-man ratio steadily and raised the share of agricultural labour in rural workforce. The traditional forms of servitude were replaced by debt bondage.

4.40 From 1919-1947

Till the outbreak of the First World War, the doctrine of laissez-faire dominated the labour policy of the British
Indian Government. The earlier attempts at labour legislation were designed to protect the employers against the labour rather than to protect the labour against the employers. Towards close of the war, a substantial and continuous rise in prices coupled with the intoxication of new ideas brought about by the ferment of war and the Bolshevik Revolution awakened the Indian labour. In such an atmosphere, India became a member of the ILO. These days of widened economic outlook and social upheaval compelled the Government of India and the Provincial Governments to re-consider their labour policy. The indifference of the government gave place to beneficial labour laws. For the first time, certain partial measures were adopted to abolish the debt bondage, the custom that preys upon the very life of the poor labourers.

In spite of the legal and social measures to combat slavery this custom continued to flourish in the modified form of Kamiauti (debt bondage) in the remote rural areas of northern India. To curb this evil the Bihar and Orissa Kamiauti Agreement Act was passed in October 1920. The major provision of the Act was the declaration that all the contracts stipulating the performance of labour by a person in return for a debt or interest thereon should be deemed to have been performed, on the expiry of one year from the date of the commencement of the Act. All the debts and interest thereon should be deemed to have been discharged. The Act provided that all the future Kamiauti agreements should be executed
in writing on stamped paper and the Kamai will be provided with a copy of the agreement. The Act declared all the Kamiauti agreements void unless the period of agreement did not exceed one year. It provided for fair and reasonable remuneration for the Kamai. After the expiry of one year or the death of the Kamai, the liability was to be extinguished. The property or the heirs of the Kamai were not liable for the agreement executed. In case of void agreements, the suits for the restoration of or demanding compensation for any advantage received by the debtor were banned.

Although the Act of 1920 was innovatory, but it suffered from many drawbacks. It aimed at the mere regulation of debt bondage by granting minor concessions to the Kamais. The Act did not abolish debt bondage, but legalised it for the period of one year. The purpose of the Act was to strike a balance between the de facto rights of the creditor and the de jure rights of the debtor. But in the face of the existing social and economic inequalities, and the power and status of the creditors, the Act in practice favoured the creditors. The Act did not cover in its purview the skilled labourers, such as weavers and artisans. Its application was not extended to the work outside the area of the jurisdiction of the Provincial Governments i.e. it did not apply to indentured emigration. The Act neither provided the enforcement and sanctioning authority for the Kamai nor made provisions for compensation to the Kamai in case of violation of the terms...
of the agreement. On the contrary, it empowered the creditor to file a suit against the kamai, if he failed or refused to perform the stipulated labour without a reasonable cause. These technical drawbacks and the persistence of the exploitative social and economic milieu rendered the act ineffective to curb the system of bondage.

5.00 Impact of the ILO on British Policy Towards Bondage in India

In 1930, the ILO adopted Convention (No.29) on forced labour. This Convention had a salutary effect on the policy of the British Government towards bondage and forced labour in India. This Convention was placed before legislature in accordance with the ILO Constitution. A Resolution was adopted in 1931 by the Legislative Assembly and Council of States recommending to Government to take action on the provisions of ILO Convention and Recommendations on forced labour, as soon as may be possible. It was felt that the Convention could not be ratified without modification of Article 2 of the Convention. The Resolution was accepted by Government of India. The Provincial Governments were requested to take steps for the abolition of forced labour for the benefit of private individuals as soon as possible, to modify the legislation permitting forced labour for public purposes and to issue executive orders for the above purpose. The Provincial Governments were also required to submit a report on the action taken by them in this regard. The Government
itself amended certain laws and regulations which allowed forced labour. Administrative instructions were issued to stop the use of forced labour by touring officers. Many Indian States also enacted the legislation on the subject of forced labour.\textsuperscript{63}

The report of Royal Commission on labour\textsuperscript{64} stated that there were traces of feudalism to be found in many parts of the country. In a few areas there was still prevalent a system of bond service, which was not remote from slavery. Thus a number of enactments legalising slavery were amended after 1931. The earliest statute legalising forced labour was Bengal Regulation of 1806. Some of the provisions of the Regulation were amended, but the impressment of bearers, coolies, boatsmen, carts, bullocks etc., in connection with the tours of Government officers were permitted. The Bengal Regulation of 1819, which provided for imprisonment for one month for violation of contract of indentured labour was abolished. The Bombay Regulation of 1827, Transport of Native Labour Act 1863 and Assam Labour and Emigration Act 1892 were abolished. The Children (Pledging of Labour) Act 1933 made agreements for pledging the labour of children under 15 years of age void and punishable.\textsuperscript{65}

The condition of slaves in Madras, particularly in Malabar, Coorg and Canara, was very miserable. The Act of

\textsuperscript{64} 1931, p. 15.
\textsuperscript{65} Rajni Kant Das, \textit{History of Indian Labour Legislation}, Calcutta, 1941, pp. 159-163.
1843 failed to achieve any concrete success. This was brought to the notice of Government repeatedly. Thus in 1932, by the order No.1823(Revenue) the vetti system was terminated by the Government of Madras. In 1940 the Madras Agency Debt Bondage Regulations enacted. These Regulations were aimed at abolishing the system of debt bondage and making provisions regarding agreements for the performance of certain kinds of labour. The Regulations provided that the agreement should be in writing and a copy thereof should be submitted to the prescribed authority. The Regulations fixed the maximum period of contract at one year. On the expiry of the stipulated period or on the death of the debtor, all the liabilities under the agreement were deemed to have been discharged. Regulations prescribed the rate of interest and provided for the payment of fair and reasonable wages, as fixed by the Government from time to time. The most important thing was that the violation of the terms was rendered penal and made the agreement void. The Civil Courts did not have jurisdiction in any matter concerning the Regulations.

These Regulations were certainly an improvement on the Bihar and Orissa Kamisuti Agreement Act of 1920 in terms of appropriate authority and appeal. But still, these had a number of loopholes. The Regulations merely aimed to regulate rather than to abolish the system of debt bondage. Secondly, the creditor was not required to file a statement before the
prescribed authority about the number and condition of the labourers on his estate. No provision was made for the identification of bonded labourers and their release. The penalty for the offence was mere compensation. The offender was not liable to penalty or trial. Above all, the creditor had the right to complain against the diligent labourer. But the labourer had no right to appeal against the exploitative master and the procedure of reaching the authorities was very complex. These regulations failed to achieve their object, as these were not followed by supportive social and economic plans to adjust the emancipated bondsmen. They were left at the mercy of the moneylenders and usurers for the satisfaction of their bare needs.

Apart from the British Indian Government, the Princely States in India also adopted certain anti-slavery measures. By a proclamation in 1853, slavery was legally abolished in Travancore. In 1855, the Maharaja of Cochin issued a proclamation against slavery on the basis of the Government of India Act V of 1843, whereas, in certain other Indian states the copies of the abolition Act were received with suspicion. The Maharaja of Udaipur reacted, "The rules and customs of the Raj have existed from time immemorial and from the days of Sri Ram slaves and slave girls have existed here". In Mewar, the Political Agent was assaulted following discontent over the British enactment. Thus, the practice of debt bondage and slavery flourished in most of the Princely States of India.
When India was admitted to the membership of the ILO and League of Nations, the British Government was reluctant to adopt anti-slavery measures. It was reluctant to ratify the League's Slavery Convention of 1926. It argued that on ratification of the Convention, the Government would become responsible even for the practices prevailing in the princely States. But on the assurance of the Indian States, that they would co-operate the British Indian Government in its slavery eradication programme, the Government ratified the Slavery Convention.

Information was demanded from the Provincial Governments on the forms of forced or compulsory labour occurring in various Provinces. Steps were taken to abolish the evil as soon as possible and in the meanwhile to regulate it as required by the Convention. The Government of Bombay prohibited the impressment of carts for the conveyance of the baggage of the government officials. Other Provincial Governments were also directed to follow the example of the Bombay Government. The British Government used its good offices to impress upon the rulers of Indian States to enact legislation on forced labour on the lines of the legislation prevailing in British India. The Princely State of Hyderabad in 1937 promulgated an order by which all the existing debts were considered to have been liquidated. Any fresh agreements were to be stamped and registered. The Baroda Penal Code


During the merchant capital phase, the Company was interested in the maximisation of its profits by establishing a monopoly in trade. The Britishers were satisfied with administering the nation with native usages and customs. Therefore, they opted for the policy of non-interference with native usages. But with Industrial Revolution, the interest in India as a subject nation changed. The exports from India shifted radically to raw material and indentured labour. To protect the economic interests of Britain and to help it to develop as a major capitalist power of the world, the policy of non-interference with native customs was abandoned. Various laws were enacted in the late nineteenth century to ensure the flow of indentured labour to overseas British colonies. The legal restrictions against slavery were abolished by the enactment of Act V of 1843.

However, to safeguard its economic and political interests in India and to maintain the loyalty of rich slave owners, 67. Rajni Kanta Das, op. cit., pp. 153-163, 280, 322-326, 349 & 350.
the Government encouraged the distinction between formal slavery and other devices such as indentured, contract and debt labour. The content of bondage remained the same. Legal bondage was replaced with economic bondage. The interests of the employers were further protected by the Workmen Breach of Contract Act 1859 and similar enactments.

The subsequent enactments - The Bihar and Orissa KamiaJtee Agreements Act of 1920 and the Madras Agency Debt Bondage Abolition Regulations of 1940 were also directed towards the regulation of the system of debt-bondage. They did not focus on their abolition. Moreover, these enactments were merely ornamental and paper legislation. They were not followed by any programme for the rehabilitation of the ex-slaves or bondsmen. It was, in fact, futile to expect that a Government which was keeping the entire nation under political servitude would take up the slavery eradication programme seriously. After all India was a vast concentration camp of slaves. Unless she was liberated there was no hope that she would get rid of such social evils. But India's association with the League and ILO resulted in a remarkable spurt of activity on the social front. The attention of the Indian public was attracted towards the evils of slavery and the Government was forced to take certain steps to curb it. This process facilitated the path of the constitution makers of free India, who were very keen to abolish the practice of the exploitation of the weaker sections of society.