

## 2 Contracts, Contractors and Coolies

### 2.1 Introduction

The consensus within the official-planter circles regarding the “coolie solution”, as hinted in the preceding chapter, held the promise of becoming a permanent remedy for the imminent work/labour anxieties on the Assam tea plantations of the late 1850s. The labour/work crisis, induced by the continued vacillation of the Assamese peasants towards plantation work and the enhanced bargaining capabilities of the local labouring groups (like the Kacharis) in the backdrop of “plantation industry”, could be offset and stabilised by the sustained and systematic influx of workers from outside the province—identified as *coolies*.

The early incidence of migration of workers, especially during the “tea mania” of the 1860s, exhibited tendencies of privatisation of recruitment, soaring rates of mortality during transit, and a general climate of “unwillingness to work” and “unsettlement” on the plantations.<sup>123</sup> This stood in stark contrast to the anticipated situation of a steady traffic of “cheap”, “disciplined” and “settled” labour. Migrant workers were not naturally assuming the roles and function of *coolies*. Taking this as the point of entry, the chapter traces and situates how the processes and strategies to frame *coolies* were articulated through a crystallizing nexus of the plantation labour regime and the *coolie* market. Qualifying a uniform/unchanging nature of plantations and the labour regime in Assam, the discussion would be attentive to the changes and shifts in the discursive and material strategies and practices.

The first section discusses the formalisation of the Assam contract in the first half of the 1860s. It mainly interrogates as to how the contextual anxieties—for “protection” and “exceptionalism”—became a justification for its indispensability and retention throughout the nineteenth and early twentieth century. The next

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**123** The spectacular and speculative growth of the Assam tea industry during the 1860s and the consequent human cost has been subject to a host of official enquiries, contemporary commentaries and historical studies. The “crisis” in the industry which immediately followed this period was investigated in reports commissioned by the Bengal government in the late 1860s and early 1870s. In the same period, a colonial offer named William Nassau Lees offered a first-hand account of the turbulent times. *Report of the Commissioners Appointed to Enquire into the State and Prospects of Tea Cultivation in Assam, Cachar and Sylhet* (Calcutta, 1868); W. N. Lees, *Tea cultivation, Cotton and other agricultural experiments in India: A review* (London, 1863); W. N. Lees, *Memorandum Written after a Tour through the Tea Districts of Eastern Bengal in 1864–1865* (Calcutta, 1866). For later studies see P. Griffiths, *The History of the Indian Tea Industry* (London, 1967) pp. 96–108 and R.S. Rungta, *Rise of Business Corporations in India* (London, 1970) pp. 95–108.

two sections extend this argument to contend that the rationale of “protection” and “exceptionalism”—encoded in the Assam contract—attempted to construct and legitimise the authoritarian privileges of the plantation managers and the interests of plantation capitalism while, simultaneously and systematically, depriving the workers of their rights, benefits and the abilities to bargain with the employers. This contradictory impulse will be explored further through an “unpacking” of the positions taken within the different levels of the colonial establishment, which in effect allowed the tenuous “protection” offered by the Assam contract to be undermined by the rampant usage of a General Workman Breach of Contract Act (Act XIII of 1859). This neither had the “protective” clauses of the Assam contract nor had the sufficient “legality” to be categorically applied to the plantation workers.<sup>124</sup>

The developing indenture/contract system—encompassing a range of indenturing strategies and practices through the application of the contracts (Assam Contract and Act XIII contract) became a key mechanism in the production of low-waged/cheap and disciplined *coolie*-labour on the plantations. A critical variable in “producing” *coolies* (as desired by the plantation-capitalism) hinged on the costs of the labour recruitment and stability of the labour supplies, which was obtained primarily through the private labour contractors and labour agencies based in Calcutta.<sup>125</sup>

The next section delves into the nature of this growing market of *coolie* labour for Assam tea gardens. Here, we particularly underline the plantation strategies of “cheapening” the cost and “improving” the quality of the supplies by taking recourse to more informalised modes of recruitment, especially what came to be designated as the *sardari* system.<sup>126</sup> It will further be discussed as to why in the

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**124** Ian Kerr argues that Act XIII of 1859 was one of the two Acts framed particularly to deal with disputes between employers and employees in the late 1850s, in what he characterises as a more widespread presence of labour process under capitalism in India. I. Kerr, ‘Labour Control and Labour Legislation in Colonial India: A Tale of two mid-nineteenth century Acts’, *South Asia*, Vol.27, no.3 (April 2004) pp. 7–9; Also see P. Mohapatra, ‘Assam and West Indies, 1860–1920: Immobilising Plantation Labor’ and M. Anderson, ‘India, 1858–1930: The Illusion of Free Labor’, both articles in P. Craven and D. Hay (ed.) *Masters, Servants and Magistrates in Britain and the Empire* (Chapel Hill, 2004) pp. 455–80, 422–454.

**125** R. Behal, ‘Coolie Drivers or Benevolent Paternalists? British Tea Planters in Assam and the Indenture system’, *Modern Asian Studies* 44, no.1 (2010); J. Sharma, ‘Lazy’ Native, Coolie Labour and the Assam Tea Industry’, *Modern Asian Studies* 43, no.6 (2009); R. Behal and P. Mohapatra, ‘Tea and Money versus Human Life’: The rise and fall of the Indenture system in the Assam tea plantations, 1840–1908’, *Journal of Peasant Studies*, nos. 2 & 3 (1992).

**126** Some recent studies have drawn upon the insights made by Raj Chandravarkar on the nature and changing fortunes of jobber in Bombay textile industry to reassess the nature of Assam *sardar*. See R. Chandravarkar, ‘The Decline and Fall of the Jobber System in the Bombay Cot-

face of this “cheaper” and “preferred” *sardari* alternative, the widely despised *arkatis* not only survived but continued to flourish, satisfying certain specialized “labour/work needs” of the plantations.

A convergence of interests in the production and marketing of Assam/Indian Tea from the 1870s resulted in a fundamental restructuring of the plantation industry and the manner and scale in which it intended to produce its tea and *coolie*. The new “pressure groups” pushed for “reforms” in the Assam contract system and its modes of acquiring labour. The stated objective was to rationalise operational costs, stimulate production and undertake corresponding “propaganda” measures to make Assam/Indian tea more visible in a cheapening and competitive global tea market. The next section traces the process through which these intentions/aspirations of special tea interests were translated in the colonial state’s rhetoric of “freedom”. It was now proposed to substantially do away with the existing body of “rules” (read restrictions) in the labour market and effect consequential changes in the Assam contract system through a new legislation—the Act I of 1882. The “free system”, which the 1882 legislation proclaimed to facilitate, in fact, had a paradoxical impulse. While reversing the declining trends of labour migration, opening new areas of recruitment and depressing the costs of labour engagement, it made the terms and scope of Assam contract more stringent and the planter controls over labour more comprehensive. The last sections delves into how the revamped Assam contract system allowed the planters greater license to further their interests, while the corresponding “protection” for labour got even more narrowly defined and their abilities to bargain even further restrained.

## 2.2 Protection, Exceptionalism and the beginnings of the Assam Contract

The concerted efforts to “import” people for Assam, like the news of the discovery of tea in the province, were imagined to have a “transformative” impulse on the nature and magnitude of production of the commodity. The potential of Assam to displace China as the seat of tea cultivation and production was now understood

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ton Textile Industry, 1870–1955’, *Modern Asian Studies* 42, no.1 (2008); T. Roy, ‘Sardars, Jobbers, Kanganies: The Labour Contractor and Indian Economic History’, *Modern Asian Studies* 42, no.5 (2008); S. Sen, ‘Commercial recruiting and Informal intermediation: Debate over the Sardari system in Assam tea plantations, 1860–1900’, *Modern Asian Studies* 44, no.1 (2010). Also see P. Robb, ‘Labour in India 1860–1920: Typologies, Change and Regulation’, *Journal of the Royal Asiatic Society of Great Britain & Ireland* 4, no. 1 (1994) pp. 46–49.

to be contingent on the outcome of the labour importation drives from outside the province.<sup>127</sup> The sense of anticipation was further heightened by a general assumption that Assam held the potential of becoming the preferable and much more accessible destination for the thousands of migrants from the overpopulated districts of India, who were presently transgressing caste and cultural norms in their protracted and uncertain journeys across the seas, to labour in the post-slavery plantations.<sup>128</sup>

A phenomenal demand for workers in Assam in the early 1860s—catalysed by a fresh round of “liberalisation” in the wasteland policy stimulating wild speculation and “boom” in the tea industry—was barely in sync with any “natural” flows of labour from within and outside the province.<sup>129</sup> The agents of the tea companies responsible for maintaining an optimum supply of workers started meeting the extraordinary demands through a practice of outsourcing the recruitment and transit of workers to private labour contracting agencies in Calcutta. The presence and escalating significance of organised private interests in the “coolie trade” was itself a manifestation of the sustained and amplifying demand for workers in the overseas plantations and the new inland destinations like the Assam tea gardens.<sup>130</sup>

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**127** Colonel Vetch and Dr. Barry, in their submission to a colonial committee, made an urgent case for the extension of an emigration system under similar regulations as in place in Mauritius. In a tone similar to Bruce and Jenkins, Vetch claimed that Assam possessed more waste land and was capable of fulfilling the entire English demand for tea. Dr. Barry further added, ‘that there are thousands upon thousands of acres available for tea cultivation in Cachar’. *Report of the Select Committee appointed to inquire into the Progress and Prospect, and the best means to be adopted for Promotion of European colonisation and settlement in India* reprinted in *The Calcutta Review* 34 (January–June 1860) pp. 16–33.

**128** Assam was depicted in the English Press of Calcutta as a more attractive destination for the potential migrant boarding ‘steamers and having a comfortable trip up their own native rivers’. This was portrayed in stark contrast to the uncertainties of ship passages to the overseas colonies where they had to venture the dreaded *Kala Paanee*. ‘Our Tea gardens in Assam and Cachar’, *The Calcutta Review* 35 (September 1860) pp. 59–60.

**129** According to a calculation of workers required per acre of land (at a conservative estimate of one for every acre) the Assam tea planters were in need of 200,000 adult workers in this period. M.A.B. Siddique, *Evolution of Land Grants and Labour Policy of Government* (New Delhi, 1990) pp. 120–121. Also see K. Dasgupta, ‘Wasteland Colonization Policy and Peasantization of Ex-Plantation Labour in the Brahmaputra Valley’ in S. Karotempel, B.D. Roy (ed.) *Tea Garden Labourers of North East India* (Shillong, 1990) pp. 35–50.

**130** Calcutta had emerged as a major hub for labour migrating to overseas plantations and Assam tea gardens. M. Carter *Servants, Sirdars and Settlers: Indians in Mauritius, 1834–1874* (Delhi, 1995); S. Chatterjee and R. Das Gupta, ‘Tea-Labour in Assam: Recruitment and Government Policy, 1840–80’, *Economic and Political Weekly* 16, nos. 44–46 (November 1981).

The agencies relied upon the services of a number of professional native recruiters (*arkattis*) who conducted their recruitment drives in the districts of Eastern India and forwarded their recruits by foot and rail to Calcutta. The recruits were temporarily housed in the numerous stations (called depots) owned by these agencies/contractors. Batches of assembled individuals were later taken to Koostea, about hundred miles from Calcutta, and despatched by steamers and flats to Cachar and Assam tea gardens.<sup>131</sup> The long, tedious and the hastily organised sojourns by steamers commuting on the river Brahmaputra usually took longer than the passages of the “*coolie ships*” to Mauritius and reported significantly higher rates of mortality. For instance in the year 1861, the mortality during passage to Mauritius, West Indies and Reunion hovered between 1.5 percent and 5 percent while the Assam steamers were clocking rates as high as 20 percent to 50 percent.<sup>132</sup> Concerns were voiced from within and outside the official/planter circles that if the existing state of affairs were allowed to continue, it would not only ‘neutralise the advantages of emigration’ but also ‘prevent labourers from emigrating to Cachar and Assam on any terms’.<sup>133</sup>

The “*coolie solution*” for Assam was under imminent threat, and the colonial state decided to intervene. This was seen as a departure from its self-avowed position of “non-interference” in the matters concerning the planters and imported

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**131** Steam navigation was extended to Upper Assam around the period of establishment of Assam Company in 1840. A few years later, a government steamer was put upon the line from Calcutta through Dacca until Guwahati. It was only in 1850, that the steamer service was extended to Dibrugarh in Upper Assam, which sailed once in a month. The private company Indian General Navigation Steam Company came to an “agreement” with the government that its service on Brahmaputra will be withdrawn. The time taken for transit from Calcutta to Upper Assam was three times to Cachar. Evidence of Colonel H. Vetch in *Select Committee appointed to inquire into the Progress and Prospect, and the best means to be adopted for Promotion of European colonization and settlement in India, Minutes of Evidence in Reports from Committees, Colonization and Settlement (India) Vol IV* (London, 1859) p. 198; P.J. Griffiths, *A History of Joint Steamer Companies* (London, 1979) p. 635.

**132** In the year 1861–62, around sixty ships sailed from Calcutta to overseas colonies (Mauritius, Jamaica, Trinidad, British Guiana, Grenada, St. Lucia, St. Vincent, and Reunion) with more than 22,000 people on board. The comparable detailed statistics for Assam steamers was not available and the rates of mortality were calculated from some selected cases. *Statement showing the Material and Moral Progress of India, 1861–62*, pp. 302–303. W.M. Campbell, The three systems of Indian Emigration compared, *The Siam Repository* pp. 142–144

**133** Nassau Lees made a strong case for an interventionist role of state in the agricultural experiments underway in the 1860s. He argued that the ‘fixing of a new labouring population in those remote and isolated provinces of India was not the duty of growers of tea, or coffee, or cotton, or indigo, but eminently the business of Government’. *Statement showing the Material and Moral Progress of India, 1861–62*, p. 310; W. N. Lees, *The Land and Labour of India: A Review* (London, 1867) pp. 207–208.

workers. The “exceptional” nature of the migration to Assam in the 1860s (due to high incidence of abuses and phenomenal rates of human mortality) not only necessitated but also justified the intervention to “remedy” the existing state of affairs.<sup>134</sup> A committee comprising of officials from the Emigration Department was constituted by the Bengal Government to investigate the nature and practices of the recruitment and transport of workers to the tea districts of Eastern India. The Committee’s investigations and report harped on the anxiety of loss and cost of labour (mostly on account of severe mortality and desertion) and attributed the blame squarely on the native contractors and their profit motivated practices for the tragic situation. They further recommended enactment of measures to provide a “system” beneficial alike to the labourers and their employers.<sup>135</sup> Grave disquiet was expressed regarding the spectre of private interests in recruitment, ‘who are interested solely in the profit to be made out of the capitalist’s urgent need of labour, and both labourers and employers were at the mercy of the contractor’.<sup>136</sup>

The Bengal Native Labour Act III of 1863—emanating from the suggestions and recommendations made in the report—signalled the foundational “legislative” endeavour of the colonial state to institute a tentative “sanitary” infrastructure, supervision and control for labour migration to Assam. Now the recruiters and recruited were to be registered, and the modes of recruitment and travel had to measure up to certain prior approved rules and standards.<sup>137</sup>

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**134** *Annual Report on the Administration of the Bengal Presidency, 1860–1861*, pp. 50–51.

**135** *Statement showing the Material and Moral Progress of India, 1861–62*, p. 303.

**136** The committee particularly emphasised on the cost cutting measures employed which meant that the *coolies* were shipped in large batches without adequate supplies of food (mostly uncooked) medicine and medical supervision (*chupprassies* and unqualified medical men). Often they were alleged to replace healthy recruits for ‘feeble and sickly men’ after the inspection of the planter’s agents. Lees read this as the general *modus operandi* of the Indian contractor ‘where as long as he puts money in his purse, whether it be human beings or the beasts of the field he has to deal with, the amount of dishonesty or cruelty he perpetrates, will not sit heavy on his conscience.’ He even claimed that ‘the horrors of the slave trade pale before the horrors of the *coolie* trade of Assam and Cachar in the years 1861–1862.’ *Annual Report on the Administration of the Bengal Presidency, 1860–1861* p. 50; W. N. Lees, *The Land and Labour of India: A Review* (London, 1867) p. 208; W.N. Lees, *Tea cultivation, Cotton and other agricultural experiments in India: A review* (London, 1863) p. 339.

**137** The Act came into effect on 1<sup>st</sup> May 1863. Under section 2 of the Act, the Lt. Governor appointed the Deputy Magistrate of Koostea as the Protector of emigrants and Superintendent of labour transport. Doctor Macnamara and Doctor G Grant were the medical inspectors at Calcutta and Koostea respectively. Section 27 of the Act named Goalpara, Guwahati, Mangaldye, Tezpur, Dikhoo Mukh, Dibrugarh, Dhunseri Mukh and Kokila Mukh as the places of disembarkation in Assam and the headquarters of Cachar and Sylhet as such points of disembarkation. *Annual Report on the Administration of the Bengal Presidency, 1862–63*, p. 72.

The premises of “exceptionalism” and the necessity of state “protection” were not just limited to characterise and intervene in the functioning of this early labour migration to Assam. The colonial-capitalist impressions on the “settlement” of the newly imported labour also began to be framed along these lines. Between 1863 and 1866, roughly a half of the 85,000 individuals landing on the Assam plantations were feared to have been permanently “lost” to death and desertion.<sup>138</sup> Desertion and “unsettlement” of imported labour became a chronic concern for the plantations in search of “continuity” and “stability” of this labour—having invested considerably in their recruitment and transit.<sup>139</sup> In such a milieu, the “protection” of contract constituted the site of its remedy. A contemporary review of the tea operations in the province had underscored the centrality of contract for the immediate future of the industry:

A contract Law is now acknowledged to be necessary and if the Government will but allow that it has a direct interest in the importation of a robust labouring population into its waste territory and make organisation for Inland Emigration on a large scale feasible...present difficulties will we feel sure soon vanish and the tea trade of India will become of far greater importance than even Lord William Bentinck ever anticipated.<sup>140</sup>

Contracts—as introduced by the 1863 Act—allowed engagement up to five years and the workers on failing to meet her/his obligation became liable for criminal prosecution. This nature of “contract” was fundamentally reconstituted in light of the high incidence of “unsettlement” on the plantations during the mania years—by the Assam Contract Act of 1865.<sup>141</sup> The new contract explicitly empowered the plantation manager (under certain circumstances) to arrest the “deserting” coolies privately. Such an “exceptional” right was justified on the contention that the policing capability of the state in a “frontier” province like Assam was

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**138** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 21, pp. 38–40.

**139** Nassau Lees attributed the desertion to the low percentages of women in the batches (5 to 15 percent). This led some changes in legislation informed by similar legislations passed for overseas indenture migration in this period which recommended an allocated number of women in each batches. In the case of Assam this remained a temporary measure. W.N. Lees, *The Land and Labour of India: A Review* (London, 1867) p. 207.

**140** ‘Tea cultivation in India’, *The Calcutta Review* 40, no.80 (1864) p. 342.

**141** Present Working of the Coolie Labor in Bengal in Proceedings of Government of India, Home Department, Legislative Branch Proceedings, nos. 11–12, December 1864; Communication from the Government of Bengal, on the working of Bengal Act III of 1863, and submitting a rough draft of the Bill having for its objects the Protection of Planters and laborers in Assam, Cachar etc. Home Department, Legislative Branch Proceedings, nos. 30–38, November 1864. National Archives of India. Hereafter, NAI.

superficial, tenuous and weak.<sup>142</sup> The “protection” of the interests and investments of planters apparently warranted such an exception.<sup>143</sup> Many planters and colonial officials noted that the labour was being transported at the cost of the planters to Assam and were also guaranteed a predetermined rate of wage and living standard on the plantation. In such a context the manager/planter should be guaranteed an uninterrupted presence of labour on plantations and work for the contracted period.<sup>144</sup>

The Acts of 1863 and 1865—emerging as responses to a particular “crisis” in the history of Assam tea industry—left a legacy in the form of a “system” through which the imported workers were recruited, transported and settled on the plantations in the nineteenth and early twentieth century.<sup>145</sup> The necessity of “protection” of contract in an assumed “exceptional” context in which Assam recruitment and plantation operation was conducted—remained the *raison d’être* for its retention.

The succeeding Assam labour legislations (approximately once in every decade) during the course of nineteenth and early twentieth century initiated alterations and revisions, responding to shifting concerns of the industry, but firmly upheld in principle the indispensability of the contract and its particular manifestation on the tea plantations.

A particular “evolutionary” logic underpinned the idea and practice of “contract” system in Assam. The successive legislations/revisions in this framework were pictured as “stages” towards a progressively “freer” labour system. The possibility of such an appropriate moment (when Assam contract became redundant and therefore could be safely done away with) was continually delayed. This was evident from the deliberations in the 1880s on the relevance of the penal contracts for Assam:

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**142** E. Kolsky, ‘Crime and Punishment on the Tea plantations of Assam’, in M.D. Dubber and L. Framer (ed.) *Modern Histories of Crime and Punishment* (Stanford, 2007); E. Kolsky, *Colonial Justice in British India* (Cambridge, 2010).

**143** A similar process is evident on the nineteenth century plantations of Java where the promulgation of the 1880 ordinance (containing the penal contract) as suggested by Stoler was ‘ostensibly claimed to protect *coolie* as well as planter’, which in effect went in ‘providing the government stamp of approval of coercion and the legal backbone of the planters’ power’. A. L. Stoler, *Capitalism and Confrontation in Sumatra’s Plantation Belt, 1870–1979* (Ann Arbor, 1995) p. 28.

**144** Communication from the Government of Bengal, on the working of Bengal Act III of 1863, and submitting a rough draft of the Bill having for its objects the protection of Planters and laborers in Assam, Cachar etc. Home Department, Legislative Branch Proceedings, nos 30–38, November 1864. NAI.

**145** R. Behal and P. Mohapatra, ‘Tea and Money versus Human Life’: The rise and fall of the Indenture system in the Assam tea plantations, 1840–1908, *Journal of Peasant Studies*, nos. 2 & 3 (1992).

Tea interests in Assam require the protection of a penal labour law...If there were anything like a local labour market for planters to fall back upon...be left to regulate themselves as elsewhere. Some districts gardens can depend on a more or less regular supply of local labour from Kacharis and other similar tribes, and some gardens that are exceptionally situated can subsist on the labour of time-expired *coolies* recruited from gardens less popular or less happily situated; but these are exceptions...A great majority of tea-planters in Upper Assam are absolutely dependent for the regular prosecution of their business on imported labour..The cost of importing is excessive, more in fact than a whole year's wages, and the strike or desertion of a large number of labourers at the busy season would, in the case of many gardens, mean not a temporary inconvenience merely, but the absolute ruin of the planter. On the other hand, it is abundantly manifest that the labourer is, as a rule, well looked after: he earns well enough after the first year (in contrast to home district); he is cared if sick...protected for ill-treatment...prompt payment of his wages ensured...still has strong inducements to desert... *circumstances of tea-gardens are still so far exceptional as to require exceptional treatment and exceptional legislation to regulate the relations between the planter and the labourers.*<sup>146</sup>

This premise continued to hold sway even in the early years of the twentieth century when the then Viceroy Curzon broached this issue at some length during a speech addressed to tea planters of Assam:

I agree with you (planters) in thinking that the time has not yet come when the protection and control, by special statute agency, of the industry in which you are engaged can safely be dispensed with...A day will probably come in the future when exceptional Labour Laws will not be required for the tea plantations of Assam...and when for the present artificial system will be substituted the natural operation of the laws of demand and supply. That is the ideal to which successive Viceroys and Secretaries of State, and I imagine also successive generations of Planters all look forward; but the means of access to these parts of Assam must be greatly improved, and the conditions of employment must be ameliorated and rendered more secure, before a natural stream of cheap and free labour can be expected to flow up and down the Brahmaputra (Assam) Valley. In the meantime, it is our duty to prepare the way for that consummation, by regularizing and purifying from abuse of reproach the existing contract system.<sup>147</sup>

This persistent impressions of the absence of a local market for labour/indispensability of imported labour which characterised the “exceptionality” (of Assam) in the colonial-capitalist discourses—as briefly discussed in the previous chapter—was an outcome of the specific nature of plantation work and the tea industry, as it was taking roots in Assam. The marginalization of the local labouring groups

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**146** Letter dated 28<sup>th</sup> October 1880 from C J Lyall, Secretary to the Chief Commissioner of Assam to the Secretary to the Government of India in Inland Emigration Act 1882, Legislative Department Proceedings, no.224, January 1882. NAI.

**147** *Speeches by Lord Curzon of Kedleston: 1898–1901* (Calcutta, 1901), p. 225.

(like the Kacharis) from the workforce was a relatively prolonged yet an incomplete process. This was driven by their enhanced capabilities to negotiate terms with the planters, in a context of formalisation of “industry” and the intensifying contest for cheap and settled workers. The contract regime sustained this “deficient” nature of the local labour market through an active and legislative interference. Again the necessity of protection (as enshrined in the contract)—as this chapter will further argue—assumed a very partial connotation and purpose. This was to perpetuate the interests of the tea industry and authority of plantation managers, while gradually and systematically circumscribing the promised rights, benefits and bargaining possibilities of the imported workers.

### 2.3 The ‘Protection’ of Private arrest and the construction of managerial authority

It is pertinent here to outline the nature of tea enterprise and the life and work practices on the plantations, which became the premise for the assumed inevitability for the institution of private-arrest for the planters. The “systematising” nature of plantations of some larger companies (like Assam and Jorehaut) was interrupted by a mad rush of speculators in the Assam during the 1860s. This had unleashed a feverish trend—of land acquisition, jungle clearing and opening of tea gardens—without any necessary consideration and investment in establishing a suitable and sustainable infrastructure for the thousands of labourers being assembled to live and work there. One of the early inspection reports of Assam tea plantations found out that several gardens of Upper Assam had an acute and permanent food crisis. The gardens belonging to the Northern Assam tea company during the summer months (May to July) had their coolies go upto the local town (Dibroo) a distance of atleast two to four days and bring out supplies on their head.<sup>148</sup> A photograph from the period reveals such elementary conditions of tea gardens of the period.

The labour “unsettlement” and mass “desertions” from these plantations were often a “response” to the grim circumstances of life and work, as evident from a few cases being reported by the local colonial officials.

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**148** *Communication from the Government of Bengal, forwarding copies of inspection reports by Dr Meredith, Protector of Labourers in Upper Assam and his assistant Mr. Wodehouse, of the tea gardens visited during 1867.* Home, Public A, 8<sup>th</sup> August 1868, nos. 137–138 A.



**Figure 2.1:** Tea Garden in Assam from the 1860s.<sup>149</sup>

For instance, in the year 1864, the resident labour force of a tea garden in Cachar (belonging to one Elgin Tea Company) left en masse on account of the rampant “unhealthiness” and daily incidence of deaths on the garden.<sup>150</sup> On further investigations into the incident, the manager admitted to the “poor” and “diseased” circumstances of the garden and the very likely possibility of the entire resident population dying as a consequence of that. Such grim conditions of Assam plantations were hardly “exceptional” in the period. The hard and taxing work of manually clearing vast stretches of forested land to make way for tea planting was the order of the day.<sup>151</sup> The rudimentary amenities of habitation and inadequate

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**149** View of a tea garden with thatched buildings in the distance taken near Cachar by Oscar Jean Baptiste Mallitte in the 1860s. A number of planters and workers are positioned on the hillside. A caption below the print gives the location as ‘Bosikundi’. <http://www.bl.uk/onlinegallery/onlineex/apac/photocoll/t/019pho00000913u00033000.html>

**150** R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9<sup>th</sup> August 1864 reprinted in R.K. De, *The Barak Valley: A Survey of Documents on the Economic History, 1832–1947 Vol II* (Delhi, 2006) p. 498. Hereafter R.K. De, *The Barak Valley, Vol II*.

**151** A marked difference is evident in two texts describing the framing of a tea garden in the early 1860s and 1870. The minimalist description of practically making a tea garden concentrated on clearing forests in the beginning of the decade is followed by a more elaborate and systematic approach. See ‘General rules for making a Tea garden in Cachar’, *Bengal Harakuru*, November 18<sup>th</sup>, 1861 quoted in *Bombay Miscellany* 4 (May–October 1862) pp. 187–189; W. Roberts, *Notes and Observations on the several operations and processes, connected with the cultivation of the tea plant and the manufacture of tea; for the information and guidance of the managers and assistants in the service of the Jorehaut tea company* (London, 1870) in H.A. Antrobus, *The Jorehaut Tea Company Ltd.* (London, 1948) pp. 345–362. See Chapter 4 for details.

provisions of basic amenities made the “exhausted” and “overworked” worker vulnerable to debilities and diseases.<sup>152</sup> Also, an acute shortage and crisis of food supplies in the province precipitated by the burgeoning population created “famine like” situation on the gardens. The conditions were conducive for wide-spread destitution and death.<sup>153</sup>

A group of new arrivals on a plantation in Sibsagar district refused to join work. They found the place to be infested with leeches on which they were being assigned the task of hoeing. The intervention of the Deputy Commissioner to “settle” the matter amicably failed. Workers showed a decided preference to court arrest (for breaching their work contracts) than return to the contracted garden. The Deputy Commissioner did not entertain the attempts of the manager (Jamieson) to get these individuals back on the plantation after month long sentence. He explained that convicted individuals after having served their term were free to engage elsewhere in Assam or return.<sup>154</sup> Before the year 1865, a manager from Upper Assam noted, that hundreds of coolies would go up to the Deputy Commissioner and request a prison sentence than be forced to serve out their contracts.<sup>155</sup> The principal causes assigned by these labourers for their determination to remain in jail was the amount of work they are compelled to do in the gardens,

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**152** In a tea estate in Sylhet division an exodus of workers numbering 78 occurred in the first half of 1867 after more than 40 deaths during the period. *Extrardinary number of desertions from the Cherragong tea gardens in the Sylhet District during the half year ending 31<sup>st</sup> December 1867*. Home, Public A Proceedings, June 12<sup>th</sup> 1869.

**153** The want of sufficient food had been a great cause of sickness and mortality among the coolies. As early as 1862, the number of imported labourer far exceeded the supply of food available for them. This shortage was compounded by a general increase in food prices. For instance in 1856–57 the price of unhusked rice in upper Assam was around one rupee for eight *maunds* (640 pounds). This increased by 1862–63 to four rupees for 8 *maunds*. The minute books of Jorehaut tea company showed an acute scarcity of rice in 1863–64 and the company imported 600 *maunds* of rice to meet the abnormal demand. *Report of the Commissioners Appointed to Enquire into the State and Prospects of Tea Cultivation in Assam, Cachar and Sylhet* (Calcutta, 1868) p. 22; C.H. Fielder, ‘On the Rise, Progress, and future Prospects of Tea Cultivation in British India’, *Journal of the Statistical Society of London* 32, no.1 (1869) p. 33; *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 22; H.A. Antrobus, *The Jorehaut Tea Company Ltd.* (London, 1948) p. 51.

**154** The Secretary of a tea planter’s association in a letter addressed to the government of Bengal mentioned that many of absconders ‘have gone straight to the Magistrate of the District, requesting to be freed from their engagements, preferring rather to undergo imprisonment for three months’. ‘Tea cultivation in India’ *The Calcutta Review* 40, no.80 (1864) pp. 330–331. J.T. Jameison, Secretary to the Sibsagar Tea Planter’s Association to A Eden, Secretary to the Government of Bengal dated 20<sup>th</sup> September 1864. Home Department, Legislative Branch Proceedings, nos. 36, November 1864. NAI.

**155** *Report of the Commissioners Appointed to Enquire into the State and Prospects of Tea Cultivation in Assam, Cachar and Sylhet* (Calcutta, 1868) p. xxxiv.

the smallness of their earning, and the irregularity with which they are paid, and difficulty in getting food except rice.<sup>156</sup>

The private recruiters (*arkattis*) engaging and recruiting the labour force in the districts of eastern India had little interest and incentive in giving the prospective recruit a good sense of the conditions of work, life and remuneration to be expected on the tea gardens. The Deputy Commissioner of a recruiting district in Bengal (Manbhum) informed a commission of enquiry (1868) that the recruiters with badges (required by the act) and licenses were often taken as Government servants, and that the tea garden work in Cachar and Assam was therefore presumed to be on *sarkar's* (government) gardens.<sup>157</sup> There were some aspersions cast by local officials that the 'runaways' from the tea gardens were 'chiefly among those who have not been fairly treated (and) who have been induced to come under false persuasions and who have not had their agreement explained to them orally'.<sup>158</sup> Many of these disgruntled individuals were assured 'easy work' with earnings of the order of ten to twelve rupees, but most of them barely managed to make two or three rupees.<sup>159</sup> Stewart went to the extent of claiming that not a single batch he had examined showed any significant knowledge about the agreement and also that they had little idea that 'they are to be *coolies*'. He recommended the appointment of a protector of immigrant in Cachar, to counteract 'the one-sidedness of the agreements which the *coolies* enter into in Calcutta with their eyes blind-folded'.<sup>160</sup> This view was largely reaffirmed by the findings of a report commissioned by the Bengal government to take stock of the tea industry in Assam. In contrast to the sanitised view often presented by the recruiters, the report enumerated difficulties encountered by the recruits in Assam:

The labourers have too often been deceived by unprincipled recruiters...have been told that they were going to a garden in a country where the means of living were plentiful and cheap; where they would receive very high wages and have little to do. They have found themselves set down in a swampy jungle, far from human habitation, where food was scarce and dear, where they have seen their families and fellow labourers struck down by disease and death,

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**156** Letter from J.W. Edgar, Assistant Commissioner Cachar to Captain R. Stewart, Deputy Commissioner Cachar dated 22<sup>nd</sup> November 1865. *Proposed amendment of Bengal transport of Native Labour Act 1865*. Home, Legislative A, March 1867, nos 13–19.

**157** *Report of the Commissioners Appointed to Enquire into the State and Prospects of Tea Cultivation in Assam, Cachar and Sylhet* (Calcutta, 1868) p. 27.

**158** R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9<sup>th</sup> August 1864 reprinted in R.K. De, *The Barak Valley, Vol II* p. 498.

**159** R. Stewart, Officiating Superintendent of Cachar camp, Kalain to Commissioner of Dacca, 5<sup>th</sup> February 1864 in R.K. De, *The Barak Valley, Vol II* p. 488.

**160** R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9<sup>th</sup> August 1864 reprinted in R.K. De, *The Barak Valley, Vol II* pp. 499–501.

and where they themselves prostrated by sickness, have been able to earn less by far than they could have done in their homes.<sup>161</sup>

An instance of blatant exaggeration and misrepresentation by the recruiter was reported from Dilkhosha tea garden in Cachar in the early 1860s. A batch of roughly hundred workers collectively left the garden marching up to the District headquarters to voice their grievances to the District Magistrate. Members of the contingent strongly resented the “digging” work assigned to them on tea gardens, when they had apparently enlisted themselves with the recruiter for service in the Bengal Constabulary. The predominant nature of work (clearing vast acres of forested land and hoeing the soil for cultivation) captured in the term “*kodalir kaam*” (digging work) became a recurring concern for many batches of *coolies* who were initially made to believe by the recruiter that ‘they had to do nothing but pick up tea leaves and they would get two annas for every eight seers they picked’.<sup>162</sup> There were other instances of people engaged by recruiters on the promise that they would serve as domestic servants with wages as high as twenty rupees.<sup>163</sup>

This climate of “unsettlement”—induced by a combination of the conditions of work, life and remuneration prevailing on Assam plantations and the practices of recruitment—was perceived by the planters as an affront to their desires for a “disciplined” and “settled” plantation working force. Again, the nature of the contractual agreement—as introduced by the 1863 Act—was found to be grossly “inadequate” by the planters for such purposes. The only “remedy” it offered was prosecution under civil law. The conviction was perceived as an “injury” to the interests of planter/tea gardens because of an additional ‘loss of labour’ due to compulsory imprisonment.<sup>164</sup> A. Browlow, a planter from Cachar summed up this sentiment in a piece published in the daily Englishman:

How is that daily, almost hourly, act of insubordination now occurs amongst the imported *coolies* in the district? *Seemingly with no other object in view, but to tempt the Planter to strike his cooly, to present a valid excuse for the coolies appearing before Government officials...*

**161** *Reports on the Tea and Tobacco Industries in India* (London, 1874) pp. 20–21.

**162** R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9<sup>th</sup> August reprinted in R.K. De, *The Barak Valley, Vol II* p. 500.

**163** *Report of the Commissioners Appointed to Enquire into the State and Prospects of Tea Cultivation in Assam, Cachar and Sylhet* (Calcutta, 1868) p. xxxvi.

**164** This Present Working of the Coolie Labor in Bengal in Proceedings of Government of India, Home Department, Legislative Branch Proceedings, nos. 11–12, December 1864; Communication from the Government of Bengal, on the working of Bengal Act III of 1863, and submitting a rough draft of the Bill having for its objects the Protection of Planters and laborers in Assam, Cachar etc. Home Department, Legislative Branch Proceedings, nos. 30–38, November 1864. NAI.

part of law (imprisonment) it is needless to say is a dead-letter; for it hardly need be tried to prove its unproductive results, the consequences is that the liberated black sheep goes about the district infecting others, and this is going on, and on, and on—and where it is to stop no one can say.<sup>165</sup>

To realise the desired objective to immobilise workers and force work, the planters often circumvented the provisions of law and resorted to widespread detention, confinement and physical abuse. A violent/physical strategy of “discipline” and “settlement” of labour at this stage was more rampant and substantially more effective in comparison to an earlier period.

An incident reported from a plantation (in Cachar district) in the 1864 alludes to the growing significance of this strategy, but also hints at its limits. During a morning muster, the manager of the garden Schoneman charged a worker named Summon for not strictly complying with his instructions. In his act of disciplining, Schoneman dragged Summon to a nearby tree, tied him up and hit him with fists and stones. Summon remained tied the whole day, and in the evening when he was brought back to the *coolie* lines, he succumbed to his injuries. The following morning when some workers made an attempt to leave the garden, they were caught and brought back to the garden. Again around five workers were tied up to the trees and kept in that state until the next day. After their release, many workers of the garden “collectively” set upon and bound Schoneman and his assistant, took possession of his revolver and left for the *Sudder* station. They were intercepted by a senior police official (named Daley), with whom they lodged a complaint and willingly surrendered their arms.<sup>166</sup>

Such instances of physical disciplining of Kachari labour on the Assam Company plantations of the 1840s and 1850s—as noted in the previous chapter—were largely absent and even counterproductive when mildly employed, leading to many work stoppages, strikes and mass walkouts. The familiarity with the locality and the awareness of other options of employment implied that the locals (like the Kacharis) could not be settled and made to work exclusively by force and coercion.<sup>167</sup> The presence of the emerging violent strategy of settlement was mentioned in a governmental report which noted that:

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**165** *The Englishman*, July 24<sup>th</sup>, 1863 quoted in Communication from the Government of Bengal, on the working of Bengal Act III of 1863. Home Department, Legislative Branch Proceedings, nos. 30–38, November 1864. NAI

**166** Letter dated 2<sup>nd</sup> September 1864, C.T. Buckland, Commissioner of Dacca to A. Eden, Secretary to the Government of Bengal. Proceedings of Government of India, Home Department, Legislative Branch Proceedings, no 11–12, December 1864. NAI

**167** The Assam Company Directors writing to the Superintendent in early 1840s made it abundantly clear that ‘violence on the part of the assistants to the natives of the country or to the

... the (Planter) stuck to his work, and it is not a matter for wonder that he was unwilling to make allowance for the *coolies* not doing theirs; and as he could not pay them for doing nothing, and they must earn enough to live, he thought the best thing he could do for them, as well as for himself, was to make them work by any means he could. Some such line of reasoning as this led to the practice of tying and flogging *coolies*...when the amount of daily task did not come up to what the manager considered they ought to do.<sup>168</sup>

This further substantiates the argument that the changing profile of the plantation work force (from local to migrant) occasioned the routinization of practices of violence/torture in the 1860s. Absence of a fully “formed” plantation—where the “movement” and settlement of resident labour could be adequately monitored and controlled within its boundaries and organised in “*coolie*-lines” (residential quarters)—was not realising such desires of comprehensive plantation control.<sup>169</sup> The “isolated” setting of the tea gardens in Assam and Cachar—abruptly sprouting in the midst of vast stretches of jungles and usually at the margins of the networks of communication and spaces of human habitation—most crucially contributed to such a condition in this period.<sup>170</sup>

The Assam and Cachar planters strategically mobilised and involving the local society in “*coolie* policing” by compensating those who captured and brought back the runaways. In Cachar, for instance, the garden staff and the local villagers were paid Rs 5 for every “catch”. This was later ‘adjusted’ from the earnings of the ‘absconder’.<sup>171</sup> Such practices were confirmed by several managers and superintendents of the tea companies. In a correspondence with a tea district

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*coolies*’ would lead to dismissal from the Company.

**168** In a report on the tea cultivation in India, a district officer mentioned that the practice of flogging was universal in Cachar when he took charge in 1863. *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 23.

**169** See Chapter 5 for discussion on *coolie* lines in plantations of late nineteenth century.

**170** Discussing the nature of plantations in Cachar district, Stewart highlighted the general difficulty of access of several gardens which rendered the planters almost independent in the treatment of the *coolies* and wondered ‘how can the law prevent the planters from making such spots for cultivation’. Col H. Vetch mentioned to a Select Committee that the Assam planter is naturally exposed to the risk of squatting in the midst of jungle and make new clearings. He further noted that ‘sickness unquestionably attends an adventurer who goes into waste grounds for tea cultivation’. R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9th August 1864 reprinted in R.K. De, *The Barak Valley, Vol II* p. 498; Evidence of Colonel H Vetch, *Report of the Select Committee appointed to inquire into the Progress and Prospect, and the best means to be adopted for Promotion of European colonisation and settlement in India, Minutes of Evidence in Reports from Committees, Colonization and Settlement (India) Vol IV* (London, 1859) p. 192.

**171** R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9th February 1864 reprinted in R.K. De, *The Barak Valley, Vol II* p. 475.

commissioner, the superintendent of the largest Tea Company (Assam Company) revealed that the company managers had maintained an organized establishment of *chupprasis* and *burkundazes* for the apprehension of runaway *coolies* and that it was effectively 'recognized by the Government officials of the day'.<sup>172</sup> There were instances of these employees 'not confining themselves to catching their own runaway *coolies*, but seize any person they like'.<sup>173</sup>

These "illegal" practices of policing, detention and arrest were substantially incorporated within the framework of legality through the infamous 'right to private arrest' bestowed on the planters by the 1865 Act.<sup>174</sup> Though generally approved and welcomed by the officials of the day, this 'extraordinary' right also managed to raise some eyebrows.<sup>175</sup> A senior Bengal official in a critical tone remarked that, 'when the evils of the *coolie*'s condition were brought to its (Government's) notice, it did not strengthen the district officers and insist on their protecting the labourers through the existing law. Instead of this, an Act (VI of 1865) was passed, which gave the employer the power of arresting runaways without warrant'.<sup>176</sup>

Yet the justification for allowing such a "privilege"—as indicated earlier—was firmly premised on the "exceptionality" of Assam and the obligation to "protect"

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172 J. Smith, Superintendent. Assam Company to Lt H Scone, D.C. Sibsagar, Letter dated 12<sup>th</sup> May 1864. Home Department, Legislative Branch Proceedings, nos. 30–38, November 1864. NAI.

173 Lt R.P. Davis, Asst. District Superintendent of Police of District Sibsagar, to Lt. H Sconce, DC Sibsagar, Letter dated 21<sup>st</sup> May 1864. Home Department, Legislative Branch Proceedings, nos. 30–38, November 1864. NAI.

174 In the discussions leading upto the granting of the right to arrest, the planter association of Assam (Sibsagar) even cited a provision of coolie law in place in port of Natal (Colony of Natal, Immigration Laws, 1859, Clause 17) as a justification where it was lawful for every person entitled to the services of any coolie immigrant (through his servant or constable) to apprehend them without if they are found at a distance of more than two miles of the residence without a written ticket of leave. *Annual Report on the administration of the Bengal Presidency, 1864–1865* pp. 107–108, pp. 119–121. Letter from J.T. Jamieson, Secretary to the Seesaugor Tea Planter's Association to A. Eden, Secretary to Government of Bengal 6<sup>th</sup> October 1864. Home Department, Legislative Branch, Proceedings, September 1864, no 36. NAI

175 The British Indian Association in its annual general meeting held on the 14<sup>th</sup> February 1866 discussed the Assam labour contract bill at some length objecting to the provision of private arrest. It raised further points regarding the provision of rations (as present in Mauritius) bearing in mind that there were no open markets. Medical officer to be independent of the plantation and that the protector should have magisterial powers. Whenever the protector is at a distance the coolies should be allowed to complain to the nearest magistrate. P.3

176 *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 23

planter's right to settle and force labour.<sup>177</sup> This became the substance of the opinion voiced by the administrative head of the province on the subject:

Since we have legislated for importing labourers into the Province, that further legislation is required to provide for their management after they have been imported, otherwise importers must, for the protection of their own interests, be compelled to have recourse to measures which are confessedly illegal.<sup>178</sup>

This action was even curiously positioned as a logical step in keeping the 'scales of justice even'. Here the *coolie* was perceived to have been the beneficiary of 'special protection' (by 1863 Act) against the manager and so it was 'now the turn of the manager to be protected against the breaches of contract, or lawless acts of his *coolies*, as the master is against those of his *lascars*'.<sup>179</sup>

An underlying assumption in many of these contentions was the "insufficiency" and "deficiency" of the existing laws and the policing capabilities of the state to satisfactorily respond. For instance, a local official argued that 'it (private arrest) might not be justifiable where a perfect system of police and magisterial supervision existed', but 'in the wilds of Cachar on the very borders of civilization, there is no such perfect system or supervision'. In such a context, the ordinary civil procedure was seen as generally impracticable as the 'magistrates were few and far between'. This was seen to be even more imperative 'in the case servants (tea *coolies* in this instance) from whom it was impossible to recover damages'.<sup>180</sup>

Notwithstanding the rationale of 'exception' (of Assam) and the necessity of "protection" (of planter's right to settle the contracted individuals for work), the "privatisation" of the policing rights was a legal affirmation of the already rampant practices of capturing and detention exercised by the planters. There was ample evidence in the period leading up to the institution of the 'right to private arrest'. This was

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**177** Communication from the Government of Bengal, on the working of Bengal Act III of 1863, and submitting a rough draft of the Bill having for its objects the protection of Planters and laborers in Assam, Cachar etc. Home Department, Legislative Branch, Proceedings, nos 30–38, November 1864. NAI.

**178** Letter from Col. H. Hopkinson, Agent to the Governor General to A. Eden, Secretary to Government of Bengal 6<sup>th</sup> October 1864. Home Department, Legislative Branch, Proceedings, November 1864, no 36. NAI.

**179** Letter from H. Hopkinson, Agent to the Governor General to A. Eden, Secretary to Government of Bengal 6<sup>th</sup> October 1864. Home Department, Legislative Branch, Proceedings, November 1864, no 36. NAI.

**180** R. Behal and P. Mohapatra, 'Tea and Money versus Human Life': The rise and fall of the Indenture system in the Assam tea plantations, 1840–1908, *Journal of Peasant Studies*, nos. 2 & 3 (1992); E. Kolsky, 'Crime and Punishment on the Tea plantations of Assam', in M. D. Dubber and L. Framer (ed.) *Modern Histories of Crime and Punishment* (Stanford, 2007) p. 278.

not just restricted to the isolated plantations considering themselves less likely to be persecuted and consequently acting more frequently, but '(the) law was much taken into their hands by all the planters whatever the distance from the (police) station'.<sup>181</sup>

The colonial state agreed to partially relinquish its policing hegemony and even permit a degree of discretions on the part of the planters in pursuit of framing and producing an immobilised and disciplined working force. The planters, however, consistently exceeded their mandate and did not restrain their disciplinary practices to merely arresting "runaway" workers privately—as granted to them by the 1865 Act.

A series of "incidents" reported from a Assam Company plantation (Cherajoolie) in Darrang district—a year after the legislation of 1865 Act—alluded to the continuing incidence of violence and its undeniable relevance in attaining the work objectives and labour demands of the plantations of the period.<sup>182</sup> The "evidence" of torture on the labourers of Cherajoolie tea garden "accidentally" came to the notice of a local functionary (Thomas Lamb) during a routine tour which was recorded in his official diary.<sup>183</sup> The scandalous nature of these observations caught the attention of the higher authorities and Lamb was instructed to pursue some of his "references" in greater detail.<sup>184</sup> The subsequent investigation and a few oral testimonies (of individuals named Lalldawa, Juggernath, Padarut, Bebeejan, Bhodai, Ramdyall, Hurro Sing, Joothee, Roghoo, Bustub and Lalloo) which Lamb recorded—gave a graphic "personal" account of the overlapping strategies of work and violence in place on the plantation.<sup>185</sup> The "violated" individuals (who testified before Lamb) confessed of having made aborted endeavours to "desert" the garden at different times. A common theme running through these 'personal' stories was a perpetual inability to accomplish the tasks

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**181** R. Stewart, Officiating Superintendent of Cachar camp, Goomrah to Commissioner of Dacca, 9<sup>th</sup> August 1864 reprinted in R.K. De, *The Barak Valley, Vol II* p. 499.

**182** *Annual Report on the administration of the Bengal Presidency, 1866–67*, p. 119–20; *Papers relating to coolie trade in Assam* (London, 1867).

**183** Extract from Captain Lamb's Diary for the Week ending 12th March 1866. *Papers relating to coolie trade in Assam* (London, 1867).

**184** Lieutenant Colonel H. Hopkinson Agent to the Governor General and Commissioner of Assam to the Deputy Commissioner of Durrung No 250 dated the 17<sup>th</sup> March 1866. *Papers relating to coolie trade in Assam* (London, 1867).

**185** Letter dated 23rd March, 1866 from Captain T Lamb Deputy Commissioner and Protector of Labourers of *Durrung* to the Agent to the Governor General and Commissioner of Assam; From Captain T Lamb Deputy Commissioner and Protector of Labourers of *Durrung*, to the Agent to the Governor General and Commissioner of Assam No 166 dated the 28th March 1866; Captain T Lamb Deputy Commissioner of Durrung to the Agent to the Governor General North East Frontier and Commissioner of Assam No 202 dated the 14th April 1866. *Papers relating to coolie trade in Assam* (London, 1867).

assigned to them by the supervising authorities a desire to be relieved from their contracts. Most of them told that they failed to clear a specified area of heavy jungle (20 *tarhs*) as mandated in the daily work schedule.<sup>186</sup> Each incidence of “short work” activated a patterned disciplinary procedure by the management. While some (Lalldawa) had their food rations cut, all of them were physically abused and flogged on every such occasion by the assistant manager (Richard Dunn) and the native staff. This became the immediate reason for their decision to leave. After being apprehended (mostly by the resident Kachari labour), they were brought back and subject to a fresh round of beatings and physical abuses. Juggernath had his hands tied upwards to a tree and feet to the trunk and whipped with a cane. Through the entire ordeal the garden doctor kept an eye on his pulse—ensuring that the garden would not be deprived of his services due to the beating. During the “disciplining” of Padarut, where he was also bound to a tree and beaten by the manager and the *duffadar*, the native doctor filled in by regularly rubbing salt into his fresh wounds!<sup>187</sup> The *duffadar* while receiving the orders to cane the offending Bebeejan was instructed by Dunn (the manager) to ‘strike lightly’ as the intention was just to ‘frighten her’. All of them were later taken back to their ‘routine tasks’ of clearing the heavy jungle.

The incidents confirmed the colonial anxieties regarding the necessity of protecting the “ignorant coolie” and provoked intense correspondence within the networks of the colonial administration and managed to find its way in a report presented to the British House of Commons. The episode was later picked up by a prominent “abolitionist” voice ‘The Anti-Slavery Reporter and Aborigines’ Friend’, crusading against the emerging *coolie* labour systems in the different corners of the world. In their discussion of this incident they anticipate the ‘new form of slavery’ argument made persuasively by Hugh Tinker by suggesting that ‘wherever there is an assumption of absolute planter authority, the adjuncts of the plantation system should be rampant, and its brutalities exercised upon the bodies of the labourers, whether black, brown, or yellow—negro or *coolie*’.<sup>188</sup>

The general disapproval of actions of the “violent” manager leading to legal action and his dismissal from the ranks of the Assam company did not undermine a broader process that was set into motion where the legally empowered privi-

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**186** 1 *tarh* or *nal* =144 square feet.

**187** Rubbing the salt into fresh wounds was a very common practice of disciplining slaves on plantations. This was believed to have prevented them from festering and enable them to quickly get back to work. T. Savitt, ‘Black health on the plantation: masters, slaves, and physicians’ in J W Leavitt & Ronald Numbers (ed.) *Sickness and Health in America: Readings in the History of Medicine and Public Health*.

**188** ‘Flogging of coolies in Assam’, *The Anti-Slavery Reporter and Aborigines’ Friend*, Aug 15<sup>th</sup> 1867 p. 179.

leges (like private arrest) and assent for the “protection” of the planter’s interests (to settle contracted labour for work) was sliding into an assumed prerogative (by the planters) for an unhindered maintenance of the local order and paternal control over the labouring bodies—even justifying severe doses of brutality and torture.<sup>189</sup> The planters found great value in counteracting the disinclination for routinised plantation work characteristic of the difficult circumstances of operation (dense jungle) and poor conditions of life and remuneration through systematised and routinised violence and torture.<sup>190</sup>

This became evident in another case reported from Burthol garden in Cachar. On 30<sup>th</sup> July 1868 13 coolies deserted from the garden and 11 of them were captured and returned and brought back to the plantation on the 1<sup>st</sup> of August. They were severely beaten by the manager Colvin and his syce Guru Dyal. One of the coolies named Bundhoo died within a few days, and others had marks of beating and one even bore scars of the application of a lighted candle. On 10<sup>th</sup> August, Kalisundar Surmah, head constable of Lakhimpur hearing rumours of a death of the coolie made investigations revealing the details of the case. The district authorities on further enquiries found out the superintendent of the garden Mr Davidson a “respectable” planter of the district had been already intimated about the incident by two coolies before the arrival of the police. The fact, in this case, was concealed as far as they could be and similar occurrences if they should happen again would be reported to the authorities. On a former occasion, a sub-inspector who successfully conducted a police investigation against a planter was soon after dismissed on a complaint made by another planter. Since then no police officer had ever taken up a rumour of coolies ill-treated by their employers

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**189** The Cherajolie episode was quickly declared by the agents of the Assam tea company and the Secretary of the Landholder’s and Commercial Association to be quite “exceptional” and enquiries were set into motion to ascertain whether such incidents have systematically taken place on tea gardens. Opinions were sought from the District Officers of Kamrup (Captain Sherer) Nowgong (Major Llyod) Sibsagar (Captain Sconce) Lakhimpur (Major Comber) and the “protector” of coolies. They largely confirmed that such excesses did not occur with any regularity in their districts. A year later a manager of Cachar tea garden was convicted for flogging a number of workers. *Annual Report of the Police for the Dacca Division*, 1868 p. 24; *Annual Report on the administration of the Bengal Presidency*, 1866–67 pp. 119–20.

**190** The Assam administrative head argued that ‘planters must yield to the irresistible temptation to flog unless the Government interfere more actively in their behalf’. He further ‘recommended a sufficient number of magistrates stipendiary or otherwise within practicable distances of planters’. In a report from early 1870s admitted in his report that ‘the idea that flogging is the only suitable and effectual punishment of breach of contract still lingers in the mind of some planters’. Colonel H. Hopkinson Agent Governor General North East Frontier and Commissioner of Assam to the Secretary to the Government of Bengal No 207 dated the 19th May 1866. *Papers relating to coolie trade in Assam* (London, 1867).

until the present case. The case also revealed that the coolies would not complain in the presence of the manager. Burthol coolies knew perfectly well that Dr. Davidson's power that he could remove Colvin from his post and still did not complain, scarcely likely that they would complain to a Protector whom they have never seen before and who had no real power to redress their wrong.<sup>191</sup>

This self-assumption of the planter/manager as the dispenser of order and justice motivated calls for even greater "latitude" and "freedom" on the modes of punishment.<sup>192</sup> By the late 1860s and early 1870s, planters were aggressively pitching for 'discretionary magisterial authority over workmen...whereby he (planter/manager) may exercise a beneficial influence by threats, and in emergencies slaps, to keep up that state of discipline that always exists in a well-regulated factory *where the bane of court prosecutions has not penetrated*'.<sup>193</sup> They drew sustenance from the standard 'Assam is exceptional' premise: 'that with so few magistrates in the district, it must be planter himself that we must look to for the maintenance of order among these large bodies of labourers'.<sup>194</sup> In fact, the jury convicting Richard Dunn for his "excesses" pronounced that many of the plantations in Assam are located twenty to forty miles distant from the nearest court of justice and therefore 'the employers of labour had great difficulty in having recourse to legal means for enforcing the fulfilment of the agreements made and were often tempted to take the law into their hands'.

Such temptations encapsulated a consolidating aspiration of planters to stretch further the boundaries of control beyond the limits set by privatised arrest and allow the privatisation of punishment and legalisation of violence. Many planters often lamented that '(they) have little power over their imported labourers, and the support of the Magistrate is required to punish severely labourers'.<sup>195</sup> For instance, the Section 102 and 103 of Contract Act II of 1870—which extended the planter's right to private arrest—also made it mandatory to produce the apprehended "deserters" to the nearest police station. The alteration was read

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**191** *Death of a coolie of Burthol Tea Garden in Cachar caused by ill treatment*. Home, Public, January 16, Nos 12–15.

**192** In the 1830s, Jamaican planters objected to the imposition of outside magisterial (and police) authority. As with abolition as a whole, the planters did not challenge the overarching change but made it redundant in practice. P.D. Paton, *No Bond But the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780–1870* (Durham, 2004) p. 64.

**193** W.A. Stoddard, Manager, Naphuk Tea Estate (Sibsagar district) *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 87. Emphasis mine.

**194** *Reports on the Tea and Tobacco Industries in India* (London, 1874) pp. 84–85.

**195** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 113.

in certain quarters as “unnecessary” and sustained persuasion and pressure was brought to bear on the government to make it “optional” in practice.<sup>196</sup>

This seems to have had a bearing in the case of an arrested runaway from Darrang district (Agra Bank), who was sentenced to a day in the prison on the request of the manager as he was satisfied by the “suitable” punishment privately meted out to him.<sup>197</sup> He argued that incarceration generated possibilities of interaction with “bad characters” in the prison and did not have a comparable deterrent effect like “fines” and “extra work” on the plantations. ‘If laws of no possible utility are made’, reasoned another planter, ‘they (planters) must supplement them by others which have a more practical bearing on the case’.<sup>198</sup>

Flogging, as the incidents from the Cherajoolie and Burthol tea gardens confirmed, was “popular” within the planter circles as an efficient mode of punishment, engendering the desired fear and compliance on the part of labour.<sup>199</sup> A planter even claimed that ‘coolies as a rule do not care for imprisonment in the least, and if flogging were introduced, it would stop a great deal of absconding and other faults’. There were several suggestions to make it a “substitute” for incarceration—being rationalised on the grounds that it was a mutually “beneficial” solution for the state (saving on the prison charges) and the planter (saving the loss of labour due to incarceration).<sup>200</sup> Moreover, its effectiveness in compelling workers to labour under trying circumstances was “physically” documented and greatly appreciated by the planters.<sup>201</sup>

The planter attempts to carve a new space for their disciplinary practices and actions beyond the jurisdiction of the ‘law of the land’ were neatly summed in the rationale for the nomination of the magistrate in every planting district from within their ranks:

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**196** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 114.

**197** *Report on the Police of the Lower Provinces of the Bengal Presidency*, 1872 p. 128

**198** S. Baildon, *Tea Industry in India* (London, 1882) p. 170.

**199** O.G.R McWilliam, Deputy Commissioner of Cachar to the Commissioner of the Dacca Division, April 1873. *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 41.

**200** C A Alexander, a planter from Cachar felt that if the coolies were to be punished before a magistrate, then about one-third of coolies would end up in court daily as complainants, prisoners, or witnesses. Instead he supported a punishment which is ‘sharp, short and decisive’. Another planter from the same district felt that imprisonment barely constituted as punishment because the coolies did the ‘same class of work they would have done on any garden’. *Reports on the Tea and Tobacco Industries in India* (London, 1874) pp. 47–48, p. 50.

**201** In Ceylon plantations there remained a tension between government and the planters on the theme of physical punishments. J. Duncan, *Climate, Race and Bio power in nineteenth century Ceylon* (Aldershot, 2007) p. 94, p. 162.

(Planters) should not allow the (government) magistrates to interpret laws according to their whims and fancies...Tea represents a larger amount of capital invested than any other class of industry in India (carried out by European)...(and they) should be given a fair play in conducting their work.<sup>202</sup>

The colonial state agreed in principle to the “concerns” and “demands” of the planters but was apprehensive to completely overhaul the policing and legal institutions and procedures to suit the purposes and interests of the planters. The demand for a “planter-magistrate” did not find the necessary approval, but the local officials gave several assurances that the prosecution of deserters would be done away with or reduced to a minimum.<sup>203</sup>

## 2.4 Assam Contract and the ‘Protection’ of the Coolie

The notion of ‘protection’ which was intrinsic to the logic of contract system, did not merely touch upon the concerns of planters and the industry, but also claimed in principle to guarantee and safeguard the interests of imported workers. The abuses in recruitment and mortality during transit, as mentioned earlier, were apparently addressed through the initiation of compulsory “registration” (for recruiters and recruits) and the establishment of “sanitary” norms and supervision by the 1863 Act.<sup>204</sup>

The colonial-capitalist discourses on the conditions on the plantations of the early 1860s were principally read through the category of ‘unsettlement’—revealing the anxieties and aspirations for discipline and stability of the working force. Such a premise also generated some information regarding the conditions of work, life and earnings of the imported workers. For instance, the high incidence of mortality and desertion as induced by the potent combination of the circumstances of residence and the availability of necessary provisions and food was tangentially acknowledged in these enquiries.

Officials at the district level were intermittently articulating apprehensions regarding the ‘limited’ levels of information and background knowledge of the recruits contracting for plantation work. Reflecting on the initial experiences of work on Cachar plantations, a local colonial officer observed:

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<sup>202</sup> *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 86.

<sup>203</sup> *Reports on the Tea and Tobacco Industries in India* (London, 1874) pp. 116–117.

<sup>204</sup> R. Behal and P. Mohapatra, ‘Tea and Money versus Human Life’: The rise and fall of the Indenture system in the Assam tea plantations, 1840–1908’, *Journal of Peasant Studies*, nos. 2 & 3 (1992)

they (*Coolies*) do not know that they have only to pluck the youngest and finest leaf...how can they tell what sort of work clearing and cutting jungle is...operations are different and vary enormously and tasks given in the schedule are for able bodied men in the most favourable locality...*Coolies* are at the mercy of the planters who insists upon the full tasks or

reduces it as it suits his sense of justice. I do not think that it is fair that a blind bargain should be made.<sup>205</sup>

The work of plantation agriculture (like plucking and jungle clearing) which privileged prior initiation and familiarity—extensively noted by Robert Bruce during his stewardship of the experimental stations in Upper Assam—became even more relevant for the newly imported workers labouring on tea gardens across the province. The “discrepancy” in the individual performance—induced by the degrees of exposure to plantation work and by the particular location/condition of the site of plantation—was further complicated by the prevailing practices of task assessment of the labour. The task rate allowed planters/work supervisors a discretion and latitude to determine as to what constituted a “fair” amount of work (i.e. the daily task) to earn a daily wage on a particular garden.<sup>206</sup> Variations in terrain conditions, nature of the work and experience of the worker were not factored in arriving at such rates. It resulted in sharp differences in individual earnings, placing the workers on the “difficult” gardens and newly arrived recruits at a distinct disadvantage. The disproportionately higher rates of mortality and desertion on particular gardens and among the newcomers attested to such a tendency and continued to remain a “feature” of Assam plantations.<sup>207</sup>

The legislation of Act VI of 1865—principally motivated in regulating the conditions on the Assam plantations to restrain and curb the growing incidence of “desertions” and “unsettlement”—also touched upon welfare of the workers being imported into the province. A particular manifestation of the logic of protection—which underwrote the premises of the contract and the necessity of the Act—warranted the establishment of the post of “Protector” of *coolies*. They were supposed to act as the “representative” of state and ensure that the contracted

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**205** R. Stewart, Officiating Superintendent of Cachar camp, Kalain to Commissioner of Dacca, 5<sup>th</sup> February 1864, reprinted in R.K. De, *The Barak Valley, Vol II*.

**206** A local colonial official noted that such assessments should be made by the Protector and he should be vested with the power of ruling the task-work of each description from year to year on each garden. Another district officer felt that this should be the most important part of the Protector’s work, after consideration of the soil of the garden, the nature and difficulties of the work and the capability of the labourer. Home, Legislative A, March 1867, nos. 13–19.

**207** See Chapter 5 for details for nature of work assessments and negotiations around these issues.

worker did not have a “blind bargain” in circumstances deemed to be potentially dangerous and detrimental for them. The Protectors were required to regularly inspect the plantations to observe if the provisions of the contract were duly followed. They were further authorised to terminate the contracts on the grounds of failing health of the labourer and on valid complaints of ill-treatment meted out by the management.

The 1865 Act initially fixed a “minimum” monthly wage (Rs 5 for men and Rs 4 for women) and required any subsequent deductions made for absence from work to be sanctioned by the local magistrate. There were other attempts to define a “working day” (9 hours) and “working week” (6 days). The subsequent legislations of Bengal government in the 1870s (Act II of 1870, Act VII of 1873) set standards of health and mortality on the gardens. Larger estates were obliged to have a “coolie hospital” manned by a European doctor and native attendants with basic medicine and medical equipment. Mortality up to seven percent was considered a tolerable rate for the tea gardens in the “unhealthy” province of Assam. Gardens showing death rates above seven percent were to be blacklisted, debarred from recruiting in the subsequent season or even declared unfit for human habitation and closed.<sup>208</sup>

The necessity and institution of the “protective” clauses for the imported workers came under sustained criticism from the planters as instances of unwarranted and unnecessary state intervention. This view was captured in an assertion of a planter who categorically stated that ‘once the *coolies* land on the garden, all Government interference should cease’.<sup>209</sup> The core premises of such criticism were based on an argument that the planters having substantially “invested” in the importation of workers would have an obvious “economic interest” in their ‘protection’. This position was succinctly articulated by a planter:

Labour is the great machinery by which tea-land is made valuable; and it is costly machinery, too, especially for Assam tea-planters. Now, no man would be fool enough to buy a machine, and then willfully damage it.<sup>210</sup>

State intervention was considered to have negative repercussions it had on the conduct of discipline and authority on the plantations. Anxieties were articulated that ‘over-legislation and inspecting during transit, arrival and on garden had filled them (*coolies*) with the idea that they are more important than the

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**208** For details of legislation in Assam see R.K. Das, *Plantation Labour in India* (Calcutta, 1931) pp. 29–40.

**209** E. Money, *The cultivation and manufacture of Tea* (Calcutta, 1874) p. 10.

**210** S. Baildon, *The Tea Industry in India* (London, 1882) p. 155.

masters'.<sup>211</sup> A planter read in this a strong likelihood of 'stirring up in their naturally suspicious minds grave doubts of their having been as well dealt by as they deserved'.<sup>212</sup> It was further seen as 'creative of insubordination as the *coolie* looked upon the magistrate as his defender against the employer'.<sup>213</sup>

According to section 26 of 1865 Act, any complaints by the *coolies* had to come through the manager. This "right" was consistently discredited by planters for being frivolous and mostly intended 'to insult their employers and (to) have the ultimate pleasure of confronting their employers as equal man to man, and swear his money away in the court of justice for an assault'.<sup>214</sup> There were several reports throughout the nineteenth century of planters keeping cordons of *chowkidars* round the gardens and policing the connecting roads to prevent *coolies* from leaving to complain. There were other instances where the complaining parties were apprehended within the confines of magistrate's office. A provincial administration report in the early 1870s even noted that a planter 'succeeded in inducing a weak or worthless native magistrate to punish a party of labourers for rioting', when they were merely 'seeking to institute a complaint for maltreatment'.<sup>215</sup> Again when around fifty *coolies* of Hoogreejan tea garden (Northern Assam tea company) lodged a complaint to the Protector on account of their wages being seven months in arrears, the court objected on the grounds that strict procedure was not maintained by Protector.<sup>216</sup>

There were other objections of police entering a garden to investigate any alleged grievance on the part of labourers, without the manager or employer being made aware of the intended inspection.<sup>217</sup> Proposals were made for limiting such inspections to sanitary and medical issues.<sup>218</sup> A strong reason motivating such concerns was that an unrestrained access of state functionaries (especially the protector and police) diluted the claims of manager/planter as the absolute authority and further threatened to bring their actions within the jurisdiction of the legal structures and norms. Such state of affairs was seen as tantamount to "unsettlement" of labour, which the Act of 1865 was believed to counteract.

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**211** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 47.

**212** G. Barker, *A Tea Planter's Life in Assam* (1884, Calcutta) p. 162.

**213** G. Barker, *A Tea Planter's Life in Assam* (1884, Calcutta) p. 85.

**214** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 87.

**215** *Bengal Administration Report, 1871-72* p. 61.

**216** D. Sutherland, *The Weekly Reporter, Appellate High Court* (Calcutta, 1870) pp. 29-30.

**217** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 115.

**218** This view was shared by another manager named Kingsley (Golaghat Tea Company) who said that 'inspectors should be invested only with powers as to sanitation on gardens, and all other matters may be safely left to the action of the courts'. *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 47, p. 50, p. 90.

The Contract Acts justified on the “exceptional” and the necessity of “protection”—as these planter’s anxieties and criticisms alluded—had to operate selectively for the perpetuation of planter interests and simultaneously allow space for their unilateral authority. A planter campaign to remove one of the earliest Protector of coolies in Cachar (Marshall) revealed several anxieties and concerted action to reconstitute function and office.<sup>219</sup> There was a kind of collective campaign by planters to remove Marshall and also reconstitute the office of Protector as he was accused by them to have followed the letter of the law too literally. The commissioner of Dacca reported his case to the Lieutenant Governor of Bengal. In a detailed list of accusations, one of planters complained that Marshall often addressed the coolies about the benefits they possessed in Act III of 1863 and Act VI of 1865, pointing out those points of regulations that benefitted the labourers and omitting to impress their duties. He was further accused of insisting on a Sunday holiday and telling the coolies that in their contract they were entitled to rice at one rupee per maund. Again he was said to have often given pregnant workers their designated leave (or as a planter put it for idleness). The planters complained of fines imposed by Marshall due to the want of hospital accommodation and want of proper supply of medicines on the gardens. They argued that on the subject of better medical superintendence, Marshall followed the logic that each garden was an estate (the word in the Act), and therefore the medical staff was calculated for each estate and not for a number of contiguous or neighbouring gardens belonging to the same proprietor. This particular issue was addressed in an official circular which mentioned that ‘the medical attendance of an active European officer over a compact circle of plantations, would be more effectual than the presence of native doctors on each estates.’ Planters were encouraged to club together and place several estates under a superior officer. Marshall was accused on not falling in line with the new practices devised by planters which did not subscribe to the provisions of the contract. There were managers who were terminating contracts under Act VI ‘by mutual consent’ and making new contract under Act XIII. Marshall made it a practice that fresh agreements could not be taken from a coolie unless he had previously discharged them. He often sent summons to the coolies so that they could personally come to him and get their discharge certificate.

In such a context, the Protector of labourers also came to be characterised as a “troublemaker” and as a planter argued that ‘if not gifted with common sense in a high degree’, he could ‘make a farce of the numerous duties entrusted to him,

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<sup>219</sup> *Result of enquiry into complaints preferred against Mr. Marshall, Protector of Laborers in Cachar*. Home, Public A. September 1867, nos. 135–136. NAI

and jeopardise a thriving and important industry'.<sup>220</sup> This was deemed as disruptive to the "plantation order" where 'his (protector's) visits, which occur about once every six months, create a bad effect amongst those in whose interests he appears, and a management that may have been very successful in establishing a good feeling between master and men is unhinged'.<sup>221</sup>

These criticisms and determined planter pressures informed and conditioned the idea and practice of the Assam contract, as it emerged on the plantations of Assam. There were several instances of "revisions" made to the terms of the contract which did not necessarily have official approval or the consent of the workers. An inspection found out that coolies were made to renew their agreements in which they had to organise their own rice supplies. It was reported that the managers had told the coolies that they were obliged to consent, or they would end up get nothing. Several enquiries into the Assam tea company's gardens had revealed that they were supplying rice at a higher rate, and this was seen by some local authorities as breaking faith with their coolies. The Planters who deviated from the terms of contract probably did so from the example set by Assam company. Some officials noted that when the wages were fixed, food prices cannot be left unregulated. They reasoned that coolies were dependent on employers for food as lascars and sailors are for their rations upon the ship. There were instances of coolies refusing to go out to work for several days because of non-supply of rice. Again there were other instances when coolies were not paid their full wages if they failed to show up for work on Sundays.

For instance, the subsequent Act of 1870 (revising the Act of 1865) dropped the minimum wage clause agreeing with the planter rationale that the differentiated nature of plantations in Assam did not justify a precise time-rate wage and necessitated an ambiguous task-rate assessment.<sup>222</sup> This made the strict definitions of a "working day" and "working week" mostly irrelevant and deeply contextual. Such ambiguity and flexibility, benefitting the differentiating interests of plantation capitalism, as we will further argue, became symptomatic of the nature and purpose of the Assam contract regime.

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<sup>220</sup> *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 90.

<sup>221</sup> G. Barker, *A Tea Planter's Life in Assam* (Calcutta, 1884) p. 162; Also see E. Money, *The cultivation and manufacture of Tea* (Calcutta, 1874) p. 10 and S. Baidon, *Tea Industry in India* (London, 1882) p. 166. The contradictory implications of the "right to complain" is discussed in Chapter 5

<sup>222</sup> E. Money, *The cultivation and manufacture of Tea* (Calcutta, 1874) p. 11.

## 2.5 Act XIII and the Assam Contract(s) system

A particular manifestation and instance of this ‘ambiguity’ was the widespread prevalence of Master and Servants Act or the Act XIII of 1859 on the tea gardens of Assam. The Act was originally intended to regulate the labour disputes in the towns of India. This was extended by a notification of the Bengal Government in 1864 to the tea planting districts—primarily to institute some mechanisms of control over the local labour (especially Kacharis) who were prone to “deserting” and “striking”.<sup>223</sup>

This extension was made on dubious grounds—as the Act was legislated to apply to specific towns (rather than entire districts) and for “skilled” workmen taking advances from the employer for the discharge of a specific task/job. Recognising such evident and grave legal “exceptions”, the Bengal government maintained that the decision (to extend it to Assam tea gardens) was “experimental” and “tentative” and its future position on its applicability (for plantation labour) would be conditional on the actual working of the Act. The ambiguity, doubtful legality and even the framing of the “special” Assam contract (by the Acts of 1863 and 1865), did not override and make redundant the “general” Act XIII contract in practice. The colonial approval for Act XIII contract further illustrated the partial notion of “protection” as the rationale for contracts. While the Act XIII contract guaranteed a degree of “control”/hold over workers, it did not have any partial “protective” labour clauses, as in the Assam contract.

An early distinction between Act XIII contract and the Assam contract was in their application to local worker and imported workers respectively. This distinction was quickly erased in the case of “settlement” of time-expired workers in the 1870s. The Act of 1865 permitted the individuals who had served their original terms of contract to be “reindentured”/ “recontracted” under the Assam contract. It was argued that a continued necessity of governmental ‘protection’ and “supervision” for imported workers prolonging their stay on the plantations. This stated position underwent a shift with the legislation of Act of 1870, where it was reasoned that after a period of residence in the province and familiarity with the work on the plantations such “protection”, as provided by the Assam contract, was unnecessary. The relevant section in the Act observed:

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<sup>223</sup> Bengal Notification dated 2<sup>nd</sup> January 1863 to the Districts of Cachar, Lakhimpur, Sibsagar etc; Bengal Notification dated 16<sup>th</sup> May 1864 to the Districts of Kamrup, Darrang and Nowgong in Bengal Judicial Proceedings, Jan 1863, Nos 35–72; Bengal Judicial Proceedings, May 1864, Nos 33–39; Bengal Judicial Proceedings, September 1868, Nos 81–83. NAI.

When a man had once emigrated to the tea districts, when he had gained experience of the country...he would be left to the protection of ordinary law.<sup>224</sup>

The changed stand on the status of time-expired labour provoked fresh concern and opposition from the planting community, as it threatened to stimulate a local labour market populated by an army of floating individuals “relieved” from their contracts. It was akin to the “labour situation” of the early 1860s, which had mobilised planter opinion in favour of imported labour from outside the province (*coolie* solution) to curb the bargaining instincts of the native Assamese and abort the possibilities of any market of labour. An antidote for the impending crisis was outlined by the Chief Commissioner of the province in a letter addressed to the planters and published in 30<sup>th</sup> June 1874 issue of the daily Englishman:

... You (Planters) may have difficulties to contend with in consequence of the time-expired *coolies* from the protection of Emigration Act...Freer the labour is the greater the difficulty of adjusting his claim is. Free labour is causing the same complications in England as it must one day cause here...good hope that your industry may weather the storm...*may remind you the expedient of making contracts under advances with your labourers, and thus bringing them within the scope of Act XIII.*<sup>225</sup>

The commissioner was reacting to a growing practice among Assam planters of inducing workers to sign Act XIII contracts. The worker received an amount at the commencement of their engagement and which was deducted by instalments from their monthly wage. This “premium on engagement” (often described as advance or bonus) became repayable by the labourer on breach of his engagement but lapsed in full on the completion of their engagement. Certain doubts were raised whether this initial payment constituted as an advance or merely as a present for contracting.<sup>226</sup> The public approval of a provincial head for a contract (Act XIII) with questionable applicability regarding its provisions evoked “critical” noises from the Bengal administration and the Government of India. The Secretary of Revenue and Agriculture Department, in a letter, observed that the extension of Act XIII through an analogy of the “skilled” workman and plantation *coolies* was misplaced, as the “advances” paid to the former were the fruits

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**224** During the Marshall controversy, the Lt. Governor of Bengal had already given an opinion in favour of the growing practice of voluntary dissolution of Assam contracts (and taking up Act XIII contract). He argued that when a labourer chooses, either on receiving a bonus or for any other reason and forego the advantages as a protected labourer, they also release themselves from liability to the punishment for breaches. *Bengal Administration Report, 1872–73* p. 393.

**225** Application of Act XIII of 1859 to time-expired labourers in Assam, Home A, March 1875. NAI. Emphasis mine.

**226** Labour Contract Law in Assam. Home A, Judicial, March 1876, nos 117–122. NAI.

of their labour while in case of the latter it was merely an inducement for re-engagement. Also, the underlying assumption of *coolie*-work on the plantations as “skilled” work was far from being a settled issue. More significantly, the idea of extension defeated the logic and purpose of relieving the time-expired labourers from the jurisdiction/protection of contract (Assam contract) in the first place. The Bengal Government, in pursuance of the changed position, instructed the protectors/inspectors in a resolution dated January 1874: ‘to make it clear to the labourers who are bound by the provisions of the law and ones who are free’.<sup>227</sup>

The Chief Commissioner of Assam warned against ‘seriously unsettling the fairly amicable relations between employer and employee’. Such anxieties were apparently voiced in his personal correspondence with some planters who told him of ‘the danger planters would be in if the fact if the fact of their (labourers) emancipation be made known to them’. The Chief Commissioner argued for application of Act XIII the reasons for granting such an extension:

Application of the Act (Act XIII) is desirable, mainly on the ground that it is best method of checking illegal practices and to provide an easy legal remedy...courts are not sufficiently strong in Assam to afford protection desirable to both planters and *coolies*...there must be an inequality owing to superior physical force and other qualities (of planter) (and) we shall have violence practiced unless we allow legal remedy for default.<sup>228</sup>

The Chief Commissioner’s stand on the Act XIII question ultimately favoured the strategies of “retarding” the possibility of any local labour market of time-expired *coolies* and “sustaining” the “exceptional” character of the Assam labour situation. It was another instance in which a contract was called upon to intervene dynamically and render deficient/insufficient the local labour market on which it was paradoxically justified. The organising logic of the Assam contract (exceptionalism, necessity of protection and inadequate state policing) again became the validating rationale for the Act XIII contract. Act XIII contract promised to restore the “hold” and “authority” of the managers which was apparently weakened by the non-applicability of Assam contract for the time-expired labourers.

Further, the Commissioner gave his approval to persist with the “ambiguity” regarding the legal status of the contracted labour. In practice, the planters would often ‘claim’ the rights of control and arrest (of the Assam contract) for the Act XIII contracted labourers, without being obliged to offer the benefits of Assam contract or being subjected to its mandatory regulations and supervisions. The

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<sup>227</sup> Application of Act XIII of 1859 to time-expired labourers in Assam, Home A, March 1875. NAI.

<sup>228</sup> Application of Act XIII of 1859 to time-expired labourers in Assam, Home A, March 1875. NAI.

ambiguity and the overlapping domain of contracts rather being incidental and exceptional was central to the practice of the indenture system of the Assam tea gardens—as it manifested during the nineteenth and twentieth century.<sup>229</sup>

## 2.6 Contractors, Sardars and the Assam Contract System

The effectiveness of the contract system to produce *coolie* in the plantations but also to reproduce itself to a large extent hinged on a regular presence of workers—which after the early 1860s was almost entirely procured from outside the province. The massive human “losses” on the plantations due to high rates of mortality and desertion, without any addition through natural means (negative growth rate of population), made it imperative that an unremitting flow of people was maintained. This was not only to satisfy the labour demands of an expanding industry but also to barely sustain the average of the existing working force. The indispensability of “private labour contractors” for such purposes, as we have already mentioned, remained pivotal during the decade and later. During the mania years (early 1860s) the contractors were managing to fulfil an annual requirement in excess of 30,000 individuals, attaining a high of 45,000 in the year 1865. This was followed by a sharp decline reaching an annual average of only around 5,000 recruits in the years 1869 and 1870.<sup>230</sup>

The rationalisation in the industry, after a period of speculation and collapse, was a factor in the falling numbers. But such a sharp decline created unease within the planter circles regarding the immediate and future labour situation on the plantations. Such fears of “insufficiency” of labour were heightened by a parallel and rising trend of the costs at which they were being procured. Some rough estimates of the Calcutta contracting agencies indicates that the labour contracting rates had jumped from ten to twelve rupees at the beginning of the 1860s to a whopping sixty rupees during the middle years of the decade. It briefly subsided and settled at around forty five to fifty rupees during the closing part of the decade.<sup>231</sup>

Assam planters read these tendencies as yet another instance of the “price” they had to pay for the “unnecessary” governmental intervention. They consistently targeted the sanitary and bureaucratic regulations/norms, initiated by the 1863 Act, for hiking the cost of the recruitment and transit and putting an addi-

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**229** See later sections of this chapter and Chapter 6 for the differentiated indenturing practices in the two valleys of Assam.

**230** Annual Report on the Administration of the Bengal Presidency for the years 1861 to 1870.

**231** Information as to increase in cost of importation of coolies, Revenue A, nos. 77–117, August 1904, ASA.

tional and unsustainable “economic” burden on a nascent industry. The burgeoning financial burden/investment’ (as a consequence of the governmental measures) was a premise for its protection—most notoriously through the luxury of private arrest for the planters. Further, the searching enquiries by the local district magistrates to ascertain the credentials of the recruiters and the consent of the recruits were discredited as irritants and perceived as a strong deterrent for many who would have otherwise gone “willingly” to Assam.<sup>232</sup>

The labour contractors on whom the planters almost exclusively relied for their supplies were curiously perceived as the unintended “beneficiaries” of the plantation’s desire for labour of an imported variety. The *arkattis* (native recruiters)—who conducted the recruitment operations for the contractors in the villages and towns of eastern India—epitomised the abuse and corruption which characterised the “contractor system” in the planter discourses.

While their unique and indispensable function in the system allowed the contractors to extract inflated rates, they were frequently blamed for shipping “bad batches” filled with weak, sickly and useless people and bad races unfit for Assam—causing the high mortality, reluctance to work and desertion on the plantations.<sup>233</sup> Here it is useful to indicate a persuasive discourse being mobilised and formalised on the Assam plantations of a racialised sociology of labour, which mapped the labour-value of individuals and their ability to survive and flourish in the Assam on their constructed “racial” profile. The *Junglees/Dhangurs* of Chotanagpur, at least from the late 1860s, firmly occupied the pinnacle of this racial hierarchy and were widely celebrated and sought after for their innate ability to work hard and naturally adapt to the Assam climate. The upcountry *coolies* from Bihar and North West Provinces languished at the bottom and were often condemned to be “racially” conditioned for death and desertion on the tea gardens. This racial discourse of Assam *coolie*-labour which has assumed the nature of

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232 *Reports on the Tea and Tobacco Industries in India* (London, 1874).

233 This became a recurrent theme in the annual Assam Labour report (later designated as Report on Labour Immigration into Assam) specifically dealing with the condition of ‘immigrant’ labour on the tea gardens, and the appropriate sections of the Bengal Inland Emigration Report, statistically detailing the transport of labour to these tea gardens, from the mid-1870s. In light of these observations, the Government of Bengal instructed the Superintendent of Emigration for an investigation and report on the ‘alleged importation into Assam of an inferior type of *coolie*’ in the late 1870s. The opinion of the governmental authorities and tea garden managers and companies were contained in a report. J.G. Grant, Superintendent of Emigration to Undersecretary to the Government of Bengal, letter dated 16<sup>th</sup> August 1880; W.J. Palmer, Medical Inspector of Emigrations to the Superintendent of Emigration, 24<sup>th</sup> March 1879. Transport of useless coolies to Assam, Revenue and Agriculture Department, Emigration Branch A, nos. 32–35, November 1880. NAI.

being fixed and unchanging in the historical scholarship, in fact, did show some shifts according to time and space.<sup>234</sup>

The “bad batch” and the “bad race” theory, often feeding into each other, became a patent excuse for the chronic “unhealthiness” and mortality on the tea gardens and thereby gave some substance to the defaulting plantations to evade the sanitary norms and the resulting penalties. ‘Before mortality rates on a garden are made cause for its being closed as unfit for human habitation’ argued a planter in the early 1870s, ‘the rate of mortality among the class of persons among whom deaths occur should be ascertained (as it) may equally be a question of the unsuitableness of the class of labourers for tea-factory work, as of the unsuitableness of the garden as a place of human habitation’.<sup>235</sup> This further ‘necessitated’, according to many planters, the strict plantation disciplinary practices to make the habitual bolters and shirkers populating the “bad batches”/ “bad races” to settle and work.

An alternative and relatively informal mode of labour recruitment and transit was simultaneously being explored by some of the larger tea companies (like the Assam Company and Jorehaut Company) during the years of acute labour demand and high recruiting costs in the 1860s. They encouraged some of their older employees (designated as *sardars*) to go back to their villages to get willing

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**234** In the early 1870s a “sanitary” committee was set up to investigate cases of high mortality in Darrang gardens (Adhibari and Baliparah). One garden was found unfit for human habitation and closed, but there was no explicit racial discourse in explaining the deaths. Again in a correspondence dated 30<sup>th</sup> August 1873, the Inspector of Labourers for Assam (Partridge) showed that mortality among “upcountry” workers was not especially high. This was in contrast to the explanations given out after investigation of tea gardens in the late 1870s. For instance, several gardens in Upper Assam (Sibsagar and Lakhimpur) reported high rates of mortality in 1877 and 1878. The committee explained this as due to ‘improper selecting the individual *coolies* rather than any special condition to the gardens upon which they are employed’. A sustained critique of the “racial” theory of disease and work was elaborated by the Sanitary Commissioner of Assam in the late 1870s, Charles de Renzy in the annual sanitary reports where he showed how the conditions of work and diet affected the life expectancy of new *coolies* and *coolies* from different geographical regions. Insufficiency of nitrogen and oil in the standard diet which prevailed mostly on the out of way gardens where the high prices of *dal* and *ghee* made them subsist only on rice. He promoted the idea of “diet regulation” which had yielded positive results in Jamaica and Trinidad. He pushed for the idea that the rate of seven percent (mortality) should be acceptable for the new clearances because of insufficient food and water. *Bengal administration Report*, 1871–72, p. 62; *Assam Sanitary Report*, 1878, p. 7; *Assam Sanitary Report* 1879, p. 17. For a general discussion see K. Ghosh, ‘A Market for Aboriginality: Primitivism and Race Classification in the Indentured Labour Market of Colonial India’ in G. Bhadra, G. Prakash and S. Tharu (ed.) *Subaltern Studies, Vol X* (New Delhi, 1999) and P. Chatterjee, ‘Secure this excellent class of labour: Gender and Race in Labour Recruitment for British Indian Tea Plantations’ *Bulletin of Concerned Asian Scholars* 27, no.3 (July–Sep 1995).

**235** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 115.

family members and acquaintances to return with them to work on the tea garden. The *sardari* system—as it came to be known on the Assam plantations—assumed a reputation of being a qualitatively superior and “cheaper” method of labour engagement, bringing in families, kin members, acquaintances and friends, more keen to settle down and work.<sup>236</sup>

The inaugural legislation (1863 Act) regulating the subject of ‘labour transport’ to Assam did not approve of any other system of recruitment and transit, apart from the “registered” contractors engaging people who were required to offer consent in the presence of the magistrate in their home district. Later they were taken through government approved routes/depots to Calcutta, where they would sign the contract and then be despatched to the assigned tea gardens. These “illegal” practices of informal/*sardari* recruitment found unqualified backing in an official enquiry (1868) assessing the potentialities of the Assam tea industry in the wake of a crisis (tea mania) and suggesting a “profitable” course of action for the investors and tea planters. The report favoured a strategy of promoting *sardars* as a measure to end the reliance on the ‘evil’ contractors who extracted exorbitant prices and dished out unreliable supplies. The “family-kin” nature of the *sardari* system was particularly singled out for facilitating a strong enduring relation between the employers and employed. Keeping in mind its undeniable value, the committee recommended that *sardars* be allowed extraordinary freedom to take up to fifty people and also be given a choice on the mode and routes of transport they wished to take. This they reasoned would also diminish the menace of cholera, rampant in the overcrowded Calcutta depots, where the contractor’s recruits were obliged to congregate.<sup>237</sup>

The *sardar* was finally given a legal standing in the 1870 Act, but the Act did not entirely subscribe to the recommendations of the 1868 report and produced a distinction by the number of individuals the *sardars* engaged. The guiding principle was supposedly to contain the threat of epidemics, which had become a disturbing feature of the larger batches of migrating groups. The *sardar* with less than twenty recruits (petty *sardars*) was merely required to register in the recruit-

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**236** Antrobus records in his book on Jorehaut Tea Company that the first attempt of the Company to use *sardars* was in the year 1864 when two *sardars* were sent to Chota Nagpur. The experiment was largely considered a “failure” because the *sardars* were away for five months and could bring in around twenty people. H.A. Antrobus, *Jorehaut tea Company* (London, 1948) p. 53. For a recent discussion on the emergence of *sardar* in Assam see S. Sen, ‘Commercial recruiting and Informal intermediation: Debate over the Sardari system in Assam tea plantations, 1860–1900’, *Modern Asian Studies* 44, no.1 (2010).

**237** *Report of the Commissioners Appointed to Enquire into the State and Prospects of Tea Cultivation in Assam, Cachar and Sylhet* (Calcutta, 1868) p. 27; *The History of Indian Tea Industry* (London, 1967) pp. 271–272.

ing districts and follow their routes, while the ones with more than twenty individuals (recruiter *sardars*) had to obey all the procedures and rules stipulated for licensed recruiters.

This legalisation of the *sardari* system by the 1870 Act should have ‘logically’ transformed the ways in which the labour was recruited and organised on the Assam tea gardens—being accepted across the board as a cheaper and qualitatively superior mode than the prevailing contractor system. The dependence of Assam planters on the contractor showed no signs of waning. WA Stoddard, the manager of Naphuk tea garden in Assam valley, testifying to an investigation of the industry in 1873 admitted that :‘( he) prefers the dearer but safer course of importing from one of the many depots in Calcutta, and thereby ensure that the estimated season’s operations shall be completed’.<sup>238</sup> The division manager of the Assam Company plantations responding to the same investigation further explained the reasons for the importance of contractors for the tea gardens under his supervision:

There are some of our gardens on which the labour force cannot be maintained directly by *sardari* recruiting; some gardens with short labour force and a heavy wastage have to depend partly on contractor’s *coolies*.<sup>239</sup>

It is fairly evident that though the contractor’s reliability in terms quality of labour supplied was under the cloud, his dependability regarding quantity supplied and his proficiency in ‘delivering to order’ could not be matched by the *sardar*.

This was vital to the work operation in place on the plantations of the period, which was still governed by a significant presence of working hands for conducting the varied tasks in the agricultural fields. It did not take away from the fact that the ‘original’ knowledge of planting and plucking learnt by the “pioneers” from the Chinese were being reworked, and ‘new methods which would yield more tea and maintain the yield of the bushes better’ was constantly tried and implemented.<sup>240</sup> The growing use of machinery had arguably “reduced” the labour employed on the plantations, but for the work that entailed ‘keeping a large number of *coolies*, viz. hoeing and plucking, no attempt was made to substitute other than the work of men’s hands.’<sup>241</sup>

Contrary to Bruce’s prophecy of the revolutionary impact of British technology and mechanisation, the indispensability and “skills” of hand labour in the processes of manufacture was only partially displaced. The 1872 investigation

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**238** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 68.

**239** *Reports on the Tea and Tobacco Industries in India* (London, 1874) p. 163

**240** H. Mann, *The early history of the tea industry in north-east India* (Calcutta, 1918) p. 30.

**241** G. Barker, *A Tea Planter’s Life in Assam* (Calcutta, 1884) p. 238.

reported that on some larger estates, the rolling of tea leaves was effected by the means of machinery, but most of the gardens were unable to employ steam-power and leaves were still rolled by hand. A planter while endorsing the efficacy of machines, found many of them as purely 'experimental' and 'full of faults' and which had to be 're-modelled before they will work'.<sup>242</sup> In a prize-winning essay on the 'Manufacture of Tea' published in the early 1870s, the author noted that the rolling machine had not entirely 'superseded the necessity of hand rolling' because they were incapable of giving 'the nice final twist', which could only be obtained by hand. He found that many gardens in Cachar after a period of trial had dropped using such machines and gone back to hand-rolling.<sup>243</sup> A statistical account of the province noted that 'tea houses' concurrently and alternately used rolling by hand and machine, depending on the labour situation of the gardens.<sup>244</sup>

Such practices of work and labour implied that a shortage of labourers employed in the differentiated yet related activities in the field and factory could gravely and negatively alter the quality and quantity of the garden's yield. The value of the contractor for "safely" achieving such work/production purposes can be further stressed by quantifying the 'magnitude' of the labour replenishments required in the tea gardens in the late 1870s. For instance, in the year 1876, Jorehaut Tea Company operating in Assam valley had around 3,500 acres under tea and roughly 3,800 working adults. The company's assessment of the labour requirements for the approaching season (after factoring its usual "losses") was around 1,700 adults or more than forty percent of the existing workforce. The assessment did not radically change in the subsequent season (1877) when a demand of 1,500 adults was placed before the agents in Calcutta for delivery.<sup>245</sup> Situating an analogous trend for the entire province in the year 1878, one finds that the new migrants arriving in the districts of Sylhet and Cachar in Surma valley constituted around nine percent of the existing working force. The corresponding figures for the districts of Sibsagar, Lakhimpur and Darrang in Assam valley were significantly higher at 15 percent, 18 percent and 26 percent respectively. The numbers rose dramatically for the remaining districts of Assam valley (i.e. Kamrup and Nowgong), where more than 40 percent of the workforce had arrived and commenced work in the very same year.<sup>246</sup>

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242 G. Barker, *A Tea Planter's Life in Assam* (Calcutta, 1884).

243 E. Money, *The cultivation and manufacture of Tea* (London, 1883) p. 118.

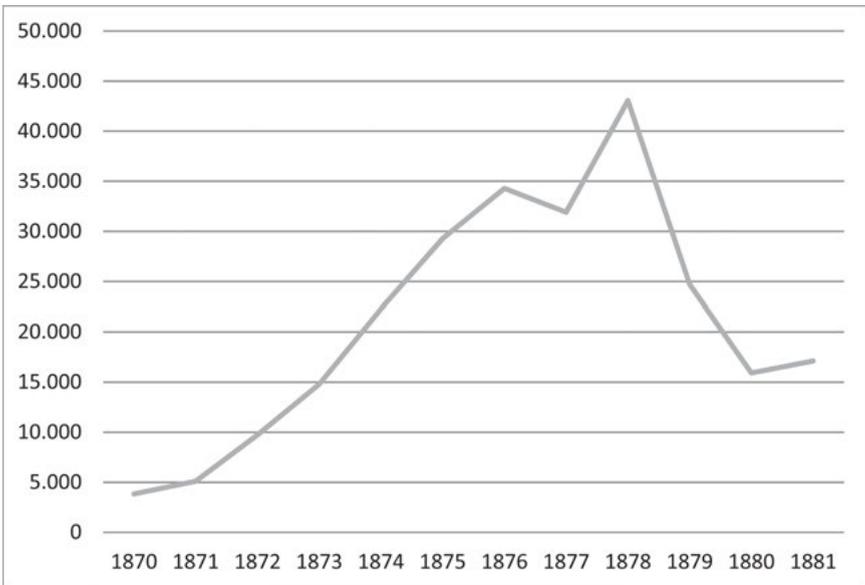
244 W.W. Hunter, *Statistical Account of Assam, Vol. 1* (London, 1879) p. 390.

245 H.A. Antrobus, *History of Jorehaut Company* (London, 1948) p. 54.

246 *Assam Labour Report 1879* p. 13, p. 18.

**Table 2.1:** Proportion of new immigrants in the workforce.<sup>247</sup>

Year	Average Labour Force	Percentage of new immigrants
1877	146,513	45.2
1878	172,569	43.4
1879	184,935	36.6
1880	188,497	21.5

**Graph 2.1:** Labour Migration to Assam 1870–1881.<sup>248</sup>

It was very evident that to consistently muster such large numbers, which gained a particular urgency in some planting districts (mostly in the Assam Valley) and on some tea gardens (prone to “wastage”), the *sardar*’s recruitment was not adequate or even at times available, and the ‘option’ of the contractor had to be kept and exercised. The relevance of the contractor was even more marked, for certain regions and particular estates stigmatised as “unpopular” due to poor conditions of life and work. In those circumstances, the necessity to bind workers and force

<sup>247</sup> *Proceedings of Assam Labour Enquiry Committee in the Recruiting and Labour Districts* (Calcutta, 1906) p. 236.

<sup>248</sup> Assam Labour Report for the years 1875–1882; *Proceedings of Assam Labour Enquiry Committee in the Recruiting and Labour Districts* (Calcutta, 1906) p. 236.

work through the “protection” of contract (especially Assam contract) would have to be backed by recruits provided by contractors.<sup>249</sup>

In the 1870s, due to new modes of recruiting and also on account of the opening of other routes/regions of recruitment, the slide of the late 1860s was considerably arrested. From an annual average of around 5,000 recruits in 1870, the numbers steadily rose to above 30,000 in the period after 1875, reaching a high of over 40,000 recruits in the year 1878.

## 2.7 Discourse of reform and the new contract regime

The 1870s was a period of sustained extension of the plantation cultivation and growth in the production of Assam tea. The rapid spurt in output did not automatically translate into an “independent” identity for Assam tea in its primary market (Britain), where it was still used to blend the Chinese supplies to give “body” and “flavour” to them. The inauguration and almost three decades of plantation production in the colony (Assam) had partially shifted the sites of cultivation of the plant and sources of its supply, but it could do little to redefine the notion and taste of the finished commodity—which remained predominantly Chinese.

Such “anomalies” were being felt and concerted attempts were underway especially from the early 1870s—by various “interested” individuals, groups and “defence associations” to establish the “mark” and “taste” of Assam/Indian tea (in the British market) and thereby stimulate its distribution and sale to an entirely new level.

At the same time, the formation of trade associations (like the Calcutta Syndicate) was pushing the tea of Assam/Indian origin into the new markets of Australia and United States. For instance, due to the efforts of the Syndicate, the exports to Australia jumped almost three hundred percent in one year from around 870,000 pounds in 1881–82 to 2,710,000 pounds in 1882–83.<sup>250</sup>

These trends of consolidation of varied interests in the marketing and sale of the Assam/Indian tea found parallels in the “association” of the tea production interests. The most prominent example was the formation of the Indian Tea Districts Association in London in 1879 with the object of acting as a common

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249 S. Baildon, *Tea in Assam: A pamphlet on the origin, culture, and manufacture of tea in Assam* (Calcutta, 1877) p. 50.

250 W.W. Hunter, *The Indian Empire: Its People, History, and Products* (London, 1882) p. 507.

forum for those directly or indirectly interested in the cultivation of tea in British India.<sup>251</sup>

A particular instance of such collaboration found expression in a memorandum drafted by a London group of businessmen and entrepreneurs interested in “Indian tea” in the year 1880. The note, at the very outset, underlined the necessity to buttress the presence of Indian tea in its existing market and coordinate attempts to break into newer terrains by expanding production, while at the same time, checking the “costs” at which Indian tea was being manufactured. The present and future nature of the tea market, it prophesied, necessitated that the finished commodity had to be decisively “cheap” to remain competitive with the other producing regions like Java and Ceylon, offering a similar product. Mechanisation, the memorandum further argued, as a potent solution to bring down costs had its “limitations” because of the peculiar nature of tea operation meant that ‘hand labour must always be employed, and it governs the cost of production’. Such an understanding pointed at the direction where the costs had to be controlled, as precisely mentioned in the text:

On the maintenance therefore of an adequate supply of *coolie* labour, at a cost calculated to leave a fair margin of profit on the capital invested, hinges the entire question of the future of the tea enterprise.

This notion of a labour/worker category as the key to the “future” of tea enterprise had a strange ring of familiarity to it. In the 1840s, the Tea Committee identified the skilled Chinese tea makers as that critical factor. The managers of the pioneer Assam Company in the 1850s reposed their faith on the Kacharis to assume the role of a stable resident working population. This view shifted by the late 1860s. The imported workers from outside the province (or the *coolie* solution) were widely believed to address the work concerns of a rapidly expanding industry. By the late 1870s, a cheap and unremitting supply of these *coolies* was seen as the fundamental issue. This opinion was reiterated by a Chief Commissioner of the province who believed that the Assam planters ‘to hold their own against the

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<sup>251</sup> Its stated goals were to ‘bring about a certain degree of concert and unity of action amongst owners and managers of tea property to cheapen the cost of production, improve the quality of the product, and increase the demand for it’ and to simultaneously ‘watch the legislation in India and England in so far as it affects the tea industry to procure such amendments and modifications of existing laws as may be found necessary for the realisation of the objects in view’. For details see R. Behal and P.P. Mohapatra: ‘Tea and Money versus Human Life: The Rise and Fall of the Indenture System in the Assam Tea Plantations’, 1840–1908 in *Plantations, Proletarians and Peasants in Colonial Asia*, Special edition, *Journal of Peasant Studies* 19, no. 3&4 (1992).

fierce competition of China and Ceylon must have *coolies* on reasonable terms'.<sup>252</sup> In fact, the memorandum explicitly mentioned that the 'excessive cost of recruitment' and 'stringency of labour laws' had made the Assam labour expensive. It called for 'withdrawing the present restrictions of trade' and allowing a 'greater freedom of contract'.

"Freedom" and "removal of restriction", demanded in the memorandum, was a reiteration of the state discourse on Assam migration—as articulated in the labour legislation of 1873. The Act had proposed certain provisions to facilitate what it characterised as "free emigration" and "free recruitment" in light of "improving" communication between the recruiting districts and Assam.<sup>253</sup> It was also in tune with the idea of "progressive freedom" as the guiding purpose and intention of the contract. Free emigration was depicted as the "spontaneous" and "unsolicited" emigration of natives of India to Assam. The latter term (free recruitment) was intended to apply to a system of "inducing" individuals to emigrate. They were to be furnished with the "means" of doing so (by their potential employers) without the necessary supervision of the state machinery. But the Act did not permit the "freely recruited" individuals to be contracted under the terms of Assam contract. The anticipation here was to tap into the famine-stricken regions by giving the distressed communities some "assistance" to reach the tea districts and work under the terms of the ordinary law or a civil contract. However, such attempts/schemes did not yield the desired results, as anticipated by the colonial state. While the "unsolicited" spontaneous migration was barely forthcoming, the inability of planters to "bind" the imported individuals under the terms of Assam contract after having 'assisted' and "financed" their inducement and transit was a serious deterrent towards "free recruitment". The planters feared that the new labourers could be "enticed" away by the generous offers from other employers, or they could plainly decline to be contracted (even under Act XIII) except on offer of a substantial bonus.

In light of these arguments and other suggestions made in the memorandum, the colonial state set up a committee to comprehensively assess the working of the Act of 1873.<sup>254</sup> The investigating Commissioners in the report faulted the legislation for having failed to deliver on certain crucial counts. On migration of workers, the Act was seen as not affording "sufficient" encouragement for free

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252 F.H. Skrine, *Laborious Day; leaves from the Indian record of Sir Charles Alfred Elliott* (Calcutta, 1892) p. 73.

253 The passing of the Act was synchronous with the establishment of a through line of road from the recruiting districts of Bihar and Sonthalia to Dhubri. *Assam Labour Report*, 1881 p. 1.

254 The committee was appointed in October 1880 and it commenced its sitting in December 1880 with A Mackenzie as its president. *Assam Labour Report*, 1880, p. 1.

emigration and putting unnecessary restrictions on the desired *sardari* recruitment. While on the plantations, it was found wanting in the enforcement of contract and for offering insufficient “protection” to the employers for unlawful absence, idleness or desertion of contracted labourer.<sup>255</sup>

The substance of these criticisms alluded to a skewed view of “freedom” (like that of “protection”)—which should operate selectively and for the interests and objectives of plantation capitalism. While the labour market was to be made more free/deregulated through the removal of restrictions on recruitment and in particular for the *sardars*; the plantation labour regime was desired to be further “intensified” by the strict enforcement of contracts and more comprehensive scope for penalisation. This ostensible contradiction of reconciling “freedom” with “unfreedom” became the premise and purpose of the new Act—Act I of 1882.<sup>256</sup> The deliberations leading up to the legislation of the Act were also noteworthy for having received unprecedented attention from the native intelligentsia (especially Bengali), who were voicing their opinion in the legislature, political associations and the press about the nature and function of the British rule in India.<sup>257</sup>

A prominent focus of the committee framing the Act narrowed on the *sardar*—as the desirable agent of “freedom” in the system of recruitment for Assam tea gardens. There was some disquiet within the committee for what it characterised as a “suspicious” premise of the state and planters, which was perceived to have stigmatised and impeded the *sardari* system. The suspicion, it was contented, stemmed from the attitude of state—which obligated the *sardars* to obtain a certificate of recruitment with a validity of not more than six months, compelled them to have these certificates countersigned in the recruiting districts by the magistrate and further did not authorize them to carry more than twenty recruits without going through the “policed” channels of the contractor’s depot.<sup>258</sup>

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**255** Proceedings of the Commission appointed to amend the Labour District Emigration Act VII (B.C.) of 1873; The Report of the Commission on the Labour Districts Emigration Act. Legislative Department Proceedings, no.227, January 1882. NAI.

**256** Proceedings of the Commission appointed to amend the Labour District Emigration Act VII (B.C.) of 1873; The Report of the Commission on the Labour Districts Emigration Act. Legislative Department Proceedings, no.227, January 1882. NAI.

**257** Lt Governor of Bengal during the discussion leading up to the legislation remarked that the ‘subject (of Assam labour legislation) has been discussed in 1862, 1865, 1867, 1870, 1873, 1878 without causing considerable opposition on the part of the native community’ and now he was ‘surprised by the active and tardy native opposition’. Extract from the Abstract of the Proceedings of the Legislative Council of the Governor General of India, dated the 5<sup>th</sup> July 1882 in Legislative Department Proceedings, no.307, January 1882. NAI.

**258** Proceedings of the Commission appointed to amend the Labour District Emigration Act VII (B.C.) of 1873. NAI.

The relevant sections of the Act regulating the *sardari* system tried to resolve this dilemma. It extended the period of the *sardari* certificates to one year, terminated the compulsion of getting these certificates countersigned by the magistrate of the recruiting districts or bringing the *sardari* recruits to them for registration. The *sardars* were further given the “freedom” of registering the recruits at any ‘convenient’ place, provided they did that before they left the province of Bengal. The restriction on the number of recruits was also lifted—with a general “advisory” that a ‘responsible person should guide every gang of twenty’. But the authority to issue the recruiting certificate remained with the planter, and they were further entitled to prolong them (beyond one year) by merely intimating the protector/inspector. These documents also listed instructions from the planters and a deviance on the part of the *sardar* could initiate severe prosecution and penalties. The practice of stationing a representative of planter/Tea Company in the recruiting districts—the so-called Local agent—was legitimised by the Act, and they were assigned with powers to oversee the activities of the *sardar* during recruitment and given the authority to charge them for any misdemeanours. These measures and especially the legalisation of the local agent had a significant bearing on how the “reformed” *sardari* system functioned and flourished.<sup>259</sup>

Along with the ‘reformulation’ of the *sardari* mode of recruitment, the Act attempted to recast the Assam contract, further underlining the partial “freedom” and limited “protection” it claimed to champion. A long-standing demand of Assam planters to have the period of contract extended from three to five years was now encoded in the new Act. A five-year contract was admitted by the inaugural 1861 Act, which was later reduced to three years in the 1865 Act—considering the “unsettled” conditions of plantations. The subsequent Acts of 1870 and 1873 retained the three-year ceiling for contracts. The proposed extension of the contract period drew its substance from a standard justification of the planters—that a period of three years was grossly inadequate to recoup the colossal sums “invested” in the recruitment, transit and settlement (medicine, housing, and infrastructure) of the workers. It was argued as a logical extension for the Assam

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<sup>259</sup> An outright prohibition on the contractor system was however ruled out on apparently “humanitarian” considerations—that it would be a serious injury to the many individuals deriving their livelihood from it. But the committee admitted to the pressure/reason for the toleration of this ‘evil’ on the grounds ‘(that) there are some gardens which are not yet in a position to employ *sardari*-recruiters and must for the present depend upon professional assistance’. The Report of the Commission on the Labour Districts Emigration Act. Legislative Department Proceedings, no.227, January 1882.

plantations, considering the contract for overseas plantations already extended up to five years.<sup>260</sup>

The hike in the contract period and the parallel drawn with the overseas plantation attracted the attention of some native organisations, notably the British Indian Association, who were voicing their reservations to the proposed changes being made to the Assam *coolie* labour system.<sup>261</sup> They cited to the different “principle” motivating the overseas contract, where the wage structure was gradually incremental, and the *coolies* received food rations along with their cash payments. The Assam contract, in contrast, had stagnant minimum wages till the third year, and only in the last couple of years did the wages increase slightly. Rations were rarely provided to the contracted workers in Assam, and the cost of the “benefit” of rice supplies was always deducted from their earnings. This alteration, as the association precisely identified, was designed to curb the bargaining capabilities of the labourers in negotiating higher wages after the expiry of their contract term (i.e. three years) and the cash advance (bonus) they received when they re-engaged under the only applicable contract (Act XIII). It became more evident when the sections extending the contract period made it abundantly clear that the labourers were no longer engaged for a particular tea garden but to an employer/company. This allowed the planters/companies to freely “relocate” their workforce to new, unhealthy gardens, which was not permissible under the terms of the earlier legislation.

The right to private arrest, as retained in the present Act, most starkly compromised the self-proclaimed objective of promoting “freedom.” The anomaly was lambasted by the British Indian Association when they equated the private arrest rights with the “fugitive slave law”. Responding to such grave charges, the tea association merely reminded them that ‘such a power has existed since 1865’.<sup>262</sup> The colonial state firmly backed this retention and cited other “except-

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**260** In the late 1870s, the Sanitary Commissioner of Assam trying to explain the differential rates of mortality between the colonial *coolies* and Assam *coolies* argued that the ‘shortness’ of contract gave little interest to the Assam planters.

**261** Memorial dated 3<sup>rd</sup> January 1882 from A.M. Bose, Secretary, Indian Association addressed to Governor General of India. Legislative Department Proceedings, no.308, January 1882; Letter dated 4<sup>th</sup> July 1882 from Kristo Das Pal, Secretary, British Indian Association to Officiating Secretary to the Government of India, Legislative Department. Legislative Department Proceedings, no.306, January 1882. NAI.

**262** Letter dated 4<sup>th</sup> July 1882 from Kristo Das Pal, Secretary, British Indian Association to Officiating Secretary to the Government of India, Legislative Department. Legislative Department Proceedings, no.306, January 1882. NAI.

tional” circumstances where a similar “privilege” had been invoked.<sup>263</sup> An influential section of the Assam administration was very much in favour of allowing a far greater scope than what was permissible in the existing private arrest rights, giving in to the pressures exerted by the planters, who were systematically assuming the magisterial prerogatives. For instance, the Chief Commissioner of the province wanted the obligation of the “arrested” *coolies* presented before the local magistrate to be abrogated, while the Deputy Commissioner of Darrang in Assam Valley expressed a view that the managers should be given an absolute right to arrest irrespective of the prevailing circumstances.

The sections of the Act regulating the private arrest rights underwrote the compromise between the various positions and pressures. The Assam managers retained the right to arrest when their plantations were situated at a distance of more than ten kilometres from the nearest police station. But the subsequent formality of reporting the cases of “private” detentions to the police did not automatically lead to a magisterial enquiry. The magistrates were now instructed to act only if they deemed it to be absolutely “necessary”.<sup>264</sup>

This control on labour was further achieved through a “realignment” of the domains and nature of the contract(s)—by which different categories of plantation labourer (local, imported, time-expired) was settled on the Assam tea gardens. The Act XIII contract—which from the early 1860s had offered a degree of “control” to the planters engaging local labourer and also helped mitigate the planter’s paranoia of the time-expired labourer slipping outside the ambit of the contract (Assam contract), came to be variously perceived in this changed context as ineffective, insufficient and even inapplicable. The planters often cited the enhanced stature of time-expired labourers as a case in point—where they were depicted as becoming ‘the master of the situation’ and capable of ‘dictating’ terms of their re-employment (wages and bonus) when contracted under the Act XIII.<sup>265</sup> The legal limitations on the applicability of Act XIII for plantation labour-

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**263** It was suggested that since the year 1854, British ship captains were empowered to ‘arrest’ the deserting seamen and other apprentices without a warrant. Section 66 of Burma Labour Law Act III of 1876 also allowed ‘private arrest’ under certain conditions. Legislative Department. Legislative Department Proceedings, no.227, January 1882. NAI.

**264** Also the penalty imposed on managers for ‘illegal arrests’ of *coolies* was substantially downscaled from Rs five hundred to only Rs fifty, when the existing law of the land imposed a seven rigorous imprisonment for a comparable offence committed by the other ‘ordinary’ subjects. Legislative Department Proceedings, January 1882. NAI.

**265** A planter argued that it seems unfair that a man who has been put to no expense in bringing up the labour should be able, by the promise of an additional rupee a month to their pay, to “entice” away his neighbor several time-expired coolies. G. Barker, *A Tea Planter's Life in Assam* (Calcutta, 1884) p. 158.

ers—which never deterred the planters to use it prolifically in the first place—now became an excuse for a concerted demand of “protection” beyond it. Also the critical question of the necessity of some hold over the “freely recruited” individuals—which was seen as the principle shortcoming of the 1873 Act—was still unresolved.

The proposed ‘remedy’ of permitting the execution of Assam contracts in the labour districts of the province, was encoded in the sections 111 and 112 of the 1882 Act. Under Section 111, the Assam contract could be enforced on the plantations itself, and subsequently forwarded to the Inspector for verification and registration. Section 112, on the other hand merely required the employer or his appointed representative to appear with the contracting labourer before the local Inspector or Magistrate for the formalisation of the contract.<sup>266</sup>

The redefined procedure of the Assam contract—which paved the way for the “freely recruited” labourer to be brought within its scope—had serious ramifications on the legal control over the local labour market (comprising of the time expired *coolies* and *Kacharis*). The workers in the province could now be legitimately put under the terms of Assam contract and therefore become subject to a longer period of engagement (of up to five years) with similar penal penalties (like the private arrest) as the newly imported workers.<sup>267</sup>

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**266** Extract from the Proceedings of the Government of India, Revenue and Agriculture Department, nos.16–18E, dated 27<sup>th</sup> January 1882. Legislative Department Proceedings, no.312, January 1882. NAI.

**267** There were other moves to overhaul the obligation and oversight on the management with respect to the conduct of work and life on the plantations. Sections 112–116, took a decisive step in this direction by relieving the employers of the necessity to submit the task schedules. The brief of the labour inspectors regarding this issue was now restricted to an order of reduction of tasks as and when they found them to be “unreasonable”. This move was part of a long drawn process of restructuring of work and wage assessment practices on the Assam plantations, where the time rate of payment was initially made redundant under systematic duress from planters, in favour of a more ambiguous task rate assessment. Now, the fixation of tasks itself was rendered arbitrary and largely unregulated. Again the supply of rice to the contracted labourers at a fixed price was a critical item in the ‘non-wage benefits’ established through the protracted negotiations of *Kachari* labour with the Assam Company management and later incorporated within the “protective” clauses of the Assam contract. Under the terms of the reworked contract, this benefit was no longer mandatory. The alteration was reasoned on the grounds that in anticipation of a larger proportion of “flour eating” labourers from Bihar and North Western Provinces migrating to Assam in the coming years, such an obsession with rice supplies was anachronistic and unnecessary. Even the regulation instituted in the “unsettled” years of the 1860s—to penalise the gardens/settlements with chronically high mortality, by barring them from participating in any further labour recruitment or even complete closure—was being refashioned to create a window of opportunity for the defaulting plantations to persist under these life threatening circumstances. Sections of the Act, reiterating certain conclusions reached by recent debate and

## 2.8 Practice of Free System

The “free system” in the Assam plantations, which the 1882 Act claimed to further and facilitate, had fundamental inbuilt biases. At one level, the labour market and plantation labour regime was sought to be ‘freed’ from the prevailing edifice of rules and regulations. It was done at the behest of tea interests, who were clamouring for unprecedented ‘reforms’ and ‘deregulation’ of the system, which they believed was imperative to fully realise the curbed potential of the Assam tea industry. This they argued would stimulate a period of unprecedented productivity and profitability in the enterprise and address the local challenges and the global competition which the industry had to contend with in the late nineteenth century.

At another level, the freedom of the plantation labourers—who were bound by a more coercive, intrusive and partial contract—was gravely compromised. A degree of labour protection and a notion of labour entitlement—which the earlier legislations had constructed—were reversed in favour of a far greater latitude to the management to discipline labour, intensify work and execute other ‘cost cutting’ measures. The arrogation of unilateral and unchecked authority by the plantation managers, which had become very evident from the beginning of the contract period, was thereby given more credence and legitimacy. The implementation of the 1882 Act—which came to force on 6th January 1882—most starkly revealed these latent tendencies, conditioning the strategies and practices through which tea and coolies were produced on the Assam plantations.

From the early years of the operation of the Act, there appeared a very discernable trend—especially in the tea districts of Assam valley—of putting the locals and time-expired labourers under Assam contract. At the same time, a vast majority of the newly recruited individuals from outside the province were brought by *arkattis* and *sardars* as ‘free emigrants’, and then put on a longer Assam contract in Dhubri in Goalpara district—the main point of debarkation for gardens of Assam Valley—which interestingly was elevated to the status of a labour district, without actually indulging in any planting operations.<sup>268</sup> The aspirations

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legislation on the issue, made the provision of certifying the running of ‘sick’ plantations, when the death rates of only a particular class or race breached the ‘acceptable’ limits. The restriction in such cases merely extended to the recruitment and settlement of the race/class of labourers in question. Extract from the Proceedings of the Government of India, Revenue and Agriculture Department, nos.16–18E, dated 27<sup>th</sup> January 1882. Legislative Department Proceedings, no.312, January 1882. NAI.

**268** There was a distinct trend of contracts being enforced for a longer period in Dhubri than on the plantations. For instance in the year 1887, more than 96 percent of contracts executed in Dhubri was for 5 years, while in the other labour districts it was merely 2.8 percent. Again in the year 1888, 98 percent of contracts in Dhubri were for 5 years. The report for the relevant year making

of tea planters to include a greater proportion of labourers (local, time-expired, imported) within the domain of the Assam contract, but stay clear of the corresponding rules and regulations, were thereby simultaneously served.<sup>269</sup> The provincial labour report for the year 1883 admitted to these specific fallouts of the Act:

... Alteration which the new act has brought in its train was hardly foreseen by its framers, and has been effected almost by accident. The law intended that recruitment by contractors and garden-sardars should be under careful restrictions, but that free emigration should be encouraged. The outcome has been that both contractors and sardars have evaded the provisions of the law, and have to a large extent brought in their recruits as free emigrants. Not a single contractor's *coolie* was brought under contract into the Assam valley in 1883.<sup>270</sup>

The contention of the report with respect to these features manifesting inadvertently and not by design, is hardly sustained by other circumstantial evidence. Apart from bringing in a far greater number of plantation labourers—belonging to different categories and contexts—within the contract framework, the ‘deregulation’ in the labour market quickly multiplied the number of migrants going to Assam.

The spurt in labour recruitment—which mostly sustained throughout the late nineteenth century—was not an obvious outcome of the “simplification” of the bureaucratic procedures, opening up of “virgin” territories for recruiting and inclusion of other newer groups of recruiters and recruited within the process. In fact, this period was witness to a greater encouragement and even a sort of institutionalisation of practices like deception, abduction and kidnapping in the labour market. These practices—generously contributing to the inflating number of migrants—became extremely feasible due to the same relaxation of the regulations and dilution of supervision. Planters and their agents in the labour market had ample scope and freedom to rampantly and systematically incorporate them in their standard recruiting strategies. The lack of governing ‘norms’ and concern

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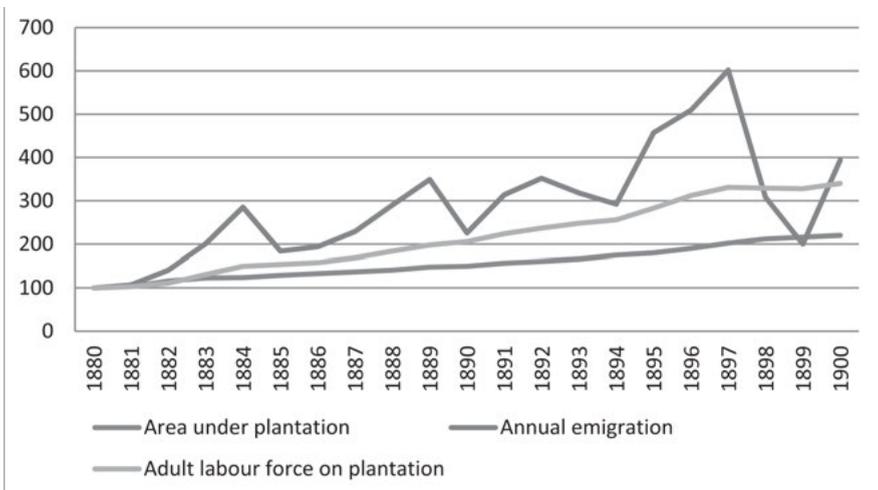
a distinction between the two plantation valleys, mentioned that in Assam valley around 36 percent and in Surma valley not more than 2 percent of new contracts were for a period 5 years. *Assam Labour Report*, 1887 p. 18; *Assam Labour Report*, 1888 p. 23.

**269** In the year 1883, the of Assam narrated the case of seventeen workers who complained of having been forced to sign a five year contract on the garden, when they had originally taken a three year contract. *Assam Labour Report*, 1883 p. 23.

**270** By the year 1886, free emigration was both actually and relatively more active than in any previous year. The emigration under the other systems having fallen to the lowest numbers recorded for the five years. *Assam Labour Report*, 1883 p. 1; C.E. Buckland, *Bengal under the lieutenant-governors; Being a narrative of the principal events and public measures during their periods of office, from 1854 to 1898* (Calcutta, 1901) p. 765.

for larger profits, further encouraged the labour intermediaries to pay little regard to the sanitary principles during the transportation of people to Assam. The rising rates of mortality during labour transit attested to this developing phenomenon.

It was thought that the time had arrived when emigrants might be expected to come to Assam in large numbers without much assistance, or at all events without the stimulus and aid of the elaborate organization then provided by the professional supplier of labour, and that the system of contractors, arkattis, and so forth, would in time die a natural death; but, instead of this, the great and ever increasing mass of the labour supply business has remained in the hands of the professionals, with this difference, that, whereas formerly these persons worked under strict regulation and control, they now under the “free emigration” system work free from all control.<sup>271</sup>



**Graph 2.2:** Comparison on area under plantation, labour force and emigration on Assam tea gardens: 1880–1900.<sup>272</sup>

The escalation of cases of deception by the recruiter, widespread abduction and growing mortality were strikingly reminiscent to the ‘pre-regulation’ period of the early 1860s—which became the ‘original’ context and premise for the colonial state to intervene and establish some rules and standards. The latest phase of “deregulation” and its ramifications generated deep concerns in the migrating regions and contributed to the “unpopular” perceptions of Assam.

<sup>271</sup> *Assam Labour Report*, 1887, p. 2.

<sup>272</sup> M.A.B. Siddique, *Evolution of Land grants and Labour Policy of Government* (New Delhi, 1990) p. 143.

Curious case of Narayan swami. He was induced by Mr Harris (Haru sardar). He was promised that he would get a writer's work with Rs 20 to 30 a month and not a work of coolie.

At the same time, the "native" press (especially in the province of Bengal) got particularly interested in the 'question' of Assam *coolie* labour. One of the central themes of this engagement was the many cases of recruiting abuses in the Bengal districts—particularly in respect to the abduction of single woman to Assam—which appeared with recurring frequency in the newspaper columns.<sup>273</sup>

## 2.9 Free System in Surma Valley

The provincial administration faced with dissenting and critical voices from within its ranks and the broader colonial society, continued to refute them in the annual labour reports—as being isolated, inconsequential exceptions and emphasised the larger 'good' and long term 'benefits' the 'free system' had brought in its wake.<sup>274</sup> The Secretary of State for India concurred with this position in an official correspondence in August 1886 agreed that 'the most important change which the present Act (1882) effected was the encouragement of assisted (sometimes called free) emigration by relieving if from the legal trammels until the *coolies* reach the labour districts'. This position was reiterated in official and legal debates initiated to discuss the workings of the 1882 Act, which had gathered some momentum in the late 1880s. The member in charge of a Bill introduced to amend the 1882 Act, which was later passed into law as Act VII of 1893 concluded:

The result of this protracted investigation has been not only to show that the continuance of the labour system established in 1882 is essential for the well-being of the industry, which has done so much towards colonising and opening out the rising province of Assam... It has been expressed again and again by successive Chief Commissioners and other impartial observers, that the condition of labourers on tea-gardens is far superior to that of the masses in the districts from which they emigrate...The continuance of the system established in

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<sup>273</sup> S. Sen, 'Commercial recruiting and Informal intermediation: Debate over the Sardari system in Assam tea plantations, 1860–1900', *Modern Asian Studies* 44, no.1 (2010).

<sup>274</sup> The Local administration under pressure of this criticism made some feeble attempts to comprehend the problem and its magnitude, but rarely took the corresponding measures. For instance in the year 1888, the Chief Commissioner of the province issued two circulars instructing the district heads to make enquiries into the complaints of fraudulent recruiting and also to submit the result of these investigations every two months. *Assam Labour Report*, 1888 p. 11.

1882 is still required as a means towards drawing-off the surplus population of the recruiting areas and opening-out the sparsely peopled districts of Assam.<sup>275</sup>

A special report on the working of the 1882 Act—published in the year 1890—was the most comprehensive statement made in favour of the free system. Drawing a distinction between the labour systems of the two ‘planting’ valleys of the province, the report made a case for the relative “freedom” of plantation labourers in the Surma Valley.<sup>276</sup> It was suggested that the workforce in this valley was mostly recruited through the informal ties and familial networks of the sardars working outside the Act, and later settled without any contract or under the “less harsh” Act XIII contract on the plantations.<sup>277</sup>

This was a shift on the position on Act XIII—which as we have argued was seen as ineffective and even inapplicable on the Assam plantations in the late 1870s. This seemed to have encouraged the Chief Commissioner of the province Charles Elliot to make a proposal to withdraw it entirely from the province, which formed the subject of Government of India despatch, dated 17<sup>th</sup> July 1886, to the Secretary of State of India:

... provisions (in Act XIII) were not less severe than those which attach to a contract under Act I, while they fall very much short of that act in the safeguards which they furnish for the due understanding and execution of his engagement by the labourer, and in their omission to require from the employer any compensatory advantages in the provision of cheap and suitable food, good lodging, maintenance when sick and reasonable wages, such as secured to the labourer by the Labour Emigration Act.<sup>278</sup>

The Secretary of State concurred with the Home Government about the doubtful legality of the application of Act XIII to tea *coolies* and welcomed the proposal of the Home government to consult the Chief Commissioner of province in taking steps for its repeal.<sup>279</sup> But in an surprising volte-face, the Home government, in

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275 C.E. Buckland, *Bengal under the lieutenant-governors; Being a narrative of the principal events and public measures during their periods of office, from 1854 to 1898* (Calcutta, 1901) p. 948

276 The report argued that the two valleys (Assam and Surma) ‘present important differences of procedure both as regards the mode of recruitment followed and the form and period of contract. *Special Report on the Working of Act I of 1882 in The Province of Assam during the years 1886–1889* (Calcutta, 1890) p. 8.

277 For instance in the year 1887, there was not even a single Assam contract signed locally in Sylhet for a period more than 3 years. The corresponding figure for Cachar was only 79. *Assam Labour Report*, 1887 p. 17.

278 *Report of the Assam Labour Enquiry Committee* (Calcutta, 1906).

279 In a letter dated 4<sup>th</sup> November 1886 from the Secretary of State for India to Government of India., Working of Inland Emigration Act, 1882.

a despatch dated 5th October 1891 to the Secretary of State, came round to the view that though being objectionable only in principle, the Act XIII contract had been “harmless and even beneficial” in its actual operation. A case was made of it being employed, not as an instrument for exacting unreasonable contracts, but as a “more lenient and popular penal contract law, from the labourer’s point of view, than the Act I of 1882.” This was seen as serving the long avowed objective of the government of being a “transitional stage between strict penal contracts and a system of civil contract under the ordinary law,” for the Assam plantations.<sup>280</sup>

What provoked the colonial state take such a favourable opinion now; when only a few years back it was most determined to do away with what it described as a “harsher contract than Assam contract.”? Apparently this striking shift in the official rhetoric was conditioned to a large extent by the local enquiries of the successive Chief Commissioners of the province, who were quite appreciative of its “positive” value, favouring its retention.

One of the Chief Commissioners, W.E. Ward, had gone to the extent of describing the *coolie* under Act (Assam Contract) as practically a “slave”, who had no choice but to serve out his/her terms of contract regardless of the conditions of the garden or the treatment meted out to him/her by the planter. Act XIII *coolie*, in contrast, was seen to have this ‘freedom’ of leaving the gardens if treated poorly by the planters. The planters were said have no “satisfaction” in putting them behind bars for three months (the punishment for breach of contract), after which the *coolie* could legally refuse to return to the garden.<sup>281</sup>

Again, Chief Commissioner Quinton in a special report for the working of Act I in the years 1886–89 drawing a long list of the “benefits”, argued that there were less deaths, less desertions, less judicial punishment among Act XIII *coolie*, and also the wages earned were higher than their Act I counterparts. He was quite unequivocal in his statement that:

It [Act XIII] places the *coolie* in a position of considerably greater independence and enables him to exact his own terms more easily than his fellow labourer bound by contract under Act I of 1882.<sup>282</sup>

Now, why would officials as highly ranked as the Chief Commissioners describe a contract without protective clauses as stimulating a freer, well-paid workforce; while the specially carved out “official” Assam contract, with all the elaborate provisions backed by an efficient official machinery, as to perpetuating slavery!

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**280** *Report of the Assam Labour Enquiry Committee* (Calcutta, 1906).

**281** Revenue and Agriculture Department, Emigration A, 1-5/26/459, 1888, NAI.

**282** *Special Report on the Working of Act I of 1882 in The Province of Assam during the years 1886–1889* (Calcutta, 1890) p. 156.

The discourse of “freedom” did not acknowledge the different contracting strategies particularly observed the significant value of Act XIII had for the Surma valley plantations; holding out to the planter come security ‘above the ordinary law’ for the expenses incurred. The district level officials of the valley had always expressed this opinion in their annual labour reports, that the Act was very “popular” among planters, and any moves to take them away would meet with the sharpest opposition. Such concerns were confirmed when the resolutions passed in a public meeting of Cachar tea planters, held in Silchar in May 1887, and most emphatically protested against the anticipated repeal of Act XIII.<sup>283</sup> The obvious paradox of the entire state of affairs was that, here, the planters were craving for the retention of an ambiguous contract, which neither gave the employer the “legal” right to private arrest nor the luxury of a long-term contract. Much of the official explanation, for this “decision” on the part of managers and planters, was their realisation of complications and expenses arising out of Assam contract recruiting. It was said to cost more because of the delays and formalities required. Also the obligation to attend certain fixed places were said to offer the *coolies* the opportunity to be “enticed” away by contractors or other recruiters.<sup>284</sup> These explanations sound inadequate, and would be equally applicable to the other valley of Assam, where the recruitment under the Assam contract during the 1886–88, period was as high as 88 percent.<sup>285</sup>

This brings into clear relief, the specific geographical and social terrain of the Surma Valley, which attracted certain “natural” streams of labour that the valley of Assam was perpetually deprived of. The superior accessibility and networks of communication of the valley opened spaces for “informal” modes of labour recruitment. A fair amount of agriculture and human concentration in the valley meant that there were other inducements for the migrant in taking a decision to move into these regions. Managers of the valley, especially in the Sylhet district, had over a period found a fair degree of success in procuring *coolie* by sending a number of *sardars* every year to their native districts. The *sardars* who received certain advances; recruited through their social and familial networks and arranging for their conveyance to the gardens without any governmental interference and outside the provisions of the Act. These *coolies* were then settled by Act XIII in the gardens, receiving the “bonus” amount on signing the contract. The Deputy Commissioner of Sylhet and the Sub-divisional officer of South Sylhet

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**283** *Indian Tea Association Report*, 1888 pp. 64–70.

**284** *Special Report on the Working of Act I of 1882 in The Province of Assam during the years 1886–1889* (Calcutta, 1890) p. 13.

**285** *Special Report on the Working of Act I of 1882 in The Province of Assam during the years 1886–1889* (Calcutta, 1890) p. 21.

even talked of cases where *coolie* in the Chargola valley region of Sylhet, recruited through *sardars* refunding the cost of their importation out of their wages or otherwise, and staying purely on a non-contractual basis.<sup>286</sup>

The coolie in a relatively advantageous circumstance could not have been forced into entering a more stringent contract. The attempts were met with a ‘resistance’ wherein there was a perceptible rise in the number of desertions; overall some 10 percent of workers absconded and in the district of Sylhet, 15 percent of Act labour escaped during the 1882–1885 period.<sup>287</sup> Describing the increase in desertion of coolie a contemporary official of the district remarked, ‘that it is not at all a matter of regret’. It shows that ‘tea garden coolie have learnt to sell their labour power in the most profitable market, and are not mere adscripti glebae of the garden for which they were imported’.<sup>288</sup> This bears out the “bargaining” capabilities of the labouring population in a region that was geographically well connected and where migration was through the garden *sardars* operating outside the legal institutional framework, mobilising ties of family and local society and networks of kinship. Also, in the ability of the coolie to “desert” it is important to appreciate differences in terrain of the two valleys. In the jungle tracts of the Assam valley with the large isolated gardens, the coolie was more likely to be “hunted” down, than in the comparatively crowded district of Sylhet and Cachar. The Deputy Commissioners of Sylhet and Cachar considered that there was very little difficulty in a coolie getting away if he wanted to.<sup>289</sup> The *arkatti* batches of Assam valley were not necessarily from the same social/familial background being a haphazard and random assortment of individuals. Here the Assam contract with its powers of private arrest was viewed as extremely necessary tool to deter them to desert and bind them to the plantations, even if that meant a higher price.<sup>290</sup>

While making these valid observations regarding the different strategies employed in the mobilisation and organisation of labour in Surma valley, the report chose not to admit explicitly that these features preceded the inauguration of the “free system.” Also, there was hardly any elaboration as to how such “informal” practices were furthered or facilitated by the recent legislation. The case of

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**286** *Special Report on the Working of Act I of 1882 in The Province of Assam during the years 1886–1889* (Calcutta, 1890) pp. 12, 102–03.

**287** R. Behal and P.P. Mohapatra: “Tea and Money versus Human Life: The Rise and Fall of the Indenture System in the Assam Tea Plantations, 1840–1908 in *Plantations, Proletarians and Peasants in Colonial Asia*, Special edition, *Journal of Peasant Studies* 19, no. 3&4 (1992) p. 163.

**288** The Subdivisional officer of Karimganj subdivision cited in the *Assam Labour Report*, 1883.

**289** *Assam Labour Report*, 1886.

**290** *Special Report on the Working of Act I of 1882 in The Province of Assam during the years 1886–1889* (Calcutta, 1890) p. 109.

Balisera gardens, at the heart of these processes, most strongly contradicted this freedom promotion outcome of the 1882 Act, as implied by the report.<sup>291</sup>

Balisera was a group of around fourteen gardens formed by a joint-stock company in the southern part of the Sylhet district (Surma Valley)—where extension of tea cultivation had commenced with great fervour from the early 1880s. Like the several other new ventures in the province, these gardens could hardly boast of a stable and sustainable infrastructure to house and feed the growing resident population. Also the nature of work—involving the strenuous task of cutting through the thick forested tracts to make way for functioning plantations—put enormous strain on the workers. It was hardly unanticipated that the incidence of sickness and mortality was unnaturally higher in these gardens. This explained the general proclivity of the stationed workers to leave these “unhealthy” sites. To counteract these “deserting” tendencies, the concerned company rather than investing in the development and improvement of the life supporting facilities, chose to go on a recruitment overdrive and brought far more workers within the framework of the Assam contract.

From the middle of 1880s, Balisera Company revised its policy of an exclusive reliance on garden sardars for labour supplies—which was proving to be grossly inadequate in this “demanding” state of affairs. Professional labour contractors were now placed with “order” to provide the deficient numbers. The “free recruits” provided by the contractors were almost invariably put under Assam contracts, after their arrival on the tea gardens. This was made feasible by the modified procedures certified by the 1882 Act—ensuring a comprehensive hold of managers over their mobility and labour. Out of the total number of 2,600 Assam contracts accomplished in the district of Sylhet in the year 1885, around 2,200 were accounted just from the Balisera gardens. More than 90 percent of these agreements were concerning the labourers obtained in the same year.<sup>292</sup>

The calculated application of Assam contract by planters—to ‘settle’ newcomers, limit other threats of ‘losses’ of labour due to the circumstances arising from within or outside the plantations, and enforce the desired working patterns—were not the features of some “isolated” cases. In fact, they hinted at the

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**291** About 1,900 *coolie* under the Act were imported in the district of Sylhet in 1885. Out of these 1,150 went to the subdivision of South Sylhet, where the South Sylhet Tea Company was opening out their new gardens. *Assam Labour Report*, 1886.

**292** Again when the construction work of Assam Bengal Railway was extended to Chittagong in the late 1880s, the tea planters of the contiguous district (Sylhet) exhibited a much greater intent in checking the mobility of labourers to the potentially more remunerative public work employment. In the year 1889, the number of the locally executed Assam contracts in Sylhet district rose dramatically, touching the figure of 4,200—a large proportion (around 4,100) of which were again the new migrants. *Assam Labour Report*, 1889 p. 13 and *Assam Labour Report*, 1890 p. 16.

contracting practices gaining ‘popularity’ in the plantations of both valleys—to attain the renewed drive for cultivation, production and the related intensification of labour—which were catalysed by the provisions of the 1882 Act.

The “simplification” in the execution of the Assam contract implied a shift in the balance of contracts (Assam contract and Act XIII contract). The managers could now legitimately put any of the different categories of plantation labourer (local, time-expired or imported) under Assam contract, or augment the proportion of such contracts, as and when they felt it to be necessary. This turned out to be particularly useful for plantations which were removed from the networks of communication and market (primarily found in Assam valley), or chronically suffered from disease and deaths—to nullify the general ‘unsettlement’ found among the workers there.<sup>293</sup> This made a missionary remark that whether ‘Act I (Assam contract) ever intended to tie men down to such conditions of life or death’.<sup>294</sup> The managers tremendously valued the efficacy of Assam contract in “settling” the new and refractory labourers in the routines and discipline of plantation life and work.

The contracting strategies were again contingent upon the manner and conditions under which labour could be mobilised and supplied. In the case of Balisera gardens, the policy of the management to counteract the worker disinclination and desertion was by supplementing their labour pool through recruitment, and bringing these new recruits under the hold of the Assam contract. The accomplishment of such a strategy rested heavily upon the services of the labour contractors—who were able to provide the large numbers, in addition to the smaller contributions made by the garden sardars. The contractors predominantly brought their recruits into the province as ‘free emigrants’, who were later put on contracts in Dhubri or the respective tea gardens. It underlined the limitations of the colonial state’s contention—that contractors would become obsolete with the advent of the “free system” and the “empowerment” of sardars. Contractors remained pivotal to the continuation and perpetuation of the contract(s) regime in Assam.

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**293** Barker noted that the contractor (curiously designated as Government agent) was resorted when there was an immediate requirements to fill up vacant places of men whose agreements had expired and when there was a situation of opening out a new garden. G. Barker, *A Tea Planter's Life in Assam* (Calcutta, 1884) p. 150.

**294** C. Dowding, *Tea-Garden Coolies in Assam* (Calcutta, 1894) p. 59.

## 2.10 Conclusions

The Assam planters often explained their relationship with the contractor/contractor system as “reluctant”—which was “forced” on them because of the “exceptional” nature of tea operations in the province and the pressing necessity of labour. They never missed an occasion to condemn the “excesses” of the *arkattis* and welcomed measures to permit the “honest” sardars to flourish. The free system apparently stemmed from such intentions. However, the complicity of the planters and tea industry in the expansion and penetration of the contractor system went beyond a mere relationship of necessity. The tea interests emulated, encouraged and participated in the system and its devious practices.

Firstly, they took measures to reinvent the sardar and local agents in light of the highly prolific roles of contractor and *arkattis* respectively. Secondly, they showed a stronger to push recruiting at any cost, which was made feasible by the ‘free system’. There were cases of Calcutta tea firms broadcasting free-recruiter licenses by the hundreds in districts of Eastern India. This authorised anyone and everyone—without verifying or even knowing their credentials—to obtain ‘free recruits’ for these firms.<sup>295</sup>

Thirdly, they showed little hesitation in entering the networks of contractor system, without any intention to arrest or transform its abusive nature, but with an interest to make it more suitable for the industry.<sup>296</sup> The assumption of the “contracting” roles by the Local agent was a step in that direction. The case of Babu R.D. Mukherji is very instructive in this regard. Mukherji was a garden doctor in service of Scottish Assam Tea Company for more than two decades. Apart from his routine medical obligations, Mukherji was also delegated the task of “contracting” labour for his employees during the recruiting season. Like any other contractor in Midnapur (from where he operated)—Mukherji established

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**295** Letter from Dr. W. Hoey, Off. Commissioner, Gorakhpur Division to Chief Secretary to Government N.W. Provinces and Oudh dated 15<sup>th</sup> April 1898. Emigration A, November 1898, nos. 25–35. *Proceedings of Assam Labour Enquiry Committee in the Recruiting and Labour Districts* (Calcutta, 1906).

**296** A particular instance was the formation of Tea Districts Labour Association in 1892 with the ‘object of taking over the various recruiting agencies and depots which had been set up and maintained previously by each Agency House or company. The association controlled both the operations of garden sardars and *arkattis*.’ Tucker hinted at the ‘firms in Calcutta’ who are agents of gardens in Cachar and purchase *coolies* in Calcutta cannot be ignorant of the fact that these *coolies* were intended for Dooars. H.A. Antrobus, *A History of Assam Company* (London, 1957) p. 182; *Government of India Despatch, dated the 22nd day of June 1889, with its enclosures, including Reports by Mr. Tucker; and of Memorial of the Indian Association of Calcutta, dated the 12th day of April 1888* (London, 1889).

communication and exchange with *arkattis* and other market intermediaries. The company expressed satisfaction because they got their supplies with lesser intermediation (so cheaper) and also the processes of verification and dispatch were discharged by their employee (Mukherji).

A similar strategy again came to the “official notice” during a “surprise visit” of a professional contractor’s depot (named Hussain Khan) situated in Bilaspur (Central Provinces) by the local commissioner. The official found the existence of a well worked out arrangement operated by an assistant tea manager (acting like a Local Agent) stationed in the depot, overseeing the regular delivery of recruits through the agency of his ‘sardars’ to the gardens of his employing company (Jardine, Skinner and Co). These “batches” were not the ‘friends and family’ of the sardars but acquired through the ‘sources’ of Hussain Khan. The telegrams recovered during course of the inspection were very revealing: ‘Pay contactors for free *coolies*, if more sardars required wire’ and ‘Return to the garden as soon as possible, tells Hussain Khan to arrange eighty good *coolies*.’<sup>297</sup>

In this context, it is productive to revisit the incidence of “rising costs” of recruitment, which was the feature of the early Assam recruitment and remained widely present in the ‘free recruitment’ period.<sup>298</sup> Since the early 1860s planters complained that the poor communications modes, distance of the recruiting districts to Assam, obscene profit motives of the middlemen and several governmental regulations caused the recruitments costs to spiral and justified their inability to increase wages. However, neither the improvement in modes of communication (roads and railways) nor the comprehensive deregulation of recruitment (free sardari system and free contractor) significantly depress the expenditure on recruitment. This was primarily because of a combination of low wages and difficult living and working condition (or prevailing conditions on Assam tea garden) was not a substantial encouragement to go there. This kept the intermediaries (contractors and sardars) interested, relevant and essential in the Assam labour market.

Costs in that scenario were determined by a “difficulty/risk scale”, where “duress” often became the only workable strategy for getting the required numbers for Assam tea gardens. The 1896 Labour Enquiry noted that the recruits from a similar social and geographical profile priced at twenty three rupees for

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<sup>297</sup> In the 1890s, an assistant manager of Jorehaut Tea Company (named John Travers) also acted as a recruiting agent for his company. He was later made the company’s Superintendent of recruiters and organized sardari recruitment. H.A. Antrobus, *Jorehaut tea Company* (London, 1948), pp. 321–22.

<sup>298</sup> Information as to increase in cost of importation of coolies, Revenue A, nos 77–117, August 1904, ASA.

the colonies were available only at fifty to sixty rupees for Assam. A colonial official investigating the systems of recruitment to Assam admitted that the contractor system had led to systematic abuses in the past and 'it can only be defended on the ground that the tea industry cannot obtain sufficient labour in any other way'.<sup>299</sup>

Apart from the strategies to externalise the recruitment costs (as in case of the reformed sardari system) and attempts to reduce the mediation costs (through local agents and other intermediaries), the planters and companies, in the long run, found that it was 'cost effective' to pay lower wages at a higher initial recruitment costs, than exercising the other possibility of paying higher (market) wages at a lower recruitment cost (as in case of colonies). A planter from Ranchi underscored this logic. He observed that 'if the (Assam) planter would have to raise the *coolie's* pay or pay bonus, (he) would save the price he now pays for his labour and add to *coolie's* pay, (but) one result would be that popular gardens would have an advantage in the matter of labour as the labour would tend to go to good gardens, and the unpopular ones would suffer'.<sup>300</sup>

The contracts and peculiar plantation practices apparently tilted the balance heavily in favour of the planters. After being "contracted," the recruits often were in a disadvantageous position to bargain for employer, wages, and working conditions. In a very candid note, a local colonial official once noted that '(the) main effect of the Act (Assam contract) is to keep down wages without to any appreciable extent bettering the condition of the labourer.' He particularly favoured its abolition as he believed that 'it was not part of the duty of Government to provide them (planters) with cheap labour' and more crucially that it would stop binding down of newly-imported unacclimatised *coolies*, ignorant of the conditions under which they are to labour, to work for periods of three years or more on unhealthy gardens, where they have to choose between the risk of death if they stay, or imprisonment if they desert'.<sup>301</sup> Such a view was reiterated by a commissioner of a labour district in the early twentieth century where he suggested that 'the penal labour legislation (Assam contract), the strong feeling of *esprit de-corps* among the planting community, and their intimate social relations with the Government officials, all combine to put the employed at a disadvantage. They are neither

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299 J.F. Gruning, *Recruitment of labour for tea gardens in Assam* (Calcutta, 1909) p. 12

300 *Proceedings of Assam Labour Enquiry Committee in the Recruiting and Labour Districts* (Calcutta, 1906) p. 17.

301 A missionary stationed in Assam valley talked about the 'avowed policy' followed by the plantations 'that it pays better to drive a *coolie* hard during the time of his contract and then let him go, and import another, than to drive easy, on the bare chance of his willing to re-engage.' SDO Karimganj, Porteous, *Assam Labour Report*, 1884, p. 3; C. Dowding, *Tea-Garden Coolies in Assam* (Calcutta, 1894) p. 31.

given an economic wage when on garden, nor allowed to leave it when he can better himself'. The 'unwritten law' of his district, as he went on to argue, was '(that) once a tea garden *coolie*, always a tea-garden *coolie*.'<sup>302</sup>

Did these conditions in the modes of recruiting marked by excesses and on the plantations characterised by the "exceptional" privileges granted to the planters and backed by colonial state completely exhaust spaces of negotiation for the workers? Did tea coolies simply remain as tea coolies?

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**302** J. Johnston, D.C. Cachar to Secty to Chief Com, No 1658 E, Silchar 12<sup>th</sup> Dec 1903. Revenue A, nos 77–117, August 1904, ASA.

