

REPORT

OF THE

ASSAM LABOUR ENQUIRY COMMITTEE,

1906.



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APPENDIX A.

NOTE ON THE PREVIOUS HISTORY OF TEA GARDEN LABOUR LEGISLATION.

In the following Note a summary is given of the previous legislation in connection with labour for the Tea Estates in Assam.

2. The first official action to which reference need be made was taken in 1859, when the Secretary of State for India called for information as to the success attending the cultivation of tea in Assam. Enquiries were instituted, and from the replies received from officials and planters it was plain that the main obstacle to the further extension of cultivation was the want of labour. The un-Hinduized Cacharis were almost the only class of the local population that was ready to work on hire; the Assam Company had endeavoured to obtain labour from Bengal without much success, though a few imported families of Dhangars were then doing well. The Lieutenant-Governor of Bengal expressed the opinion that attracting labour to Assam was merely a question of offering sufficient wages, and that it was a great mistake to suppose that what were good wages in Bengal must be sufficient wages in Assam. He recommended the planters to adopt the same organized system of recruitment that was pursued by the planters of Mauritius, and to offer the same attractions in the way of high wages and good feeding, and to take similar pains in the selection and transport of the labourers engaged; he was prepared to recommend legislation if it were necessary for the regulation of such an organized system.

3. The recommendations of the Lieutenant-Governor were considered by the planters. It appears that in 1860 local labour was paid at the rate of R4 or R5 a month, whereas a few years before the monthly wage had been R2-8-0. At a meeting of the Lakhimpur planters it was stated that the wages of a tea garden coolie were never less than R4-8 a month, and that a man working on contract could earn R8. It was considered that as the day's task was light, and as every emigrant could hold rent-free from the planter as much land as he chose to cultivate during his term of service, a wage of R5 was sufficient to offer to imported labourers. The Sibagar planters stated that they paid R4 a month, but that tasks were light and men not infrequently earned R6 to R10 and families of four individuals over R20. They were, however, prepared to make such an advance on existing rates as might be found necessary to make organized recruiting effective. Government waited for the entire planting community to formulate some scheme for recruiting through one central agency, but no such scheme was submitted, and meanwhile the system of obtaining labour from contractors developed rapidly. A scandalous state of affairs soon arose. Contractors collected coolies by the hundred on false promises of high pay and light work and despatched them to the tea districts without taking any sanitary precautions for their welfare on the journey; the result was shocking mortality on the voyage up, while many of the emigrants were of caste or constitution which precluded all hope of their surviving for many months in the jungles of Assam.

4. Accordingly Government found it necessary in 1861 to appoint a Committee of three members to enquire into the system under which the emigration of labourers to Assam and Cachar was conducted. The Committee submitted two reports, the final one, containing statistical information, being dated the 19th of July 1862. From this report it appears that coolies were then sent to Assam by steamer and to Cachar by country boat, that they were generally despatched during the rainy season, that those from Chota Nagpur and Midnapur were preferred, that only about 10 per cent. of the emigrants were women, that usually there was no definite agreement as to the rate of wages the labourer was to receive or the term he was to serve—though the Equitable and Cachar Companies took a five-year agreement at R4 a month, rice being supplied to the coolie at R1 a maund,—and that with the exception of one European, the Calcutta contractors provided no proper accommodation for their coolies. The arrangements for the river passage were in the hands of the contractor who, however, in most cases was paid in full for persons who died. The result was that there were no proper arrangements to secure order and cleanliness, food was unsuitable and insufficient; there was

COMMITTEE OF
1861.

over-crowding, and medical attendance was inadequate or wanting. The consequence was a mortality which during the month's voyage commonly reached 10 or 12 per cent., and in one instance was as high as 50 per cent.

Act III (B. C.)
of 1863.

5. On the report of this Committee, Act III (B. C.) of 1863 was passed. It provided that no one should engage any native inhabitant of India within the territories subject to the Government of Bengal to proceed for the purpose of labouring for hire in Assam, Cachar or Sylhet without a license, and it forbade the conveyance of such emigrants otherwise than under the provisions of the Act. Superintendents were appointed to license contractors and recruiters. The licensed recruiter had to appear with the emigrant before the magistrate of the district in which the recruitment took place, or if the coolie was recruited in Calcutta, before the Superintendent. The intending labourer was then examined as to his willingness to proceed and was registered. After registration, the emigrant was forwarded to the contractor's depot where he was examined by a medical inspector as to his fitness to proceed to labour in the tea districts. The Superintendent had also to inspect the emigrants in the depot and ascertain whether they had been well-treated on their journey to the depot, and he had power to send back to his home at the contractor's expense any emigrant who had been ill-treated. Before leaving the depot the emigrant had to execute a contract before the Superintendent, the term of the contract was in no case to exceed five years and the rate of wages was to be specified. Then followed provisions for the licensing of steamers and boats carrying coolies to the labour districts. There was a provision that the Superintendent might refuse to grant embarkation passes if the party of labourers did not contain at least one female to every four males. The provisions of the Act did not apply to domestic servants, or to any labourer proceeding alone or accompanied by his family only, or to any number of labourers less than ten proceeding together without the intervention direct or indirect of a recruiter or contractor. The word "labourer," however, included artisans and mechanics.

6. Act III (B. C.) of 1863 contained no provision for the protection of the labourer after his arrival on the garden, and it was soon apparent that such protection was needed. The mortality on the gardens was appalling, and while the tea boom was on, many Europeans of a very low stamp embarked on the enterprise of opening out tea gardens. They bought coolies from contractors. Many of these coolies had been recruited on false representations and were quite unfit to stand the climate. They were unable and unwilling to work, the speculator, however, could not afford to wait, and he was often bound by the terms of the lease to clear one-eighth of his grant within five years. The result was that gross cruelty was frequently resorted to. The flogging of coolies for doing short work was common and absconders when recovered were also flogged. Hill men were rewarded for arresting absconders and the amount of the reward deducted from the absconders' pay. Between 1st May 1863 and 1st May 1866, 84,915 labourers were landed in the tea districts: out of these considerably over 30,000 had died by 30th June 1866. Between 1st July 1865 and 30th June 1866, 9,147 labourers died and 3,187 deserted. As it is certain that the majority of the deserters died, the deaths on a total labour force of about 40,000 are estimated to have exceeded 11,000 in a twelve-month. As even in those days there were many gardens where the coolies were properly looked after and the death-rate not abnormally high, it is difficult to exaggerate the evils which prevailed on the worst gardens. It is necessary to recall these facts, because, in considering the causes of the unpopularity of Assam, it is to be remembered that the lot of the first emigrants was one of extreme hardship and that an unfavourable impression once created is hard to eradicate.

Act VI (B. C.)
of 1865.

7. The Government of Bengal therefore passed Act VI of 1865. The statement of objects and reasons set forth that "in consequence of the unfortunate state of the relations existing between employers and labourers in the eastern districts, it is now proposed, as in the case of Colonial Emigration, to continue the interference of Government so long as the contract is current. Such interference appears to be necessary in the interests of the employer as of the labourer. For the planter declares that he imports labourers into the Province at a very great expense and that as soon as they arrive they refuse to work or leave service; that the punishment for desertion is slight and carries with it the release from all

engagements and that therefore the labourer willingly incurs the liability to punishment in the hope of being set free from his contract. The labourer on the other hand declares that he is not paid at the rate which he expected to receive when he entered into the contract; that he is ill-used and neglected and therefore considers himself free from all liability under the contract; and there have been charges brought home to some of the planters in the Cachar district which show that the interests of labour really call for the immediate interference of Government."

8. Act VI (B. C.) of 1865 supplemented and was to be read with Act III (B. C.) of 1863. After making certain amendments in the provisions regarding recruitment, the Act prescribed the terms of the contract. The minimum wage was to be Rs 5 a month for a man, Rs 4 for a woman, and Rs 3 for a child under 12 years of age. The maximum term of contract was fixed at three years. Work was to be limited to nine hours a day and six days a week. Section 33 of the Act provided that a labourer who absented himself from work should, on conviction before a magistrate, forfeit his wages for the days of absence and a further sum of four annas a day, and for absence exceeding seven days or on a second conviction within three months, should be liable to imprisonment for fourteen days. Section 34 provided that a labourer convicted of negligence or indolence should lose his pay, and on a second conviction within six months should be liable to fourteen days' imprisonment. By Sections 35, 36 and 37 the employer was empowered to arrest an absconding labourer without a warrant, if he were found in the same district and not in the service of another employer. The employer was bound to hand over the labourer so arrested to a Police officer or magistrate within 48 hours on pain of fine of Rs 500. The penalty for desertion was three months' rigorous imprisonment. Section 41 provided that a sentence of imprisonment should not terminate the contract, but the labourer was to be made over to his employer on the expiry of his sentence, the time spent in prison was to be added to the term which the coolie would otherwise have had to serve. Section 39 of the Act imposed a fine of Rs 500 on any person enticing away, harbouring or employing a labourer under contract. Such were the provisions in favour of the employer.

Provisions for
protection of
Employer.

9. In the interests of the coolie, Protectors of Labourers and Inspectors of Labourers were appointed, and these officers and the District Magistrates were empowered to inspect gardens. Certain returns were prescribed for submission by employers and a fee not exceeding one rupee a year for each labourer was to be levied from employers to provide for the salaries of Protectors and Inspectors. Every estate was to maintain a hospital, and estates employing over 300 labourers were also bound to employ a medical officer approved by the Local Government. The Protector of Labourers was authorised to suspend the contract of a labourer temporarily unfit for work, and such period of suspension was not added to the term of contract; the Protector could also terminate the contract of a labourer permanently unfitted for work. Completion of contracts had to be notified by the employer to the Protector and the redemption of contracts was provided for. The employer was bound on pain of fine of Rs 500 to notify to the Protector the fact that any coolie wished to make a complaint, and the Protector could thereupon summon the labourer before him; if the complaint was frivolous the number of days spent over the enquiry was to be added to the contract term. If a labourer's wages were two months in arrears, the magistrate could award him compensation. A contract could be cancelled if the District Magistrate found that a labourer had been ill-used by his employer or if his wages were six months in arrears, and it was provided that if a Committee found an estate or part of an estate to be unfit for human habitation, all contracts in respect to that estate or part of it became void.

Provisions for
protection of
Labourer.

10. The law did not, however, work satisfactorily. The coolie was not sufficiently protected, and employers found the restrictions of the law embarrassing and also strongly resented the interference of the Protectors. A Bill to amend and consolidate the law was accordingly introduced into the Bengal Council in 1866. The Statement of Objects and Reasons ran as follows: "The Acts regulating the transport of native labourers to the Districts of Assam, Cachar and Sylhet, and their employment there, have been the subject of much observation and comment, and various proposals have been laid before the Government, with the view on the one hand of making the contract lighter to the labourer, and on

BILL OF 1866.

the other hand, of relieving the employer of labour from some of the burthens that previous legislation had laid upon him, but which experience had shewn to be too heavy for him to bear. Of these suggestions those which seemed most feasible have been adopted in the present Bill. It seemed, moreover, desirable that all the provisions of the law upon this subject should be included in one Code, and it is therefore proposed that the original Acts, III of 1863 and VI of 1865, should be repealed, and their provisions with the required modifications re-enacted."

Bill disallowed by
Governor General.

11. The bill was referred to a Select Committee which modified it in important respects. As it originally stood the Bill provided that, where a labourer had twice undergone sentence of imprisonment, amounting in the whole to 60 days, for desertion, the contract might be cancelled on the labourer's application. The Select Committee omitted this provision, as they could not reconcile its principle with the general scope and object of the Bill, but they provided that a labourer should not be punishable for desertion, if he deserted through reasonable apprehension that his life or health was in danger. The Legislative Council accepted the recommendation of the Select Committee, and this led the Governor General to refuse his assent to the Bill after it had passed the Bengal Council. When Act VI of 1865 was passed, the policy of adding terms of imprisonment for desertion to the contract period had been questioned by the Secretary of State in the following terms: "According to ordinary law a labourer having suffered imprisonment for a breach of contract is thereby discharged from further service. I admit that when the employer has been subjected to great expense in bringing a labourer to the place of employment, greater stringency in the penal enactment for enforcing performance of the contracts is warranted. Nevertheless, I cannot but think that the provisions of these clauses which extend the period for which the labourer might be imprisoned for an indefinite time go too far in the opposite direction. I am of opinion therefore that it would be right to provide that after a certain amount of imprisonment, the extent of which I will leave to your Government to determine, the labourer should be relieved from the obligation of the contract."

Commission of
1868.

12. The Bill having been vetoed as not being in accordance with the policy laid down by the Secretary of State, the Government of Bengal appointed a Commission to enquire into the state and prospects of tea cultivation in Assam, Cachar and Sylhet. The Commission submitted a full and valuable report, dated the 30th March 1868. From this report it appears that Act III of 1863 had failed in its object. The licensed recruiters employed a horde of unlicensed sub-recruiters; coolies were constantly induced to emigrate by misrepresentations, and registration in the district of recruitment was no effectual check on this. The mortality in the depots, especially from cholera, was very high; while the death-rate on the river journey was still excessive. From May 1863 to January 1868, 108,388 coolies were embarked of whom 4,250 died on the voyage, a percentage of 3.88. In the opinion of the Commission, cholera infection was usually contracted in the Calcutta depots. The results were also unsatisfactory to the employer; many coolies were sent up who were totally unfit for work, while the few licensed contractors had a practical monopoly and were therefore able to raise prices. Nor had the working of Act VI of 1865 been satisfactory. Though many gardens were healthy and the coolies on them prosperous and well treated, cases were not infrequent where the garden was unhealthy and the coolies overworked and ill-fed and not properly attended to in sickness. Systematic ill-treatment had, however, not been frequent, and cases of gross cruelty were becoming more and more rare. Cachar was much ahead of Assam in the way in which coolies were treated. Statistics as to sickness and mortality were inaccurate, but the death-rate on many gardens had been "altogether appalling." In addition to the inevitable unhealthiness of newly cleared jungle lands and to the poor physique of many of the labourers, the Commission attributed the excessive death-rate to want of proper houses, over-crowding, unhealthy sites, insufficient and unsuitable food, impure water and want of proper medical attendance. The Commission attributed the failure of the law to remedy these evils to the fact that the Protector usually had no special sanitary knowledge, and that the only Protector who was a competent medical man was in charge of so large an area that he could not possibly visit each garden more than once a year. The Protector also had no power to do more than advise in sanitary matters.

13. The power to temporarily suspend contracts had very seldom been exercised, but a considerable number of labourers had been repatriated for permanent unfitness. The provision of the law requiring the employer to notify to the contractor the completion of contracts had been generally ignored. No employer had ever given notice to the Protector that a labourer wished to make complaint; it was not to be expected that this section of the law would ever work. In Assam compensation had never been awarded to coolies whose wages were more than two months in arrears; in Cachar the law had in some cases been enforced, but on many gardens pay was many months in arrear. The provision of the law that an arrested deserter was to be made over to the Police or the magistrate within 48 hours had been habitually ignored. The section providing for the cancellation of all contracts on a garden declared by a Committee unfit for human habitation had broken down in working. In two other very important respects the apparent intention of the law had been evaded. Sections 15 and 16 of Act III of 1863 required the medical officer who inspected the emigrant at the depot to certify that he was fit to proceed to Assam, Cachar or Sylhet for the purpose of *labouring*. Under instructions from the Government, however, the medical officer merely considered the question of fitness to *perform the journey* and not of fitness for labour on the garden after arrival there. The result was that many emigrants palpably unsuited for work on a tea garden had been certified as fit to proceed. Again it was certainly the intention of Section 4 of Act VI of 1865 that all labourers imported under its provisions should receive a minimum wage of Rs5 for a man, Rs4 for a woman and Rs3 for a child, unless they were fined for absence or indolence by a magistrate. This provision of the law was, however, quite unworkable. It was impossible for planters to be constantly marching their labourers in long distances to the catcheries, and thereby losing three or four days' work in order to punish a man for one day's absence. The standard form of contract prescribed by Government also favoured a different interpretation, and actually the system in force throughout the tea districts was to pay either by the day or by the task or "haziri." The result was that on most gardens, especially in Assam, the coolies earned much less than the minimum wage, and on many of them the wages earned were insufficient to keep the coolie in health.

Failure of Act VI
of 1865.

14. The Commission, having examined the working of the existing law and the proposals to amend it, submitted recommendations as to the form that legislation should take, and the Government of Bengal, after considering the report, brought in a bill which became law as Act II (B. C.) of 1870. Before, however, proceeding to consider the provisions of this Act, the following quotations from the report of the Commission of 1868 may be given as of interest:—

Recommendations
of Commission as to
recruitment.

"We should like to see all contractors and recruiters for the supply of labour to the tea districts altogether abolished, but as that cannot be suddenly accomplished, we would propose a scheme for obtaining recruits, which we believe to be free from many of the objections to which the present system is open, and which has many advantages which the present system can never have. The scheme we would recommend is simply to open private recruiting under certain provisions, which shall leave the planters almost untrammelled and at the same time ensure complete information and sufficient control on the part of the Government.

"The first of them is that all private recruiting shall be conducted by *bona fide* garden sardars. To ensure this, we propose that any employer of labour wishing to despatch a sardar to bring recruits, should first send him to the magistrate of the district in which his garden is situated, with a certificate stating his name and description, and the district to which he is going. The magistrate, having satisfied himself that the description is correct, shall countersign his certificate, and such certificate should hold good for only one trip. A check of this nature is requisite in order to prevent regular recruiters from pretending to be garden sardars, and so evading the Act.

"It is requisite in the next place that, when the sardar has made up his party to go back to the tea districts, he shall go before the Civil Surgeon, whom we have already proposed to make registering officer, and have the names of all those whom he proposes to take with him written down, with full particulars of sex, age, caste, father's name and the name of the

village to which they belong. One of these lists should be made over to the sardar, another to the Superintendent of Labour Transport, and a third to the magistrate of the district to which the labourers are proceeding. We do not propose that the labourers themselves should even be seen by the Civil Surgeon, much less examined as to their fitness to travel or to labour on the garden. If any such restrictions were imposed, the scheme could not be carried out, for labourers who are quite willing to proceed to the tea districts would be deterred from so doing if they were compelled to appear before the registering officer, much more so if they were subjected to a medical examination. It is essential that they should be allowed to act, as far as possible, as free agents. The sardar is well able to judge whether they are physically fit for the work to which they are going; and the fact that the reward he will receive will depend greatly on the class of men he brings, is the best guarantee that his selection will be a good one.

* * * * *

"The advantages of private recruiting appear to us to be very great. The labourer is engaged for a particular employer; he is induced to emigrate by a man of whom he has some knowledge, who knows what the work on a tea garden really is and the treatment to be expected from the manager. He goes of his own free will in a comparatively small batch, under circumstances which, we believe, are much more conducive to health than if he were passed up through a depot. He can travel in many instances by land in a way much more suited to his ordinary habits. He arrives a free agent, bound by no contract; and if he dislikes the work or his master, he has no difficulty in finding employment elsewhere. This fact is the best guarantee that he will be kindly and considerately treated; and yet, while enjoying all the freedom which the Act withholds, he would, under the scheme we have elsewhere recommended, have the benefit of all the protection which proper medical and sanitary supervision can confer. He may, we admit, occasionally be deceived, but the chances of deception are infinitely less than if he had been recruited by an ordinary licensed agent. There would indeed be little object in deception; for unless the sardar brings up contented, able-bodied recruits, he loses his reward. On every ground we strongly advocate the adoption of what we have proposed. In Cachar we believe that a healthy system of private recruiting would soon supplant the present objectionable mode of obtaining labour, and in Assam also great benefit would in time accrue both to the planter and the coolie. Under any circumstances, we trust it may have a fair trial. The more the labourers are obtained by private means, the more satisfactory will the results be. Under the proposed arrangements, an employer may recruit without being subject to any check beyond the obligation to supply information of what is going on. He need employ no depot if he avoids Calcutta, which every intelligent employer will strive for his own sake to do; while if he requires assistance, as we fear will generally be the case as regards Assam, he will have every assistance afforded him in the Government depot."

Act II (B. C.)
of 1870.

The Garden Sar-
dar.

15. Act II (B. C.) of 1870 was the first law that mentioned by name the "garden sardar." A system of sardari recruiting had grown up especially in Cachar, which was in contravention of Act III (B. C.) of 1863; this system was now recognized and regulated. But the recommendation of the Committee that emigrants thus recruited should not be brought before the registering officer and should be placed under no contract was not adopted. All emigrants had to be produced before the Magistrate and placed on contract before proceeding to the labour districts. Garden sardars were divided into two classes,—those authorized to engage more than twenty labourers and those not so authorized. The garden sardar authorized to engage more than twenty labourers had to take his recruits to a depot and was subject to the same provisions as a licensed recruiter. On entering into an agreement with any intending labourer, the recruiter or garden sardar had first to take the intending labourer before a medical officer appointed by the Lieutenant-Governor of Bengal for the place where the agreement was made. The medical officer had to examine the emigrant, and, if his physical condition warranted it, give a certificate for which a fee of two annas was charged, that the intending labourer was fit to perform the journey to, and work for hire in, the tea districts. After the medical examination the emigrant was to be taken before a Magistrate in the district or town within which the engagement was entered into, and the Magistrate, after

ascertaining that the emigrant understood the proposed contract, registered his name and the depot to which he was to proceed. The emigrant was then forwarded to the depot, and if recruited by a garden sardar, the latter was bound to accompany him. Within 30 days of arrival at the depot a contract had to be executed before the Superintendent, after which the emigrant might be despatched to the labour districts. The garden sardar not empowered to engage more than twenty labourers took his recruits to the District or Sub-divisional Magistrate before whom their names were registered and contracts were executed. Copies of such registration and contracts were forwarded to the Magistrate of the district within which the labourer was to labour. On arrival at his destination the garden sardar had to report himself to the Magistrate of the district, who compared the number of coolies landed with the number of those registered, and reported to the Superintendent of Labour Transport at Calcutta any deaths that had occurred.

16. It was penal to remove any person to the labour districts without a contract. Every contract was to be in writing and was to specify the monthly amount of wages in money, the period of service, the name of the district in which the service was to be performed and the price at which rice was to be supplied to the labourer. No minimum wage was required to be entered in the contract. The maximum term was three years from the date of arrival on the garden and work was limited to six days a week and nine hours a day. The conveyance of labourers from the depot to the garden was strictly regulated, but a garden sardar not licensed to engage more than twenty labourers might convey his recruits by country boat without any restriction, provided that there were not in all more than twenty labourers on the same boat. None of the provisions of the Act applied to domestic servants, nor to any person proceeding alone or accompanied by his family only, nor to any number of persons proceeding with or without their wives or their children under 12 years of age to the labour districts to labour for hire without the intervention, direct or indirect, of a recruiter, contractor or of a garden sardar.

17. In the labour districts the title of Protector of Labourers was abolished, and instead Inspectors and Assistant Inspectors were appointed. Employers were to submit half-yearly returns of sickness and mortality. The Inspector still had power to temporarily suspend a contract. During suspension the employer had to give the labourer subsistence allowance, and the period of suspension was added to the term of contract. Similarly a contract could be cancelled for permanent unfitness, the labourer receiving three months' wages. Under Act VI (B.C.) of 1865 the terms of redemption of contract had been ₹120, or if the contract had less than two years to run, a sum equivalent to the minimum rate of wages for the unexpired term. Under Act II (B.C.) of 1870 the amount of redemption was calculated at one rupee for every month of the unexpired portion of the first year, at ₹3 for every such month of the second year and at ₹5 for every such month of the third year. The employer was still bound to give notice to the Inspector if a labourer wished to make a complaint. If a labourer's wages were in arrear to an amount exceeding the total of two months' wages, the Magistrate could order payment and also compensation not exceeding the amount of wages due. The contract could be cancelled if the wages were four months in arrears, or if the labourer were subjected to ill-usage. The employer was empowered to arrest without warrant an absconder wherever found, and not merely within the limits of the district, provided that he was not in the service of another employer. He was, however, bound to take the labourer after arrest within a reasonable time to the nearest police station. Absence from work was punishable as under the Act of 1865, but not so indolence. The punishment for desertion was one month's imprisonment for the first offence, two months for the second, and three months for the third. When a labourer had actually suffered imprisonment for six months in the whole, his contract was cancelled. Except in the latter case, terms of imprisonment were added to the contract period. The Act authorized the framing of rules defining the nature of the house accommodation, water supply, sanitary arrangements and rice to be provided by the employer.

18. Act II (B.C.) of 1870 was soon found to be defective in some respects, and in 1873 a bill was brought in to amend it chiefly in the direction of giving greater protection to the labourer. While the matter was under discussion it came to the notice of the Lieutenant-

Regulations in the
Labour Districts.

Act VII (B.C.)
of 1873.

Governor, Sir George Campbell, that some healthy and popular gardens in Sylhet were recruiting free labourers through garden-sardars without complying with the provisions of the law. It seemed to him that this sort of recruitment should not be interfered with; and he proposed that the free recruitment of labourers should be allowed—labourers so recruited, however, remaining permanently outside the Act. He, however, added:—"It would not be fair that a man recruited at a distance for a garden of which he knows nothing should be bound down even under the ordinary law of contract to serve on an unhealthy garden, and I think that we should provide that no contract made in Bengal or elsewhere, or before the coolie has been six months in the tea district, should be binding for more than (say) one year, and that in an action for breach of contract, if it be shown that the garden is very unhealthy or unsuited to the constitution of the foreign coolie, the court may absolve him". The proposal was disapproved of by the Bengal Chamber of Commerce and by the majority of officials and planters consulted. It, however, appeared in a modified form in Act VII (B.C.) of 1878.

Recruitment of
labour outside the
Act.

19. The most important change introduced by this Act was that the prohibition against unlicensed recruiting was withdrawn, but by Section 7 it was provided that no contract to labour in the labour districts for more than one year should be binding unless made and executed according to the provision of the Act. Any person could be imported into Assam outside the provisions of the Act under a contract for a term up to one year, but the agreement was enforceable only by suit under the ordinary civil law of contract. This provision remained a dead letter. The planter did not care to run the risk of taking such an emigrant up to his garden at considerable expense, when his hold over the coolie was so slight. Labour contracts entered into in the tea districts with labourers whose term of contract under the Act had expired, or with locally engaged or indigenous labourers, could only be made under the ordinary law. This course left employers with no special contract law for local labourers, and in consequence Act XIII of 1859 came to be applied to time-expired as well as to indigenous and settled immigrant coolies.

The Act contract.

20. Annexed to the Act was a form of contract. The contract bound the labourer to proceed to the labour districts and there remain and labour, but left the rates of wages blank. There was no provision for deduction of pay for short work, though the system of payment for a daily task was universally in force; and the employer was left to the unworkable section of the law which required him to produce a labourer absenting himself from his labour before a Magistrate in order to have his wages cut. The following extract from a letter No. 3740, dated the 7th November 1880, from the Secretary to the Chief Commissioner of Assam to the Bengal Government, is given as showing the practice which prevailed:—

"The law gives no power to the Lieutenant-Governor or any one else to fix the rate of wages, nor, so far as the Chief Commissioner can ascertain, has it been attempted by authority to fix them. Yet every planter to whom he has spoken on the subject imagined the rate to be regulated by law, and it is quite certain that, notwithstanding all the differences in point of distance, climate, cost of necessaries, etc., between gardens (say) in Sylhet and gardens in North Lakhimpur, one uniform and invariable rate of wages is entered in the contract, *viz.*, Rs 5 for a man and Rs 4 for a woman per mensem.

* * * * *

"Under the existing form of contract, the planter binds himself to pay the labourer a fixed sum as monthly wages, without any reference to whether the latter does or does not work, whether he absents himself, malingers, or is incapacitated from work. The law allows no deductions to be made from such wages, save under Section 121, which provides that only on conviction before a Magistrate can the wages of labourer be subjected to deductions on account of absence.

"It is almost unnecessary to say that the law on this point is a dead letter. For permission to deduct a day's wages, equivalent to three annas, an employer would have to send prosecutor, witnesses, and defendant to a Magistrate's court some fifty or sixty miles off, and lose their services for a week. In fact, the remedy would be fifty times worse than the evil, and under such a system it would be impossible to enforce regular or systematic labour. The alternative universally adopted, and I may add universally accepted by the Magistrates, is to

have a fixed scale of haziris or tasks, and payment is made, not by the day or hour, but by the tasks. Inspectors are practically able to see that these tasks conform to the intention of the law in bringing the full rate of wages within easy reach of every one who does an ordinary day's labour; and, as a matter of fact, the tasks and remuneration for the tasks on gardens similarly situated vary only within narrow limits, as labourers not under the Act have the same scale of tasks as those under Act VII, and here competition comes in, so that a planter who made his scale of tasks unremunerative would soon find himself deserted by his non-Act labourers.

* * * * *

"He (the Chief Commissioner) is of opinion that the law should be brought into conformity with the practice on this point, that the planter should contract to pay not Rs 5 a month, but at the rate of Rs 5 a month according to the tasks done."

The right of private arrest could only be exercised at a distance of ten miles from a place where a Magistrate was resident.

21. By 1878 a large surplus balance had accumulated to the credit of the Inland Labour Transport Fund, and in the two following years the Government of Bengal extinguished this by spending over five lakhs on the improvement of communications between Bengal and Assam. The Government of India questioned the legality of this expenditure and suggested that the law should be amended so as to legalise such expenditure. This raised the question of a general amendment of the law, and as the question promised to be a very thorny one, the Government of India approved of the appointment of a Commission to consider the whole question of the working of Act VII (B. C. of 1873), especially with the view of fostering emigration to Assam, not only for service on tea gardens, but also with a view to settle cultivators on waste lands.

22. This Commission sat under the presidency of Mr. (afterwards Sir Alexander) Mackenzie and reported in January of 1881. The Commission found that Act VII (B. C.) of 1873 was defective in the following respects:—

1. It did not afford sufficient encouragement to free emigration.
2. It imposed unnecessary restrictions upon sardari recruiting.
3. It failed to provide for the enforcement of contracts made outside the Act.
4. It did not afford employers sufficient protection against absence, idleness and desertion of labourers.

The Committee found that the provisions of Section 7 of Act VII (B. C.) of 1873, under which free recruiting was allowed (provided that the coolie was put under a one year's contract), were a dead letter, but that in Cachar and Sylhet an extensive system of free recruiting had grown up, the labourers being put on contract on their arrival on the garden. The Commission therefore recommended that estates should be allowed to recruit through garden sardars without control, the labourers being placed on contract on arrival. They, however, also provided for garden sardars placing their recruits on contract in the recruiting districts, but the contract might be executed anywhere in the Province of Bengal and not merely in the district of recruitment. The licensing of local agents was recommended, and it was proposed that local agents should be specially licensed to recruit. It was hoped that this would meet the case of new gardens, and that each garden would in time come to do its own recruiting through garden sardars or local agents, and that thereby the contractor who recruited for Assam in general would soon cease to exist. This expectation was, as facts proved, far from being realized.

23. The Committee also recommended that local agreements should come under the same law as agreements in the recruiting districts. They stated:—

"The general conclusion arrived at not only by us but by all who have been consulted in the matter, is that, looking to the increased facilities of communication with the labour districts, to the fact that the conditions of labour there are now thoroughly understood by the class from which the labourers are drawn, to the greatly ameliorated condition of the labourers themselves in the tea districts, to the great importance of colonizing the eastern and relieving the pressure of population in the western districts of the Bengal Provinces, and to the urgent necessity at the present time of assisting the tea industry in which so much capital has been embarked, no unnecessary obstruction should now be thrown in the way of the emigration

COMMISSION OF
1881.

Local contracts.

of natives of other parts of India to the labour districts under contracts made as in the Act provided; and that nothing should interfere with the making of such contracts by free emigrants and other local and time-expired labourers within the labour districts themselves.

"Those employers who can draw a sufficient supply of labour to their tea gardens, without incurring the expense of employing a regular agency to recruit and to execute contracts in the recruiting districts, may be left to make their own arrangements. When free emigrants arrive ready to work for such employers, or where local labourers or others are willing to enter into contracts with them under the Act, they should be allowed to do so, it being provided that every labourer placing himself under the penal provisions of the Act shall be entitled also to benefit by its protective clauses. If any employer objects to this, he should be at full liberty to make with his labourers any contract which the ordinary laws of the country recognize and enforce."

The Commission were of opinion that it was to Behar and the North Western Provinces that tea planters must in future look for their supply of labour, an expectation also doomed to disappointment.

Act I of 1882.

24. This report led to the passing of Act I of 1882. The following were the principal new features introduced by that Act. Section 7 provided that nothing in the Act should be deemed to prohibit any native of India from emigrating to or entering into a contract to labour in a labour district otherwise than under the provisions of the Act. The term of contract was raised to five years, and a minimum wage of Rs 5 for a man and Rs 4 for a woman for the first three years, and Rs 6 for a man and Rs 5 for a woman for the last two years, was prescribed, payment being subject to the completion of a daily task regulated in accordance with the provisions of the Act. Sub-contractors were recognised and there was no material change in regard to the treatment of emigrants recruited by contractors. The medical inspection was, however, merely directed to ascertaining that the emigrant was fit to travel. Local agents were licensed and forbidden to have any connection with contractors or recruiters, but they might be especially authorized to recruit without the intervention of garden sardars. Garden sardars' certificates had to be countersigned by an Inspector or Magistrate having jurisdiction in the place where the employer resided; the certificate was not to remain in force for more than one year, unless renewed. Emigrants recruited by certificated garden sardars had to be registered and placed on contract in the districts of recruitment. If the emigrant were brought to Calcutta a representative of the employer could reject him and have his contract cancelled, paying the cost of his return home. Penalties were provided for misbehaviour by garden sardars.

25. By Section 111 contracts under the Act might be executed in the labour districts. A copy of the contract had to be forwarded to the Inspector within one month. On the first visit of the Inspector to the estate he was to interview the labourer and could cancel the contract on the application of the labourer; or under Section 112 the contract in the first instance might be executed before the Magistrate or Inspector within whose jurisdiction the employer resided. These local contracts might be in the same terms as initial contracts in the recruiting districts. The employer fixed the schedule of tasks; the Inspector had power to reduce the scheduled tasks, and if the employer objected to the order he could demand the appointment of a Committee to decide the matter. Labourers absent owing to sickness were to receive a subsistence allowance of 1½ annas a day, but if such absence exceeded 30 days in any one year, the excess days were to be added to the term of the contract. The distance from a Magistrate's court beyond which arrest without warrant was legal was reduced from 10 to 5 miles. It was provided that if the food-grains used by any class of labourers were not procurable in the local market at reasonable rates, the employer was bound to supply them at reasonable rates and the Local Government was empowered to declare what such rates were.

Free contractors' Recruitment. The Dhubri System.

26. Sir Alexander Mackenzie's Commission had hoped that the scheme propounded by them and embodied in Act I of 1882 would kill the contractor. It had, however, the exactly opposite effect; contractors took advantage of Section 7, and proceeded to recruit outside the law and subject to none of its restrictions; they took their recruits to Dhubri and they were there placed on contract for five years before a Magistrate. Under Act VII

(B. C.) of 1873 Goalpara was not a labour district. The few contractors who had depôts there were therefore in the same position as contractors working elsewhere in the recruiting districts. By Act I of 1882 Goalpara became a labour district, and it was held that local contracts under the Act could be executed at Dhubri which lay in the Goalpara district. Free contractors were not slow to take advantage of a concession which enabled them to take their recruits to the greatest possible distance from the recruiting districts without interference. It was contemplated by the framers of the law that free emigrants would find their way to Assam in small bodies and should see the garden and the conditions under which they were to work before they entered into a local contract, but by the procedure actually adopted this intention was frustrated. In a very few years the great bulk of recruiting was carried on outside the Act, subject to no control, sanitary or otherwise. In 1887 out of 25,635 emigrants who arrived at Dhubri only 3,794 had been recruited by licensed contractors or garden sardars under the Act and placed on contract; of the remaining 21,851, 21,323 were placed on contract at Dhubri. All the elaborate provisions of the law for the protection of the emigrant were thus rendered nugatory; not only were there many recruiting abuses, but in the absence of sanitary regulations serious mortality occurred.

27. To remedy the latter evil the Government of Bengal passed Act I (B. C.) of 1889. It empowered the Local Government to make rules prescribing the routes by which emigrants to Assam should travel, and the accommodation and food, etc., to be provided by persons assisting them to emigrate. The Act was extended to Assam in 1890 in order to control free emigration to the Surma Valley. The Government of Bengal also applied to the Government of India for a modification in the law, which, by making registration in the actual district of recruitment necessary, would render easier the detection of cases of wrongful recruitment. The application was considered by the Government of India along with special reports on the working of Act I of 1882, submitted by the Governments of Bengal and Assam in accordance with instructions from the Secretary of State. The decision was to adhere to and regulate the Dhubri system, and trust to executive action to suppress abuses. At the same time other modifications of the law were decided on and were embodied in Act VII of 1893, which amended Act I of 1882.

Act I (B. C.) of 1889.

28. This Act was the first which extended to the Central Provinces. The term of contract was reduced to four years and the term of a contract executed under Section 111 was limited to one year. Under Section 112 local contracts could be executed before an Inspector or Magistrate for four years. The Inspector or Magistrate resident at Dhubri was given jurisdiction throughout the whole Assam Valley, so that four years' contracts could be executed at Dhubri under this section for any tea estate in Assam. The Act empowered the Local Government to repatriate labourers irregularly recruited. A number of minor amendments in the existing law were also introduced.

Act VII of 1893.

29. The decision of the Government of India to continue the Dhubri system was based on the ground that nothing should be done which would tend to discourage free emigration. Sir Stuart Bayley, as Lieutenant-Governor of Bengal, when reporting on the abuses which had sprung up under the Act of 1882, recommended that all recruits should be registered and their contracts executed in the district of recruitment, and that no labourer should be permitted to enter into a penal contract in Assam until he had been proved to have resided two years there. The Government of India disapproved of these proposals. They thought that as few complaints in connection with recruitment ended in conviction, there could not be any serious amount of crime connected with recruitment in the recruiting districts; that undue official interference would make emigration unpopular and be a retrograde step, tending to discourage free emigration and retarding the day when all special legislation could be abandoned; and they considered that the Bill which was then under discussion and which was afterwards passed as Act VII of 1893, combined with vigorous enforcement of the ordinary criminal law, was all that was required. This Act, however, dealt mainly with the prevention of high mortality and the enforcement of sanitary improvements on the tea gardens. It did not touch the system of free emigration, and had no effect on the abuses that had sprung up in the recruiting districts in connection with that system.

The Dhubri system continued.

Retention of Local
Contracts.

30. With regard to the proposal that no newly imported labourer should be placed under contract in the labour districts until he had resided there for two years, the Government of India remarked :—

“ We fear that the difficulty of ascertaining in particular cases whether an immigrant has been only recently imported or not would either leave an opening for the evasion of the proposed restriction, or, on the other hand, if strict proof were required in each case that an immigrant who proposes to execute or has executed a local contract is really a new immigrant, that it would place serious hindrances in the way of the expansion of free emigration.”

They considered also that by the time the labourer reached Dhubri he had mixed with the stream of emigrants and learned a good deal of Assam and garden life, and still more so by the time he had reached the garden itself. An alternative question had been brought forward of whether a new law based upon Section 492 of the Indian Penal Code or Act XIII of 1859, and adapted to suit the requirements of tea gardens, might not be substituted for Sections 111 and 112 of the Act of 1882. This was negatived on the ground that it would destroy the uniformity in the labour system which was considered desirable.

COMMISSION OF
1895.

31. In November 1895, the Government of Bengal appointed a Commission to enquire into the supply of labour, primarily for the coal mines in Bengal and secondarily for the Tea Industry. This Commission reported in May 1896, and paragraphs 53 to 98 of their report deal with recruitment for Assam. The Commission found that the free contractor's system, which had grown up under Act I of 1882, was full of abuses and was not even beneficial to the planter, as it interfered with sardari recruiting and had raised the price of labour. The most important of their recommendations were the following :—

(a) That Act I of 1882 be withdrawn from Cachar and Sylhet.

(b) That the free contractor's system be abolished.

(c) That a system of initial registration be introduced in all recruiting districts.

It was also considered that with a better system of recruitment the term of contract might be shortened. One of the matters discussed by the Commission was the formation of a central recruiting agency through which all recruiting should be conducted. It was hoped that this would put a stop to abuses, but the co-operation of all concerned had not been secured at the time and the Commission were therefore unable to pronounce definitely on the proposal.

Act VI of 1901.

32. On the consideration of this report, and no central recruiting association having been formed, the Government of India introduced two Bills in 1899 one to amend the Labour Law and one on the lines of Act I (B.C.) of 1899 to control the movement of emigrants to the labour districts. The Select Committee amalgamated these two Bills which eventually passed into law as Act VI of 1901. Under Section 3 of this, the present law, a Local Government with the sanction of the Governor-General in Council may prohibit unlicensed recruiting in any area. In any area so notified licensed recruiters have to register emigrants before a Magistrate in the district of recruitment, after which they can be removed to a central depot in or near the district of recruitment there to be placed under contract. Garden sardars have to register their recruits and place them on contract before the registering officer having jurisdiction in the district of recruitment or before any other registering officer appointed by the Local Government. Section 90, however, empowers Government to allow the recruiting of free labourers by garden sardars in areas notified under Section 3, the sardar being bound merely to send in a list of his recruits three days before taking them away from the district. Section 91 also empowers Government to sanction further relaxation of control over sardar recruiting in the case of particular agencies or associations of employers. In areas not notified under Section 3 there is no interference with recruiting.

33. The term of contract was maintained at four years, but the wage was raised. It was at first proposed to make the wage Rs 6 for a man and Rs 5 for a woman, but eventually as compromised the wage was fixed at—

Rs 5 and Rs 4 for the first year ;

Rs 5-8 and Rs 4-8 for the second and third years ;

Rs 6 and Rs 5 for the fourth year,

and the enhancement did not come into force till 1st April 1903. The wage, as under Act I of 1882, is a daily wage obtained by dividing the monthly wage by the number of working days in the month. No woman can bind herself by a labour contract if her husband or guardian objects, and when a woman is produced by a licensed recruiter before a registering officer the latter is bound to satisfy himself of the identity of her guardian and of the fact of his consent. For the first six months of residence on the garden the labourer is entitled to receive full wages on the completion of a half task, unless the Inspector certifies that he is physically fit to perform the whole task. The Local Government has power to cancel contracts on a garden where wages are insufficient to maintain the labourers in health. The provisions of the previous Act regarding local contracts and the right of private arrest were retained.

APPENDIX B. :

ABSTRACT OF LABOUR CONDITIONS IN THE RECRUITING DISTRICTS.

NOTE.—The figures for Density of Population are for Rural Population only.

BENGAL DISTRICTS.

RANCHI.

Population 1891	1,128,885
„ 1901	1,187,985
Density	161
Natives of district in Assam in 1901	91,794

This is the great recruiting ground for the best tea-garden labour—Mundas and Oraons. Over 50,000 persons emigrated to Assam during the decade 1891—1901. The Duars gardens have for many years recruited largely in this district and the inhabitants also migrate temporarily during the cold weather to work in Lower Bengal. In spite of this heavy drain, the population increases steadily. It is probable, however, that in the near future it will become increasingly difficult to get labour for Assam from this district, as the railway from Purulia is under construction, and extensive public buildings are about to be constructed at Ranchi. At the time of the Committee's visit, labour was being imported from Bilaspur to do earth-work on the railway.

The Hon'ble Mr. Slacke (No. 144) has referred to other developments which are taking place and increasing the local demand for labour. The lime works at Bira in the neighbouring Native State of Gangpur offer 4 annas to men and 3 annas to women and are experiencing difficulty in obtaining workpeople. The sleeper-cutting operations in Gangpur and Bonai are yearly employing more labour. The lac industry is thriving and offering good wages. A settlement of the district is in progress, and people are unwilling to leave their homes in case their claims to their land should be overlooked.

Local wages for unskilled labour have risen to 3 annas a day and are likely to rise higher. The Duars are already finding it difficult to obtain coolies in Ranchi and are now recruiting more extensively in the Santal Pergannas. All these conclusions point to the fact that Assam cannot expect to draw an increased supply of labour from the district, unless it is prepared to offer better terms. There are many missionaries in the district who possess great influence over the people, and who might assist in settling people in Assam, if satisfied with the conditions offered by individual estates.

MANBHUM.

Population 1891	1,193,828
„ 1901	1,301,864
Density	307
Natives of district in Assam in 1901	69,723

Manbhum is a favourite recruiting ground for Assam especially among the Bhuiyas, Bhumij, Bauris, Rajwars and Santals. There has been great development in coal mining in the Gobindpur Sub-division where the Jheria mines are situated, and an unskilled labourer there earns 4 to 5 annas a day. Elsewhere the wage of an unskilled labourer is 3 annas. As in the case of Ranchi the local demand for labour is increasing. Two licensed contractors, who were examined by the Committee (Nos. 33 and 36), considered that there was little chance of increased emigration taking place from Manbhum. The opening of the Bengal Nagpur Railway in 1891 stimulated recruitment for some years, but they thought the district was now to a great extent exhausted except for casual emigrants wishing to escape their creditors. Mr. Slacke believed the present dislike to working in a coal mine was being gradually overcome.

and that more and more people would take to the work on account of the good wages offered. There is much fertile waste land in the district waiting to be reclaimed.

HAZARIBAGH.

Population, 1891	1,164,321
„ 1901	1,177,961
Density	163
Natives of district in Assam in 1901	68,772

The population is generally poor and there is a good deal of emigration. The principal castes sought after for Assam are Bhuiyas, Ghatwals, Dosadhs and Santals. One obstacle to emigration is the *kamis* system by which the debtor is bound in serfdom to his creditor. The system is described in the evidence of Mr. Radice, the Deputy Commissioner (No. 94). The richer men naturally object to lose this cheap labour and are opposed to emigration. Coal-mining is unpopular. The land is mostly poor. Wages are very low. Hazaribagh appears to offer a good field for emigration. It will probably be necessary to resort pretty freely to the payment of the debts of emigrants and thus overcome the difficulties presented by the *kamis* system.

SINGHBHUM.

Population, 1891	545,488
„ 1901	613,579
Density	161
Natives of district in Assam in 1901	12,927

The population is sparse and mainly aboriginal. Wages are 2 to 3 annas for a man, but the people are not industrious. Some Duars tea-gardens have a connection in this district. There is a field for emigration, but land is cheap and the people are fairly well off according to their standard. There is a proposal to locate the Tata ironworks at Sini, which will be connected by rail with the mines in Moharbhauj. This will greatly increase the local demand for labour.

PALAMAU.

Population 1891	596,770
„ 1901	619,600
Density	124
Natives of district in Assam in 1901	6,776

A little recruiting for tea goes on, but there is not much field for emigration. Cultivators in the district are scarce and there is competition among the zemindars for tenants.

SANTAL PARGANNAS.

Population, 1891	1,753,775
„ 1901	1,809,737
Density	327
Natives of district in Assam in 1901	13,237

One-third of the population is Santal and another third is of aboriginal or semi-aboriginal descent. The Santals are an increasing race and very ready to emigrate. For the past twenty years they have been moving eastwards. In 1901 the following number of emigrants from the Santal Pargannas were found in the districts given :—

Malda	42,575
Dinajpur	43,591
Jalpaiguri	10,562
Rajshahi	6,481

The emigration to Malda, Dinajpur and Rajshahi was spontaneous; that to Jalpaiguri for free labour on the tea-gardens. People from the south of the district readily find work in the coal fields and many also go in the direction of Calcutta during the cold weather. From the Dumka Sub-division the emigration is chiefly to the Duars for tea.

If the prevailing suspicions regarding Assam were got over, there should be a fair amount of labour to be had. There is a considerable surplus population to be drawn upon. In the

present year the crops were poor, and large numbers of people went to the Duars. The Santal Pergannas would appear to offer a promising field for emigration to any garden that will undertake to work free labour, and the offer of land would be very popular with the Santals. But it is essential that confidence should first be restored regarding Assam. Mr. Foley, mentioning the disinclination of people from the centre of the district to go to the coal-fields, remarks:—

“Raniganj appears to have a bad name among the people, because some have been taken there on pretence of getting work in the collieries, and carried off to Assam.”

MIDNAPUR.

Population, 1891	2,631,466
„ 1901	2,789,114
Density	521
Natives of district in Assam in 1901	17,423

This is a large district of which the northern and western portions contain a considerable population suited to the tea-gardens of Assam. It has, however, never shown good results as a recruiting district, because of its nearness to Calcutta and the rich rice lands of Lower Bengal. People in search of work can always find it within two or three days' walk from their homes. The railways which have been opened within the last ten years have brought about a rise in wages. A good deal of labour has been imported from the Central Provinces for work at Khargpur on the Bengal Nagpur Railway where the unskilled labourer can earn ₹7 per month. Many of the tea-garden coolies shown as recruited in Midnapur really come from Moharbhaj and other Native States.

SAMBALPUR.

Population, 1891	796,413
„ 1901	829,693
Density	165
Natives of district in Assam	9,437

The figures are for the district as it stood before the Partition. Some of the best recruiting grounds have been included in the adjoining districts of Raipur and Bilaspur. The district contains a large number of Gandas, 104,661, who are low caste weavers and day labourers and addicted to thieving. They are said to make good labourers on a tea-garden. A difficulty has of late arisen in their recruitment, as professional thieves went up to Assam in order to get sent down as garden sardars. Under cover of their sardars' certificates they were able to escape molestation in committing house-breaking and petty thefts. The district authorities refuse countersignature of sardars' certificates in the case of men who have been convicted of theft, and suspected characters are liable to supervision by the Police. This has interfered with recruitment. The Gandas are kept under strict control by the village headmen; until recently it was the practice for a roll-call to be taken in every village each night to see that the Gandas were not out on the loose. Their lot is not a happy one, yet they have of late shown no inclination to move from the district. Something might be done if a garden manager took down a number of Gandas who had been some time in Assam, and through them offered to settle families who might be got to emigrate, on rice land. The district authorities would be likely to help, as the Ganda is not a man who would be missed. The local missionaries might also assist; they are keenly alive to the irksomeness of the watch and ward kept over the Gandas in the villages.

Other aboriginal races are the Binjhwas, 39,225, Gonds, 63,248 and Sawaras, 76,841. Kols are not numerous. The general impression is that very little emigration is to be expected from Sambalpur. The district has not suffered much from famine; there is a good deal of land available for cultivation both in British territory and the surrounding Native States; and a settlement of the district has just been completed, so that considerable extension of cultivation is likely to take place. Agricultural labour is in great demand and is done largely by the small ryot. The landless labourer is not much in evidence. There has been no movement from the district for outside work. In the present prosperous condition of the district there is very little chance of moving the stay-at-home inhabitant of Sambalpur.

unless perhaps the Ganda can be induced to escape from the bondage in which he is held in his native village.

Wages are very low; 2½ annas around head-quarters and less in the interior of the district.

BALASORE, CUTTACK AND PURI.

There is very little emigration to Assam from these districts, nor is it likely to increase; the habit of temporary migration to Bengal in search of work has been too long established. Most of the labour recruited in these districts really comes from the adjoining Native States.

BANKURA AND BIRBHUM.

Bankura and Birbhūm are much in the same position as Midnapur and are not likely to be very productive recruiting grounds. There is a large population of Santals, over 105,000, in the west of Bankura. The coal-fields are the natural outlet for the surplus labour and there is a considerable amount of temporary emigration every year.

REST OF BENGAL.

In the rest of Bengal and Behar very little attempt is made to recruit for tea, and there seems little chance of recruitment ever being successful. Luckisera in Monghyr and Gaya are the only centres from which emigration at present takes place. Behar now furnishes no labour for the tea-gardens. The whole of the emigration is seasonal, people going in great numbers to Calcutta and Eastern Bengal, where they earn high wages in factories or at the docks, or working as coolies at the jute centres and on the River. Assam can never expect to compete with the down-country fields of employment for these people, and emigration to the tea-gardens may be considered as practically out of the question.

UNITED PROVINCES DISTRICTS.

The only centre from which there is at present any emigration to Assam is Ghazipur. The labour is suited only for healthy gardens, and most of it goes to the Surma Valley. There is extensive emigration from Ghazipur and the surrounding districts to the Calcutta side, and the prevailing idea is that there will be increasing difficulty in getting people to go to the tea-gardens in the face of the strong competition of the down-country industries. At the same time the population presses heavily on the soil and the wages of unskilled labour are low, and there seems no reason why people should not be got to go to Assam, if a slightly higher wage were offered than at present, or if gardens which have got land arranged to settle the immigrants on it.

With the opening of the railway to Gauhati, Assam will be brought in closer touch with the congested districts in the east of the Province, and it would be worth the while of healthy old established gardens to try recruiting in the districts of the Benares and Gorakhpur Divisions. From the evidence recorded by the Committee there appear to be strong objections to Assam emigration among United Provinces people on account of caste scruples. It would be essential that the emigrants should be allowed to travel with the sardars recruiting them as third class passengers, and not sent through depots or rest-houses, and that in Assam they should have their own bastis and not be mixed up with aborigines or out-castes from other places. The up-country man is a good worker, but he must have more of his own way than the jungly.

In the present year there has been scarcity in the districts south of Allahabad and some people are said to have gone to Assam from Bundelkhand. There is a fair amount of emigration from the Rewa State, which adjoins Bundelkhand, and the labour is said to do well on healthy gardens. The experiment might be tried of recruiting in this part of the Province for old established and well situated estates.

CENTRAL PROVINCES DISTRICTS.

BILASPUR.

Population, 1891	1,164,158
„ 1901	1,012,972
Density 169 in the plains portion of the district, and 50 in the extensive Zemindaries in the north.	
Natives of district in Assam in 1901	27,137

The district suffered severely in the famines of 1896-97 and 1899-1900. The population decreased by 151,186 during the decade. In 1902-03 the rice crop partially failed and there has again been scarcity in the present year. The cultivated area which was 1,289,000 acres in 1894-95 fell to 1,106,000 acres in 1900-01 after the great famine. It has now recovered and stood at 1,275,000 acres in 1904-05. There is thus extended means of subsistence for the reduced population, and the large drop in the numbers of the poorest classes, who were the people who disappeared in the famines, has left a smaller number of labourers available for the cultivation of the land.

There is practically nothing but field work for the labouring classes. But within the past five or six years the Bilaspuri has taken largely to going towards Calcutta for work. Great numbers leave their homes at the beginning of the cold weather for Khargpur, the Calcutta Docks, the Bengal coal-fields, etc., and considerable numbers have gone as far afield as the Gauhati extension of the Eastern Bengal State Railway. They earn good wages. The Bengal Nagpur Railway have been employing thousands of Bilaspur people at Khargpur on monthly wages of ₹7 for a man and ₹5 for a woman. But there is now a tendency for them to go further on for the higher wages offered in Calcutta. At the new Howrah Station the Bilaspuri is at the present time getting 5 annas a day, and as he works practically every day, he can earn over ₹9 a month. In the Docks his wages are higher still, although work may not be so constant.

This yearly migration is becoming more and more popular, and it will tell more strongly against recruitment for Assam each succeeding year. There are still plenty of people in the district who might be got for Assam, but it is impossible to expect that they will go there in any number, now that they have discovered the good earnings to be made in places nearer their homes.

There are many classes of the population who might do well in Assam. The Chamar is very numerous, but he is not much liked on a tea-garden. The Colonies, however, consider him a good worker and a useful emigrant.

RAIPUR.

Population, 1891	1,584,427
„ 1901	1,440,556
Density 165 in the more open plains and 56 in the Zemindaris.	
Natives of district in Assam in 1901	7,719

The district has been badly hit by the famines. The drop in population at the last Census was 143,871. Conditions are much the same as in Bilaspur, but there never has been the same extent of emigration to Assam from this district as from Bilaspur, and so long as crops continue good there is little prospect of emigration increasing. Wages are very low in the interior of the district, from 1½ to 2 annas. But the attractions of the Bengal labour field are beginning to be found out and the movement thither for work in the open season is on the increase. Irrigation projects, which will employ a considerable extent of local labour, are about to be undertaken. And in the present year a beginning is to be made with the construction of the railway line from Raipur to Vizianagram. This will draw a great deal of labour both from Bilaspur and Raipur for several years to come.

BALAGHAT.

Population, 1891	382,240
„ 1901	325,371
Density	144
Natives of district in Assam in 1901	8,983

This district suffered severely in the famines, and the population dropped by 56,869 during the decade. There was extensive emigration to Assam in the latter half of the nineties. In 1904-05 the number of emigrants was only 188. There is no prospect of any increase in emigration. The Satpura Railway which has been recently opened, runs through the district. Trade has increased, and the extensive *sal* forests in the north of the district are being worked. The manganese industry in this and the adjoining districts of Nagpur and Bhandara, which has only been in existence for the past five years, has created a strong demand for labour. Wages of 5 annas a day are offered to men, but the general complaint is that workers are not to be had. At the present time a railway is under construction from Gondia, the junction of the Satpura railway with the main line of the Bengal Nagpur Railway, to Chanda, and irrigation works are in progress.

BHANDARA.

Population, 1891	742,850
„ 1901	683,062
Density	159
Natives of district in Assam in 1901	1,918

This district supplied a certain amount of labour to Assam in the famine years. Last year the number of emigrants had dropped to 93. Conditions are much the same as in Balaghat. Work people are in great demand for manganese mines, irrigation works and the Gondia-Chanda railway, and the cotton industry in Nagpur and the districts to the east take up all the available labour there is. Wages are good and are rising yearly. Emigration to Assam may be regarded as a thing of the past so far as this district is concerned.

JUBBULPORE.

Population, 1891	748,146
„ 1901	680,585
Density	146
Natives of district in Assam in 1901	13,708

Emigration to Assam was brisk in the famine years, but fell off largely when the seasons improved. It now shows some tendency to increase, the number of emigrants having been 251, 486 and 685 in the last three years, respectively. The figures include emigrants from the adjoining districts of Seoni and Mandla who are registered in Jubbulpore. Extensive building operations at the head-quarters of the district have brought up wages, 5 annas for a man and 3 annas for a woman being now paid, and on the Kutni Lime Works a man working on contract can make 4 annas a day. The decrease of 67,561 in the district population has made field labour scarce, and as the district is a fine agricultural one, landowners are much opposed to emigration. There appears no prospect of emigration taking place on any large scale from this district.

MANDLA AND SEONI.

The population in these districts fell by 22,091 and 43,058 in the decade 1891-1901. Population is sparse, 62 to the square mile in Mandla and 93 in Seoni. From both districts there was a fair extent of emigration to Assam at one time; it has now dwindled to very small dimensions, with the opening of the Satpura Railway and the return of good seasons. There are large numbers of Gonds, 159,949 in Mandla and 130,393 in Seoni. In the latter district they are petty cultivators and day labourers, and are fairly well off. Ginning factories and hemp-presses are being started in the district, and at the trade centres a labourer can earn 3 or 4 annas a day. In Mandla the plains portion of the district offers practically no field for recruitment. The wilder Gonds of the hills are poor, but it would probably be useless trying to take them to Assam. The following extract from a report written after the famine of 1896-97, may be quoted:—

“These people are shy, retiring and unenterprising, lazy in all employment, save those, such as wood-craft, which are congenial, and suspicious toward all interference with their customary existence. Even when weaned from their homes to the famine works, they found the fetters of organization trying to their wild and undisciplined natures; divided into gangs and tied down to certain hours of attendance they were like frail exotics in a Northern

climate—at the least breath of censure from an overseer, or the least fall in the scale of wages, their power of endurance would shrivel up, and they would return to their native haunts and habits.”

Despite their numbers, the Mandla Gonds would hardly seem to form suitable material for tea-garden labour, and any attempt at recruiting them would probably be a failure.

NARSHINGPUR, HOSHANGABAD AND NIMAR.

The only other districts in the Central Provinces from which there has been emigration to any extent in the past are those in the Nerbudda Valley, Narsinghpur, Hoshangabad and Nimar. In the two former it has almost entirely stopped; both are good agricultural districts and in prosperous seasons are never likely to offer a field for emigration. From Nimar a considerable number of Korkus were obtained for Assam in the famine years. They are now in great demand for breaking up waste land, large tracts of which are being opened to cultivation, and they will not readily forsake this congenial occupation. Only 15 emigrants were obtained from Nimar in 1904-05.

BETUL AND CHHINDWARA.

The two hill districts of Betul and Chhindwara contain large numbers of aborigines, but population is sparse and the people have never taken to tea-garden emigration. The opening of the Pench Valley coal field in the former district will take all the local labour there is to be had. There is apparently already a scarcity of labour in the field. When the Committee were at Jubbulpore they heard of one concern trying to get 2,000 labourers from there for work at the mines.

REST OF CENTRAL PROVINCES.

The southern districts of the Central Provinces offer no field for emigration. With the great expansion of the cotton industry which has taken place of late years, there has been a marked advance in the prosperity of these districts and wages are high. At a ginning factory the wages ordinarily paid are Rs 8 to men and Rs 5 to women per month, and the tendency is everywhere for the earnings of unskilled labour to rise. To quote from a recently published report:—

“In all the manufacturing districts the wages of unskilled labour have now risen much above the rates in force a few years ago, and agricultural labourers, as well as those employed in factories or on public works, command a much higher wage than formerly. The increased demand for labour with, as its necessary consequence, the increased remuneration of the labourer, is a very striking feature in the economic history of the Province at the present time.”

MADRAS DISTRICTS.

GANJAM.

Population, 1891	1,896,803
„ 1901	2,010,256
Density 325 in the district proper and 92 in the Agency Tracts.	
Natives of district in Assam in 1901	17,903

Recruitment for Assam is not now permitted in the Agency Tracts of which the population is 321,114. The chief castes who go to Assam are Bavaris, Paos, Dandasis, Kapsavaras and Telugus. They are mostly landless labourers. The Bavaris are said to be very lazy. There is a strong current of emigration to Burma. At the close of the cultivating season coolies go over in tens of thousands to Rangoon, where they work until the next field season comes round. There has recently been competition between the Steamer Companies engaged in the traffic, and the rate for the passage had gone down from Rs 14 to as low as Rs 1-8-0. It was Rs 4 in the end of March last. The wages

earned in Burma vary from 8 annas a day for general labour to ₹1 for work in the docks. In the face of this annual migration it will always be difficult for Assam to secure a supply of labour from the Coast portion of Ganjam. The offer of land might tell with some people, especially amongst the Uriyas in the north of the district, many of whom are said to be poor. The Ganjami does well on the tea-gardens. He is said to live well and is a steady worker. When settled down, Madrasi coolies are very prolific and they have given a good labour force on several gardens.

The labour most suitable for Assam is to be found in the Agency Tracts. The reasons for the closing of the Tracts to emigration are set forth at page 105 of the Committee's Proceedings. Unrest among the Khonds is feared, if recruitment were permitted.

VIZAGAPATAM.

Population, 1891	2,802,992
„ 1901	2,932,650

Density 452 in the district proper and 67 in the Agency Tracts.

Natives of district in Assam in 1901 1,057.

The district has been open to recruitment for Assam, with the exception of the Agency Tracts, since 1901. But very little emigration has taken place. The annual movement to Rangcon is very strong all along the Coast. There is also extensive emigration to the Godavari delta every year from January to April for the paddy harvest. Labour is employed locally by the manganese industry, and the construction of the Raipur-Vizianagram Railway will take up much of the surplus labour in the part of the district through which it is to run.

It does not appear that emigration to Assam is likely to be a success. The people on the Coast will not look at the wages offered by the tea-gardens, when they can earn such high rates in Burma. The Agency Tracts contain a population 850,988, much of which would be suitable for Assam, were emigration permitted by Government.

GODAVARI, KISTNA, GUNTUR AND NELLORE.

It is proposed to throw these districts open to recruitment under Chapter IV of the Act. Up to the present they have, with all the rest of the Presidency except Ganjam and Vizagapatam, been closed to recruitment for Assam. The chances of getting labour from these districts do not appear to be very bright.

The Rev. Mr. Brock of the American Telugu Baptist Mission had communicated with some planters in Assam about sending people from the interior of the Nellore district to the tea-gardens in 1905, when there was considerable local scarcity in parts of Nellore. Mr. Brock was unable to meet the members of the Committee who visited Nellore, but a letter which he addressed to the Collector on the subject will be found at page 109 of the Committee's proceedings. He thought there was some probability of people going to Assam as they were in great straits at home. Mr. Brock had himself been to Assam and was pleased with what he saw of the coolie's life on the gardens. It might therefore be worth while trying recruitment for Assam in the interior of the district, provided the experiment is made on healthy gardens only. The rainfall at Kanagiri where Mr. Brock resides is only 30 inches.

On the other hand the Collector of the district thought that Assam would offer no attractions to the people of Nellore, and the Rev. Dr. Downie, head of the Mission, considered that unless very much higher wages were offered, no one would be got to go.

The hill portions of Guntur might also be tried for labour, but in the Coast districts the people are well off and there seems to be little chance of emigration to Assam in the face of the strong movement towards Rangoon.

REST OF MADRAS.

The rest of the Madras Presidency is closed to recruitment for Assam. From all the Committee could learn there is no prospect of emigration taking place to Assam, even if the

present interdiction were removed. Assam would have at least to double its present wage, before the ordinary coolie would think of going there.

THE NATIVE STATES.

A considerable amount of labour is at present drawn from the Orissa Native States and from the Native States lying to the west of Chota Nagpur and recently transferred to the Central Provinces. Emigration also takes place from Rewa and some of the Central Provinces and Central Indian States. Many of the Chiefs are opposed to emigration partly because they do not want to lose their subjects and partly because they strongly object to the methods of recruitment which have too often been followed. In many of the more backward States the people are very poor and Assam offers undoubted prospects for their betterment. But population is generally very sparse, and it cannot be said that there is much field for recruitment in Native territory, more particularly as the Chiefs are unlikely at any time to encourage emigration. Something might be done to get the consent of the Chiefs to engaging labour amongst people like the Pans of Orissa. They are not very well behaved, like the Gaudas of Sambalpur, and give a good deal of trouble to their neighbours. But the discipline of a tea-garden would probably correct this, and they might do well in Assam.

APPENDIX C.

FORM OF DRAFT NOTIFICATION UNDER SECTION 91 (b) OF ACT VI OF 1901.

[PARAGRAPH 102 OF REPORT.]

Under Section 91 (b) of the Assam Labour and Emigration Act, 1901, the Lieutenant-Governor is pleased to declare that in the case of garden sardars, holding certificates granted under Chapter IV of the said Act and working in the Province of Bengal under the control of the Association, the requirements of Section 60, sub-section (2), and of Section 61 so far as it relates to the countersignature of certificates by the Magistrate of the district within which the garden sardars are employed, are dispensed with.

The Lieutenant-Governor is further pleased to declare that in the case of garden sardars holding certificates and working under such control as aforesaid, the requirements of Sections 68 to 72, Sections 73 and 74 and Sections 87 and 88 are dispensed with on the following conditions :—

1. No person engaged by a garden sardar, in whose case the requirements of the above-mentioned sections have been dispensed with, shall be required to enter into a labour contract under this Act.
2. The Association shall employ a Local Agent in each recruiting district, in which garden sardars are employed, for the purpose of representing the Association in all matters connected with the supervision of garden sardars.
3. Every Local Agent shall keep up two registers in the forms described below, the one containing the names and descriptions of all garden sardars working in the district, and the other the names and descriptions of all persons engaged by garden sardars together with the names and descriptions of the dependants of all persons so engaged. These registers shall be open to inspection at any time by any Magistrate or Police officer not below the rank of _____, and at the end of each month a copy of all the entries of the month in the second register shall be submitted to the District Magistrate.
4. The Local Agent shall, on being so required by a Magistrate or by a Police officer not below the rank of _____, produce before such Magistrate or Police officer any person engaged by a garden sardar or any dependant of any person so engaged, who is in a place of accommodation provided under Section 62.
5. The Local Agent shall report for the orders of the Magistrate any case in which objection is made to the emigration of any person by any one claiming to stand in the relation of husband, wife, parent or lawful guardian to the emigrant.
- [6. If so required by an order in writing of the District Magistrate, the Local Agent shall not, until after the lapse of three clear days, remove or allow to be removed, from the district any woman who is to proceed to a labour district unaccompanied by her husband or lawful guardian.]

Note.—The Forms required by condition 3 would here follow.

SPECIMEN RULES FOR FORMATION OF A RECRUITING ASSOCIATION.

[PARAGRAPH 109 OF REPORT.]

Rules of the _____ Employers' Recruiting Association, formed in accordance with the Provisions of Section 91 of the Assam Labour and Emigration Act, 1901.

The Managers for the time being of the _____

Tea Estates, shall form the members of the _____ Employers' Recruiting Association.

2. The object of the Association shall be the engagement, in accordance with the provisions of Act VI of 1901, of labourers through garden sardars for the Estates of which the members of the said Association are Managers.

3. The Association shall appoint a Secretary for the purpose of carrying on the correspondence of the Association, and his name and address, and any change therein, shall be notified from time to time to the Local Governments within whose jurisdictions the engagement of labourers through garden sardars is carried on.

4. The Association shall appoint a Local Agent or Local Agents for the purpose of supervising the engagement of labourers by their garden sardars in the recruiting districts. When an Assistant Manager of an Estate is appointed a Local Agent under this Rule, he shall have had at least two years' experience of the practical working of an Estate, and shall be in the employ of a member of the Association as his *bonâ fide* Assistant on the Estate of which he is the Manager.

5. For the purposes of Rule (3) _____ is appointed to be Secretary to the Association, with the following registered address :

[Provisions as to apportionment of expenses and allotment of labourers engaged may be added if necessary.]

Note.—Any Recruiting Association formed as above should apply for exemption under Section 91 of the Act from the provisions of Chapter IV (or, if its members undertake to work their labour in accordance with the suggestions made in paragraph 111 of the Report, from the provisions of Section 80), through the Government of Eastern Bengal and Assam to the Local Government within whose jurisdiction the Association proposes to engage labourers through garden sardars.

APPENDIX D.

NOTE BY MR. BOMPAS ON PROPOSED AMENDMENT OF ACT VI OF 1901
IN CONNECTION WITH RECRUITMENT THROUGH GARDEN SARDARS.

[PARAGRAPH 100 OF REPORT.]

Under the present law there are two systems of sardari recruitment: (a) by certificated garden sardars working under Chapter IV, (b) by specially employed garden sardars under Section 90.

Under Chapter IV the garden sardar receives a certificate from his employer; he then appears before a Magistrate or Inspector and accepts and signs the certificate; the certificate is then countersigned by the Magistrate or Inspector; the garden sardar then proceeds to the recruiting district where his license has to be countersigned by the Magistrate of the district. He has to provide a place of accommodation which has to be inspected by a Government officer. When the garden sardar has obtained a recruit he has to produce him before a Registering Officer; he has then within 15 days to offer the labourer a labour contract which is executed in the presence of the Registering Officer.

Under Section 90 the garden sardar receives a certificate from his employer, it being essential that he should have been six months on the estate of his employer; he then has to appear in person before an Inspector or Magistrate and get it countersigned; on reaching the recruiting district the garden sardar has to report his arrival to the District or Subdivisional Magistrate, and three days before his departure he has to report the names of the persons whom he is assisting to emigrate. He or another garden sardar in the service of the same employer has to accompany the persons engaged to the labour district.

A garden sardar under Chapter IV is liable to punishment for failing to report himself to his Local Agent; for not returning to his employer; for failing to account for advances; and for making over his recruits to a contractor or recruiter (Sections 170, 172).

Under Section 91 the local Government may allow garden sardars holding permits countersigned under Section 90 and working under the control of approved agencies or associations of employers to engage emigrants subject to any specified conditions and may relax any of the conditions of Chapter IV in respect to garden sardars holding certificates under that Chapter and working under such control. Under this Section, Chapter IV sardars working under the control of the Tea Districts Labour Supply Association have been excused from putting their labourers under contract, registration, however, being still compulsory.

It will be seen, therefore, that there are two authorised systems of sardari recruitment, the first of which contemplates the recruitment of contract labour with the sardar usually working under the control of a Local Agent, while under the second the sardar, working usually by himself, recruits free labourers who are neither registered nor put on contract. Section 90 provides for less supervision over the sardar and has been extended to those districts where serious recruiting abuses are not anticipated.

In practice, however, where both systems are permitted there is little difference in the working of the two. With hardly an exception every garden sardar, whether certificated under Section 56 or Section 90, is accredited to a Local Agent of the Tea Districts Labour Supply Association; he brings his recruits to the place of accommodation of the Local Agent. If certificated under Section 56 he has to register them; the labourer may then be removed to the labour district. The section 90 sardar removes his emigrants without registration. In each case the emigrant may or may not be put under a local contract for four years under Section 121 on arrival in the labour district. The only difference lies in the registration, and though it is alleged that this deters intending emigrants, the figures quoted in paragraph 56 of the Report scarcely bear out this contention.

The Committee are agreed that many of the formalities at present prescribed by law may be dispensed with. They propose two systems of sardari recruiting, by the first of which the responsibility for the proper conduct of the sardars should be thrown on a licensed Local Agent, while in the other, which would correspond to the present Section 90, there would be no supervision, but information as to the proceedings of the garden sardars will be secured by imposing on the employer instead of on the sardar the duty of reporting the names and particulars of emigrants.

The first system will probably be almost universally adopted; in essence it will correspond with the present Section 90 as actually worked; while the second system will be available for employers who desire to send down garden sardars to bring up gangs of labourers without reference to a Local Agent. Such garden sardars can scarcely find an opening until a free flow of labour is established, but it will be impossible to contend that there remains anything in the law which renders the establishment of such a free flow impossible.

This modified system of sardari recruitment might be substantially authorised by notifications under Section 91 of Act VI of 1901, but there seem to me two objections to this course. In the first place concessions can only be made to an agency or association and not to an individual employer; and secondly, it would still be necessary for the garden sardar to appear in person to have his certificate countersigned in the labour district. It also seems desirable to have the authorised system of sardari recruiting clearly defined in the law, and as the proposed legislation will be of an entirely uncontentious character, there seems to me no objection to undertaking it.

A draft of the amendments which would have to be made in the law is annexed. It will be seen that in the first place all garden sardars under Chapter IV are to be consigned to a licensed Local Agent. This is the key-stone of the system; instead of supervising the details of recruiting through its own officers, Government selects and licenses trustworthy Local Agents and imposes on them the responsibility of seeing that abuses do not occur. In the opinion of the Committee this system affords sufficient guarantee that no serious evil will arise, while it is obviously less harassing to those engaged in the work of recruiting.

Mr. Pickford, Local Agent in Singhbhum (wit. 40), has remarked, "Nothing is more curious in Act VI than the way in which it ignores Forwarding Agents and as much as possible Local Agents, yet 99 per cent. of all sardari coolies going to Assam pass through the hands of both." It is now proposed to recognise and regulate the existing system; the Local Agent is at present the person who is in fact responsible for everything connected with sardari recruiting, and the law as amended would enforce this responsibility.

Then the Section 90 garden sardar will no longer have to appear in person to have his certificate countersigned in the labour district. This degenerates into a mere formality, while it means that the sardar has to journey into the catchery, where he may be detained: some one has to be sent in charge of him, and in many ways the system gives trouble without any commensurate advantage.

I think it needless to have the Chapter IV garden sardars' license countersigned at all. But I would retain countersignature for Section 90 sardars, so that, if any garden abuses the system, its sardars may be stopped.

Countersignature in the recruiting district is also dispensed with; this is another useless formality. The Local Agent will keep up a register of his sardars; the power to cancel a license under Section 63 will remain and is sufficient for purposes of control.

Extended power to cancel the license of a Local Agent is taken; this is necessary, as increased responsibility will rest on him; he is no longer merely the servant or agent of his employers.

The duty of providing accommodation is imposed on the Local Agent, who as a matter of fact is the person who at present arranges for it.

The garden sardar has to report his arrival, and when he has secured his recruits he takes them to the Local Agent who registers them and despatches them. They need therefore not go before a Government officer at all. The only check is that single women must be detained 3 days before removal to allow time for their relatives to object. This is no hardship; under

the present Section 90 all recruits have to be detained 3 days ; and as a matter of practice nearly every coolie waits at least 3 days in the depot until a batch is made up.

If a labour contract is to be taken it must of course be executed before a Registering Officer.

I think that it would be a good thing to license Forwarding Agents and make them responsible for the actions of their subordinates. It would then be possible to leave a good deal to their discretion and dispense with the present minute rules about food, clothing, etc. Garden sardars would be allowed to make over emigrants to the care of the Forwarding Agents ; this is the actual practice, but as the same person does not accompany the emigrants throughout the journey, it is doubtful whether it is in accordance with the letter of the law.

Turning to the modified Section 90 the duty of making reports is imposed on the employer instead of the garden sardar ; it will therefore be possible for a garden sardar to work without reference to a Local Agent.

Sub-section (g) is at present felt to be a difficulty, but at the same time it seems necessary to arrange for some one to accompany recruits to the labour districts ; it will probably be sufficient to recognise the existing practice and allow them to be made over to a Forwarding Agent.

Under Section 90 the garden sardar will work absolutely free. All that the law will require will be that the employer should report the names of the coolies recruited ; licenses will have to be countersigned because it may be necessary at any time to deprive a particular garden of the privileges of the section supposing those privileges have been abused, as they have occasionally been abused in the past.

Little use will probably be made of this section ; for almost every sardar will as at present be consigned to a Local Agent, and if this is done it will be better for the employer to work under Chapter IV and secure the advantages of Sections 171 and 172 : still the use of the section would probably be generally permitted in the districts of the United Provinces and Behar and in the Bhagalpur Division except the Santal Pergannas.

It would also be probably allowed to all gardens in the Surma Valley—supposing any control is retained over recruiting for that Valley—throughout the recruiting districts not because it will be of much advantage to them, but because employers will ask for it and will be entitled to anything they ask in reason if they are deprived of the Act VI contract. It could also be permitted to any particular employer in the Assam Valley who has started any system of recruiting free labour without Local Agents or places of accommodation.

If Chapter IV and Section 90 are modified as proposed, it will probably be unnecessary to retain Section 91, which may be repealed.

DRAFT AMENDMENTS TO CHAPTER IV OF ACT VI OF 1901.

<i>Proposed Sections.</i>	<i>Existing Sections.</i>
<p>To Section 57 (1) the following words shall be added—" and shall specify the name of the Local Agent to whom the garden-sardar is to report himself for orders, the time within which he is to return to his employer and such other instructions for his guidance as he may think fit.</p> <p>Clause (2) of section 57 is repealed.</p>	<p>Section 57 (1). Every certificate granted to a garden-sardar under Section 56, sub-section (1), shall be in such form and shall contain such particulars as the Chief Commissioner of Assam may prescribe in this behalf.</p> <p>(2) Any employer granting a certificate to a garden-sardar under Section 56, sub-section (1), may, before the certificate is accepted and signed as hereinafter provided, specify therein the name of the local agent (if any) to whom the garden-sardar is to report himself for orders, the time within which he is to return to his employer, and such other instructions for his guidance as he may think fit.</p>
<p>Section 58 is repealed.</p>	<p>58. Every certificate granted to a garden-sardar under Section 56, sub-section (1), shall be accepted and signed by the garden-sardar in the presence of the Inspector or of a Magistrate having jurisdiction over the place where the employer granting the certificate resides.</p>

<i>Proposed Sections.</i>	<i>Existing Sections.</i>
Section 59 is repealed.	59. The Inspector or Magistrate shall inquire into the facts stated in the certificate, and, upon being satisfied of the truth of the facts so stated, shall, unless it appears to him that the person so accepting and signing the certificate is not employed on an estate of which the person granting the certificate is in charge or is, by character or from any other cause, unfitted to be a garden-sardar, countersign and date the certificate.
Section 60 is repealed.	60. (1) On the application of the employer by whom any certificate so countersigned has been granted to a garden-sardar, the Inspector or Magistrate may, [without requiring the appearance of the garden-sardar or making the enquiry prescribed by Section 59] countersign a fresh certificate to be granted by the employer to the garden-sardar in renewal of any existing certificate. (2) Every fresh certificate granted under sub-section (1) shall be forwarded by the Inspector or Magistrate countersigning it to the District Magistrate of the district in which the garden-sardar to whom it is granted is employed; and the garden-sardar shall, on receiving notice from such District Magistrate as aforesaid, appear before him or any Magistrate specified in the notice and accept and sign the fresh certificate in his presence.
Section 61 is repealed.	61. No certificate granted to a garden-sardar under this Chapter shall come into force unless and until it has been accepted and signed by the garden-sardar and countersigned by the Inspector or Magistrate having jurisdiction over the place where the employer granting the certificate resides, and also by the District Magistrate of the district in which the garden-sardar is authorized by the certificate to enter into labour contract, and no certificate so granted shall continue in force for a longer period than one year from the date of its countersignature by the said Inspector or Magistrate.
Section 62 is repealed.	62. (1) Every garden-sardar shall provide sufficient and proper accommodation in a suitable place for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district. (2) The District or Sub-Divisional Magistrate shall visit and inspect the accommodation so provided; and every garden-sardar or other persons in charge of a place in which accommodation is so provided shall afford to such Magistrate every facility for visiting and inspecting it. (3) The District or Sub-Divisional Magistrate may delegate the duty imposed on him by sub-section (2) to a subordinate Magistrate or to an officer of police above the rank of sub-inspector. (4) In every such place as aforesaid the garden-sardar providing the accommodation shall make such sanitary arrangements as the Local Government may prescribe.
For Section 63 (1) the following shall be substituted— "When a garden-sardar commits a breach of any of the provisions of this Act or the rules thereunder or is guilty of serious misconduct the District Magistrate of the recruiting district within which he is authorised to engage labourers or the Superintendent within whose jurisdiction the garden-sardar is employed may cancel his certificate." To Section 67, sub-section (1), the following clauses shall be added— "(e) failed to comply with the provisions of this Act or the rules framed thereunder. (f) connived at the commission of any criminal offence by a garden-sardar or otherwise shown himself unfit to supervise the work of garden-sardars."	63. (1) Where a garden-sardar commits a breach of any of the provisions of this Act or the rules thereunder, the Inspector or Magistrate who countersigned his certificate, or the District Magistrate who countersigned the certificate under section 61 or the Superintendent within whose jurisdiction the garden-sardar is employed, may cancel the certificate. 67. (1) The District Magistrate of any district within which a Local Agent acts as such may, by order in writing, cancel the license of the Local Agent if the employer so requires, or if it is shown to the satisfaction of the District Magistrate that the local agent has— (a) employed any contractor's recruiter to recruit or engage on his behalf persons to be labourers; or

<i>Proposed Sections.</i>	<i>Existing Sections</i>
<p>After Section 67 shall be inserted the following section—</p> <p>"Section 67 A. Every Local Agent shall provide sufficient and proper accommodation in a suitable place for such labourers or persons intending to become labourers as may be collected by the garden sardar working under his supervision pending their removal to a labour district."</p> <p>"The District Magistrate or any Magistrate authorized by him and the Civil Surgeon of the district may at any time visit and inspect the place of accommodation so provided."</p> <p>After Section 67A, the following section shall be inserted—</p> <p>"Section 67B. Every garden sardar shall as soon as may be after his arrival in the recruiting district report himself to the Local Agent named in the certificate or to a Local Agent licensed in succession to the Local Agent so named; and such Local Agent shall cause to be entered in a register to be kept in such form as the Local Government may prescribe the name and particulars of the garden-sardar and the date of his arrival in the recruiting district."</p> <p>For Section 68 the following section shall be substituted—</p> <p>"Every garden-sardar who desires to engage any person shall appear with such person together with any others about to proceed to a labour district as his dependants before the Local Agent under whose supervision he is working. Such Local Agent shall then explain the intended labour contract or the terms on which he is to be engaged to labour to the person whom it is desired to engage as a labourer and shall ascertain that such person has not been induced to emigrate by any coercion, fraud, undue influence, misrepresentation or mistake, and shall register in a book to be kept for the purpose such particulars regarding him and his dependants, if any, as the Local Government may by rule prescribe and the labourer and his dependants shall thereupon be deemed to be registered under this Act."</p> <p>Section 69 is repealed.</p> <p>Section 70 is repealed.</p>	<p>(b) permitted persons engaged as labourers by or on behalf of any contractor to use the accommodation provided for the persons engaged as labourers by any garden-sardar under the local agent's control; or</p> <p>(c) allowed any garden-sardar under his control to transfer persons engaged as labourers by the garden-sardar to contractors or to their recruiters or to any employer other than the employer by whom the garden-sardar's certificate was granted; or</p> <p>(d) himself taken over persons engaged as labourers by any garden-sardar with intent to despatch them to any employer other than the employer by whom the garden-sardar's certificate was granted.</p> <p>68. Every garden-sardar who desires to engage any person as a labourer shall appear with the person, together with any others about to proceed to a labour district as his dependants, before the Registering officer having jurisdiction within the local area specified in the certificate of the garden-sardar or before such other Registering officer as the Local Government may appoint for that local area.</p> <p>69. (1) The Registering officer shall thereupon inspect the certificate of the garden-sardar and, if he finds that the certificate is in force shall examine, with reference to the intended labour-contract, the person brought before him under Section 68 whom it is desired to engage as a labourer, and explain the intended labour-contract to him.</p> <p>(2) Where it appears that the person so brought before the Registering officer is competent to enter into the intended labour-contract and understands the nature of the same as regards the locality, period and nature of the service, and rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake and that he is willing to fulfil the same, the Registering officer shall register, in a book to be kept for the purpose, such particulars regarding him and his dependants (if any) as the Local Government may, by rule, prescribe; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.</p> <p>70. (1) Where it appears to the Registering officer that any person brought before him under Section 68 is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, or, in the case of a labourer, that he is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-district, the Registering officer may, before registering him under Section 69, sub-section (2), if himself a medical man, medically examine him, or, if not himself a medical man, send him to a medical man for medical examination.</p>

<i>Proposed Sections.</i>	<i>Existing Sections.</i>
<p>Section 71 is repealed.</p> <p>For Section 72 (1) and (2) the following shall be substituted—</p> <p>“(1) Where a person has been registered under Section 68 he shall, if he agrees to execute a labour-contract, within 15 days after the date on which he was so registered, execute a labour-contract with the employer with whom he intends to contract.”</p> <p>“(2) The labour-contract shall be signed in the presence of the Registering officer having jurisdiction in the local area specified in the certificate of the garden-sardar or of such other Registering officer as the Local Government may appoint for such area, by the labourer and on behalf of the employer by the Local Agent or by the garden sardar who has engaged the labourer. The Registering officer shall satisfy himself that the labour-contract is in accordance with law and with any instructions specified in the certificate of the garden-sardar and if he is so satisfied shall before the labourer signs the labour-contract personally explain it to him and shall satisfy himself that the labourer has not been induced to enter into it by any coercion, undue influence, fraud, misrepresentation or mistake. After the contract has been executed as aforesaid the Registering officer shall attest it and certify at the foot thereof that he has personally explained it to the labourer.”</p> <p>Sub-section (4) is repealed.</p> <p>In Section 73 for “Registering Officer” the words “Local Agent” shall be substituted.</p> <p>For Section 75 the following shall be substituted—</p> <p>“After the labourer has executed a labour-contract under Section 72, or if it is not desired that he should execute a labour-contract, after he has been registered under Section 68, the labourer and his dependants may be removed to the labour district, provided that in the latter case a woman unaccompanied by her husband or lawful guardian shall not be so removed until three days have elapsed after such registration, and that if any one appear and object before the Local Agent to the departure of any labourer to the labour district such labourer shall not be despatched without the order of the District or Sub-divisional Magistrate.”</p>	<p>(2) If upon medical examination any person so brought before Registering officer is declared unfit to undertake the journey to the labour-district or, in the case of a labourer, incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, the Registering officer may refuse to register him.</p> <p>71. For any person brought before a Registering officer under Section 68 for the purpose of being registered as a labourer, the garden-sardar who appears with him shall pay to the Registering officer such fee, not exceeding one rupee, as the Local Government may direct.</p> <p>72. (1) Where a person has been registered under Section 69, sub-section (2), he shall, within fifteen days after the date on which he was so registered, execute a labour-contract with the employer with whom he intends to contract.</p> <p>(2) The labour-contract shall be signed in the presence of the Registering officer by the person so registered and, on behalf of the employer, by the garden-sardar who appears with him before the Registering officer. The Registering officer shall satisfy himself that the labour-contract is in accordance with any instructions specified in the certificate of the garden-sardar; and, if he is so satisfied, shall, before the labourer signs the labour-contract, personally explain it to him and, after it has been executed as aforesaid, attest it, and certify at the foot thereof that he has personally explained it to the labourer.</p> <p>(4) Where any garden-sardar, without reasonable cause, refuses or neglects to execute a labour-contract with a labourer as required by sub-section (2) within fifteen days after the date on which the labourer was registered under Section 69, sub-section (2), the Registering officer may order the garden-sardar to pay to the labourer such reasonable compensation, not exceeding twenty rupees, as the Registering officer may think fit.</p> <p>73. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that every labourer engaged by him shall before registration be examined by a competent medical man and certified by him to be in a fit state of health to undertake the journey to the labour district to which he intends to proceed, and physically and constitutionally fit for labour in the labour districts, no Registering officer shall register as a labourer any person appearing before him with the garden-sardar until such medical certificate as aforesaid has been produced and shown to him.</p> <p>75. Unless and until a person whom it is desired to engage as a labourer under this Chapter has executed a labour-contract under Section 72, no garden-sardar shall remove or attempt to remove him to a labour district, or induce or attempt to induce him to go to a labour district, or to leave the local area, or aid or attempt to aid in proceeding to labour district.</p>

<i>Proposed Sections.</i>	<i>Existing Sections.</i>
<p>In Section 76 for the words "or if his employer were registered" the following shall be substituted—"or make them over to the care of a person in the employ of a licensed Forwarding Agent."</p>	<p>76. (1) A garden-sardar shall either himself accompany labourers engaged by him throughout their journey from the place in which the labour-contract was entered into, to the labour district wherein they have contracted to labour, or shall send with them some competent person appointed by him with the approval of the Local Agent of his employer, or, if his employer has no Local Agent with the approval of the officer by whom the labourers were registered.</p>
<p>Sub-section (2) is repealed.</p>	<p>(2) When the number of labourers (exclusive of dependants) proceeding on their journey to a labour district is more than twenty, for every twenty labourers so in excess, or for any number of labourers less than twenty so in excess, one additional garden-sardar or person so appointed by him shall accompany the labourers so proceeding.</p>
<p>Section 77 is repealed.</p>	<p>77. A garden-sardar may, subject to the instructions specified in his certificate, engage any number of persons as labourers; and, subject to the provisions of Section 76, any number of labourers may be despatched at the same time to the labour districts.</p>
<p>In Section 78 the words "if the employer has no Local Agent" shall be omitted.</p>	<p>78. A garden-sardar may, with the previous consent in writing of the Local Agent of the employer by whom his certificate was granted, or, if the employer has no Local Agent, with the previous consent in writing of the employer, be appointed under Section 76 as a competent person to accompany labourers other than those engaged by him.</p>
<p>In Section 79 (1) for the words "shall present Section 72" the following shall be substituted—"shall before the labourers leave the district prepare".</p>	<p>79. (1) Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour districts shall present to the officer before whom the labourers have executed a contract under Section 72 a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe.</p>
<p>In the second line of sub-section (2) omit the word "also" between the words "shall" and "present."</p>	<p>(2) Every such garden-sardar or other person as aforesaid shall also present the way-bill at all such places and to all such officers as may be thereupon indicated, and shall carry out all instructions therein contained for his guidance.</p>

DRAFT AMENDMENTS TO SECTION 90 OF ACT VI OF 1901.

<p>In Section 90 for "on behalf of their employers" shall be substituted "on behalf of any employer or class of employers".</p>	<p>90. When a notification has been published under Section 3, prohibiting the recruiting, engaging, inducing or assisting, natives of India, or any specified class of natives of India, to emigrate from the whole or any specified part of a Province to any labour district or any specified portion of a labour district otherwise than in accordance with the provisions of this Act therein specified, the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that specially employed garden-sardars, not being garden-sardars holding certificates granted under Chapter IV, may, in the part of the province specified in the notification under Section 3, engage persons on behalf of their employers and assist persons so engaged to emigrate to such labour district or specified portion of a labour district subject to the following provisions, namely:—</p>
<p>In sub-section (c) for the words "presented by . . . in person" shall be substituted the word "forwarded."</p>	<p>(c) Every permit shall be presented by the garden-sardar named therein in person for counter-signature to the Inspector or to the Magistrate having jurisdiction in the place where the garden-sardar resides and shall not be valid or have effect unless and until it is counter-signed.</p>
<p>In sub-section (f) the following shall be substituted— "When the garden-sardar proceeds to the recruiting district his employer shall without delay forward a copy of his certificate to the District</p>	<p>(f) Every garden-sardar so authorized shall, on his arrival in the recruiting district and before he engages any person to emigrate, in person or in writing, report his arrival, and the place at which he intends principally to reside, to the District or Sub-divisional Magistrate, and shall</p>

<i>Proposed Sections.</i>	<i>Existing Sections.</i>
<p>Magistrate of the district in which the garden-sardar is authorised to assist persons to emigrate, and when any persons who have been assisted to emigrate by such garden-sardar arrive on the estate of their employer, the employer shall without delay report the names and descriptions of such persons in such form as the Local Government may prescribe to the District Magistrate of the recruiting district."</p> <p>To sub-section (g) shall be added the words "or shall make them over to a person in the employ of a Licensed Forwarding Agent."</p>	<p>at least three days before his departure from the recruiting district, similarly report his intended departure and furnish a list, in such form as the Local Government may prescribe containing the names and description of the persons whom he has engaged and is assisting to emigrate.</p> <p>(g) Every garden-sardar shall either himself accompany all persons so engaged by him to the labour district in which the estate of his employer is situate, or send them there in charge of another garden-sardar holding a permit under this section from the same employer to engage persons in the same recruiting district.</p>

REPEAL OF SECTION 169 OF ACT VI OF 1901.

Section 169 is repealed.

169. (1) Any labourer registered under Section 69 who, without reasonable cause, refuses or neglects to execute, in accordance with the provisions of Section 73, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to twenty rupees or to the amount of the expense reasonably incurred by the garden-sardar in procuring his registration, whichever amount is least.

(2) Every fine levied under sub-section (1) shall be paid to the garden-sardar by whom such expense as aforesaid was incurred.