

REPORT

OF THE

ASSAM LABOUR ENQUIRY COMMITTEE,

1906.



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REPORT

OF THE

ASSAM LABOUR ENQUIRY COMMITTEE.

CHAPTER I.

INTRODUCTORY.

DURING the past fifty years questions relating to the supply of labour for the Tea Industry in Assam, the condition of the labourers on the estates, and the enactment and working of special labour laws, have attracted much public attention and have formed the subject of voluminous correspondence and of several detailed investigations by specially appointed Committees. An historical summary of the special enquiries and legislation which culminated in the enactment of Act VI of 1901 will be found in Appendix A to this Report. The course of events after the passing of Act VI of 1901 may now be briefly summarised.

2. In his Report on Labour Immigration into Assam for the year 1900, which was published shortly after the enactment of Act VI of 1901, Sir Henry Cotton severely criticised the working of the Assam labour system. While acknowledging that the treatment of the labourers on the majority of estates was all that could be desired, he considered that their condition on a not inconsiderable residuum was far from satisfactory. The opinion was expressed that the rate of wages offered was insufficient to attract the best stamp of labourer, and that the pay earned was "a miserable average pittance." Specific instances were quoted of the low wages and of the state of indebtedness of the labour force on particular gardens. Prominence was given to the instances in which collisions between employers and labourers had taken place during the year, and the inference was drawn that magistrates were apt to inflict unduly severe punishments on coolies, while the sentences imposed when planters were in the wrong were often inadequate. The system was also condemned in other directions, such as the inefficiency of garden inspections and the depressing effect of hard work on the birth-rate. As a remedy for the existing state of affairs Sir Henry Cotton recommended that the advisability of abolishing the penal contract should be seriously considered. This Report excited the greatest resentment among persons interested in tea, and the Indian Tea Association addressed a protest to the Government of India. While admitting that there were estates which required constant supervision, it was urged that they were few in number. The statement that the wages were insufficient to maintain the labourers in comfort was traversed, and the low average pay was explained by the fact of the free grant of leave and the failure of coolies through laziness to perform the allotted task. The low birth-rate was attributed to the weakness of the marriage tie among coolie immigrants. It was denied that the relations between employers and labourers were

unsatisfactory, or that cases of violence or intimidation were numerous in comparison with the strength of the labour force. Generally, objection was taken to the departure from the optimistic tone of previous Reports as being unwarranted by the facts.

Government of
India's views.

3. In reviewing the case, the Government of India, while fully sympathizing with the strong condemnation with which Sir Henry Cotton regarded the instances of abuses that had come to his notice, did not find in them "adequate ground for an abrupt change of attitude towards the tea-planting community, or for the passing of sweeping and unqualified criticisms upon the system of tea garden management in Assam." The existence of abuses in the direction of the underpayment and indebtedness of the labour force on some estates was acknowledged, but the conclusion was arrived at that these were not general, and that "more than half a million immigrants drawn from the very poorest classes of India are indebted to the industry for a much more liberal supply of food and clothing than they could ordinarily have expected to enjoy in their homes." Similarly it was held that though instances of oppression were not altogether rare, and that, though cases had occurred in which illegitimate pressure had been applied in order to induce coolies to renew their agreements, there was no reason to find in them a stigma which should apply to the planting community as a whole, and the suggestion that the low birth-rate was due to the systematic procuring of abortion was accepted. Generally the conclusion of the Government of India was that, though abuses undoubtedly existed, to control which every effort should be made, they were comparatively few in number and were confined to but a small percentage of the gardens.

Mr. Arbuthnott's
Report.

4. In 1903 the attention of the Government of India was attracted by the occurrence of several riots on tea-gardens, and the Local Administration was requested to report how far, if at all, the relations between employers and employed on the tea estates had lately deteriorated; how far, if at all, they were less satisfactory than those which obtained in the neighbouring districts of Bengal; the chief causes for any difference for the worse, if such should be found to exist, and the measures required to ameliorate the existing condition of affairs. As a result of this communication Mr. J. C. Arbuthnott, I.C.S., C.I.E., was deputed by the Assam Administration to report on the conditions prevailing in the tea districts of the Duars, Madras and Ceylon. His Report was submitted in the following year. It began by emphasizing the conditions which differentiated the Assam system from those in force in the other tea areas, *viz.*:-

- (a) the existence of the indenture system in Assam which was not found elsewhere in India or Ceylon, and
- (b) the fact that while the labourers in other tea areas were recruited and managed through middlemen, in Assam the system of direct management was in force, the recruiter's connection with the labourer ceasing directly the latter had arrived on the garden.

Mr. Arbuthnott then expressed the following opinions:-

- (a) That the long period of indenture in Assam is a deterrent to emigration.
- (b) That it is desirable that the labourer in Assam should re-visit his home more frequently than at present in order to remove the

impression that emigrants to Assam do not return, and with this object repatriation at the expiry of the contract and the adoption of a system of transport on the lines of the Ceylon "tin ticket" system was suggested.

- (c) That on the whole the method of working through gangmen involves less friction than that of direct management.
- (d) That the practice in Assam of employing three different labour laws, *viz.*: Act VI of 1901, Act XIII of 1859 and Section 492 Indian Penal Code, is anomalous, and that the most satisfactory solution would consist in revising Act VI so as to provide a single suitable and less complicated labour law for the whole Province or such districts as might require one.
- (e) That the desirability of withdrawing Act VI from the Surma Valley where it had practically fallen into disuse, should be considered.
- (f) That on the withdrawal of Act VI a freer system of recruitment might be allowed.
- (g) That the transit and depôt rules should be simplified.

5. The Assam Administration after consulting the Government of Bengal then addressed the Government of India, showing by figures that though cases of collisions between employers and their labourers were not numerous, they had shown a steady increase during the last fourteen years, and expressing the conviction that conditions in Assam were less satisfactory than those which obtained in the neighbouring tea districts of Bengal. It was urged that the root of the difficulty was the unpopularity of service in Assam, which obliged the Tea Industry to obtain its labour at a high cost to the detriment of wages and dividends. The unpopularity was attributed to recruiting abuses, the system of direct management, and most of all to the limitations on the coolie's freedom involved in the penal contract and the right of private arrest by the employer. The conclusion was formed that the system of direct management and the inability of a coolie with a grievance to leave the estate tended to the commission of acts of violence. As a remedy the withdrawal of Act VI from the Surma Valley and from the districts of Kamrup and Goalpara, and of Sections 195 and 196 from the upper districts of the Brahmaputra Valley was recommended. The Government of India expressed provisional agreement with these proposals and directed that the representatives of the Tea Industry and the local officers should be consulted regarding them.

Proposals of Government of Assam.

6. While this correspondence was proceeding, the Manager of the Eastern Bengal State Railway addressed a communication to the Assam Administration pointing out that, unless the labourers recruited for the construction of the Dhubri-Kaunia branch of that railway were exempted from the operation of Act VI of 1901, great difficulty would be experienced in carrying on the work. The Local Administration moved the Government of India on the subject recommending that free recruitment under the Act be permitted to the Railway authorities. The Government of India considered that, as the difficulty was then a hypothetical one only, no action was necessary until practical inconvenience should be experienced. The Magistrate of Azamgarh did subsequently raise the question of the legality of the recruitment of coolies for the railway outside the Act, but appears to have taken no active steps to put a stop to it.

7. About the middle of 1904 an important petition was presented to the Chief Commissioner of Assam, by a large majority of the proprietors of tea estates in the Surma Valley, praying that free emigration to Cachar and Sylhet should be permitted, the special labour Acts being withdrawn and replaced by a short contract Act, on the lines of Act XIII. The signatories subsequently agreed to waive the request for a new contract Act, on the understanding that a standard practice for the working of Act XIII of 1859 should be adopted. A circular, of which the memorial from the Surma Valley proprietors formed an inclosure, embodying the views expressed by the Local Administration in its correspondence with the Government of India, was then issued to the Indian Tea Association and its local branches and to district officers. In the Surma Valley the proposals had a favourable reception both from the district officers and the local branch of the Indian Tea Association, the members of the latter only asking that a penalty against enticement should be added to Act XIII, an assurance given that the cost of importing labourers might be considered as an advance under that Act, and that arkati recruiting should be closed for the Surma Valley. The proposal to withdraw the Act from Kamrup and Goalpara was supported by the local planters and district officers, but this proposal as well as the proposal to withdraw Act VI from the Surma Valley and Sections 195 and 196 from the districts of the Upper Assam Valley was opposed by the Assam Valley Branch of the Indian Tea Association, the Commissioner of the Assam Valley Districts (Mr. Melitus), and all the district officers, except the Deputy Commissioner of Darrang. The principal grounds urged against any change were that the Assam system of recruitment was as cheap in the long run, if not cheaper, than the systems in force in the tea districts of other provinces and that the supply of labour obtained thereunder was as plentiful; that the power of private arrest was not commonly abused, and was necessary to guarantee the importing employer against loss by the desertion of new coolies, and to protect him against enticement. The withdrawal of the Act from the Surma Valley and from the districts of Kamrup and Goalpara was objected to, as it was urged that the fact that free recruiting would be allowed for those districts would give them an undue advantage over the Upper Assam Valley districts and might lead to a recrudescence of abuses in the recruiting districts. The Indian Tea Association asked that before any change was made a Committee should be appointed to investigate the whole question.

Appointment of present Committee.

8. The Chief Commissioner of Assam in reporting on the whole subject to the Government of India adhered to his original proposals. The orders of the Government of India are contained in their Resolution No. 1384—1392-15, dated 20th February 1906, in the Department of Commerce and Industry, which has been reproduced in the Proceedings Volume of this Report. It was decided that Act VI of 1901 should be withdrawn from the Surma Valley and from the districts of Kamrup and Goalpara. At the same time the request of the Indian Tea Association for an enquiry into the measures necessary to obtain a full supply of labour for the Upper Assam Valley before the withdrawal of the Act from these districts was carried out, was acceded to.

Subjects of Enquiry.

9. The present Committee was appointed to carry out this enquiry. The points which the Committee have been directed to investigate are as follows:—

I. The general working of Act VI of 1901 in connection with emigra-

tion to the labour districts in the Upper Assam Valley, special attention being paid to the following questions:—

- (a) The causes which have rendered it difficult to secure a sufficient supply of labour.
- (b) Whether the time has now arrived for withdrawing the Act from these districts.
- (c) Whether, if the Act be withdrawn, a new enactment governing emigration into the Upper Assam Valley will be required. In this connection, it should be considered whether Act XIII of 1859, either in its present form or with modifications, would be suitable.
- (d) What measures should be adopted in order to render service in these districts more popular, to remove the abuses which now exist, and to prevent their recurrence. Sir Bampfylde Fuller's proposals, and more particularly his suggestion to withdraw Sections 195 and 196 of the Act, should be considered, as also the possibility of organised recruiting by the Indian Tea Association, or by some other body similarly constituted.
- (e) The expediency, if Act VI be retained, of extending the scope of Section 90 of that Act, and
- (f) The effect of Madras Act V of 1866 (Labour Contracts with Natives Act) in restricting emigration to Assam from that Presidency.

II. Whether the withdrawal of Act VI of 1901 from the Surma Valley districts will prejudicially affect recruitment for the Upper Assam Valley districts; and, if so, to suggest measures calculated to ensure a sufficient supply of labour for these districts, after the withdrawal of the Act from the Surma Valley and Lower Assam Valley districts.

The Committee have not been precluded from considering any matter which they may consider pertinent to their enquiry, but the desirability of withdrawing the Act from the Surma Valley and from the districts of Goalpara and Kamrup, does not fall within the scope of their investigation.

10. The present Report contains the opinions and recommendations of the Committee on the several points submitted to them. They regret that in dealing with each of the points indicated, they have been unable to adhere to the sequence adopted in the reference, owing to the complexity of the subject and to the fact that the different questions referred to them for investigation are so interwoven that it is impossible to consider them separately. In the last Chapter of the Report the findings of the Committee on each of the points referred to them have been summarised in the order followed in the terms of reference.

11. The Committee were on tour for 101 days in the recruiting and labour districts, including 3 days spent in the tea districts of the Duars. They visited the districts of Burdwan, Ranchi, Manbhum, Chaibassa, Sambalpur, Saran, Hazaribagh, the Santal Pergannas, Midnapur, Balasore, Cuttack and Darjeeling in Bengal; of Nagpur, Raipur, Bilaspur and Jubbulpore in the Central Provinces; of Benares and Ghazipur in the United Provinces, and of

Ganjam and Vizagapatam in Madras. They also spent some days in the Presidency towns of Calcutta and Madras.

12. Press of time and the improbability of obtaining labour for Assam from the southern Madras districts prevented the Committee from extending their tour further south than Madras. They visited all the labour districts of Assam, with the exception of Nowgong, representatives from which met them at Tezpur.

13. The Committee held altogether 70 public sittings for the examination of witnesses and, including those who submitted written statements, recorded the evidence of 242 witnesses. They were also granted an interview by a representative of the Madras Government.

CHAPTER II.

PREVIOUS LEGISLATION IN CONNECTION WITH THE LABOUR LAWS.

14. In Appendix A an account has been given of the legislation in connection with the special labour laws passed from time to time for the control of the recruitment of labour for tea cultivation in Assam and of its management on the estates. In the present Chapter the more salient features distinguishing the several Acts have been summarised.

15. In 1834 a Committee was appointed to report on the possibility of introducing the cultivation of tea into India. In 1835 Government attempted to establish an experimental plantation in Lakhimpur, which however failed, and a garden was then started at Jaipur in the Sibsagar district, which was sold to the Assam Company in 1840. This Company was founded in 1839 and after some years of difficulty began to flourish. From 1850 onwards several private individuals opened gardens in all the districts of the Brahmaputra Valley. In 1855 the first tea garden was started in Cachar and cultivation was begun a few years later in Sylhet. In 1859 a boom began. Companies were formed to acquire those gardens which had been opened out by private enterprise and a general scramble ensued to obtain land, turn it into the semblance of a tea-garden by planting out some seedlings, and dispose of it to a London Company at an exorbitant price. These gardens, made only to sell, could not pay, and by 1866 the bubble burst and a period of severe depression in the Tea Industry set in. It, however, soon appeared that those gardens which had been honestly opened out and worked were paying their way, and from 1869 onwards the industry began to flourish on a sound basis.

Beginning of
the Industry.

16. The earlier gardens were worked by local labour, but as far back as 1859 it was seen that the importation of foreign labour was essential, and a Tea Planters' Association was formed for the purpose, amongst others, of organizing a system of coolie emigration from Lower Bengal to Assam. The sudden expansion of the industry, however, created a class of contractors who supplied labour to the gardens which were being so rapidly opened out; and the planter came to have in most cases no more connection with recruitment than was involved in paying for the coolie. The results were disastrous. Coolies were deceived by false promises and despatched in hundreds to Assam. They were herded in insanitary depots where they contracted cholera, and were then despatched to Assam by steamer or to Cachar by boat, without any sanitary precautions being observed, with the result that shocking mortality occurred *en route*. The Government of Bengal accordingly in 1861 appointed a Committee to enquire into the system under which the emigration of coolies to Assam and Cachar was conducted.

First Emigration
to the Tea Gardens.

17. On the report of this Committee Act III (B. C.) of 1863 was passed. Under this law all recruiters were required to be licensed, and the engagement of natives of India to proceed to Assam for the purpose of labouring for hire, and their conveyance thither, was forbidden otherwise than under the provisions of the Act. Emigrants were registered before the Magistrate of the District in which they were recruited and then sent to a central depot, where they were placed on contract. The maximum term of contract was five years. Full power

Act III (B. C.) of
1863.

was taken to ensure proper sanitary precautions on the voyage up to the labour districts. The Legislature did not fix any minimum rate of wages nor prescribe any form of contract, and beyond providing that no deduction from the labourer's wages on account of the expenses incurred in engaging him was to be made, the Act contained no provisions regulating payments made by employers to labourers. The interference of Government was practically limited to seeing that the labourer recruited for the tea districts knew what he was about to do, and had not been deceived by contractors or their agents, and to protecting him on the journey from his home to Assam. No interference with the terms of the contract was attempted, and when the labourer reached the garden, he was left to the protection of the ordinary law.

Act VI (B. C.) of
1865.

18. Scarcely had this Act been passed when it was found that the state of affairs on the gardens urgently called for interference. The clearing of jungle was extremely dangerous to health. Many of the emigrants were by race and physique quite unfit for the work. They were poured into the gardens in thousands, though no proper arrangements had been made to house and feed them or to provide them with medical attendance, with the result that the mortality on many gardens was appalling. In their endeavour to get work from an unsuitable, unhealthy and unwilling labour force many employers resorted to violence. To deal with these evils Act VI (B. C.) of 1865 was passed. It reduced the term of contract to three years, and prescribed a minimum wage of Rs 5 a month for a man, Rs 4 for a woman and Rs 3 for a child. This was a fixed monthly wage and deductions could only be made for absence from work or idleness on conviction before a Magistrate. Protectors of labourers were appointed, who were empowered to suspend or cancel the contracts of coolies on the ground of ill-health or of ill-usage by the employer. Contracts were also voidable if an estate was declared by a Committee unfit for human habitation. Penalties were provided for indolence and desertion, and the employer was empowered to arrest absconders without warrant within the limits of the district. If a labourer were sentenced to imprisonment the period of imprisonment was to be added to the term of his contract, and a conviction was not to operate as a release. A labourer, the completion of whose contract or whose release therefrom had been registered, was entitled to enter into a fresh contract under the Act before the District Magistrate. This provision did not apply to locally engaged labourers who could contract either under the ordinary civil law or under Act XIII of 1859, which was extended to Cachar, Lakhimpur and Sibsagar in 1863, and to Kamrup, Darrang and Nowgong in 1864.]

19. The Act, however, did not give satisfaction; the coolie was still not sufficiently protected while employers complained of unnecessary restrictions. Accordingly in 1866 a revised Act passed the Bengal Council, but was disallowed by the Government of India as it contained no provision that a certain period of imprisonment should terminate the contract.

Act II (B. C.) of
1870.

20. Thereupon a Commission was appointed to enquire into the whole question. It submitted its report in 1868. It found that notwithstanding the fact that the terms of their agreements were explained to emigrants before they executed contracts, they were often deceived by unprincipled recruiters, that the mortality attendant on emigration was still very great, and that the control exercised by the Protector over labourers on the tea gardens was ineffective. [On a consideration of the Commission's recommendations Act II

(B. C.) of 1870 was passed. Under this law the contract period was reduced to three years, but all mention of a minimum wage was omitted. "Garden sardars" were for the first time recognized, and were divided into two classes, those authorized to recruit more than twenty labourers and those not so authorized. The former class had to follow the procedure of licensed recruiters and pass their coolies through a contractor's depot; the latter put their coolies on contract in the district of recruitment or in Calcutta and could take them to the garden by what route they preferred. Arrest without warrant was allowed wherever the coolie might be found, but the employer was bound to take the absconder to the nearest police station. When a labourer had actually suffered imprisonment amounting in all to six months for desertion, his contract was cancelled. Fuller powers were taken for ensuring proper sanitation on the tea-gardens.

21. The Act gave scarcely more satisfaction than its predecessors, and Act VII (B. C.) of 1873 was passed in supersession of it. The most important feature of this Act was that it attempted to introduce free recruitment of genuinely free labour. It allowed unlicensed recruitment of labourers subject only to a civil contract, but provided that no contract made in the recruiting districts otherwise than under the Act should be binding for more than a year. No attempt was made to work this system. The planter demanded a regular contract from the emigrant, as security for the money spent on bringing him to Assam and as a guarantee that he should remain on the garden. The right of private arrest could only be exercised at a distance of ten miles from the place where a Magistrate resided. 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.

22. The question of amending the law soon came up again and another Commission of Enquiry was appointed which reported in January 1881. The main object of the amendments proposed was to facilitate the importation of labour, and accordingly many safeguards which subsequent experience showed to be necessary were swept away. Section 7 of Act I of 1882 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 Act also provided for the execution of contracts in the labour districts. This provision was intended partly to meet the case of time-expired labourers renewing their contracts on the garden; the labourer retained the protection of the Act, and it was thought desirable that the system of contract should be as far as possible uniform. It was further considered advisable that gardens which could obtain their labour without the expense of employing a regular agency for recruiting, should be allowed to bring up their labour free; the labourer could then take a contract under the Act, receiving also the benefit of its protective clauses. Or if the employer objected to this, he was to be at liberty to make with his labourers any contract which the ordinary law of the country recognised. In practice this led to the creation of the "Dhubri" system. Free contractors recruited subject to no control and brought their recruits to Dhubri, which was in the labour districts, where they were put on contract under the Act. The term of contract was raised to five years and a minimum wage was again fixed, *viz.*, R5 for a man and R4 for a woman for the first three years and one rupee

higher for the last two years of the contract. Local Agents were for the first time recognised, and penalties were provided for misbehaviour by garden sardars. The distance from a Magistrate's court beyond which arrest without warrant was legal was reduced from ten to five miles.

The Dhubri system
and Free
Emigration.

23. The system of uncontrolled recruiting which grew up under Act I of 1882 soon led to scandals. In the absence of all sanitary regulations there was no supervision over the emigrants on their way to Dhubri with the result that heavy mortality occurred. Thereupon the Bengal Government passed Act I (B. C.) of 1889 which gave power to prescribe routes for and ensure proper treatment of free emigrants on their way to Dhubri. At the same time the question was raised of amending the law so as to check malpractices in recruitment. It was, however, finally decided not to interfere with the "Dhubri" system. The Government of India were averse to taking any step which would tend to check free emigration, and they considered that rigorous enforcement of the ordinary criminal law was all that was required to deal with the abuses complained of. When an amending Act was passed in 1893, it was expressly provided that free emigrants might be brought to Dhubri and put on contract there. The term of contract was, however, reduced to four years.

Act VI of 1901.

24. In 1895 the Government of Bengal appointed a Commission to enquire into the supply of labour for the coal mines and the tea industry. This Commission strongly condemned the abuses which were rife in connection with recruitment for Assam. Consequently the law again came up for amendment with special reference to the control of recruitment and Act VI of 1901 was passed. Under Section 3 of the Act the Local Government can, with the previous sanction of the Governor-General in Council, close any area to recruitment except in accordance with the provisions of the Act for the control of licensed contractors and certificated garden sardars. In areas thus notified the intending emigrant has to be produced before a registering officer in the district of recruitment before being placed on contract. Special provision was made for the registration of single women, as one of the main scandals under the free emigration system was connected with the decoying of women to Assam. Section 90 of the Act allows a specially employed class of garden sardars to recruit within the notified areas, without registering the persons they recruit. They have only to report the names of such to the Magistrate three days before they remove them from the recruiting districts. Under Section 91 the Local Government may also relax any of the provisions of the Act governing recruitment by garden sardars working under approved agencies or associations. At the same time the Act wage for the first three years of the contract was raised from R5 for a man and R4 for a woman to R5 and R4 for the first year of the contract and R5-8 and R4-8 for the second and third years. It was also provided that for the first six months after his arrival on the garden the labourer should receive full pay for a half-task, unless certified by the Inspector to be capable of performing a full task.

Clas. of Labour
Legislation.

25. It will be seen that throughout the legislation which has taken place the main idea has been that there should be a contract binding the emigrant to serve on a tea estate for a certain number of years, and in return for his being thus bound, the law provided that he should be "protected," i.e., he was to be provided with work and paid at a certain rate, and his employer was responsible for measures necessary for his health and material welfare. So far back as 1868 the recommendation was made by the Commission appointed in

that year that the best plan would be to secure a satisfactory class of emigrant by recruitment through garden sardars and then leave him free on the garden (paragraph 14 of Appendix A). In 1873 the planter was given the option of working on these lines, but he declined to exercise it, preferring to have the emigrant bound down to serve him and tied to his garden under the penalties of the Act. In 1882 the idea of "protection" in return for the penal contract again came to the front, and free labour, as distinguished from free emigration, ceased to be considered. The planter in Upper Assam has practically never attempted to work a system of free labour, and has depended on a system of indenture by which his hold over new labourers has been rendered more secure. [The existence of this indenture, however useful it may have been in the past, is one of the main reasons put forward for the unpopularity of Assam in the recruiting districts, and if labour is in these days to be attracted to Assam it is clear that the Tea Industry must consider whether it should not give up the present rigid form of contract and adopt more elastic relations between employer and employed.] In the Surma Valley the relations between planter and coolie have come to be governed almost entirely by Act XIII of 1859, a much easier form of compact, and the necessity for a special Act for the control and retention of labour on the tea estates has now ceased to exist.

CHAPTER III.

CHAP. III THE CAUSES WHICH HAVE RENDERED IT DIFFICULT TO SECURE A
PARAS. SUFFICIENT SUPPLY OF LABOUR.
26-27.

26. Before dealing with the causes which have rendered it difficult to secure a sufficient supply of labour for the districts of the Upper Assam Valley, a brief account may be given of the past and present condition of the Tea Industry in the Brahmaputra Valley as regards labour supply and of the extent of immigration in the past few years.

Area under Tea
Labour force.

27. The following statement shows the area under tea, the average adult labour force, and the number of labourers per acre in the Brahmaputra Valley:—

Years.	Acreage under tea.	Average adult labour force.	Number of labourers per acre.
1885	108,017	107,847	1.99
1890	131,250	144,451	1.10
1895	154,789	194,661	1.26
1900	204,955	247,760	1.21
1901	205,352	241,265	1.18
1902-03	207,358	243,248	1.12
1903-04	204,702	248,094	1.21
1904-05	205,999	251,948	1.22

It will be observed that up to the year 1902-03 the acreage under tea showed a steady increase. In 1903-04 there was a check, and the area under tea diminished, which was due to the fact that the acreage of unprofitable tea abandoned exceeded that newly planted out. The year 1904-05 shows a slight recovery. On the other hand the strength of the labour force shows a progressive increase, while the number of coolies per acre though below the strength of 1895, compares favourably with that of the preceding years and for the past two seasons has developed a tendency to increase. These figures bear out the impression formed by the Committee in the course of their tour in the labour districts, namely, that though on some individual gardens the labour force is below the minimum strength necessary for the careful cultivation of the estate, the majority of concerns have not as yet experienced an actual scarcity of labour. There has, however, been a general outcry as to shortness of labour, and the following causes appear to have given rise to this complaint:—

(a) Notwithstanding that in the years succeeding 1902, the acreage under tea shows a decrease as compared with that year, the area under mature tea has exhibited a steady increase since the year 1900. The following table will make this clear:—

Year.	ACREAGE UNDER TEA.	
	Mature.	Immature.
1900 . . .	176,522	28,433
1901 . . .	183,651	21,691
1902 . . .	194,727	12,631
1903 . . .	196,068	8,634
1904 . . .	198,273	7,726
1905 . . .	198,824	8,452

Although owing to bad times and to the difficulty and expense of recruiting labour, extensions in recent years have been greatly curtailed, and indeed have been deprecated by the Tea Industry as a whole, yet a few new gardens continue to be opened out in localities especially favourable to the cultivation of tea, while generally small extensions are carried out under the name of rounding off corners, and, where profitable, old China bushes are occasionally rooted out and replaced by tea of a superior variety. Thus new plantations come into bearing year by year, increasing the acreage under mature tea, and necessitating corresponding additions to the labour force.

(b) A second reason for the complaint of shortness of labour is the great difficulty experienced in recruitment since the year 1901. This will be dealt with later on in this Chapter.

(c) A third cause for the demand for more labourers is the universally admitted fact that conditions of labour on the tea-gardens in Upper Assam have become markedly easier for the coolie within the last ten years. Leave off work is now being more freely given, and the policy of encouraging the labourers to cultivate the rice lands comprised in garden grants has been more generally adopted. This change of system has led to more coolies being off work, and therefore necessitates the maintenance of a larger labour force.

28. The considerations determining the number of coolies per acre required for the cultivation of the tea estates of the Assam Valley, and the circumstances which affect the annual wastage will be reviewed in a subsequent section of this Report. It is sufficient to say that the Committee are disposed to accept Mr. Melittus' estimate of $1\frac{1}{2}$ adult coolies per acre, with an annual wastage of about 6 per cent. Assuming these figures to be correct, the requirements in labour of the Assam Valley work out as follows:—

Area under tea at the close of the year 1904-05	Acres.	205,999
Requisite labour force at $1\frac{1}{2}$ adult coolies per acre	Labourers.	308,998
Adult labour force at the close of 1904-05		254,248
Excess to be imported to raise the force to requisite strength		54,750
Number of labourers who should be imported annually to keep the force up to a strength of 308,998 adults, assuming wastage at 6 per cent		18,540
Number of adults imported during 1904-05		15,256

Labour Requirements.

29. The following statement shows the emigration to the Province of Assam during the past twenty years, and the areas from which the emigrants have been chiefly drawn:—

Year.	TOTAL NUMBER OF EMIGRANTS (INCLUDING CHILDREN).			NATIONALITY OF EMIGRANTS (ADULTS ONLY.)						
	Assam Valley.	Surma Valley.	Total.	Chota Nagpur and Santal Perganna.	Rest of Bengal.	United Provinces.	Central Provinces.	Madras.	Others.	Total.
1885 . .	18,048	11,355	29,398	9,790	4,542	5,445	...	80	1,287	21,144
1886 . .	18,844	12,050	30,894	12,100	3,649	5,934	...	189	783	22,715
1887 . .	26,027	10,436	36,463	16,385	3,901	7,496	...	160	1,148	29,090
1888 . .	30,839	15,454	46,293	20,252	4,408	7,995	...	285	377	33,317
1889 . .	36,662	19,096	55,658	22,877	5,372	7,860	...	689	750	37,549
1890 . .	24,551	11,529	36,080	13,162	3,533	6,032	...	1,695	1,533	26,205
1891 . .	32,439	17,469	49,908	16,557	8,036	10,524	...	2,018	804	37,939
1892 . .	36,134	19,916	56,050	17,910	9,740	9,196	1,260	2,894	802	41,802
1893 . .	33,778	16,897	50,675	17,837	10,474	6,188	896	767	981	37,143
1894 . .	30,321	16,209	46,530	17,833	7,662	6,954	2,014	976	267	35,706
1895 . .	35,041	37,796	72,837	18,369	10,214	18,957	7,932	969	60	56,501
1896 . .	42,384	38,731	81,115	16,122	3,102	19,135	17,285	568	89	61,301
1897 . .	66,952	28,979	95,931	23,078	6,848	9,391	19,876	2,113	22	66,328
1898 . .	33,762	15,407	49,169	18,594	3,908	4,565	7,100	1,284	65	35,516
1899 . .	24,449	7,459	31,908	11,192	3,829	1,960	7,197	1,632	63	25,872
1900 . .	44,534	18,199	62,733	17,605	4,029	3,617	16,962	2,749	82	45,044
1901 . .	20,764	5,459	26,223	7,558	2,368	1,272	7,805	821	63	19,887
1902-03 .	22,173	4,511	26,684	6,661	4,706	966	7,112	747	7	20,199
1903-04 .	17,574	4,588	22,162	6,513	6,348	966	3,983	827	93	17,769
1904-05 .	19,337	4,872	24,209	7,048	7,257	966	3,975	673	97	19,050

[The highest figure was reached in the famine of 1897. In that year there was extensive emigration from the Chota Nagpur districts and the Santal Pergannas, the North West Provinces and Oudh and the Central Provinces.] Of 66,328 adult labourers who came to the labour districts (including the Surma Valley), 23,078 were from the Bengal districts named, 9,391 from the North West Provinces and 19,876 from the Central Provinces. The Committee do not propose to enter into the question of how far the different agencies employed prior to 1901, contractors, licensed and unlicensed, local agents and garden sardars, contributed to the results which have been given. The "free" system of recruitment which stood discredited and to which in a great measure is due the present unpopularity of Assam emigration in the recruiting districts, helped the Tea Industry to take advantage of the conditions which prevailed during the years of scarcity. But this system was with universal consent swept away by the Act of 1901, and regulated recruitment introduced except in the plains districts of Lower Bengal, where "free" emigration still continues to exist.

Change in Law
simultaneous with
altered conditions
in Recruiting Dis-
tricts.

30. The changes in the law governing the emigration of labour have been briefly mentioned in the preceding Chapter, and the manner in which these changes have operated in connection with the supply of labour for the tea.

districts will be noticed in detail later on. But in comparing the results of emigration before and after the passing of Act VI of 1901, it has to be borne in mind that the five years previous to 1901 had for the most part been years of scarcity and famine in the recruiting districts. Since 1901 there has been a return to more normal conditions. In the first series of years emigration was generally brisk, particularly in 1896, 1897 and 1900. With the return of good seasons a falling off in emigration was to be expected, and in many of the districts which had suffered most severely from famine there had been a decrease in the numbers of the poorest classes of the population from amongst whom the emigrants for the tea-gardens are drawn, so that the field for recruitment was greatly diminished. There has in the past five years been great industrial development in many of the principal recruiting districts, the demand for unskilled labour has grown rapidly, and new sources of employment have been opened up by the extension of railways. Of the above causes of short recruitment the former came into operation about the time the Act of 1901 was passed into law, while the latter has at the same time risen into prominence, and they must be specially borne in mind when considering the falling off which has taken place in emigration to Assam.

31. In dealing with the causes which at present operate to prevent a free flow of labour to the tea estates, the Committee propose to consider these under two heads,—

Causes of short supply of Labour.

- (A) those which are the result of circumstances in Assam and in the recruiting districts, and
- (B) those which are in a greater or less degree connected with the special labour law controlling the supply of labour and its management on the gardens.

Under (A) come as regards Assam—

- (1) The distance and isolation of the Province and the ignorance prevailing in many of the recruiting districts regarding it.
- (2) The reputed unhealthiness of Assam and the high mortality of the past amongst tea-garden immigrants.
- (3) The long river journey, which until recently had to be taken by all emigrants to Assam.

And as regards the recruiting districts—

- (4) The good harvests of recent years.
- (5) The depletion of the chief recruiting districts by the extensive emigration that took place in the latter nineties and by famine.
- (6) The extension of railways and the great advance in industrial development in or near the recruiting districts.

Under (B) the Committee would note—

- (7) The strong resentment amongst all classes of people in the recruiting districts against the abuses of the free emigration system, which existed under Act I of 1882.
- (8) In Chota Nagpur and the Santal Pergannas, the memory of these abuses has been specially kept alive by the existence of free recruitment in the adjoining districts of Bengal.

- (9) The manner in which registration of emigrants particularly under Chapter IV of the Act has been carried out in some districts, has been to some extent an obstacle to emigration.
- (10) Very little use has been made of Section 90 of the Act in the areas to which it has been extended.
- (11) The penal contract with its accompanying restrictions on the freedom of the labourer is a powerful deterrent to emigration.
- (12) The fact that so few people come back from Assam keeps other people from going there.
- (13) The wage in Assam is low as compared with what is offered elsewhere by industries nearer the emigrants' homes.
- (14) Emigration to Assam is looked upon with a certain amount of disfavour by some Government officers and by zemindars and others, in the recruiting districts.
- (15) There has been failure to advertise the advantages which Assam has to offer.]

A.—CAUSES RESULTING FROM CIRCUMSTANCES IN ASSAM AND IN THE RECRUITING DISTRICTS.

Assam.

—Distance of Assam and ignorance regarding it.

32. The first cause which operates against emigration to the labour districts is the distance and isolation of Assam and the ignorance prevailing in many parts of the recruiting districts regarding it. It may on first thought be matter for surprise that Assam should still be a strange land amongst the people from whom its immigrants have been drawn for the last thirty or forty years. But a perusal of the evidence recorded by the Committee in the recruiting districts will show how little is known of the country. There is on every hand the same tale that very few people have come back from Assam and these in many cases the planter's bad bargains, and they have given unfavourable ideas of the place, which have been readily turned to account to prevent others going there. There are stories of witchcraft, of leeches and continual rain, which obtain ready credence amongst classes already biassed against Assam by the bad name which has been given to it by the methods of getting people to go there in the past. Of the intelligent native public scarcely anyone has ever been to Assam. The favourable accounts given by some of the Missionary gentlemen who have visited the Province are almost the sole non-official evidence which the Committee have recorded giving some idea of the real conditions of the country. Ignorance regarding Assam is marked in the case of the more distant provinces, particularly the Central Provinces and the northern Madras districts. In Chota Nagpur its conditions are better known, and the reluctance of people to go to the tea-gardens must mainly be ascribed to some of the other causes which have been enumerated.

2.—Unhealthiness of Assam.

33. The reported unhealthiness of Assam, more especially in the case of new immigrants, is another important factor in the unpopularity of the Province. The grave mortality amongst immigrants in the past has attracted attention in the recruiting districts, and even amongst the intelligent public the fact that so few persons have come back from Assam has led to the impression that a large proportion of the people who have gone there have died.

34. Then the journey by river is said to be unpopular with emigrants. How far this may be a remnant of the long and tedious journey by the cargo steamer of the old days it is impossible to say, but the Committee have gathered from planters that coolies dislike the river journey, and in the parts which are served by the Assam Bengal railway, there is a strong preference for the journey by rail. The Committee do not consider that there is anything in the steamer journey itself to which objection can be taken; so far as they could observe, the arrangements made for the comfort and convenience of the coolie were all that could be desired.

The Recruiting Districts.

35. Turning to the recruiting districts, reference has already been made to the impetus which emigration received from the repeated failures of the crops in the years preceding 1901. Since that year there has been a succession of generally favourable seasons in the recruiting districts with the exception of certain parts of the Central Provinces. In 1902-03 there was severe scarcity in the districts of Raipur and Bilaspur and famine works had to be opened, but only 3,789 labourers were obtained for Assam. In the present year there has been a partial failure of crops in the Bilaspur District and parts of the north of the Central Provinces, in some of the Central India States and in the Santal Pergannas. There will be a slight rise in the number of emigrants to Assam on this account, but the recruiting reports show that considerable difficulty is being found in moving people to Assam despite their being somewhat hard pressed at home. In the Santal Pergannas the results of sardari recruitment under the Tea Districts Labour Supply Association are hardly expected to work out at more than two persons per sardar. In the same district the Committee found that people were going readily to the Duars. For one of the Duars Companies, 101 sardars recruited 1,209 souls, and for another 109 sardars recruited 1,345. On a garden which the Committee visited in the Duars, the manager had just wired to stop a batch of 47 Santal coolies, as his labour force was full up. In the present year there has been a very large exodus from Bilaspur for work in the direction of Calcutta, but the latest recruitment returns show that only some 1,815 labourers have been obtained for Assam. It will be seen that in spite of local distress there is distinct reluctance on the part of the poorer classes to go to Assam, though they go more freely elsewhere.

4.—Good crops of recent years.

36. A further cause of decreased emigration is the comparative depletion of the principal recruiting districts. The evidence of persons most competent to give an opinion goes to show that British territory is gradually becoming exhausted, so far as the best type of tea garden labour is concerned. As new districts are opened up by the railway, there is a good supply for some years, but it gradually drops off and labourers become harder and harder to get. In Appendix B the conditions of the chief recruiting grounds have been examined and an attempt has been made to summarise the opinions of the witnesses as to the extent to which labour may be expected to be forthcoming in the future for Assam. The Committee consider that there is little prospect of new ground being tapped for tea garden emigration. The sparsely populated Native States of Bengal and the Central Provinces are already being drawn upon, and there is a general disposition on the part of the Chiefs against losing their subjects. From the Madras Presidency there appears to be little chance of

5.—Depletion of the Recruiting Districts.

people going to Assam in the face of the strong current of emigration to Burma and the Straits Settlements, where the prospects offered are very much superior to what can be obtained in Assam. The latter, so long as it demands labour of a certain type, namely the aboriginal or semi-aboriginal who is best suited to stand the climate of Assam, must obtain its labour from the districts on which it at present draws.

37. The Committee would next call attention to the greatly increased demand for labour which is arising almost everywhere in the recruiting districts. The subject is noticed in greater detail in the Appendix in which the conditions of the different districts are set forth, but a summary of the conclusions to be drawn from the evidence which the Committee have recorded is here given, so that some idea may be formed of the difficulties which the Tea Industry has now to face in attracting labour to Assam. The first point to be noticed is the great development of the coal mining industry in Lower Bengal, and the strong demand for labour in the docks and jute mills of Calcutta. Right across the path of the emigrant to Assam lies a zone of ever-increasing industrial activity, where labour is being keenly sought after and tempting wages offered to the coolie. For an account of the conditions prevailing in the industrial centres of Lower Bengal, reference may be made to the "Report on Labour in Bengal" which has been drawn up by Mr. Foley of the Indian Civil Service, the officer specially deputed to enquire into the shortage of labour in the mining and mill industries and in the Calcutta docks. As showing the growth of the mining industry the following figures are given of the output of coal in the Bengal coal-fields:—

Year.	Output of coal in tons.
1894	2,716,155
1900	4,978,492
1901	5,487,585
1902	6,239,236
1903	6,361,212
1904	7,063,680
1905	7,234,103

The growth of the jute industry has been scarcely less striking:—

Year.	Number of looms.	Average daily No. of workers.
1895	10,169	78,114
1900	15,169	110,051
1901	15,948	113,493
1902	17,018	117,810
1903	18,228	122,724
1904	19,816	131,886

The advance made in the sea-borne trade of Calcutta in the last ten years and the rapid expansion of the port are well within general knowledge. The nett tonnage of vessels using the port has risen from 1,913,283 in 1895-96 to 3,571,276 in 1904-05. The expenditure on labour at the docks was last year R13,21,399; two years before it was R9,01,575. Mr. Foley writes:—

The biggest firm of contractors at the docks have on the average about 4,000 men employed there. Ten years ago all the labour employed could be obtained from

Calcutta. Now a staff of agents and sardars is maintained who bring labour from certain districts in Bengal, Behar, Orissa, the United Provinces and Central Provinces.

38. There is again the demand for labour in Eastern Bengal for jute presses, for handling goods on the river and for harvesting the paddy crops. There is a great exodus of labour from parts of Bengal and the United Provinces to Eastern Bengal every year, and last cold weather the migration is said to have been larger than ever before. The migration is temporary; the labourers move east for the open season and as the hot weather comes round they return to their homes to be ready for the sowing time. In Behar the complaint was made that the men who return from work in the East are now bringing back so much money that they sit at home and refuse to do any daily labour until they go off again for work in the following season.

39. The areas which are more particularly affected by the growth of the industries of Lower Bengal, are the Bengal plains districts and Orissa, the districts of the United Provinces which border on Bengal, and the eastern districts of the Central Provinces. From the western Bengal districts and Behar the current is all towards Calcutta and Eastern Bengal, and it is extremely unlikely that emigration to Assam will ever meet with much success. In Gaya and Monghyr some recruitment is at present carried on, and there is still a possibility of emigration from Ghazipur and the surrounding districts of the United Provinces. Of the Lower Bengal districts, Midnapur and Bankura offer perhaps the best field for recruitment for Assam; there were 148,000 and 106,000 Santals in these two districts at the Census of 1901. In the plains portion of Orissa the attractions of Calcutta will tell more and more against emigration to the tea gardens; at present almost all the labour recruited in Orissa for Assam comes from the Native States. In Sambalpur there was at one time a good deal of labour procurable, although much of it came from the surrounding States. The district has had a succession of excellent harvests, the land revenue settlement has just been completed, and there will in consequence be considerable extension of cultivation; the changes of moving the stay-at-home Uriya of Sambalpur are thus not of the best.

Bengal plains
districts and United

40. There remain the Bengal districts of Chota Nagpur and the Santal Pergannas. The best field for emigration would appear to be the Santal Pergannas, where there is a considerable population ready to leave their homes for outside employment, and with some change in the conditions of service it is probable that Assam emigration might in time become more popular with the Santals. From the south of the district Santal labour goes freely to the coal mines and from the north a movement is taking place into Malda and Dinajpur for cultivation. The Dumka Sub-division is the chief recruiting ground for the Duars. But there is a considerable surplus population which might be freely drawn upon for Assam, if confidence were established in the mind of the Santal by improved methods of recruitment and by greater freedom on the gardens. It is essential that the present dislike to Assam should be got over, before there can be anything like a movement among the Santals towards the Province, and the same remark applies to nearly all the recruiting areas from which Assam can expect to obtain its labour.

The Santal Per-
gannas.

41. The Chota Nagpur districts are no longer the recruiting grounds they were. They have for many years been the chief source of supply of the finest tea garden labour, but they are being opened up to new industries and there

Chota Nagpur.

must soon be a falling-off in the number of persons who find it necessary to leave their homes in search of a living. At the present time the Grand Chord line of the East Indian Railway is under construction in the North, and Ranchi is being linked with Purulia by rail in the south. An extensive scheme of Government buildings is about to be taken in hand at Ranchi. The Jheria coal-fields in Manbhum are beginning to attract labour, although work in a coal mine is unpopular with the great majority of the Chota Nagpur people. The proposal to locate the Tata iron works at Sini, which will be connected by rail with the mines in Moharbhauj, will take up a great amount of local labour. For the Purulia-Ranchi railway the engineers have had to import labour from Bilaspur, as the local people were too independent and did not care to work regularly. Ranchi has been long the principal recruiting ground for the Duars, but the enquiries made by the Committee in the Duars showed that increasing difficulty was being experienced in obtaining labour from Chota Nagpur, the result being ascribed to the railway and other works in progress. The harvest failed in Chota Nagpur in the years 1895, 1896 and 1899, and there was very extensive emigration to Assam in the years that followed these bad seasons. In the three northern districts where distress was worst, the Census of 1901 showed that the population had increased by 1·2 per cent. in Hazaribagh, 3·8 in Palamau and 5·2 in Ranchi, the small percentage of increase being in each case accounted for by emigration. In Manbhum and Singhbhum the population had increased during the decade by 9·1 and 12·5 respectively. While it cannot be said that the districts have been depleted, the fact remains that the tendency towards emigration is yearly becoming less with the more extended field for local employment, and Assam will find it increasingly difficult to procure labour for its tea gardens from those districts as they are further exploited and opened up.

The Central
Provinces.

42. In the Central Provinces the chief recruiting districts for Assam are Bilaspur and Raipur, the central hill districts and Jubbulpore. The opening of the Bengal Nagpur Railway in 1891 was followed by a succession of bad seasons in the east and north of the Province and a great stimulus was given to emigration to Assam. The abuses which arose in connection with "free" emigration brought about a rapid change when the times began to improve, and this, coupled with a marked decrease in population, the opening of new railways and the starting of new industries, has told strongly against recruitment. The following figures represent the decrease in population in the districts from which emigrants for Assam are chiefly drawn:—

	Population of 1891.	Population of 1901.	Decrease.	Per cent.
Raipur	1,584,427	1,440,556	143,871	9·08
Bilaspur	1,164,158	1,012,972	151,186	12·99
Bhandara	742,850	663,062	79,788	10·74
Balaghat	383,363	326,521	56,842	14·83
Seoni	370,767	327,709	43,058	11·61
Mandla	339,341	317,250	22,091	6·51
Jubbulpore	748,116	680,585	67,531	9·03

In all these districts the return of favourable seasons has led to recovery of the area under cultivation and the means of subsistence for the reduced population have been improved. The people who disappeared, either by death or emigration during the famine years, were all of the poorest classes, who are in demand as agricultural labourers or as workmen for railways, irrigation works and mines, and the cry is now that there is not sufficient labour available for local purposes, let alone for employment elsewhere.

43. The province has seen rapid industrial development in the past few years. A railway has just been completed between Jubbulpore and Gondia on the Bengal Nagpur Railway, with a branch to Ohhindwara and the coal-fields of the Pench Valley. A line is under construction from Gondia south to Chanda, work is about to be begun on the railway from Raipur to Vizianagram on the East Coast, and other projects are to be taken up in the near future. The manganese mining industry in the districts of Nagpur, Bhandara and Balaghat has come into existence since 1900, and has created a strong demand for labour. The boom in the cotton industry has drawn population from the districts surrounding Berar. In Jubbulpore important building operations are going on in connection with the expansion of the military station, and the railway south to Gondia has increased trade and led to exploitation of the forests of the central highlands. From the evidence recorded by the Committee it is clear that no expansion of emigration is to be looked for in the Central Provinces with the possible exception of the thickly populated eastern districts of Raipur and Bilaspur. The people from these parts have, however, now taken to going towards Calcutta for work and this annual migration will grow year by year. At the time of the Committee's tour there were thousands of Bilaspur labourers employed on railway works at Khargpur on the Bengal Nagpur Railway and on the new Howrah station, and considerable numbers had gone to work on the Dhubri-Gauhati extension of the Eastern Bengal State Railway.

44. There remain the northern districts of the Madras Presidency. At present recruitment for Assam is permitted only in the districts of Ganjam and Vizagapatam; the other Madras districts are closed absolutely to recruitment. From both these districts an increasing stream of emigration is taking place to Rangoon, where coolie labour is in great demand. The emigration is mostly seasonal; agricultural labourers and petty cultivators start from the Madras coast about December as soon as the paddy harvest is reaped, and work until the sowing season comes round when many of them return to cultivate the fields. This year, on account of competition among the Steamer Companies, the passage rates have been reduced to almost nominal amounts and the emigration has been exceedingly brisk. Good wages are earned in Burma; a coolie in steady employment can earn ₹15 a month and in casual labour in the docks as much as a rupee a day. The local opinion is that Assam can never expect to compete with Burma, and so long as the Agency Tracts remain closed to tea garden recruiting, there appears little prospect of increased emigration from these districts.

45. The Madras Government have recently proposed to the Government of India that the districts of Godavari, Kistna, Guntur and Nellore should be opened to sardari recruitment under Act VI of 1901, the Godavari Agency Tracts, however, remaining closed. Along the coast the people cross to Burma as in the districts further north, and from January to April there is

an extensive movement into the Godavari and Kistna deltas for the paddy harvest. The Kolar gold-fields draw labour from the interior of the southernmost of these districts. It is possible that Assam might get a certain amount of labour from the hill portions of Guntur and Nellore, but the experiment would have to be tried only on healthy gardens until it is seen whether the people of these parts, accustomed to a light rainfall, can stand the damper climate of Assam. Further to the south there seems no prospect of Assam obtaining labour. The Straits Settlements hold the field in the districts immediately to the south of Madras offering wages of seven annas for men and five annas for women, and from the opinions expressed to the members of the Committee who visited Madras, it would be useless to expect emigration to Assam on the wages offered there from elsewhere in the Presidency.

General conclusion.

46. From the above summary it will be seen that conditions have altered greatly in the recruiting districts in the past few years. It is true, as remarked by Mr. Foley, that the coolie who emigrates to Assam is a different person from the man who goes to the coal mines or the jute mills. But the aboriginal of Chota Nagpur is gradually losing his prejudice against going to the mines and the Santal has already taken to the work. And with the expanding means of employment in the districts from which the best class of tea garden labourer has hitherto been obtained and the difficulty of finding fresh fields for recruitment, the Tea Industry will yearly find the competition of the down country industries more severe and the supply of labour which can be got for Assam will tend to decrease, unless the latter can offer inducements to the coolie sufficient to counteract his reluctance to leave his home and go to a distant country, when the prospects offered to him nearer at hand are every day becoming more attractive.

B.—CAUSES CONNECTED WITH THE SPECIAL LAW CONTROLLING THE SUPPLY OF LABOUR AND ITS MANAGEMENT ON THE GARDENS.

47. The causes of the short supply of labour which are more intimately connected with the working of the special emigration and labour law will next be examined. To some of these causes are more particularly due the intense feeling against emigration to Assam which is manifest almost everywhere in the recruiting districts.

7.—“Free” recruitment under Act I of 1882.

48. The Committee would place in the forefront of the reasons for the unpopularity of Assam the strong resentment which exists among all classes of the people against the malpractices of the “free” emigration system which existed under Act I of 1882. The consequence of this system, as stated by Sir Charles Rivaz in his speech in Council on the Bill of 1901, was “that a horde of unlicensed and uncontrolled labour purveyors and recruiters sprang into existence who, under the guise of assisting ‘free emigration,’ made large illicit gains by inducing, under false pretences, ignorant men and women, chiefly from the most backward districts of Bengal and the Central Provinces, to allow themselves to be conveyed to Assam, and by practically selling these people to the planters for the purpose of being placed under labour contracts in that Province.” The evils of the system were exposed in the report of the Commission appointed by the Government of Bengal in 1895 to enquire into the labour question, and the evidence recorded by the present Committee contains frequent reference to the traces which remain of these

evils. [The arkati, as the professional recruiter was called, has been described by different witnesses as the scum of the earth, a heartless scoundrel who would boast that he could by ill-treatment make any one "willing" in a few minutes to emigrate to Assam and who was feared as much as a man-eating tiger. The spiriting away of ignorant villagers by these unprincipled recruiters and the idea that their victims were "sold" for work on the tea-gardens has left a deep impression on the minds of the people.] There is evidence that the Act of 1901 has to some extent removed the prejudices against emigration, and that the system of straightforward recruitment which has been introduced has had a certain amount of effect in allaying the suspicion with which emigration to the tea gardens has for long been regarded. But the memory of old abuses remains and Assam cannot expect to get over the bad name which attaches to it in the recruiting districts for some time to come.

49. As has been stated in paragraph 29 of this Chapter, the Government of Bengal have permitted free emigration to continue in all the districts of the Province with the exception of the districts of the Chota Nagpur Division and the Santal Pergannas. The latter have been notified under Section 3 of Act VI of 1901 and recruitment is carried on under the safeguards provided by the Act governing the engagement of labour for Assam. But elsewhere in Bengal recruitment is subject to no control and there have sprung up a number of free contractors who are carrying on their business on the exact lines which were so strongly condemned when the Act of 1901 was passed. The chief centres of this form of recruitment are Raniganj and Asansole in the Burdwan district and Midnapur and Khargpur in the Midnapur district. The fact that unlicensed recruiters could still work was not apparently discovered until about the year 1903. Since then these centres have been actively engaged in recruiting, and their existence has done much to keep up the distrust in emigration to Assam in the Santal Pergannas and in Chota Nagpur, from which most of the persons they recruit are obtained.

8.—System continued in Bengal plains districts.

50. These free depots have been strongly condemned by almost every witness the Committee has examined in these districts, as well as by the planting community in Assam, who feel that the bad name which attached to recruitment in the past is being kept alive by the unscrupulous methods of these contractors. What these methods are can be judged from a perusal of the evidence recorded at Asansole and Midnapur. This evidence differs in no respect from what has been said of unlicensed arkati recruitment in the past. [There is the same tale of deception, of false inducements, of entrapping people on bazaar days when they have had something to drink, of cajolement of single women who are told they will be kept as mistresses, and—a perhaps more recent device—of luring away simple country people by an entertainment on the gramophone. A present day contractor told the Committee :—

Abuses connected with the system.

No coolies can be got without enticement. My experience of fourteen years is that if a coolie is asked whether he is willing to go to Assam he will say, "Never". There are many ways of enticing coolies of which the Magistrate is unaware.]

51. A coolie is taken from any person who can by any manner of deception induce him to enter the depot, and is worth anything from R40 to R80 to his procurer, once the coolie has been shipped from Goalundo. In some of the native-owned depots the sweepings of the bazaars are accepted. Others lay themselves out to get a better class of coolie generally from places at a distance, though the fiction is maintained that the coolie has come to seek work about the coal mines. The aboriginal who has been deceived

perhaps from the further side of Chota Nagpur sometimes changes hands half a dozen times, being sold by one recruiter to another, and the last of the chain will take the coolie round, if he is a first class man, and haggle with the different contractors in order to get the best price. The latter have a regular connection with the local bad characters in the neighbouring parts of Chota Nagpur, and people are smuggled out to the depots and sent off to Assam generally under false names, so that no trace of their disappearance may remain. The Superintendent of Police, Hazaribagh, ascertained that in the year 1904 the number of natives of that district who had gone to Assam from Raniganj alone was 715. Out of 730 persons entered in the registers of four of the depots since September last, it was found that 498, or nearly 70 per cent., had been got or professed to have been got from the adjoining closed districts or from the Chota Nagpur or Orissa Native States. Even from Sambalpur people are decoyed to Khargpur, and the registering officer told the Committee of unwilling emigrants being returned from Goalundo of whose recruitment nothing was known in Sambalpur. It has been shown that single women whom the registering officer has refused to register in a notified district are sent to a free depot to be sent off to Assam, and the Committee were informed of this being done at a place as far away as Bilaspur.

52. It is not only the emigrant who is deceived. The professional "bolter," the name given to the bazaar loafer who goes up to Assam to run away as soon as he gets there and get sent up again for a price, is largely in evidence in many of the free depots. These men ask for their own commission, receiving as much as R30 or R40, and in a few weeks they are back again to be sent up from another depot. The manager of a garden in Sylhet gave an instance of a coolie being sent up in the present year from a free depot, at a cost of R85 to the garden. He at once disappeared and within six weeks was back again on a garden belonging to the same Company, this time at a cost of R90. The following statement may be quoted as showing the methods pursued in some of these depots :—

The contractors are up to all manner of tricks to pass off inferior coolies as first class labourers ; they make them dress their hair on one side and stain their skins so as to look like aboriginals. It is no use trying to find out a man's caste here he is so well tutored. It is only when he gets to the garden that the deception comes out.

The Committee have also found cases of emigrants recruited by garden sardars being taken from them by underlings of these contractors. The high price which the contractor is prepared to pay to any one bringing a good coolie to his depot is a strong inducement to a sardar to sell the people he has recruited, and it is a matter for surprise that sardars can be got to work straight at all in the face of such temptations. The Committee would, however, remark that malpractices of this nature are not alone confined to the free contractors.

Effect of Free
Depots.

53. The Committee are of opinion that the establishment of these free depots on the borders of the chief recruiting districts in Bengal has done much to counteract the good effects of the Act of 1901, their pernicious influence is the subject of complaint on every side and has kept alive the bitter feeling against emigration to Assam of which the present enquiry furnishes abundant trace. These depots have no doubt for two or three years given an increased supply of labour to the Tea Industry; but for their existence the extent of emigration would have been still further reduced, but this has been dearly purchased and in no way justifies their existence. It should be noted that

in August of last year the Bengal Government introduced a Rule requiring a Magistrate to verify the entries in the register maintained in the free depôts, before the despatch of the emigrants to Assam. This Rule has failed to be of much practical effect. Once in the depôt the coolie is under such influence that a summary inspection by the Magistrate is of little avail as a safeguard against fraudulent recruitment.

54. The registration provisions of the new Act, as applied in the districts which have been notified under Section 3 and which comprise all the recruiting districts outside those in Bengal where free recruitment is permitted, have been put forward as a reason for decreased emigration. The intending emigrant, whether recruited by a licensed contractor under Chapter III or by a garden sardar under Chapter IV, has to be registered before an officer of Government. The registering officer has to be satisfied that the intending emigrant has not been induced to consent to go to Assam by any coercion, undue influence, fraud, misrepresentation or mistake. In the case of a woman recruited by a contractor, particular enquiry is prescribed by clauses (3) and (4) of Section 34 of the Act as to the consent of her husband or lawful guardian, and if she is alleged to be a widow or an unmarried woman, the evidence of at least one witness is required to show that her husband is dead or that she has no lawful guardian, as the case may be. No such particular enquiry is required in the case of women recruited by garden sardars. It is alleged that these enquiries deter people from going to Assam, and more particularly that the enquiries about women recruited by garden sardars are made with as much rigour as if they were contractors' coolies. It is further averred that having to appear before a Magistrate, the registering officer being generally a Magistrate, frightens the emigrant, that an opportunity is given to the minor court officials of levying blackmail, and that delay, and consequent expense, is entailed when the Magistrate, as sometimes occurs, is absent or is busy with other work and puts off registration until he can find time.

55. Apart from the question of whether the necessity for registration can be relaxed in the case of any particular class of emigrants, which will be considered when the methods of recruitment are reviewed, the evidence recorded does not show that registration is everywhere objected to even by persons engaged in recruitment. Fifteen such persons have objected to registration, while five consider that appearance before the Magistrate gives the coolie confidence as to the step he is taking, and this view is shared by some of the official and non-official witnesses examined. The fact is that much depends on the particular Magistrate before whom registration takes place. Officials, and particularly subordinate Magistrates, are by no means free from the feeling that emigration to Assam is not altogether to the benefit of the coolie and there is sometimes no inclination to encourage his going there. Where this is the case a rigorous cross-questioning of the coolie is certainly not conducive to his readiness to emigrate, and instances have been brought to the notice of the Committee where in the case of sardari coolies registration had undoubtedly been conducted in a manner which was not in accordance with the provisions of the Act. Enquiries through the Police as to the statements made by emigrants are particularly to be condemned; these enquiries are often connected with questions of personal relationship, and it is distasteful to the coolie and all connected with him to have such matters gone into by the Police. The strict enquiry by the registering officer has also been regarded as tending to make people think that the emigrant has a hard time in Assam, when so much care is taken to ask him whether he knows what he is submitting

himself to. The general conclusion to be drawn from the evidence is, however, that registration is not so much objected to by the emigrant as by the person who has recruited him, and it is conceded by those who most object to the present system that it has done much to purify recruitment and to remove the prejudices against emigration to Assam. But at the same time the searching and occasionally adverse cross-examination of emigrants and the delays caused by unnecessary enquiries, have been particularly harassing to Local Agents who are doing their best to ensure that their sardars are working fairly and honestly and that recruitment is being conducted on perfectly straight lines.

10.—Failure to use Section 90.

56. Section 90 of the Act permits the engagement of labourers by specially employed garden sardars without the formality of registration. Much has been said about the failure of Local Governments to allow this system of recruitment in some of the recruiting districts and about the delay there has been in extending the section to some of the Provinces where recruitment is carried on. In Bengal, Section 90 has not been applied to the districts of Ranchi, Palamau and Singhbhum, but is in force in Manbhum, Hazaribagh and the Santal Pergannas—the rest of Bengal is open to free recruitment. In the Central Provinces Section 90 recruitment was at first allowed only in the district of Sambalpur. In May 1903 it was permitted in the rest of the Ohhattisgarh Division and in the Jubbulpore Division, but the section has not yet been extended to the rest of the Province. In the United Provinces the notification authorizing recruitment under Section 90 was published in May 1905. The Government of Madras has refused to allow this form of recruitment in the two districts in which Act VI of 1901 is in force. The Committee believe that some system of engagement of labourers worked through trustworthy Local Agents and freed from the necessity of having the emigrants produced in court, is the form of recruitment which should be aimed at, but it can only be really successful if changes are made in the conditions of service in Assam. Several Local Agents have said that there is little difference in the results of sardari recruitment under Chapter IV of the Act and under Section 90, and in existing circumstances it does not appear that the latter alone will be the remedy which its advocates seek to maintain. But even as matters stand, the Industry has hardly given the system a trial. Very few Section 90 sardars have been sent down from the gardens, and some garden managers appear never to have heard of the existence of the section. The following figures are given to show how little this form of recruitment has been resorted to:—

		CHAPTER IV.			SECTION 90.		
		No. of sardars.	No. of labourers recruited.	Average per sardar.	No. of sardars.	No. of labourers recruited.	Average per sardar.
Purulia . . .	{ 1903-04	665	548	.82	55	48	.87
	{ 1904-05	651	744	1.14	157	162	1.03
Hazaribagh . . .	{ 1903-04	467	865	1.85	25	40	1.60
	{ 1904-05	537	1,808	3.00	16	60	3.75
Sambalpur . . .	{ 1903-04	566	384	.68	5	3	.60
	{ 1904-05	501	315	.63	9	19	2.11
Bilaspur . . .	{ 1903-04	683	442	.65	25	11	.44
	{ 1904-05	449	358	.86	32	25	.78
Jubbulpore . . .	{ 1903-04	170	168	.99	37	190	5.14
	{ 1904-05	249	347	1.39	53	153	2.73

It will be seen that only in Jubbulpore has any continued attempt been made to obtain labourers without the formality of registration, against which so many objections have been raised. The Committee will consider the question of certain defects which are said to hamper the working of Section 90 recruitment in another part of their Report. But they would point out that the Industry has allowed the section to remain practically a dead letter and that any further extension of the privilege, about which so much has been said, would probably not have had any results worth mentioning. And as has already been remarked, it is not very likely that the use of the facilities provided by Section 90 will of itself do very much to help recruiting, unless and until the conditions of service on the gardens are changed.*

57. There is a very strong body of opinion in the recruiting districts that Assam cannot expect to get the labour it wants so long as it demands a four years' penal contract from the emigrant. As has been already pointed out conditions are changing; the coolie is becoming more independent, and he is not ready to submit to the restraint which such a contract involves. No firm down-country in want of labour, however much it might like to do so, could afford to make such a condition with the coolie, it would mean that labour would be choked off. In Assam the labourer is imported at great cost and it has been hitherto deemed indispensable that he should be bound down by a strict contract for four years. But if Assam is to attract labour, it is certain that this condition must be relaxed. Of thirty-one witnesses in the recruiting districts who expressed an opinion on the subject, twenty-eight, comprising two non-official European and seven non-official native gentlemen, four missionaries, five officials and seven gentlemen connected with recruiting, held the view that the penal contract with its accompanying want of freedom deterred labour from going to Assam. Three gentlemen engaged in recruiting were of the opposite opinion, considering that once the emigrant has made up his mind to leave his country, he does not care what happens to him. This may be to some extent true in the case of the waifs and strays of the population or of persons who are running away to avoid a criminal prosecution or because they have had domestic quarrels, but unless Assam is content with what it can pick up among such people, it is certain that the time is now past when the ordinary villager will consent to bind himself down to serve for a lengthy period in a little known country which he fears and from which he sees that so few people have returned.

11.—The Penal Contract.

58. The matter is of such importance that the Committee would quote the following opinions on the subject:—

No. 1. Mr. F. J. Agabeg (Assnsole).—I think that the penal contract in Assam is one great reason for its unpopularity.

No. 5. Dr. O'Connor (Sitarampur).—In Assam the labourers were not free; they could not leave the garden to which they were indentured, they got home-sick and that acted upon their health.

* Since the above was written, the Committee have obtained figures showing the results of sardari recruitment in Manbhum, Hamaribagh and the Santal Pergannas for the year 1905-06. They show that by itself the absence of registration will not be effectual in securing labour for Assam.

	CHAPTER IV.			SECTION 90.		
	No. of sardars.	No. of Labourers.	Average per sardar.	No. of sardars.	No. of Labourers.	Average per sardar.
Manbhum	546	715	1.30	157	168	1.07
Hamaribagh	467	1,738	3.72	142	310	2.18
Santal Pergannas	349	698	1.99	116	181	1.56

No. 12. Mr. G. P. Cooke (Asansole).—Coolies prefer to go to the Duars so as to avoid the discipline of the Assam gardens and the long term of agreement. * * * * Coolies who sign the contract are aware that if they abscond they can be brought back by force and made to serve out their term. A contract deters them because it is like a fixed term of imprisonment passed on them. I think the shorter the contract the more coolies you can get. I do not think that coolies distinguish between Act VI and Act XIII and Section 492 Indian Penal Code contracts. * * * A short agreement with an offer of land and opportunity to cultivate it during the contract might attract emigrants. If the agreement were for seven years, the coolies would cost R300, as the supply would fail, whether land was offered or not.

No. 19. Rev. Father Hoffman (Ranchi).—Assam has a bad name with the people; they say that if you go to Assam you do not know how to get out.

No. 20. Mr. Macpherson, I.C.S. (Ranchi).—Another matter is the contract, people in this district hate a contract. Any time they have touched a stamped paper they have generally been done. In the Police it is difficult to get Oraons and Mundas to enlist, because they have to serve for three years.

No. 24. Rev. Dr. Nottrott (Ranchi).—The Assam planters do not get as much labour as they wish:—

(1) because of the four years' contract * * * * I would propose to take no contract at all, but if an advance were given to the coolie which he had to work off, many people would go.

No. 34. Mr. Bradish (Lakhimpur).—In my opinion the contract has had much to do with deterring people from going to Assam. The labourer does not like being bound down. I would myself do away with the contract altogether, as I do not think it is required. After labourers have been on the garden for a year or a year and a half, they will come and ask for a contract themselves, in order to get a bonus. But to start with I would have no contract at all, it would give the labourer confidence which is the great thing to be desired. It would also give us more emigrants and that would bring down the expenses of importation. My opinion is that if the coolies are properly treated on the garden, they will stay there without any penal contract.

No. 38. Mr. A. E. Saubolle (Purulia).—To make labour more popular I would shorten the term of contract to one or two years. It would be better still if labourers went up entirely free and took a local contract if they liked on the garden. People do not like to bind themselves to serve in a place they know nothing about.

No. 40. Mr. Pickford (Chaibassa).—A common reason for emigration is that one member of a family goes up to Assam to earn money to help to pay off the family debts. If the period of contract were made shorter this would conduce to more people going for this purpose, once the idea was thoroughly understood. That is why people go readily to the Duars instead of Assam. * * If you mention "Assam" to a villager it conveys the idea of hardship; the "Duars" have no such name, people can go there and come back as they like.

No. 50. Mr. Shanahan (Sambalpur).—The penal contract is a bar to emigration. I have known a number of individual cases of intending emigrants who would have emigrated if there had been no contract and of others who would have done so if the term had been shorter.

No. 56. Rao Bahadur R. S. Dixit (Nagpur).—I am in favour of a system of free labour. I have found that it is best not to put labourers under contract. There may be some difficulty at first, as a percentage of the labourers engaged will disappear with their advances, but the majority will stay and make money, and as the news of their success reaches their people at home others come to the work.

No. 61. Mr. Turton (Bilaspur).—I do not think that the four years' contract acts as a deterrent on emigration. Such a contract is necessary for badly situated gardens, but some other gardens do not require a contract at all. When Section 90 becomes more generally used, I am of opinion that an Act XIII contract for one year, given on the garden, will be sufficient, and that a natural flow of labour will be attracted to Assam. Coolies do not object to the discipline obtaining on the gardens when they get used to it.

No. 74. Mr. R. A. B. Chapman, I.C.S. (Seoni).—I would retain the penal contract for four years but allow the coolie to redeem it, by a payment of three months' wages; it is not fair that a man going to a new country should be absolutely bound. At any rate unless the contract is made more elastic labour will not be attracted.

No. 85. Mr. Anirudhlal Mahendra (Ghazipur).—Amongst the people also there is a vague fear that by entering into a contract they may be selling their liberty for ever and may not be able to return to their homes.

No. 93. Mr. Bamber (Hazaribagh).—The fact that a man is lost when he gets to Assam is a great deterrent to emigration. I would allow the emigrant to return after two years; the present term of four years is too long and, the people do not like it. * * * People go forward freely to the Duars as they can return when they please. I have never heard of any complaint of any kind in connection with this Duars recruiting, and I should like to see the Assam system assimilated to it. * * * I have seen the coolie up in Assam, and there is no question he is much better off there than he is in Hazaribagh.

No. 95. Mr. Lotteri (Hazaribagh).—I do not think that the four years' contract or registration deters people from going to Assam. * * * It is a good thing to send down as sardars labourers who have been recruited six months or so previously, as such persons have not lost touch with their villages, and their early return shows the villagers they have not gone into penal servitude and encourages them to emigrate.

No. 98. Mr. O. St. J. Daly (Santal Pergannas).—The people in this district look upon emigration to Assam with disfavour. They think they are being sold for a price, and they do not know what is to become of them in the future. * * * * The offer of a one-year contract instead of a contract for four years would, I consider, attract more people.

No. 99. Rev. L. O. Skrefsrud (Santal Pergannas).—Santals feel the four years' contract very irksome.

No. 101. Mr. W. M. Thompson (Santal Pargannas). If the planter will not forego every form of contract, he will not get labour.

No. 103. Mr. B. C. Gregson (Midnapur).—I think that one great deterrent to emigration to Assam is that the coolie is bound for a certain number of years.

No. 120. Mr. W. H. P. Driver (Cuttaok).—Section 90 is at present a fraud as the free coolie is put on contract directly he gets to Assam; these men often go up with the idea that they are going to be free labourers and consider themselves defrauded. I should like to see all contracts abolished at once; it would be good for the planters, whatever they may think.

No. 134. Mr. Hill (Federated Malay States), speaking of emigration to the Malay Peninsula, states.—“There can be no doubt that coolies go more readily free than under an indenture. * * * I attribute the higher death-rate among indentured coolies to the fact that they feel they are not free. My experience is that free coolies do not desert to such an extent as indentured coolies.”

No. 138. Mr. G. Kingsley (Calcutta).—I think that the industry should aim at the introduction of free labour; with this in view I should approve of the abolition of the local contract.

No. 144. The Honourable Mr Slacke, Member of the Board of Revenue, Bengal, speaking of Chota Nagpur, states.—“Unless Assam can give some inducements which it does not offer at present, I see no chance of its getting a better supply of labour. If Assam would do without a penal contract and guarantee to pay the way back of any man who had worked for a stated period, I think that might have some effect.”

No. 176. Mr. E. W. Pickard-Cambridge (Golaghat).—I am now bringing Santals up under no contract whatever, on the understanding that if they want to go back they can do so. I am settling them on land. I know that the people whom I got up under this system would not have come up under a four years' contract.

No. 222. Mr. A. H. Green (Nowgong), who recruits free labour in the Santal Pergannas, has said.—“Last season I sent down 24 sardars who recruited 96 souls. This season up to date I sent down 43 sardars who have brought up 185 souls. * * * It is my belief that if I had demanded a four years' contract from the coolies recruited by my sardars, I would not probably have got more than 10 people per annum.”

Attention is also invited to the strong opinion expressed on the subject of the contract by Mr. Winsland (No. 213) who considers the whole penal system to be at the root of the labour difficulty of Assam.

59. The Committee are of opinion that Assam must relax the conditions which it at present imposes on the emigrant, if it is to compete in the labour

market in the altered circumstances of the recruiting districts. It is not only the long period of indenture which is disliked, it is also the idea of restraint and lack of freedom which the penal contract carries with it. The remark is constantly made that the coolie has to turn out to work even though he may not be feeling well, and from the frequency with which this matter has been referred to in the evidence, it can be gathered how much this one point alone has impressed public opinion in the recruiting districts. The contract carries with it the idea of servitude, and it would be of little use to point out any of the advantages which Assam has to offer so long as this opinion prevails. What can these advantages be, it is said, if the emigrant has to be tied down by all manner of penalties and cannot call his life his own. That the Tea Industry is alive to the desirability of granting greater freedom to the coolie and giving him an easier time, will be seen from the changed conditions which have been introduced in most tea gardens in Assam during the past few years and to which reference will be made in Chapter VII. But the stricter discipline and the curtailment of liberty which were formerly the rule have left their mark, and whatever is done, these will be invariably associated with any form of penal contract which the planter may exact, and there is no prospect of increased emigration of a really desirable class of labour so long as such a contract is demanded.

12.—Non-return
of Emigrants.

60. It is not only the initial period of indenture which deters people from going to Assam. The fact that, except in comparatively few instances, emigrants have not returned at the end of this period, is misinterpreted in the recruiting districts, and the feeling prevails that even after the term of the contract is over, it is difficult for the coolie to get back to his country. Pressure, it is thought, is brought upon him to renew his agreement, or he is so badly off that he cannot afford to pay for his journey back. That the emigrant, after he has got accustomed to life in Assam, is ready enough to stay on there either to work on the garden or to settle on land outside, is not understood. What is apparent is that hardly any one ever comes back, people are lost and disappear for ever, and their prolonged absence leads to the belief that they have perished in Assam. That this has been strongly prejudicial to emigration is the opinion of almost every witness the Committee have examined in the recruiting districts. If there were any hope that after four years the emigrant would return home, the wrench in leaving his country would not be so great. But he knows that he is going probably for good, and this must weigh greatly against his taking the step. It is no doubt this feeling of being lost for ever which caused such exasperation when the crimping system was in force; a man's nearest relatives might be taken away, and he knew he would never see them again. If any stimulus is to be given to emigration to Assam, it is essential that people should be allowed to get back to their country. Even if they have no desire to return, it would be to the interest of the planter to send selected labourers back to their homes for a short holiday so as to let it be known that they are alive and well, and to let them tell the people they have left behind that they prefer to stay on in Assam. The return of coolies as garden sardars has not had this effect. The garden sardar is sent down for the purpose of getting other people to go to the gardens. In the prevailing feeling against emigration he is looked upon often with suspicion, as having been paid to induce other people to share his fate and as being little removed from the recruiter who is hated by the country-side. It is the fable of the

fox who lost his tail. Until it can be seen that people can really return to their homes, it will always be difficult to induce them to go to such a distant country as Assam.

61. The next matter which may be noticed is the lowness of the wage which Assam offers to the emigrant. It has already been pointed out how great has been the advance in industrial development in many parts from which Assam draws its labour. There is everywhere the tendency for wages to rise, and although this tendency is not so pronounced in the more backward parts of the country from which the jungly classes of coolies are obtained, where agriculture is still the main form of employment and the wages of labour are regulated to a great extent by custom, the fact that a person can go out to work and get good wages near at hand cannot be overlooked. The exploitation of the Chota Nagpur districts has been already noticed, and in the last published monthly Agricultural Report for the Central Provinces the following remarks are made regarding the condition of the labouring and agricultural population:—

13.—The Tea-Garden wage.

Work is plentiful and wages high. The demand for labour in many cases exceeds the supply. In Balaghat labourers are as hard to get as ever, and their condition is one of such prosperity as to arouse the disgust of their employers.

The latter remark applies to a district which was a few years ago among the best recruiting grounds in the Central Provinces, but which has now been opened up by a railway. In Madras the wages offered by Burma have already been noticed. All along the northern coast people leave in thousands for Rangoon where they can earn anything from eight annas to a rupee a day. The evidence recorded by the Committee points to the conclusion that the wages at present offered in Assam are no longer sufficient to attract labour; of sixty-three gentlemen whose opinions were recorded on the subject, fifty-four, including fifteen engaged in recruiting, considered the tea garden wage too low to be any inducement to the ordinary coolie to go there. Nine persons were of the contrary opinion, based on various grounds, some saying that no practicable rise in wages would be sufficient to attract labour, while others thought that the intending emigrant did not consider the wage offered at all, his one idea being to get away from his country either because he was broken or had domestic trouble. In a few cases the view was expressed that the present wage was sufficient to attract the class of unskilled labour in demand for Assam. The Committee will discuss the question of the wage offered on the tea gardens in another place. They would here only mention that there has hitherto been some misconception about the wage the labourer actually earns, the fact that overtime money can be made has been imperfectly understood in the recruiting districts, and it is shown that in the Duars, which have of late years at least had no difficulty in obtaining suitable labour, the coolie is content to earn on the average less than what is offered in Assam. That the coolie can live comfortably on his pay in Assam is evident to any one who sees him on a tea garden. But that the wage as it stands is fast becoming a matter which the Industry must seriously consider if it is to keep up its labour supply, is a fact hardly open to question. The labourer will not go to Assam, when he is being pressed to work on wages substantially higher within a short distance of his home.

62. How far the supply of labour might be increased if some portion of the immense amount which is at present spent on importation were devoted to raising the labourer's pay is a point which has been frequently discussed.

High cost of Recruitment.

The increased competition for labour, especially of the best sort, in a steadily diminishing field has forced up the price of the coolie, and contractors have been able to obtain rates ranging as high as R160 or over for first class coolies landed at Goalundo. The rates for all classes of coolies went up by R10 shortly before the Committee visited Asansole in February last, and were then ranging from R120 to R135 for labourers of good class. Nothing of this as a rule goes to the coolie. The cost of recruitment through garden sardars on many gardens is also very high; the sardar has to receive liberal advances to make a display, and in addition he is generally paid a commission on every coolie he brings up to the garden. Instances were given where the cost of an adult sardari emigrant was as high as R115 when landed on a garden in Upper Assam. No one will dispute the inherent badness of a system, under which such heavy payments have to be made by the employer, while ordinarily the coolie gets nothing of his "price." There can be no remedy for this unless the whole system is radically changed. The distribution of some part of the cost of importation charges as increased pay to the labourer will not of itself, the Committee think, attain the end in view. A slight increase of wages will not alone overcome the existing aversion to emigration to Assam, and measures of a different nature are necessary to effect a remedy. But it is essential, from more points of view than one, that the cost of importation should be reduced. The higher the amount the employer pays to the recruiter, the greater is the temptation to abuses in recruitment, which again only result in keeping alive the bad name of Assam.

14.—Opposition of
Government Officials,
Zemindars and others.

63. The opposition of Government officers and of zemindars and others in the recruiting districts is frequently mentioned as hindering emigration to Assam. That the general trend of public opinion is against emigration there is abundant evidence to show. The causes for this opposition are the malpractices in recruitment in the past, the belief that the wage which Assam offers is inadequate and that the coolie does not better himself by going to the tea gardens, and the restrictions placed upon his liberty in Assam. Amongst landowners there is the further dislike to seeing part of the labouring population disappear, when, more especially as in the districts which have suffered from famine, there is general scarcity of labour and everybody is crying out about the difficulty of getting sufficient work-people for local needs. The root of this opposition undoubtedly lies in the cause which has been first mentioned. People could not regard Assam, and they still do not regard it, as a desirable place for the emigrant, when the methods so long resorted to for procuring him were such as to create feelings of revulsion in the mind of every right-thinking man. It is impossible to expect that public opinion regarding the country should change merely with the passing of a new Act, more especially when in the course of the legislation that took place much was said to confirm the belief in the undesirability of Assam. That the opposition of the Tea Industry to the rise in wages which had been proposed in 1901, told strongly against Assam in the recruiting districts, can be gathered from the prevalence of the opinion that the tea-garden wage is too low. This belief, as has been already noticed, is shared by officials and non-officials alike, and it is not to be wondered at that there should be no inclination to encourage emigration to Assam when it is thought that the coolie does not better himself by going there. There is further the feeling of the unfairness of binding the emigrant down to serve for a term of years in a new country which he has never seen. Before there can be any change in the attitude of public opinion towards emigration to Assam, it is necessary that people should be convinced of the

advantages which the emigrant can gain by going there. This conviction will be difficult of attainment, so long as Assam by demanding a penal contract displays reluctance to trust in its own advantages to attract the labour it requires.

64. There have been many complaints regarding the attitude of the subordinate Police and Railway staff towards emigration to Assam, and the Committee consider that there is a good deal of foundation for these complaints. The interference of the Police has at any rate in some localities been severely condemned by persons engaged in recruiting, and both by the Police and the Railway staff black-mail is levied alike from recruits and sardars, and emigrants are interfered with. The Committee realize the difficulty of exercising control over subordinate officials in this respect. On the one hand a look-out must be kept for abuses and on the other no obstacles should be placed in the way of the *bona fide* emigrant. The interference of low paid Government officials is part of the penalty which the Tea Industry must pay for an indentured system, involving control and supervision on the part of the Government, and it is in practice very difficult to check interference of the nature complained of.

65. A final matter to which allusion may be made is the failure to advertise Assam in the recruiting districts; there has been little or no systematic attempt to put the real facts before people there. The stories of the recruiter have been a very negative form of advertisement, for their falseness has been found out, and no one will believe anything good of the country. The Committee consider that the Industry might have done much to dispel these illusions. As an instance it may be noted that the fact that overtime pay can be earned, and earned with comparative ease, is practically unknown in the recruiting districts. Many garden managers have said that they are prepared to guarantee overtime pay to the labourer for a certain number of months in the year, but no one has ever offered this down country. Many gardens give the coolie a plot of land to cultivate, a certain magnet to draw the landless labourer, but it appears to be quite the exception to make this offer to the intending emigrant. The business of recruitment has not been made the personal concern of some one connected with the garden. Let the employer work through a recruiting association if he finds it convenient, but he should see that any advantages which his own particular garden can offer are really made known and that he reaps the benefit of the offer of such advantages. The Committee have found cases where the personal efforts of a particular planter have been most successful in promoting emigration, but these cases are the exception, and the general conclusion at which they have arrived is that in the important business of recruitment the employer has not taken sufficient interest and has generally failed to reap advantage from any benefits which his individual garden may have to give.

15.—Failure to advertise Assam.

CHAPTER IV.

THE SYSTEMS OF RECRUITMENT.

66. In the previous chapter certain aspects of the working of Act VI of 1901 have been considered in so far as these bear upon the short supply of labour. The systems on which recruitment is carried on will now be dealt with, and the changes which the Committee recommend will be explained. A short account will first be given of the results obtained under the different systems, and their working will then be considered.

RESULTS OF RECRUITMENT.

Emigration under
Chapter III.

67. The results of the different systems are compared below for the years 1902-03 to 1904-05, these being the only years for which detailed figures are generally available. Recruitment by contractors licensed under Chapter III of the Act has been as follows :—

Year.	Bengal plains districts.	Chota Nagpur and Santal Pergannas.	Central Provinces.	United Provinces.	Madras.
1902-03 . . .	3,125	777	2,345	...	218
1903-04 . . .	3,431	912	1,607	...	209
1904-05 . . .	1,369	601	893	...	145

The figures are for labourers only. In the year 1903 contractors found out that they were able to work independently of Chapter III in the Bengal plains districts which had not been notified under Section 3 of the Act, and several of them gave up their licenses and took to free recruiting under Section 92. In Midnapur and Burdwan where this system is chiefly in force, the number of emigrants recruited by free contractors was 506, 1,872 and 3,342 for each of the three years respectively.

Emigration under
Chapter IV.

68. Recruitment by garden sardars under Chapter IV of the Act has been as under :—

Year.	Bengal plains districts.	Chota Nagpur and Santal Pergannas.	Central Provinces.	United Provinces.	Madras.
1902-03 . . .	397	3,440	4,364	199	494
1903-04 . . .	457	2,747	1,490	221	380
1904-05 . . .	134	3,262	1,585	101	218

In the Bengal plains districts unregistered recruitment by garden sardars has also taken place, of which no details are given. In the year 1904-05, 2,691 labourers were recruited through the agency of the Tea Districts Labour Supply Association in these districts. Recruitment by specially empowered garden sardars under section 90 of the Act has been very little resorted to. In 1902-03 the number of emigrants thus recruited was 61 in Bengal, in 1903-04, 85 in Bengal and 270 in the Central Provinces, and in 1904-05, 289 in Bengal and 230 in the Central Provinces.

Free Emigration.

69. In addition to the above there has been emigration from the Native States of which no record is kept. The number of free emigrants passing

through Goalundo has been 5,015 in 1902-03, 6,741 in 1903-04 and 12,395 in 1904-05. These figures include dependants, and comprise all persons recruited by free contractors, by sardars in the Bengal plains districts, and emigrants from Native States.

70. It will be seen that there has been a general falling-off in emigration under Act VI of 1901. In the Bengal plains districts the licensed contractor is being driven out of the field by the free contractor. In Chota Nagpur and the Santal Pergannas, recruitment by garden sardars has been fairly well maintained, but in the Central Provinces emigration, both under Chapters III and IV of the Act, has fallen off largely. In the United Provinces no contractor has thought it worth while taking out a license, and there has been emigration only from one centre, Ghazipur, where a few sardars have been sent down each year. In Madras emigration has taken place only from Ganjam; the Vizagapatam district which is also open to recruitment has as yet given practically no results.

71. In the following statement the results of last year's recruitment through garden sardars working under the Tea Districts Labour Supply Association are compared. The figures include both Chapter IV and Section 90 and Section 92 recruitment, in districts where the latter forms are permitted:—

Results of Sardari
Recruitment.

District.	Number of sardars.	Number of labor pers.	Average per sardar.
<i>Bengal.</i>			
Open Districts.			
Midnapur	376	541	1.4
Cuttack	476	1,133	2.4
Balasore	212	371	1.7
Burdwan	263	257	0.9
Monghyr	82	176	2.1
Gaya	56	213	3.8
Total	1,465	2,691	1.8
Notified Districts.			
Hazaribagh	550	1,127	2.0
Ranchi	1,139	1,025	0.9
Palamau	97	168	1.7
Singhbhum	857	1,039	1.3
Manbhum	888	1,040	1.2
Santal Pergannas	398	445	1.1
Saunbalpur	817	711	0.9
Total	4,746	5,605	1.2
<i>Central Provinces.</i>			
Jubbulpore	914	1,449	1.6
Bilaspur	1,079	1,013	0.9
Total	1,993	2,462	1.2
<i>United Provinces.</i>			
Ghazipur	56	101	1.8
<i>Madras.</i>			
Ganjam	529	479	0.9

In the column "number of labourers" two working children are taken as one adult. In some districts emigrants from Native States are included.

The results for the open districts of Bengal are somewhat better than for the districts notified under Section 3, but the difference is not very marked. There are general complaints of the work of the sardars having been interfered

with by contractors' underlings, and the high price which is offered for any suitable person who is brought to a contractor's depot is an undoubted temptation to sardars to sell the people they have recruited.

Proportion of men and women amongst Emigrants.

72. A further matter that may be noticed in connection with the different forms of recruitment is the proportion of men and women amongst emigrants and the number of dependants accompanying the several classes. The following figures show the number of men and women amongst emigrants recruited under Act VI, who passed through Goalundo on the way to Assam. The numbers differ slightly from the total of the number of emigrants shown in paragraphs 67 and 68 above, as there is always a certain amount of loss, due to desertions, between the recruiting districts and the place of embarkation :—

Recruited by Contractors (Chapter III).

Year.	Number of labourers.	Men.	Women.	Percentage of women to men.
1902-03	5,994	3,813	2,181	57.19
1903-04	6,114	3,814	2,300	60.30
1904-05	2,765	1,754	1,011	57.64

Recruited by Garden Sardars (Chapter IV and Section 90).

1902-03	9,345	4,832	4,513	93.39
1903-04	5,555	2,964	2,591	87.42
1904-05	5,639	3,135	2,504	79.87

The proportion of women to men amongst persons recruited by free contractors working outside the provisions of the Act is very high. The following figures were supplied to the Committee for the two districts of Midnapur and Burdwan, where this form of recruitment chiefly takes place, for the period 1st July 1905 to 31st March 1906 :—

	Men.	Women.	Percentage of women to men.
Midnapur	570	652	114.39
Burdwan	868	723	83.29

Dependants of Emigrants.

73. The returns of the number of dependants proceeding to Assam are next compared :—

Recruited by Contractors (Chapter III).

Year.	Number of labourers.	Dependants.	Percentage of dependants to labourers.
1902-03	5,994	1,434	23.92
1903-04	6,114	889	14.54
1904-05	2,765	385	13.92

Recruited by Garden Sardars (Chapter IV and Section 90).

1902-03	9,345	5,801	62.09
1903-04	5,555	3,023	54.42
1904-05	5,639	3,200	56.75

The Midnapur and Burdwan figures for free contractors' coolies for nine months of the current year work out at—

	Number of labourers.	Dependants.	Percentage of dependants to labourers.
Midnapur	1,230	70	5.69
Burdwan	1,591	256	16.09

74. The returns clearly bear out the superiority of recruitment by garden sardars. They bring up family batches, with a high proportion of women and children, and the people they get are usually such as will settle down in Assam. Contractors' coolies are of a different class; they are generally single men and women, and the falling-off in the number of dependants in the last two years amongst emigrants recruited under Chapter III shows that the licensed contractor is being more and more confined to picking up the waifs and strays of the population. The large number of women amongst people sent up from the free depots supports the complaints which have been made regarding the malpractices in this form of recruitment. Women are more easily duped than men, and are more readily caught by the wiles of the nefarious persons, male and female, who hang about these depots and earn a living by the practice of every art of deception.

Superiority of
Sardari Recruitment.

WORKING OF THE DIFFERENT SYSTEMS.

A.—THE FREE CONTRACTORS' SYSTEM. (Sec 92)

75. The working of the various forms of recruitment will next be considered. The first to be mentioned is the free contractors' system which is in force in the plains districts of Bengal in which recruitment is carried on under Section 92 of the Act. It has been pointed out that there are the same abuses in connection with the system as were so strongly condemned in 1901, when the law was specially amended for its control. In 1904-05 the Deputy Commissioner of Manbhum reported that the feature of the year was the spread of illicit recruitment in consequence of the extension of the free depot system in the contiguous districts. The remedy was suggested that prohibitive notifications under Section 3 of the Act should be issued in respect of the districts adjoining Chota Nagpur, but as it was thought that this would act as an undue restraint on emigration, the proposal was not sanctioned by the Government of Bengal.

Recruitment
under Section 92.

76. The Committee are strongly of opinion that nothing short of having all contractors licensed under Chapter III of the Act will be of any avail in stopping abuses. The Tea Industry has asked that this may be done, as they are keenly alive to the injury which results to sardari recruitment from the competition of the uncontrolled recruiter, and they recognize that so long as the free depots exist on the borders of the chief recruiting districts of Bengal, the only result will be to foster the opposition to emigration and keep up the existing distrust of Assam. Local public opinion is still more strong in condemning the existing state of affairs. The evidence which the Committee have recorded at Asansole and Midnapur contains the clearest proof of the malpractices which are prevalent. The zemindari manager of the Bengal Coal Company asserts that it is unsafe for a woman to go out alone at night in Raniganj. Mr. C. B. Gregson,

All Districts to be
notified.

the experienced manager of the Midnapur Zemindari Company, constantly hears complaints of the methods employed by the unlicensed recruiters to get people to go to Assam. And official opinion, both in the places where the free depots exist and in the surrounding districts from which people are enticed away, is equally opposed to the system. The Committee would therefore recommend that a notification be issued under Section 3 of the Act prohibiting recruitment, except in accordance with the provisions of the Act, in all the open districts of Bengal.

B.—THE LICENSED CONTRACTOR'S SYSTEM (CHAPTER III OF THE ACT).

Report of Labour
Commission of 1896.

77. The next system of recruitment is that carried on by the licensed contractor under Chapter III of the Act. The subject of recruitment by contractors was carefully considered by the Labour Enquiry Commission appointed by the Government of Bengal in 1896 to enquire into the shortage of labour for the mining and tea industries, and the conclusions arrived at by the Commission on this subject will first be noticed. The existence of the middleman between the planter and the emigrant was regarded as a necessary evil, for which in the then existing circumstances of the Tea Industry no remedy could be devised. The planter could not get on without the intermediary of the contractor and his recruiters; his necessities for labour were frequently very urgent; he must acquire the particular labour best suited for his garden at any cost. The middleman presented in a convenient shape for the selection of the planter all the emigrants who were forthcoming, and was thus in a certain sense useful. The Commission considered that the time had come when Cachar and Sylhet could do without the contractor, but that he was indispensable for the Brahmaputra Valley. In the case of old gardens circumstances might often arise when reliance could not be placed on recruitment by garden sardars alone. And for new gardens there was no alternative. There the nucleus of a recruiting force was wanting. The contractor met the difficulty and the Commission considered that the contractor system in some form or other must be continued.

78. The Commission, while thus deciding that the contractor could not be dispensed with, were of opinion that only contractors under the Act should be legalized. They further recommended that all arkatis or recruiters should work under a license. These were credited with being the main source of abuses. Their number was legion; their characters as a rule would not bear enquiry. By licensing them, a check would be kept on their numbers and some kind of guarantee as to character would be obtained. On the question of fees for licenses the Commission recommended that the fee for a contractor's license should remain at ₹100, and with regard to recruiters' licenses they remarked: "Some gentlemen have urged that a fee of ₹16 should be levied, but the majority consulted consider that this is too heavy, and that fixing the amount so high would prevent licenses being taken out, either by contractors for the recruiters, or by the recruiters themselves, and would thus frustrate the object in view, *viz.*, of discovering the actual recruiters. Many persons have therefore urged a fee of ₹2 or so; but considering the large profits made by the recruiter, we are of opinion that ₹10 might well be paid by recruiters or any one in any way engaged in recruiting."

79. The Commission recommended the introduction of a system of initial registration in all the recruiting districts, that some days should be allowed to

elapse between initial registration and putting the emigrant under contract, and that intending emigrants should be put on contract as near the district of recruitment as possible. They refused to attach weight to the argument that the registration enquiries would be vexatious and recognized that the enquiries previous to a contract being signed, if they were to be of any value at all, must to a certain extent be detailed and occupy time. They pointed out the advantage to the planter of having a thorough enquiry; he would be spared the expense of having to repatriate an unwilling emigrant or an emigrant declared unfit to be forwarded, either on personal or medical grounds. They considered that in order to check emigrants being put on contract and hurried away at once out of their native country, some days should be compelled to elapse between the initial enquiry and their being put on contract. During that period they would be able to see their friends and have a chance of changing their minds. Emigrants should be placed on contract at convenient centres, where they could be seen by the selecting agent of the garden. The contractor's business was merely to collect; he did not know what particular gardens would want coolies or what coolies would be taken. This was the work of the selecting agent, and as there could not be selectors in every district where only a few coolies were recruited, the emigrants after registration would be forwarded to suitable centres near the district of recruitment there to be selected and placed under contract.

80. The recommendations of the Commission were in general adopted, and as in one form or another objections have been put forward to most of the provisions of the Act which are founded on these recommendations, the latter, with the reasons on which they were based, have been set forth at some length. Before considering these objections, the question arises of whether contractors should still be retained for the recruitment of labour for Assam. The Committee are of opinion that the only system of recruitment which holds out the promise of ultimate success and which can free the name of Assam from the stigma which at present attaches to it, is true sardari recruiting. It is to the latter that the Industry must look for obtaining a really desirable class of labour, and in the recommendations which the Committee have to make suggestions will be put forward for encouraging this form of recruitment and extending the privileges of garden sardars. But there is a strong body of opinion among the employers of labour in Assam that in the present straits for labour the contractor cannot be dispensed with. The evidence recorded in the recruiting districts also goes to show that the business of the licensed contractor has in most places been conducted on generally satisfactory lines and that it is as free from abuse as such a system can be. In view of these opinions the Committee feel that the licensed contractor should be, and may safely be, retained. Although the extent of his operations would appear to be gradually diminishing, there is no doubt that the contractor secures a certain amount of labour with which the garden sardar would hardly be likely to come in touch. He also satisfies the demand of employers who for any reason are unable to successfully employ garden sardars. It may also be doubted whether it would be possible to suddenly extinguish the arkati. The latter, if not recognized, would probably continue to work and find some way of passing off his recruits clandestinely as sardari emigrants. The best course would appear to be to recognize the system and allow it to continue under conditions which will enable supervision to be maintained.

Continuance of
contractor's system.

81. The restrictions imposed upon recruitment by Chapter III of Act VI of 1901 have been the subject of complaint by contractors. Special objection is taken to the strictness of the provisions for the registration of single women [Section 34 (3) and (4)], to the high fees charged for recruiters' licenses, to the rigidity of the enquiries made as to a recruiter's character before he is licensed, and to the three days' detention required by Section 44 before an emigrant is put under contract. With regard to the registration of women, there are doubtless cases where registration has to be refused because the evidence required by Section 34 cannot be produced, although there is no valid objection to the registration of the woman. Had abuses not been so prevalent in the past, there would be much to be said for assimilating the law to Section 32 of Act XXI of 1883 (The Indian Emigration Act), under which the registering officer may detain a woman, whom he believes to be married, for ten days before registering her, but need not necessarily make any enquiry. The effect of Section 34 has, however, been so very salutary that, although in particular cases it applies with too great stringency, the Committee are not prepared to recommend its modification.

82. The provisions for the licensing of recruiters are contained in Sections 25 to 29 of the Act. The Superintendent of Emigration may on the application of a contractor grant to persons fitted by character to be employed in engaging labourers, licenses to be recruiters on behalf of the contractor. The requirement that the person recommended by the contractor should be fitted by character to be a recruiter has in practice led to investigation being made through the Police as to his antecedents, and this it is alleged inevitably involves the levy of black-mail. Again the high license fee is objected to. By Section 26 of the Act the fee is not to exceed R16, and in Bengal and the Central Provinces it has been fixed at R10. One result of the strictness of the enquiry as to character and of the high license fee has been that the contractor takes out licenses for as few of his employes as possible. The Calcutta licensed contractors took out licenses for only 135 recruiters in 1904-05, although their operations extend over most of the districts of Bengal outside Chota Nagpur and the Santal Pergannas. In the latter districts 12 contractors took out licenses for 148 recruiters, and in the Central Provinces 13 contractors licenses for 127 recruiters. The belief of the Commission of 1896 that the licensing of recruiters would lead to all engaged in the business being known and supervised has certainly not been fulfilled. It is scarcely to be hoped that every man who makes it his business to get hold of an emigrant, whenever he can, will be brought under control. There are hundreds of people scattered about the districts who are on the watch to take advantage of any family quarrel which occurs in their neighbourhood, or to suggest to the man on whom the Police have their eye or the debtor who wants to flee the country, that Assam offers a safe asylum. One contractor at Purulia told the Committee that he used to have 1,000 recruiters in Manbhum; he has 60 or 80 recruiters now. But the rest are still there, and it is useless to imagine that they have all given up the trade.

83. The Committee consider that it would be well to recognize the actual state of affairs. The contractor is under Section 20 of the Act liable for the acts of his recruiters, and his license may be cancelled if the license of a recruiter is cancelled. This would appear to be a better guarantee than a Police enquiry that the contractor will get the best men he can and will look-

properly after their work. The most satisfactory plan would therefore appear to be to accept a certificate from the contractor that he believes the person recommended by him to be of good character and to grant a license without further enquiry. At the same time the license fee on a recruiter's license might with advantage be reduced. By Section 38 of the Act a fee not exceeding one rupee is payable for every person produced before a registering officer for the purpose of being registered. The suggestion has been made to abolish license fees and adopt the method followed in Colonial recruitment of having a higher registration fee, thus taxing the contractor on results. But the Committee hardly consider that it is worth while specially amending the law to give effect to such a system, in view of the fact that recruitment by contractors is on the decline. They would, however, reduce the fee on a recruiter's license to R2 or R3, so as to induce contractors to resort more freely to licensing their recruiters; more would then be known as to who are actually engaged in professional recruitment and better supervision would be obtained.

84. A point to which the Committee would attach the greatest importance is that only natives of the district should be licensed as recruiters. The most unprincipled of the whole army of recruiters is the up-country man. He was responsible for many of the worst abuses in recruitment in the past, and the evidence given by Mr. Shanahan at Sambalpur gives, the Committee believes, a perfectly accurate description of his methods. It is plain that for genuine recruiting the most reliable agent is a native of the district acquainted with and akin to the people among whom he is to work, and only such should be employed.

Only natives of District to be licensed.

85. A further matter to which objection has been taken is the three days' detention required by Section 44 of the Act before an emigrant who has been registered can be placed under contract. The Committee entirely agree with what was said by the Commission of 1896 as to the advantages of such a period of detention. They consider that in Bengal the usefulness of this provision of the law has been greatly detracted from by the fact that there is only one Superintendent of Emigration for the whole of the Province, outside the Chota Nagpur districts and the Santal Pergannas. After an emigrant has been registered he has, under Section 40, to be conveyed "with all convenient despatch" to the contractor's depot. The emigrant who has been registered in Cuttack is sent off at once to Calcutta, where the three days allowed for him "to see his friends and have a chance of changing his mind" have to be spent. Once landed in Calcutta it is obvious that neither of these chances are open to him. There are two courses which might be adopted. Either the practice in Bengal should be brought into accord with the recommendations of the Commission of 1896, and Superintendents of Emigration appointed at the headquarters of two or three of the chief recruiting districts, so that the emigrant need not be taken to Calcutta to be placed under contract, or Sections 40 and 44 of the Act should be amended, so as to provide that the three days' detention of the emigrant should take place in the district of registration. The Committee would recommend the adoption of the former course; Cuttack might be the centre for execution of contracts for all labourers recruited in Orissa, and there might similarly be one or two other centres on the line of railway for the remaining districts of Bengal. The objection may be taken that this will

Three days' detention of Emigrants.

entail the up-keep of a larger staff of selecting agents than is the case with a single centre at Calcutta. The Committee do not consider that there is much force in this objection; the selecting agents at present travel about the country, visiting centres in the notified districts, and the addition of two or three extra centres will make no difference to them.

86. As an instance of the drawbacks of the present system two cases which came before the Committee at Outtack may be quoted; they are referred to in the evidence of witness No. 119. A garden sardar brought in a batch of six emigrants and sold them to a licensed recruiter; they were registered and at once sent on to Calcutta. The representative of the Tea Districts Labour Supply Association wired to the sardar's employer, who reached Calcutta in time to recover them from the contractor's depot. In the second case a batch of 28 persons were similarly disposed of; these were not, however, recovered, but were sent on to Assam under contract to a different estate from the one to which they had agreed to emigrate. If the detention between registration and putting on contract took place at Outtack, it is probable that cases of this nature would be prevented.

Control over
Contractors'
recruiting.

87. If the recommendation is accepted that in Bengal all recruitment by contractors be carried on under Chapter III of the Act, this will greatly strengthen the hands of the Magistrate in dealing with improper recruitment. And there should be no hesitation in cancelling the license of any contractor, who allows his recruiters to interfere with the work of garden sardars either by enticing away the persons they have recruited or by buying them from the sardars. In the cases which have been mentioned in the preceding paragraph it would have been useless to adopt this course. The persons who should have been held responsible could at once have taken to recruitment under Section 92 of the Act. There would have been no object in cancelling their licenses, as the only effect of doing so would have been that the persons they recruited would have no longer been liable to registration. The Committee also attach importance to registration being carried out as far as possible in the district to which an emigrant belongs. The registering officer should exercise discretion in refusing to register an emigrant, who he has cause to believe has been brought far from his home for the purpose of being got to agree to emigrate to Assam.

Contracts always
demanded under
Chapter III.

88. The Committee will presently deal with the engagement of labourers by garden sardars free of contract, and the question arises of also allowing the emigration of persons recruited by contractors without the execution of a contract under the Act. The matter is not one of practical importance, so far as the Assam Valley is concerned, for the Committee believe that the employer will always demand a contract from every labourer recruited through a contractor. They do not therefore consider that anything would be gained by amending the law so as to dispense with the execution of labour contracts by emigrants recruited under Chapter III. What the Committee would like to see would be the gradual withdrawal of Chapter III recruitment which can be done by notification under Section 3, should the scheme which they are about to propose for the engagement of labourers through garden sardars working under the control of responsible Local Agents meet with success. Unless therefore it is decided that control should be retained over recruitment by contractors working for the Surma Valley, to which reference will be made in Chapter V of the Report, the Committee would leave

the subject of execution of labour contracts by emigrants recruited under Chapter III alone. It does not seem worth while amending the law so as to render it possible for a contractor's coolie to be taken up to Assam free of an Act contract, when it is practically certain that no employer will ever dispense with such a contract in the case of a person thus recruited.

89. Reference has been made above to the possibility of gradually withdrawing recruitment under Chapter III. The Committee have already said that in their opinion the licensed contractor cannot yet be dispensed with. But it would be a useful experiment to try the effect of sardari recruitment only in one or two districts, carried on in the manner which will be presently suggested. The choice of the districts in which such an experiment might be tried might be left to the Indian Tea Association, should they consider the suggestion a reasonable one. The Committee would certainly recommend it, and if they were asked to choose a district they would begin with take the Santal Pergannas. They believe that in the end the results would fully justify the experiment, if the emigrants were sent up to Assam free of all contract.

Gradual withdrawal of Chapter III Recruitment.

C.—THE GARDEN SARDAR'S SYSTEM (CHAPTER IV AND SECTION 90 OF THE ACT.)

General.

90. As the system on which recruitment by garden sardars is at present conducted is not always clearly understood, the Committee consider it advisable to explain it in some detail. It must be premised that the sardar is only known by that name during the time he is employed in the recruiting districts; he is in fact nothing more than a garden coolie, he is ignorant and illiterate, and on his return to his garden reverts to his work as a coolie, and beyond being paid a commission on the persons he recruits he has no further interest in them. A judicious selection of the people who are to be sent recruiting has to be made by the garden manager. The newly imported coolie is as a rule the most successful person, for having recently left his village he is in close touch with his relatives and friends who are living there. On the other hand, the employment of such people is not unattended with risk, as some of them may not return, and as they leave no security on the garden, advances made to them for recruiting purposes are lost. Sometimes old coolies who have been many years on a garden and who have lost touch with their country are sent down. The manager knows that they may not be very successful and he merely lets them go as a matter of policy in order to give them a holiday and let them revisit their country. Most sardars leave security of some sort on the garden; it may be cash or cattle, or a man leaves his family behind when he goes to recruit.

Description of the System.

91. The time of the year for sending down sardars is about November and the procedure adopted is as follows. Each sardar receives a certificate under Section 56 or Section 90 which is countersigned by the Magistrate or Inspector, and he is given a certain amount of money for road expenses. Most sardars are consigned to forwarding agents at Goalundo, who see that they are sent on to the districts in which they are to recruit and handed over to the Local Agent under whom they are to work. The departure of the sardar has meantime been reported from the garden to the Local Agent, who is also supplied with information in a set form regarding each sardar. The object of the latter is to enable the Agent to know how far he can make advances to the sardar for

purposes of recruitment. The Local Agent, on the sardar's arrival, arranges for countersignature of his certificate by the Magistrate of the recruiting district under Section 61 or reports his arrival under Section 90. Until this formality is completed, the sardar remains in the place of accommodation where he receives daily rations at the expense of the garden.

Advances made to
Sardars.

92. The sardar's certificate on being returned to him is carried about as his passport. He now receives from the Local Agent a first advance, generally amounting to R10. As a rule no account is given of how this is expended, as it is considered a necessary preliminary to enable the sardar to show some hospitality in his village, although in some districts, particularly in the Central Provinces, coolies are brought in on the first advance. Generally speaking the sardar returns to head-quarters in ten or fifteen days and reports having arranged for coolies. He then receives a second advance, usually again of R10 for every coolie arranged for, and returns to his village. If he then comes in with emigrants, he may be given some further amount to settle up with them, but care is taken that the total of the advances, excluding the preliminary advance, should not greatly exceed R10 per head of the emigrants brought in. Sometimes a third advance is necessary. If after taking two or three advances no coolies are secured, the garden manager is asked for instructions as to whether further advances should be made or the sardar returned to the garden. In some cases the debts of intending emigrants are paid up, but this is usually done by the Local Agent. An account of the advances given and other expenditure incurred is then made up and sent to the garden, so as to enable the manager to settle up with the sardar. On returning to the garden with his coolies, the sardar receives a bonus which may vary from R5 to R40 according to the custom of the garden and the class of coolie recruited. Against the bonus are set the advances which the sardar has received in the recruiting districts, but way expenses and any amounts paid in liquidation of the debts of emigrants are excluded. The sardar as a rule gets no pay while in the recruiting districts, and if his advances exceed the bonus he should receive, the balance is generally not recovered from him.

Absconding of
Garden Sardars.

93. The average length of time spent in the recruiting districts is about four months. A certain percentage of sardars do not return. Warrants for the arrest of absconders are taken out under Section 170 of the Act, but very few are recovered, and in many cases Local Agents have practically abandoned trying to recover absconders. The defaulters are as a rule single men without property or connections on the garden. Sometimes the attractions of their old homes prove too much for them; sometimes they fall under the temptation of the arkati and sell their coolies, and cases have been known in which the sardar has sold himself to a recruiter, and on arrival in Assam has absconded and returned to his own garden with a plausible story of having been drugged by the arkati. The Committee have noticed that the percentage of deserters varies on different gardens. As a rule it does not exceed 10 per cent., but unpopular gardens may lose a very much larger proportion than this. On the popularity of a garden also to a great extent depends the sardar's success in recruitment; he will not exert himself to bring up his friends and relations to a garden which he does not like, but to which he must himself return as he may have left his family there. He may pick up a stray outsider whom he may persuade to accompany him. But it is safe to say that the gardens

which are most successful in sardari recruitment are those which treat their labour best.

94. Recruitment by garden sardars was known in the early sixties, but was not legalized until the passing of Act VII of 1873. Facilities were given to sardars under that Act, and they worked with a fair measure of success, particularly for the Surma Valley, which was easier of access and which largely employed Behar and North-West Provinces labour, amongst whom persons of better intelligence were to be found. The Assam Valley recruited in a different field, and it was discovered that sardars from the more backward districts of Bengal could not get on without supervision. In the year 1873 an Association was formed in Calcutta by most of the leading tea firms and called the Tea Districts Labour Supply Association. Agencies were established in the principal recruiting districts, through which most of the sardari recruitment for the tea gardens has been conducted up to the present time.

The Tea Districts
Labour Supply
Association.

95. The Committee hold strongly to the view that the best form of emigration is that which is conducted through the agency of the garden sardar. As has already been pointed out the sardar brings into Assam a large proportion of family people, who are likely to make the most steady workers and who will stay on in Assam and make it their new home. The advantages of the system were prominently brought to notice in the Report of the Commission of 1868, an extract from which will be found in paragraph 14 of Appendix A. The Commission recommended a system of free recruitment through garden sardars and of free labour. The Act of 1870, however, insisted on contract labour, and when a system of free labour was provided for in the Act of 1873, the Industry failed to give it a trial, preferring to place the emigrant under a contract as security for the money spent on bringing him to Assam. The Act of 1882 gave facilities for free recruitment, but allowed the emigrant to be put under contract on his arrival in the tea districts and this was almost invariably done. The same system is still adopted nearly everywhere in the case of labourers recruited under Chapter V of the present Act. Although individual employers have worked their labour free with conspicuous success, practically nothing has ever been done to follow out the recommendations of the Commission of 1868. That these recommendations hold good to the present day may be gathered from the very strong body of opinion which has been expressed regarding the deterrent effect of a penal contract on emigration to Assam. Even in Cachar and Sylhet, where freer conditions prevail, the general policy has been to demand a three years' contract under Act XIII of 1859 from the new immigrant.

Re commendations
of Commission of
1868.

96. The Committee will recommend that the local contract under the Act be abolished in Assam. In view of the very pronounced stand which the Tea Industry in the Assam Valley has taken that the Act should not be withdrawn and of the view taken in the recruiting districts that control over emigration should still be retained the Committee consider that the time for dispensing with the Act has not yet arrived. The Assam planter has never worked with free labour and there would be considerable dislocation in the industry if the present system were suddenly changed. But the time must soon come when special legislation for tea garden labour should be foregone, and with a view to rendering the transition more gradual, the Committee propose that facilities in recruitment be given for the engagement of labourers on behalf of employers who undertake to work them under the ordinary law. As will hereafter be

Contract, if en-
tered into, should
be executed in
Recruiting District
only.

pointed out, the Committee would advise the planter who wants to get labour to trust to inducements and the attractions of his garden in order to attain his purpose; he will, it is believed, meet with greater success in this respect if he dispenses with contracts of every kind, at any rate while the coolie is new to the country. But there are some gardens which from their situation would find great difficulty in keeping their labour, and the Committee consider that these should still be given the option of entering into a contract with the emigrant under the Act. The contract should, however, be entered into in the recruiting districts; the coolie should know that he is going to Assam under a contract before he leaves his country. There should no longer be the fiction of taking him up to Assam free, and placing him under a rigid form of contract when he gets there.

Sardars may be
divided into two
classes.

97. The above being the conclusion at which the Committee have arrived they will next proceed to deal with the subject of recruitment through garden sardars as they consider it should be carried out so as to give effect to these proposals. Before doing so they would put forward a suggestion as to sardari recruitment as it is and a form of sardari recruitment which may hereafter be developed. They would divide sardars into two classes. First, there is the ordinary sardar who cannot get on without the supervision of a Local Agent. This class comprises almost the whole body of sardars of the present day. As has been said in paragraph 90 above, the ordinary sardar is an ignorant coolie, who could not possibly be trusted to make his own arrangements in the recruiting districts. This fact should be clearly accepted and the sardar's dependence on a Local Agent should be recognised. The second class of sardar would be a man of better standing, who could get on in the recruiting districts without the assistance of a Local Agent. The Committee consider that it is very important that the way should be open for the Assam tea gardens to introduce the system of working through head sardars, which has been found so successful in other parts of India. A man of this class would go down to the recruiting districts, make his own arrangements for the labour he requires, bring the people he gets together to the garden and be responsible for them there. He would be the working head of his own settlement of coolies, and he would see to their welfare if he were paid by the garden a small commission on what they earn. The Committee were glad to find that Mr. Grant in Cachar and Mr. Winsland in Lakhimpur had introduced this method of working on the gardens under their management. The arrangement would appear to offer the best and most economical method of obtaining labour, an object which is so much desired, and Mr. Arbuthnot in paragraph 57 of his Report on the conditions of Tea Garden Labour in the Duars, Madras and Ceylon, considers that it involves less friction in working than is the case under the direct system of management in Assam. In the opinion of the Committee the best way of working with natives of the coolie class is to deal with them through headmen who understand their likes and dislikes in a way which no European can do. Under such a system there would be a number of picked men who would have a personal interest in keeping up a labour force on the garden. As Mr. Arbuthnot very truly remarks, the responsibility of the present recruiting agency for Assam may be said to end exactly where it ought to begin. Such an arrangement can scarcely perhaps find an opening until there is a freer flow of labour to Assam. What has now to be seen is that the means exists for enabling the system to be introduced.

98. The Committee would propose that for the two classes of sardars there should be different systems of recruitment, and they would assimilate these to the methods at present in force under Chapter IV and Section 90 of the Act, respectively. The sardar who works under the supervision of a Local Agent would come under Chapter IV modified as will be presently suggested. The sardar who works by himself would come under Section 90.

Recruitment under a Local Agent.

99. For the first class of sardars the Committee recommend that the whole responsibility for the proper conduct of recruitment be placed on the Local Agent. The appointment of the Local Agent is made with the approval of the Superintendent of Emigration, and if care is taken that only trustworthy men are licensed, the Committee believe that the control of recruitment may perfectly well be left in their hands. They would refer to the opinions given by the Rev. Mr. Wueste and the Rev. Dr. Nottrott as to the confidence which is felt in the working of sardari recruitment under the agency of Mr. Pickford at Chaibassa and Mr. Leslie at Ranchi. In the Bengal districts to which Section 92 applies and where there is no control over recruitment, the Committee heard no complaints in connection with sardari recruiting. The Magistrate at Raniganj spoke in favour of the work of the garden sardars even in that locality where they have so many temptations to go astray. The Committee were equally satisfied with the methods of sardari recruitment at Midnapur; the emigrants appeared from the Local Agent's books to be nearly all family people. The Committee have every confidence that registration before a Magistrate can be dispensed with in the case of emigrants recruited by sardars accredited to a responsible Local Agent. But such registration would only be foregone in cases where it is not proposed to put the emigrant under contract.

Responsibility of
Local Agent.

100. The next question to be considered is how the provisions of Chapter IV should be modified so as to enable a system of control by a Local Agent, without the intervention of the Magistrate, to be introduced. Two courses are open. Either the whole of Chapter IV should be recast, or by a notification under Section 91 (b) of the Act the provisions of the Chapter should be relaxed so as to enable the Committee's suggestions to be carried out. The former would no doubt be the most complete solution, but in view of the opinion expressed in paragraph 240 of the Report as to the withdrawal of the Act after a term of years, the majority of the Committee do not recommend it. Mr. Bompas is in favour of the law being altered, and a note of his reasons and of the amendments which might be made in the Act is set forth in Appendix D. Should action be taken under Section 91 (b), the objection may be raised that the latter enables the concession to be given only to approved agencies or associations. It leaves out the individual employer, whom it is advisable to encourage to take an active part in recruitment. On the whole the Committee consider that there is much to be said for confining the concession they are about to recommend to the agents of approved associations. In coming to this conclusion the Committee would observe that it is at present the almost universal practice to accredit garden sardars to the Local Agents of the Tea Districts Labour Supply Association. Even when the employer himself goes down to the recruiting districts, his sardars almost always work through the latter Agency. In practice therefore the grant of a concession under Section 91(b)

Modification of
Chapter IV
Recruitment.

of the Act to this Agency will cover the very great bulk of sardari recruitment as at present carried on. The concession can also be granted to any other approved agency which may be formed, and if the Committee's suggestion as to such agencies being created by combinations of employers is carried out, this will meet all practical requirements. At the same time the Committee do not propose to touch the existing Section 90 of the Act. Any individual employer may still make use of this section. Their proposals aim at giving special facilities for recruitment through responsible Local Agents, in the belief that this offers the most satisfactory form of engagement of labour through garden sardars and that recruitment under such control will come to be generally adopted.

Clauses to be relaxed.

101. The recommendation which the Committee have to make is that, by a notification under Section 91 (b) of the Act, the provisions of Chapter IV should be relaxed so as to dispense with the countersignature of the sardar's certificate by the Magistrate of the recruiting district under Section 61 *in all cases*; and with the necessity for registration under Sections 68 to 71 and for placing the emigrant under contract under Section 72 *in cases where no labour contract is to be entered into with the emigrant*. The provisions of Section 60 requiring a garden sardar, to whom a fresh certificate is to be issued, to appear before the District Magistrate of the recruiting district may also be foregone; in this section the Local Agent would take the place of the District Magistrate throughout. The requirement of Section 58 that the garden sardar should appear and sign his certificate before the Inspector or Magistrate in the labour district might on the whole be retained. It will help to ensure that only persons actually employed on the garden are sent down as garden sardars. Countersignature of the sardar's certificate in the recruiting district need not be insisted on, much less so if the sardar is to place the persons he recruits under contract than if he is to take them to Assam without one. The provision may safely be dispensed with; the complaint is often at present made that sardars are kept waiting for their certificates to be countersigned, and this objection will now be removed. In the case of a garden sardar committing a breach of the Act, his certificate can always be forwarded to the Superintendent of Emigration for cancellation under Section 63 of the Act, and it therefore appears unnecessary to specially amend the latter section to allow of cancellation by the Magistrate of the district.

Procedure to be followed by Local Agent.

102. The only conditions which the Committee would make are that the Local Agent should maintain (1) a register, in which should be entered the names and descriptions of all garden sardars received from the labour districts, the dates of their arrival and departure and any other particulars which the Local Government may prescribe and (2) a register, in which should be entered the names and descriptions of all persons recruited by garden sardars working under the Local Agent and not registered and placed under contract. The registers should be open to inspection at any time by a Magistrate or by an officer of Police of such standing as may be fixed in the notification under Section 91 (b), and the Local Agent should be bound on being so directed to produce before the Magistrate or Police Officer any person recruited by a garden sardar who is in any place of accommodation maintained under Section 62. The Local Agent should submit each month a copy of the entries in the second register in respect of all the persons who have been recruited through his agency. The Local Agent should also be required

to refer to the Magistrate for orders any case in which objection is made to the emigration of any person by any one claiming to stand in the relation of husband or wife, or parent or guardian to the emigrant. A point for Local Governments to consider in granting exemptions to approved agencies will be whether any period should be prescribed for the detention of single women. The Committee are of opinion that such a condition might be generally dispensed with, although the power of imposing it might be reserved in the notification. They would prefer to leave it to the discretion of the Local Agent to deal with such cases, on the clear understanding that on him rests the responsibility of seeing that abuses are not allowed to occur. The provisions of Chapter IV other than those mentioned in paragraph 31 might all be retained with the exception of Sections 73 and 74 (medical examination required by employer) and Sections 87 and 88 (cancellation of contracts). A draft notification on the lines which the Committee would propose for adoption is given in Appendix C.

103. What the Committee desire to emphasize is that it is not so much by regulations in the recruiting districts that proper recruitment will be ensured, as by the altered conditions in the labour districts. The emigrant who is sent up to Assam without being registered will be no longer under an Act contract. It is true that he may still be got to contract under Act XIII of 1859, but, as will be pointed out later on, the emigrant has much greater freedom under such a contract than if he were bound down by a contract under the Act. And if the planter really wishes to attract labour, he will ask for no contract whatever. It will not be worth any one's while to send up to Assam an emigrant over whom the planter has only a comparatively slight hold or no hold at all. This is the best assurance that only straightforward recruitment of persons really willing to go to the tea gardens takes place; it will not pay to send up an unwilling emigrant or a person who has been deceived.

Absence of Contract will be an automatic check on recruitment.

Unassisted Sardari Recruitment.

104. By Section 90 of the Act specially employed garden sardars are able to recruit without producing their emigrants before a Magistrate for registration. All that is required is that the specially employed garden sardar should submit a list of all the persons he has recruited to the Magistrate at least three days before his departure from the recruiting district, and that he should himself accompany all persons engaged by him to the labour district or send them there in charge of another garden sardar holding a permit under the section from the same employer to engage persons in the same recruiting district. As has been pointed out, very little use has been made of the section, and objections to its provisions have been taken on the following grounds. First, the proviso of clause (a) that no permit shall be granted to a garden sardar who has not resided at least six months on the estate of the employer, is held to be a hardship, as it prevents the sending down of persons who have recently come up to the garden, have had a look round and are anxious to go back and bring up their relations. The clause it may be noted was specially designed to prevent the employment of arkatis as garden sardars. Second, the detention of emigrants for three days before despatch to the labour district, clause (f), is considered an unnecessary formality, and causes some additional expense. And third, the requirement of clause (g) as to the

Difficulties in recruitment under Section 90.

labourers being accompanied to the labour district by the sardar himself or another sardar of the same employer, has led to inconvenience. The sardar brings in one or two emigrants and wishes to return for more. The persons first brought in have to wait about until the sardar returns from his second trip into the district; it is very rarely that another Section 90 sardar of the same employer can be found to take the persons already recruited to the labour district.

" Possibility of
abuse by inferior
sardars.

105. The Committee would prefer to see all recruitment by the class of sardars who are now universally employed conducted under the supervision of a trustworthy Local Agent. They would refer to the cases given in the evidence of the Deputy Commissioner of Bilaspur, where Section 90 has been abused. Sardars, not consigned to a Local Agent, were sent down under the section not to personally recruit, but to conduct batches of stray emigrants collected by unlicensed arkatis to the tea gardens. In one case it has been clearly shown that the persons thus collected were deceived. If this can be done once, it can be done again, and the section does not contain sufficient safeguards for the prevention of its misuse by poorly paid and inferior sardars working under no control. The proposal which has been made for giving concessions to the representatives of approved agencies will secure supervision over sardars who require it, and it also meets with the objections which have been raised to the provisions of Section 90. There will be nothing under the procedure suggested to prevent a person recently recruited being sent down as a sardar, three days' detention need not be insisted on, and there will be no restrictions as to the escort of labourers to the tea districts other than those contained in Chapter IV of the Act.

Section 90 more
specially suited for
recruitment by
head sardars.

106. If the above proposal is adopted the majority of the Committee hardly consider that it is essential that Section 90 should be amended. Sub-section (g) is admittedly the chief stumbling block, and a relaxation of this provision would no doubt be desirable, but as will be presently pointed out the requirements of the section can be relaxed by notification under Section 91. (a), and the Committee believe that this will be a suitable way of getting over the difficulties which have been found in its working. The section appears to be generally suitable for the class of unassisted sardar, for whom it is more especially intended, and it should be of use in introducing the system of emigration through head sardars which the Committee would like to see eventually adopted in Assam. To employers who are prepared to work on these lines the Committee will propose that special concessions should be made, and the extension of the section to districts other than those in which it is at present in force, will not assume great importance until a beginning is made with the working of such a system. For the present practically all that is required for ordinary sardari recruitment will be obtained by the adoption of the modified system of Chapter IV emigration which has been above suggested.

Supervision of Recruitment by employers.

Employer to take
interest in
recruitment.

107. The Committee will now proceed to consider the case of supervision of recruitment by employers. They are of opinion that most employers do not at present take sufficient interest in recruitment. Frequent reference has been made in the evidence which the Committee have recorded to the inferior stamp of sardar often sent to the recruiting districts. It can scarcely be wondered at that the choice of sardars should be haphazard and defective, if the employer is

unacquainted with conditions in the recruiting districts and with the customs and caste prejudices prevailing there. The Committee consider that it is desirable that the employer or one of his assistants on the garden should occasionally visit the recruiting districts and himself supervise what his sardars are doing there. If every large garden or group of gardens sent down one of their best men to look after recruiting, the results would be well worth the trouble. But only the best men should be selected for the duty, and they should be encouraged to learn the dialects of the people amongst whom they are to work. The offer of rewards for passing in aboriginal languages is a matter which might well be taken up.

108. The presence of the employer in the recruiting districts is not contemplated by the present Act. The question was recently raised by the Commissioner of the Chota Nagpur Division as to how far the employer could engage in recruitment without taking out a license. The Bengal Government decided that there was nothing in the law to prevent *bonâ fide* employers from supervising, without taking out a license, the work of garden sardars in all matters connected with recruitment. The suggestion was, however, made that employers should report themselves on arrival in the district of recruitment and before commencing work to the District Officer of the district concerned, so that that officer might satisfy himself as to their being *bonâ fide* employers. The definition of employer in Section 2 (1) (f) of the Act does not include an assistant on the garden; an assistant is therefore required to take out a Local Agent's license in the recruiting district. Employers and their assistants visiting the recruiting districts at present work almost entirely through the Local Agents of the Tea Districts Labour Supply Association; they may have sardars at work in several districts and it is impossible for a single person travelling about from district to district to carry out all the requirements which the law imposes on garden sardars. It is the Local Agent who arranges this and he will presumably continue to do so. When the employer works through this Association, there will be no change in the present practice.

109. In paragraph 100 reference has been made to the objection which may be taken to the Committee's proposals with regard to the simplification of sardari recruitment under Chapter IV of the Act, on the ground that no provision is made for the individual employer, who either goes to the recruiting districts to look after his own sardars or appoints his own Local Agent. He can only get the advantage of the concessions suggested, if he works through a recognized association. The great majority of employers at present work through such an association, but there should be a way left for individual employers to work on their own account if they desire to do so. The simplest way of accomplishing this would be for two or more individual employers to combine and form themselves into an association for recruitment purposes; there is nothing to prevent the several employers of a single company thus constituting themselves a recruiting association. So far as the Committee are aware very little attempt has been made to form any such association up to the present. The necessity for the step has hardly arisen as the Industry has in the main been content to work through the Tea Districts Labour Supply Association. But it should be a perfectly simple matter for any individual planters to form their own separate recruiting association if they so desire. All that is required is that the

Present practice.
Employers working
through T. D. L. S.
Association.

Employers working
independently.
Associations to be
formed for purposes
of Recruitment.

association should draw up for its formation and management a simple set of rules; a set of model rules suitable for this purpose is given in Appendix C. The application for the grant of the privileges allowed by Section 91 might be forwarded, with a copy of the rules of the Association, through the Government of Eastern Bengal and Assam to the Local Government concerned. The former Government would be in a position to certify to the standing of the employers forming the association, and this would enable the Local Government to issue the necessary notification without further correspondence. If action is taken on these lines, there is nothing to prevent individual employers, who may desire to work independently of any existing agency, combining to obtain the concessions which the Committee recommend should be given in respect of recruitment by garden sardars.

110. An alternative to the above would be to amend the law by entering in Section 91 after the words "approved by the Local Government" the words "or any individual employer approved in this behalf by the Government of Eastern Bengal and Assam." On the whole, however, the suggestion made in the previous paragraph would appear to sufficiently meet the requirements of the case, and it hardly seems necessary to consider amendment of the present law. Should any association of employers fail to exercise control over a Local Agent whom it has nominated and to whom a license has been issued under Section 64, the privilege can at once be withdrawn. The Committee are of opinion that nothing further is required for enabling individual employers to take charge of their own recruiting, and for securing that the agents they employ make proper use of the concessions recommended. It will be necessary that the person deputed by any association, such as has been suggested, to go down from Assam to supervise the working of garden sardars, should take out a Local Agent's license under Section 64, even if he is himself an employer. He will visit the recruiting districts as a representative of his particular association and a license will be required. The taking out of a license need present no difficulty.

Grant of concessions under Section 91.

111. To all associations formed as above and approved by the Local Government the Committee would propose that the concessions recommended in paragraph 101 regarding the relaxation of Chapter IV should be granted. It remains to consider the relaxation of the conditions of Section 90 of the Act. The Committee would recommend that to any association of employers who undertake to manage the labour on their gardens on the true sardari system, exemption should be given from most of the provisions of Section 90. The Committee would suggest that the condition requiring the sardar to report his departure from the recruiting district at least three days before his departure, clause (f), and the requirement of clause (g) as to the sardar accompanying the persons he has engaged to the labour district, might be dispensed with. A list of the persons engaged should be submitted to the Magistrate of the recruiting district. But the Committee would allow this to be done after the return of the sardar to the garden, should this be preferred; all that is required is an accurate record of the names and descriptions of the persons who have been engaged, so that the Magistrate may be in a position to answer any enquiries made regarding them. The grant by the Local Government of these concessions should be confined to associations of individual employers who undertake to carry out the condition mentioned,

namely, the working of labour on the real sardari system. The Committee consider that every encouragement should be given to employers who are prepared to be the pioneers of this system; it offers the prospect of helping to free Assam from its present difficulties with regard to labour and of hastening the day when special legislation can be dispensed with.

Cost of sardari recruitment.

112. The Committee, before leaving the subject of sardari recruitment, would like to refer to the system of advances made to garden sardars. The advance system, which has grown up, is tending to become more and more costly, as the supply of labour has fallen off, and the result has been that on some gardens the sardari emigrant costs very little less than the coolie who has been bought from a contractor. Against the advances made to the sardar is set the commission he receives for the labourers he brings up, and as a rule also he is given no pay while in the recruiting districts. The Committee think that it would be better if the sardar were paid his ordinary wages for a couple of months and were made to account more strictly for the advances he receives. He should understand that, if he squanders money, it is his own and not the garden's that he is spending. It is essential that he should not be permitted to run to excesses. Much better use could be made of the large sums which are at present spent, if more were done to settle the petty debts and liabilities of the emigrants. The payment should go to the coolie and not to the sardar. A system on these lines is being worked with success by Mr. Turton, the Local Agent of the Tea Districts Labour Supply Association at Bilaspur, and the Committee would like to see it more generally adopted than is at present the case.

Limitation of
sardars' advances.

113. The cost of sardari recruitment for the Duars tea gardens compares very favourably with what is paid by Assam. In the Duars the method followed is to hold all advances made to the sardar against the latter on the garden, while he in turn recovers any payments he has made to individual coolies from them as their pay is drawn. The actual cost of recruitment is thus brought very low; it is often not more than R5 and rarely exceeds R15. It is true that the sardar receives commission on the wages of his coolies, and the point has been made that this must be taken against the cost of recruitment. The Duars employer, as will be seen from the Committee's Note at page 126 of their Proceedings, does not regard the sardar's commission to be in the main a recruitment charge, and this view the Committee are prepared to accept. The commission paid is one pice per task performed by the labourer and amounts to about 5 or 6 annas for each working coolie per month. In return for this payment the sardar is entirely responsible for the working of his coolies; he bears all losses on account of any who die or abscond; he looks after them in sickness, and performs numerous little services for them which are of great consideration in the eyes of the coolie and keep him contented with his life on the garden. The bonus which is paid in Assam to get the coolie to stay on the estate after his agreement has expired, might equally be considered a recruitment charge, for it is paid with the same object, namely, that of maintaining the labour force.

CHAPTER V.

SPECIAL QUESTIONS CONNECTED WITH RECRUITMENT.

A.—MADRAS ACT V OF 1866.

Reason for the Act.

114. In 1866 the Madras Government passed an Act (V of 1866) to regulate the manner of engaging and contracting with native inhabitants of the Presidency of Madras for labour to be performed in any part of India beyond the territorial limits of the Presidency. The reason for the passing of the Act was the abuses which were found to exist in connection with recruitment for the tea gardens of Assam. In the opening paragraphs of Appendix A the state of affairs existing at that time in Bengal has been referred to. The same evils were found to exist in Madras. Contractors collected coolies by the hundred on false promises and shipped them off to Assam. It was therefore considered necessary to provide by law for the licensing of contractors and recruiters, for the examination and registration of labourers before an officer who was styled the Protector of Labourers, and for provision being made for the maintenance and comfort of the emigrants on the voyage from the Madras Coast ports. The Act of 1866 was accordingly passed, and it was intended to fulfil the same objects as the Bengal Act III of 1863.

Emigration prohibited in 1867.

115. In 1867 consequent on reports received regarding the mortality on tea gardens in Sylhet, the Madras Government issued an order absolutely prohibiting the issue of licenses under the Act to contractors and recruiters who might desire to recruit labourers for the tea districts of Assam. In 1889 it was discovered that coolies were being taken out of Ganjam in considerable numbers, sent to Calcutta and put under contract there, the existence of Act V having apparently been overlooked. The Government of Madras decided to allow the traffic to continue, and the prohibitory orders of 1867 were withdrawn so far as the two districts of Ganjam and Vizagapatam were concerned. Recruitment for the tea gardens was to be carried out in accordance with the provisions of Act V of 1866. In 1891 Act I of 1892 was extended to the district of Ganjam, but the recruitment of labour in Vizagapatam continued to be regulated by Act V.

Emigration under Acts I of 1882 and VI of 1901.

116. Before very long the pernicious effects of the free emigration which was allowed by Section 7 of Act I of 1882 came to be felt. The Madras Government on the representation of the District Magistrate of Ganjam considered it necessary to prohibit the recruitment of certain classes living in the Agency Tract, and they directed the District Magistrate to enforce the provisions of Act V against all recruiters who had not taken out licenses under Act I of 1882. These orders continued in force till Act VI of 1901 was passed. This Act applied to Ganjam, and it was in the same year extended by notification to Vizagapatam. By notifications under Section 3 of Act VI the Madras Government, however, prohibited absolutely the recruitment of labourers in the Agency Tracts of Ganjam and Vizagapatam for the labour districts of Assam. Over the whole of the rest of the Presidency, the prohibition of 1867 against recruitment of labour for Assam remains in force, and emigration in any form is not allowed.

Extension of Act VI.

117. It is now proposed by the Government of Madras that Act VI of 1901 should be extended to the districts of Godavari, Kistna, Guntur and Nellore.

It is intended that only recruitment under Chapter IV of the Act should be permitted. Some difficulty may be experienced from the fact that there are practically no natives of these districts now employed on tea gardens in Assam, and it may not be easy to find persons to send down as recruiting sardars. But this difficulty is not unsurmountable. There are plenty of Telugu-speaking coolies in Assam, and they contain a large number of intelligent and well-to-do people from amongst whom it should be possible to find suitable sardars. The prospects of recruitment in these districts are not very brilliant. As has been mentioned in paragraph 44 of this Report the attractions of Burma are too much in evidence to afford much hope of Assam being ever able to obtain labour along the Coast. In Godavari and Kistna especially the people are well off, but from the hill portions of Nellore and Guntur there might be a chance of emigration taking place to Assam. The Committee would support the recommendation of the Government of Madras that only recruitment by garden sardars be permitted in these districts. The experiment has a better chance of meeting with success, if the contractor is kept out of the field altogether.

118. In the rest of the Madras Presidency the orders of 1867 stand in the way of emigration to Assam. And when Act VI is withdrawn from the Surma Valley and the districts of Kamrup and Goalpara, recruitment for the latter will still continue to be governed by Act V of 1866 throughout the six districts which will be open to emigration under Act VI to the Assam Valley. The Surma Valley planter will thus be in a worse position in respect of recruitment than the planter of the Upper Valley, if the recommendations which the Committee have made as to granting facilities to garden sardars are accepted. There are considerable numbers of Madras coolies in the Surma Valley. They were much in evidence on some gardens visited by the Committee in Sylhet, where they appeared to do well. Mr. Wood (No. 158) thinks the Madras about the best worker that can be got; he lives well and works well. If recruitment for the Surma Valley is placed under Act V, it will to a great extent close emigration to Cachar and Sylhet, a result which the Committee would deprecate in view of the freer conditions of labour obtaining there and the generally well-to-do state of emigrants from the Madras districts already in the Valley. The Committee would recommend that the Act of 1866 be repealed. It can hardly, they consider, be said that it is now required for the control of emigration to any other part of India. And if safeguards are still thought necessary for the control of emigration to the Surma Valley, more particularly from the Agency Tracts of the northern Madras districts, it will be possible to exercise this control under a suggestion which the Committee will presently make. The Act was expressly passed for the purpose of regulating emigration to the Province of Assam. Now that such emigration is governed by a more complete and up-to-date law, it seems unnecessary that the obsolete Act of 1866 should be retained for the purpose.

119. In the event of the Act being repealed the Committee consider that no occasion is likely to arise for bringing any of the Madras districts other than the six already mentioned within the scope of Act VI of 1901. They do not believe that labour is ever likely to be got for Assam from the southern districts of the Presidency, unless the Tea Industry is prepared to offer double the wages it now does, and even then it is questionable whether the south country coolie would care to go to Assam in preference to the fields to which

Act V of 1866 will still apply to Surma Valley recruitment.

Emigration improbable from Southern Districts.

He is at present accustomed to emigrate. When the attractions offered by Assam are sufficiently solid to attract labour from the south of the Madras Presidency, it may be taken that the necessity for any law for the control of emigration will have passed away. There is at present no supervision in Madras over the recruitment of emigrants for the Straits Settlements and Ceylon. The Act of 1866 does not apply to such emigration, which is carried on free of restrictions of any kind. The coolie goes voluntarily attracted by the good wages he receives. He may go under indenture to the Straits, though ordinarily he goes free, and to Ceylon he goes as a monthly labourer and can return at any time.

B.—EMIGRATION FROM THE AGENCY TRACTS OF THE NORTHERN MADRAS DISTRICTS.

Closing of the
Agency Tracts.

120. The Committee will next consider the question of emigration from the Agency Tracts of the Northern Madras districts. These Tracts in the districts of Ganjam and Vizagapatam are absolutely closed to recruitment for Assam. When the Godavari district is thrown open to emigration under Chapter IV of the Act, the Agency Tract of that district will also remain closed. Recruitment was originally permitted in the Ganjam Agency Tract, when the district was opened to emigration under Act V in the year 1889. Subsequently when Act I of 1882 was applied to the district, the Madras Government prohibited the emigration of the three most backward classes of people in the Agency Tract, Khonds, Sawaras and Panos. With the passing of Act VI of 1901 emigration was stopped altogether. The reasons for closing the Agency Tracts will be found at page 105 of the Committee's proceedings. The people are extremely backward and are easily misled by the false representations of recruiters; owing to the unhealthy nature of the climate Government establishments are inferior, and there would not be adequate control over recruitment; communications are backward, and this would also interfere with supervision. There is further the danger of unrest among the Khonds if recruitment be allowed. The note submitted by Mr. Heaney, I.C.S. (No. 124), the Sub-divisional officer of the Ganjam Agency Tract, may also be perused in this connection.

results of closing.

121. The Committee consider that it is a pity that emigration should be absolutely prohibited from these Tracts. There are numbers of people from the Ganjam Agency Tract in Assam, where they have done well for themselves. At present it is impossible for a Khond or a Sawara to go down to the Ganjam Agency and bring up any friends or relations whom he might wish to have with him in Assam. The people are admittedly backward and poverty-stricken, and it is exactly persons living a precarious existence in parts far removed from civilization who benefit most by emigrating to Assam. The tea gardens may not offer improved prospects to the agricultural labourer in the more advanced districts, but to the aboriginal of the backwoods they undoubtedly do. He exchanges a life of comparative penury for one where he will always be comfortably off; he may dislike hard work and now-a-days the work on a tea garden is certainly not hard; he can get a new start in a rapidly developing and rich country, where there is ample field for his taking to cultivation on his own account after he has made a small competence on the garden. In the opinion of the Committee there is much to be said for encouraging the emigration of the inhabitants of backward places like the Agency Tracts to Assam, and any one who has seen such people on a tea garden will, it is believed, readily endorse this statement.

Emigration might
be allowed on
certain conditions.

122. The views of the local officers are also to the effect that a certain amount of emigration might be beneficial. Mr. Partridge (No. 128), the Collector of Ganjam, would not object to sardari recruiting in Udayagiri near Gumsur and in Parla Kimedi, at the northern and southern extremities of the Agency Tract. The jungle has nearly gone in these parts and in times of scarcity it would be a good thing to leave an outlet for the Khonds; and if the system worked well, the area opened might be gradually extended. Mr. Turing (No. 130), Head Assistant Collector, Vizianagram, considered that there were certain portions of the Vizagapatam Agency Tract where recruiting for Assam might safely be carried on, and there were certain castes who would not be missed, if Assam cared to take them. The Committee would put forward the suggestion that the prohibition against recruitment should be withdrawn on certain conditions which might be acceptable both to Government and to the planters. Let gardens which have Khonds or other natives of the Tracts send the latter down as sardars accredited to a Local Agent approved of by Government. Let them agree to pay for the services of a special officer, who might be of the standing of a Tahsildar, to be appointed for the supervision of recruitment, say, for five months in the year. The charge would probably not amount to very much if divided between a number of gardens, and if the scheme worked well for a season or two, it would probably be unnecessary to continue the arrangement of employing a special officer once emigration had been started on these lines. The plan is one which is worth trying, and it might well be carried out through the Tea Districts Labour Supply Association, if a number of gardens were got to agree. It might be stipulated that the emigrants should be put under no contract; if they are taken to Assam by people of their own class, they would soon take to the life on the gardens and there need be no trouble about their staying there. If, as the Committee will recommend, an officer of the Eastern Bengal and Assam Government be appointed for a year or two to tour in the recruiting districts during the emigration season to explain conditions in Assam to the local officials and generally supervise the recruitment of labour, the matter is one which he might well take up. He should be able to secure compliance with the wishes of the district officers and to see that the scheme is worked to their satisfaction.

C.—RECRUITMENT FOR THE SURMA VALLEY, KAMRUP AND GOALPARA.

123. In the terms of the reference to the Committee it is stated that the Government of India have decided to withdraw Act VI of 1901 from the Surma Valley and the districts of Kamrup and Goalpara. The Committee have been directed to ascertain whether the withdrawal of the Act from these districts will prejudicially affect recruitment for the Upper Assam Valley districts, and if so to suggest measures calculated to ensure a sufficient supply of labour for the latter districts. The suggestions which the Committee have to make on the latter point will be included amongst their general recommendations in Chapter XI. They will now consider what effect the withdrawal of the Act from the Surma Valley is likely to have on emigration generally and on emigration to the Upper Valley in particular.

124. To take the latter point first, the opinion most widely held is that the withdrawal of the Act will not interfere to any great extent with the supply of labour for Upper Assam. The two Valleys for the most part demand different types of labour. The Upper Valley specially requires people of

Effect on Assam
Recruitment of
withdrawal of Act
from Surma Valley.

aboriginal or semi-aboriginal descent ; its recruiting grounds must therefore be districts where emigrants of these classes can be obtained. The Surma Valley on the other hand is content to take labour of a less special kind, with the exception of the less healthy gardens in parts of Sylhet and under the hills in Cachar. All gardens would like to take jungly labour, but as a general rule it may be said that the gardens in the more open parts of the two districts are not willing to pay the very high prices which labour of this class has fetched in recent years. The parts in which the Surma Valley may be expected mostly to recruit are the United and Central Provinces, the plains districts of Bengal and the Madras districts. In these parts the Valley will certainly have the advantage of Assam, if all restrictions over recruitment are removed in its case. But it is as well that the Surma Valley planters should clearly recognize the change in the circumstances of many of these districts which has taken place of recent years. The ordinary coolie will no longer come forward to labour on a tea garden in the way he did ten years ago ; he is now too much in demand for work at his own door, and if the Surma Valley planter proposes to bring the coolie up under a three years Act XIII contract, it is probable that he will find that the removal of the Act VI restrictions have done him but little good.

Possible difficulties in uncontrolled Recruitment for Surma Valley.

125. While generally speaking it may therefore be said that the two Valleys demand labour of a different type, and that the withdrawal of the Act from the Surma Valley will not necessarily affect to any marked extent the supply of labour of the kind which the Assam Valley requires, the very important consideration remains of how the withdrawal of the Act from the Surma Valley will affect recruitment as a whole. The proposal made by the Government of Assam was that the Surma Valley districts and Kamrup and Goalpara should be excluded from the definition of "labour district" in clause (1) (k) of Section 2 of the Act, save in so far as Sections 122 and 123—dealing with inspections and returns—were concerned. It was said that this would leave it open to the Government to apply to these districts any of the restrictions which relate to "recruiting" districts in the event of evils arising from the resort to Cachar and Sylhet of recruiters from the Assam Valley gardens, or from the use of these districts as an intermediate basis for recruitment on behalf of the Upper Valley. This contingency was not, however, considered probable ; and if the only course legally open were to leave these districts in the category of "labour districts" while withdrawing from them all the provisions of the Act, except Sections 122 and 123, it was not apprehended that the issue of a notification on these lines would lead to any difficulty.

Opinions in the recruiting districts.

126. The Government of India, while emphasizing the fact that the question of the desirability of withdrawing the Act from the Surma Valley did not fall within the scope of the Committee's investigation, added that the Committee would not be precluded from considering any matter which they might deem pertinent to their enquiry. The results which may ensue from the removal of restrictions on recruitment for the Surma Valley, have therefore been considered by the Committee. There is a widespread feeling in the recruiting districts that difficulties are likely to arise if all control over emigration for the Surma Valley is withdrawn. People down-country do not distinguish between Cachar and Sylhet and the Assam Valley. If free emigration is allowed for the former, it is thought that it will be impossible to control recruiting for the Upper Valley ; a recruiter who has for instance decoyed away

a woman has only to say that he is taking her to Cachar or Sylhet, and the courts would be powerless. It is also believed that recruiters nominally working for the Surma Valley will find means of passing off the persons they engage to the Assam Valley. The Surma Valley planters themselves feel that there is danger of abuses arising, for they have generally asked that control be kept over contractors; without such control there may be malpractices, resentment would be aroused, and the effect on emigration generally might be prejudicial. But it would be useless to control contractors unless there was some information as to sardari recruiting, so as to ensure that it was not being used as a cloak for recruitment by unlicensed recruiters. It would be necessary to control recruitment of all kinds, if effectual supervision were to be obtained.

127. The Committee consider that the above aspect of the question should be clearly understood, as it seems necessary to provide for the contingency arising of malpractices having to be put down. It must be remembered that Cachar and Sylhet at present take considerable numbers of contractors' coolies; they have had to depend more upon the contractor of recent years owing to the comparative failure of emigration through garden sardars. The coolies thus supplied are not generally under an Act VI contract, but they command a price and will continue to do so, and there will always be contractors ready to supply them. Unless the Surma Valley planter is prepared to forego the practice of buying contractors' coolies, and unless he thoroughly organizes his sardari recruitment so as to depend on it alone, he cannot complain if Government steps in to impose checks on emigration. It would be unfortunate if the general feeling of security, which has undoubtedly been brought about by the present Act in the recruiting districts, were upset; nothing could do more to damage emigration to the tea districts whether in Assam Proper or in the Surma Valley.

Necessity for Surma Valley to depend on Sardari Recruitment.

128. A majority of the Committee, while recommending that the power of interference should be reserved, are prepared to see the trial made of permitting emigration free of all restrictions for the Surma Valley districts. It is right that the Surma Valley should be given the opportunity of profiting by its decision to do without Act VI. It has taken a step forward for which it should receive due credit. And if it undertakes to work only through garden sardars, the Committee trust that the difficulties which are foreshadowed may turn out to be unreal. Again as has been pointed out in paragraph 103, the more restrictions are relaxed in the labour districts, the greater is the security against abuses in recruitment. And it is believed that when dissociated from Act VI the employment of Act XIII of 1859, on which the Surma Valley depends, will hardly in itself affect the freedom of the labourer. But if abuses are found to prevail owing to the Valley still employing the contractor, it may be necessary for Government to step in. It is therefore suggested that the notification to be issued under Section 221 should specify that the Surma Valley districts and Kamrup* and Goalpara should cease to be subject to the provisions of the Act, with the exception of Chapters I, III, IV and V and Sections 122 and 123. The majority of the Committee would then recommend that all reference to these districts should be omitted from existing notifications under Section 3 of

Power to control Recruitment should be reserved.

* The retention of the power to control recruitment for Kamrup and Goalpara is deemed advisable in the possible event of these districts being used as an intermediate basis for recruitment for the Upper Valley.

the Act. Recruitment for them would be carried on under Section 92, free of all restrictions, and it can be seen whether difficulties are likely to arise. It will be necessary to scrutinize the batches of coolies who enter the Assam Valley, and if a case is discovered of passing off emigrants nominally recruited for the Surma Valley, Kamrup or Goalpara, the persons responsible—whether the contractor in the recruiting district or the planter in Assam—should be promptly brought to book. In this connection also the importance of the recommendation which the Committee have to make as to abolishing the local contract in Assam should be noted. Even if people are thus smuggled into Assam, it will no longer be possible to place them under an Act contract; if they have been irregularly recruited or have been deceived, the planter will probably think twice before paying a high price to a contractor to supply him with coolies over whom he has only a slight hold. With these precautions it should be possible to allow uncontrolled recruitment for the four districts from which the Act is to be withdrawn. It is necessary to give the system a trial, and to see how far we can get towards finally discarding the special Act and reaching the goal which all along it has been the object of Government to attain.

Results of such
control, if exercised.

129. Should, however, circumstances arise necessitating control being imposed on emigration to the Surma Valley, Kamrup and Goalpara, it would always be feasible by the proposal which has been made, for Government to again bring the districts under the notifications issued under Section 3. If this be ever done, a difficulty will arise in connection with Chapter III. Emigrants recruited under this Chapter for the Surma Valley—the other two districts do not take contractors' coolies—would not be put under contract, and it would be necessary to amend the provisions of the Chapter to permit of contracts being foregone. But the Committee hardly consider that this question need arise. It would always be possible to prohibit recruitment for the Surma Valley districts under Chapter III—they would not, it is believed, require it, if their sardari recruiting were properly organized. They would then have to carry on their sardari recruitment under the procedure of Chapter IV as modified, or under Section 90. There would be little hardship in this, for the amount of control retained over sardari recruitment is slight, and sooner than have the prospects of emigration upset by the growth of unrest in the recruiting districts, it would be to the interest of the Surma Valley that control should be exercised to this extent. The step need only be taken in the event of grave abuses arising, and it would only be then that Government would be called upon to interfere.

Recruitment for
Surma Valley in
Madras.

130. The above proposal also finds a way out of the difficulty of the retention of Act V of 1866 in Madras. The Government of Madras are not apparently disposed to allow uncontrolled recruitment for the Surma Valley; emigration would still be governed by Act V, and the Surma Valley planter would be much worse off than the planter of the Assam Valley. There seems no reason why the former should not be allowed to recruit without any restrictions in the regular districts. But in order to enable the Agency Tracts to be opened to emigration, it would be well if, by notification under Section 3, the same limitations were applied in these Tracts to recruitment for the Surma Valley as for the Assam Valley. This is the sole restriction which need, for the present at least, be placed on the Surma Valley, and it is not one of such magnitude as to be open to objection by the planters of the latter districts.

131. To sum up, the majority of the Committee propose that recruitment free of all control be permitted for the four districts of Cachar, Sylhet, Kamrup and Goalpara. But the power should be reserved of bringing them under the provisions of the Act which govern recruitment, should this necessity ever arise. This suggestion, it is considered, is a much more feasible one than the proposal referred to in paragraph 125 above to apply the provisions of the Act which govern recruitment to the four districts themselves. It would probably be an intolerable hindrance on the movements of labourers between the Upper and Lower Valleys, if these were controlled by the recruiting sections of the Act.

CHAPTER VI.

DEPOT ACCOMMODATION AND TRANSPORT.

Relaxation of Depot
and Transit Rules.

132. The Committee have little to remark on the subject of depot accommodation and transport of emigrants. At the instance of the Government of Assam changes have been introduced in recent years, with a view to removing the causes of unpopularity entailed by rigid enforcement of depot and transport rules in the case of emigrants recruited by garden sardars. It was explained that the object of the Assam Administration was to do everything possible to facilitate recruitment by garden sardars, while at the same time discouraging recruitment by contractors, which was responsible not only for abuses in the recruiting districts but also for the despatch to Assam of labourers of a most unsatisfactory character. To attain this end the suggestion was made that certificated sardars, whether working under Chapter IV or Chapter V, should not be needlessly hampered by restrictions which might rightly be imposed upon contractors' recruitment, but that, so far as was possible under the law, they should be permitted to travel with their coolies as ordinary third class passengers, and that the rules for the formal institution and management of places of accommodation should only be enforced when they were required for the prevention of abuses.

Depot Rules should
not apply to Local
Agent's Place of
Accommodation.

133. These proposals were accepted by the Governments of Bengal and the Central Provinces, and the Rules for the management of places of accommodation and for the transport of emigrants were modified accordingly. As regards places of accommodation it may be as well to state that the usual plan is for all sardars to be accredited to a Local Agent and to use one place of accommodation, which is usually a large enclosed building, under the control and supervision of the Local Agent. The cases of sardars being sent down to work by themselves are few and far between, and they are not likely to increase until individual employers take to recruiting through head sardars, as has been suggested in the preceding Chapter. The latter will work under Section 90 of the Act; they need not bring the persons they engage to head-quarters, and they may be permitted to make their own arrangements for the accommodation of their coolies pending their removal to the labour districts.

134. Sardars working through a Local Agent will, it may be presumed, continue to use a central place of accommodation as they do at present. In Bengal all the rules governing the management of contractors' depots apply to such places of accommodation. It is only when a separate place of accommodation is maintained by a Local Agent for the reception of coolies recruited for one estate that exemption from these provisions is granted. In the Central Provinces the Rules make it permissive for the District Magistrate, by order in writing, to direct that any or all of the rules as to the provision and management of contractors' depots shall apply, when several garden sardars make use of one and the same place of accommodation or when a central place of accommodation is maintained by a Local Agent for the use of the garden sardars working under him. The Committee are of opinion that the elaborate provisions as to depots are hardly required in the case of even central places of accommodation, and the necessity will be still smaller if the suggestions which have been made as to the relaxation of Chapter IV are

given effect to. Emigrants will rarely use the place of accommodation for more than one or two days—they may in fact not enter it at all—and the less they are herded together the better it will be, for there is evidence that many new arrivals in Assam suffer from venereal disease believed to be contracted in this way. The case is different with contractors' depots, where coolies may have to remain for days before they are seen by the selecting agent. On the whole it is considered that the Central Provinces rule might be generally adopted. It gives ample power to the Magistrate to apply any of the sanitary provisions relating to depots which he may consider necessary, and this would appear to be a sufficient safeguard, without insisting on all the cumbersome routine which is prescribed for depot management.

135. By the revision of the transit rules which was carried out at the instance of the Assam Administration in 1904 by the Governments of Bengal and the Central Provinces, there are now practically no restrictions on the transport of emigrants travelling with garden sardars to Assam. Prescribed routes have to be followed, but no scale of clothing or of food is laid down, and the party can travel as ordinary third class passengers. So far as the Committee have been able to observe, but little advantage has been taken of this concession. Practically all sardari emigrants are conducted to Assam through the regular forwarding agencies; they are supplied with the regulation clothing, colours and patterns being varied, and are put up at the rest houses *en route*. The almost universal employment of forwarding agencies is said to be necessary as the ordinary garden sardar is too ignorant to find his own way; he would be hopelessly stranded if left to make his own arrangements, he would be blackmailed and he would probably have his coolies taken from him by *arkatis* if he were without an escort supplied by the forwarding agency. Such is the general opinion of persons engaged in supervising sardari recruitment, and the Committee doubt if there is much immediate prospect of any change in the system of transport taking place, although, as will be presently mentioned, there appears to be no reason at all why this should be so.

Forwarding
Agencies.

136. The ideal would be to see the present transit rules worked up to, and the sardar travelling in the ordinary way as a third class passenger with the persons he has engaged. In practice he is looked after and catered for by special agencies all along the route, for which the Industry has to pay. The suggestion has been made that some arrangement on the lines of the Ceylon "tin ticket" system, which has been described in Mr. Arbuthnott's Report, should be introduced in connection with emigration to Assam. Under this system the Ceylon Government undertakes the transport of the emigrants to the tea estates, the cost being recovered from the employer after the arrival of the coolies on his garden. The Committee do not consider that Government could undertake all the transport arrangements of tea garden coolies to Assam in the way that is done in Ceylon. Nor do they think it advisable that Government should do so; the matter had much better be left to private enterprise with the co-operation of the Railway Companies. The journey from the recruiting districts is a long one, involving transport by different lines of railway and by steamer; any system of Government transportation would certainly involve the appointment of a considerable supervising staff and it may be doubted whether the plan could be worked at less expense to the Industry than is involved by the present forwarding agencies. The same remark would apply if a Central Recruiting Agency were ever formed, of

"Tin Ticket" system on Ceylon lines not feasible.

which there appears, however, to be no prospect. From what the Committee saw of the rest-houses maintained by the forwarding agencies at Purulia and Asansole, the coolie is well cared for and every provision is made for his comfort and, except on the ground of expense and of the danger of contracting a particular disease, there is no reason why the present arrangements should not be allowed to continue; they probably work as well as any system of personally conducted transport that could be devised.

Credit Note System.

137. The Committee consider, however, that the journey to Assam need not involve so much personal supervision of the emigrants as at present takes place. They would invite attention to the Credit Note system which has just been introduced by the Assam Bengal Railway, in conjunction with the other railway lines in North Eastern India, as to the development of this system the industry must look for any reduction in the expense of transport that is likely to take place. The system has been described by Mr. Cooper, the Traffic Manager of the Assam Bengal Railway (No. 241). On leaving for his country the sardar is furnished with a number of blank credit notes, one of which on his return he presents at the railway station for himself and for each emigrant accompanying him. The booking clerk issues through tickets to the party to their destination, the cost being afterwards recovered from the manager of the garden. Through carriages are now run from Asansole to Goalundo, where the Assam Bengal Railway authorities take charge of the sardar and his party, if they are to travel to Assam *via* Chandpur and the Assam Bengal Railway. On the latter Railway conductors are told off to travel with each train to look after the comfort of the emigrants, and special emigrant carriages are being built, containing kitchen and latrine accommodation, so that there will be no necessity for the sardar and his party to leave the train until they alight at their destination. There will also be a travelling vendor of food stuffs in each emigrant carriage, and purchases can be made at fixed prices either for cash or on the production of food coupons which can be supplied at Goalundo by the Company's agent there.

Sardar travelling
as ordinary passen-
ger.

138. Under this system the sardar should experience no difficulty in his journey after he has got into the through Goalundo carriage which is run daily from Asansole. The Committee do not see that there need be anything to prevent the ordinary sardar from the districts to the east of Asansole finding his way there. For the great bulk of Chota Nagpur emigrants the journey is a short and perfectly simple one, and the same is the case for people from the Santal Pergannas. For Central Provinces emigrants travelling *via* Bilaspur, the Bengal Nagpur Railway have arranged that a through carriage with latrine accommodation should run daily from Bilaspur to Asansole. It can be used by other passengers travelling from stations on the main line of the Bengal Nagpur Railway to stations on the Purulia Branch, so that it need not run empty when there are no emigrants travelling. The number of emigrants ordinarily travelling by this carriage from Bilaspur or stations up to Chakradharpur would not make it worth while to have the carriage provided with facilities for cooking. But there is nothing to prevent the emigrants taking enough to eat with them when they start on their journey. Arrived at Asansole food would be procurable on the platform, if required, and the emigrants have only to find the Goalundo train, which they can easily do. Emigrants from Cuttack and Madras must travel through Khargpur to Calcutta. It might be practicable to run a through carriage from Cuttack *via* Khargpur and Howrah to Naihati, or even to Goalundo, for the convenience

of emigrants, but the number of the latter would probably not make it worth while to provide a through carriage daily. The experiment might, however, be tried of running such a carriage three times a week during the emigration season. It might further be arranged that an official of the station staff should be told off at Chakradharpur, Khargpur, Asansole and Naihati, to assist persons travelling by the through carriages should they require it. The Committee believe that it only requires a very small amount of personal initiative on the part of individual employers and Local Agents to make it perfectly possible for sardars and their coolies to travel through to Assam, without any assistance except such as can be properly expected of the Railway Companies. The extent of emigration to Assam is not great enough to make it possible that other Railways should make all the arrangements for emigrants that the Assam Bengal Railway propose to do. It will be quite sufficient if through carriages are provided, and if at the principal junctions these carriages are met by some one whose duty it should be to help the emigrants and see that they are not interfered with or inconvenienced in any way.

139. If the above system is found to work satisfactorily—and there appears no reason why it should not—the issue of credit notes might also be undertaken by the Steamer Companies for gardens which are served by the River. When the Eastern Bengal State Railway is opened to Gauhati, the journey to Assam will be shortened for the latter gardens, and the Eastern Bengal State Railway should make suitable arrangements on similar lines for the through conveyance of emigrants travelling to Gauhati. The Committee will refer in another place to the question of cheap fares for emigrants. Here they are only dealing with the actual transit arrangements, and these they consider should present no difficulty, if the suggestions they have made above are given effect to.

Extension of
Credit Note system.

140. For emigrants from stations on the East Indian Railway above Asansole it is unnecessary to make any special arrangements. They are usually of a more intelligent class, and can easily find their way to Asansole. A suggestion has been made to the Committee that for emigrants from Jubbulpore an alternative route should be prescribed *viâ* Allahabad, instead of *viâ* Kutni and Bilaspur as at present. The Committee would recommend that this be allowed, as the journey will be simplified.

CHAPTER VII.

GENERAL CONDITIONS IN THE LABOUR DISTRICTS.

141. In this Chapter a general description will be given of the existing conditions in the labour districts, with more particular reference to the system on which labour is managed and to the provision made for the health and welfare of the coolie. It has, in the course of the discussions on labour legislation which have taken place from time to time, been recognized that a system based on contracts on the lines sanctioned by the special Act is not one which should be permanently maintained, and that its abandonment should be gradually effected by facilitating and encouraging the use of such methods as will lead or prepare the way for the gradual withdrawal of Government interference in contracts between employers and labourers. In the districts of the Surma Valley it has now been decided to withdraw the special Act, and it will be useful to first notice the conditions prevailing in the latter districts, so as to see in what respect they differ from those in Upper Assam and to ascertain how far it may be possible for the latter to gradually adapt itself to these conditions, towards the time when it also can dispense with special legislation.

A.—CONDITIONS IN THE SURMA VALLEY.

General conditions.

142. Sylhet and Cachar, the two labour districts of the Surma Valley, lie to the south of the Assam Valley and are separated from it by the lofty Barail range. The two Valleys differ considerably in physical features, climate and development. The Surma Valley is distinguished by its low hills or *tilas*, on which the earliest tea gardens were opened out. It was soon discovered, however, that tea planted on up-land plateaux gave a better outturn, and later still low flats were drained and formed into what are known as "bhil" gardens. These "bhil" gardens yield a heavy outturn of tea per acre, but of an inferior quality, and it may be said generally that the Surma Valley devotes itself to manufacturing quantity rather than quality in tea. The Valley is generally healthy, and the climate warm and moist. The country has been well opened out and contains large stretches of rich paddy land. Supplies are plentiful and prices as a rule low, though the opening of the Assam Bengal Railway by facilitating the export of surplus food grains has tended to raise their cost. Bazaars are numerous; besides the public markets nearly every tea garden has its weekly or bi-weekly *hât*, to which crowds of villagers and tea-garden coolies may be seen streaming either to make purchases or with supplies or goods for sale. United Provinces labour flourishes on many gardens, and is generally highly spoken of by employers. This class of labourer does best in the more open parts of the district, but suffers in health on some estates, more especially those close under the hills. The numerous plots of sugarcane, both on tea garden land and off it, are visible testimony to the extent to which people of the United Provinces have made the Surma Valley their home.

Conditions of labour.

143. The Surma Valley planters have been for years past settling their coolies on the garden rice lands, and they do not appear to have viewed the settlement of time-expired coolies on land outside the garden grant with the same disfavour as the planters in the Assam Valley. They are now reaping the benefits of this policy and have a labour force to a great extent attached to

the soil, and supplemented by the voluntary labour of time-expired coolies who have settled in the neighbouring villages. Though there is always a tendency for coolies to drift by degrees down the Valley, by which Sylhet profits, owing to most of the culturable waste lands having been brought under the plough labourers have not the same temptation as in the Assam Valley to leave the gardens and take to cultivation on their own account. Conditions of labour are generally easy, and every year the labourer tends to become more free. The coolies are largely allowed to build their own houses according to their liking, the garden supplying the materials, attendance at hospital is not generally compulsory, and on many gardens the morning muster has been dispensed with. Act VI has been practically discarded, and many labourers work without agreements of any sort, though the bulk of the labour force is under Act XIII of 1859, and cannot therefore be described as free in the sense that labour in the Duars is free. It is true that in times past, owing to the influence of Act VI, deserters under contract under Act XIII used to be arrested without warrant, but this practice has to a great extent ceased, and Act XIII is worked as little more than a civil agreement. Prosecutions under it are seldom instituted, and if undertaken the deserter is rarely caught. It is generally the coolie himself who comes up and asks to be allowed to enter into a contract for the sake of the bonus he receives. The existence of the Act XIII agreement steadies the labour force and gives the planter some guarantee of its permanence, for the ordinary labourer who takes an advance honestly works it off. The coolie is to a certain extent regarded as tied to his garden; if he goes away on leave for two or three days, he carries with him a leave chit from his manager. The view has been expressed, and the Committee believe that it is a fair one, that the hold which a manager has over his labour force is comparable to that which a strong zemindar has over his ryots in the backward parts of Bengal. The most popular gardens are those where there is plenty of rice land available, where liberal leave is given, and where conditions in other respects are easy, and such gardens attract and retain labour even though their rates of pay may be comparatively low.

144. It is doubtless due to the settled and contented condition of the labour force that the Surma Valley districts have not felt the recent lean years of recruiting more, for they have imported comparatively few coolies since 1901. Though most gardens require more labour, mainly in order to give their existing labour force an easier time, only a few are actually short of labour, while some are self-supporting and have not needed to recruit for some years, or have only done so in order to keep in touch with the down-country districts. The Surma Valley planters have always depended mainly on private recruitment, either through the agency of sardars or of labourers of their gardens who had gone to their homes on leave. From the seventies there had also been a good deal of spontaneous immigration of persons paying their own way up, especially from the United Provinces; in fact ample labour used to be obtainable. Sardari coolies used to cost from Rs to Rs25 per head, while spontaneous immigrants were allowed Rs12 a head for way expenses. Of recent years, however, recruitment through sardars has been, as a rule, singularly unsuccessful, while spontaneous immigration has practically ceased. The Surma Valley planters have attributed their want of success mainly to the working of Act VI. It must be borne in mind that Section 90 was only extended to

Emigration in
 recent years.

one of their chief recruiting grounds, the United Provinces, last year. Till then sardars had to work under Chapter IV of the Act. Having been accustomed for so many years to free recruitment, it is not improbable that sardars, especially those of the better class, viewed the procedure under a controlled system with dislike. It is said that sardars now refuse to go down to recruit as they fear the numerous pit-falls by the way, and garden managers complain of the restrictions on the movements of labourers who have returned to their country and wish to come back to the gardens with their friends. While the bad results may thus be to some extent accounted for by the prohibition against free recruitment brought about by the passing of Act VI, it is on the other hand probable that much of the ill-success of sardari recruitment is due to the fact that in the past employers in the Surma Valley have not been compelled to pay the same attention to the working of the system as the planters of the Assam Valley. The increased demand for labour in the recruiting districts and the general rise in wages are also factors of which employers have not taken sufficient account.

Necessity for
organised sardari
recruitment.

145. As a result of the failure of sardari recruitment the Surma Valley planters have of late years shown a tendency to buy contractors' second class coolies, of a stamp not suited to gardens in the Assam Valley. Such coolies cost from R60 to R90 a head, but they are not satisfactory. It is said that 25 per cent. of them abscond and of the balance at least one-third are useless. Now that the Act is being withdrawn, the Committee would earnestly impress on the Surma Valley planters the desirability of organizing their sardari recruitment and refraining from taking contractors' coolies. It is not only that the latter are in the end expensive and unsatisfactory, the methods followed in obtaining them are, if uncontrolled, disliked by the people and have an unfavourable effect on emigration generally. Under a carefully thought-out system of sardari recruitment the employment of contractors should not be necessary. The Committee would also suggest that, with the change which is about to take place, the Surma Valley should devote attention to organizing its labour on the Duars method, and recruiting as far as possible through better class sardars. Conditions in the Valley are sufficiently easy to give the system every chance of success.

Sylhet.

146. In 1904-05 the mean strength of the labour force in Sylhet was 1,478 labourers under Act VI, 82,073 non-Act labourers and 58,502 children. 260 contractors' coolies and 87 sardari coolies were imported under Act VI contracts, and 2,054 labourers were imported not under contract. Local Act VI contracts are almost unknown, though in 1903-04, 329 coolies were so placed on contract under Section 118; this, however, was due to a change of policy in a particular group of gardens, as in previous years the number was quite insignificant. Labourers are mostly on Act XIII agreements for one year; a bonus is paid on re-engagement varying from R3 to R12. The labourer under Act XIII works 20 to 22 days in a month. There is no doubt that the moral effect of Act XIII is enhanced by the existence of Act VI, though this is truer of the Assam Valley than of the Surma Valley. Gardens that have rice land give it out to their coolies, and this forms a substantial addition to the latter's income. The Langla garden, for instance, has given out 500 acres among a garden population of 3,300. Labourers tend to move to gardens with rice lands. Non-Act coolies buy their own rice, but if the price becomes very high, gardens generally arrange to import and sell it below the

bazaar rate. There has of recent years been a considerable exodus of tea-garden labourers into Hill Tippera, where there is much waste land available.

147. Pay varies from garden to garden; the usual rate is probably 15 pice for a man and 12 pice for a woman. These rates are practically ₹6 and ₹5 for a month of 26 working days; and in addition to this there is the annual bonus of ₹3 to ₹12 to all labourers who re-engage. Coolies imported free get full pay from the start. On the healthier estates wages are usually a rupee lower than the above rates. Many gardens in Sylhet pay their labourers daily; each morning tin tickets are issued for the work of the day before; the shape of the ticket varies for a whole haziri, a $\frac{2}{3}$ haziri or a $\frac{1}{3}$ haziri. These tickets are cashed once a week, but naturally have always a money value on the garden. The system is very popular on most gardens. But there are some where it has been introduced and subsequently discontinued at the request of the coolies on the ground that it tempts them to extravagance. These were probably gardens where there was a settled well-to-do labour force. On the Sonarupa Tea Estate the coolies even asked to have their tickets paid, which are usually paid daily, paid monthly. In the opinion of the Committee the system of daily payments has many advantages especially in the case of newly imported coolies. The Committee would recommend the more general adoption of the system, particularly in the Assam Valley. It would probably tend to make work on tea gardens more popular, and it should at any rate be given an extended trial for coolies during their first year of residence, who have no capital laid by with which to support themselves from month's end to month's end. The coolie knows day by day exactly what he is earning; disputes are settled on the spot, and he is encouraged to turn out and work by the feeling that his reward will be immediate.

148. Conditions in Cachar resemble those in Sylhet. In 1904-05 there was a labour force of 1,733 Act VI and 70,025 non-Act adults, with 46,257 children. 313 contractors' and 49 sardari coolies were imported under Act VI contracts. Wages on the less favourably situated gardens are four annas a day for men and three annas for women; on popular gardens the men's wage will be less, even as low as three annas a day where there is plenty of rice land; besides this there is the annual bonus on re-engagement, usually ₹12 for men and ₹10 for women. Local Act VI contracts are practically unknown, though in 1903-04 on one group of gardens, as in Sylhet, a certain number of Section 118 contracts were entered into. North-West labour is not suited to a good many of the gardens, especially those in the northern portion of the district under the hills; but people from Orissa, the Central Provinces and Bengal do well.

B.—CONDITIONS IN THE ASSAM VALLEY.

149. In the Assam Valley the principal tea areas are situated in the districts of Sibsagar, Lakhimpur and Darrang. Tea is grown on the higher alluvial flats, which are as a rule unsuitable for rice cultivation. A high quality of tea is produced. The climate is cooler than that of the Surma Valley, but is generally warm and moist during the hot weather and rains. The Valley is not so healthy for imported labour as Cachar and Sylhet, and this is doubtless in great measure due to the fact that it has not been so well opened out, and that many tea gardens are comparatively new. In localities, such as Dibrugarh, Nazira, Jorhat, Golaghat and Maungaldai, where there are old-established gardens, and where the country round has been cleared and brought under

General conditions.

cultivation, there is but little sickness, and conditions more closely resemble those of the other Valley. United Provinces labour was tried in the past but was found to be unable to stand the climate in most parts of the Valley, though probably if it were given another trial on old and healthy gardens, the results might now be more encouraging. The Assam Valley planter does not think much of the United Provinces labourer, and this is perhaps due to past experience of his inability to stand the climate. Individual planters express such opposite opinions as to the merits of different classes of labour, that it would seem that preferences are formed for some classes more because the planter is familiar with them than because others are really inferior. Coolies from Madras do well on many gardens.

Development of
the country.

150. The special feature of the Assam Valley is the large extent of cultivable waste which is available for settlement. This attracts time-expired labourers to leave the gardens, but the fact that a revenue-free term is not allowed and that full rates are charged for land newly taken up, operates as a powerful check on the exodus from the estates. It follows from the undeveloped state of the country that supplies are scarce and expensive, and imported rice, costing often more than Rs 3 per maund, has frequently to be supplied to the coolies. Markets are not nearly so numerous as in the other Valley, though there is always at least one weekly *hat* either on or within easy reach of each garden. The country is, however, being gradually opened out, and the pace has become more rapid since the construction of the Assam Bengal Railway. Year by year it should become more healthy and supplies more plentiful and cheap. The opening of the Assam Bengal Railway has brought Margherita, at the north-eastern extremity of the Province, within 57 hours of Calcutta, and when the Gauhati section of the Eastern Bengal State Railway is completed, the charge of remoteness, so often brought against the Province, will no longer have any force. [Apart from the tea gardens, plenty of work on good wages is available both on railways and under private employers, so that there is no reason why an able bodied labourer should want for employment. The idea that the down-country man may be stranded in Assam without a chance of earning his living is one which, with the developments which are taking place, may be at once dismissed. The cry is everywhere for more workpeople, and there are openings for the unskilled labourer on every side.]

Labour conditions
in the past.

151. In considering the position of tea garden labour in the Assam Valley as a whole, the important points to be noted are the condition—physical and social—of the labour force and the relations between employers and their labourers. [The early history of the Tea Industry is disfigured by many evils; coolies too often suffered from the ignorance, the want of foresight or the anxiety of their masters to make a profit at any cost. Then followed a period when feelings of humanity or self-interest, backed up by official pressure, led to general amelioration in the conditions of the labour force. The coolie was fairly paid, well housed, and carefully tended in sickness; but the general inclination was to do for the coolie what the Englishman thought best for him, and to exact in return the service which the Englishman thought could be fairly demanded. It, however, did not follow that these terms—however unobjectionable to the English mind—were congenial to the coolie. The coolie was expected to work six days in the week although he preferred to work five; to turn out at the hours his master chose and not at the hours he himself preferred; to live in the house which his master thought best for him and not

in the house which he himself thought best ; to stay on the garden where he was fairly well-off instead of returning to his home or taking to cultivation.]

152. This phase is also rapidly passing away. It is almost everywhere recognized that it does not pay the planter in the long run to exact his legal⁽¹⁾ pound of flesh. The aim now is to keep the labourer on the garden by making the life attractive to him and not by force of law. Managers are everywhere asking for a fuller labour force in order that they may give leave with the utmost freedom ; they are giving out rice land to their coolies even though this means irregular work in the busy season ; and in all directions there is a general movement towards greater freedom of the labourer. This movement has been greatly accelerated in the last five years and is now recognized and accepted by almost all managers. Even in Tezpur—probably the most conservative district in Assam in labour matters—the Superintendent of the Empire of India and Ceylon Tea Company stated that, while in 1899 on his largest garden, 87 per cent. of the labour force was working daily, in 1906 the percentage was only 73, and at the same time tasks had been reduced 25 per cent. There is reason to believe that not many years ago undue pressure was often put on the time-expired coolie to make him renew his agreement, and the coolie who moved into the basti was regarded with marked disfavour. These are now almost everywhere things of the past. The change is largely the indirect effect of the growing scarcity of labour in the recruiting districts and also of the opening up of the country by the Assam Bengal Railway. The more easy it is for a coolie to abscond from the garden, the more necessary it is to make it worth his while to stay.

Changes in progress.

153. In the course of their tour the Committee visited a number of tea estates and inspected the coolie lines, hospitals, water supply, etc., and conversed with the labourers. They will first briefly record the general impressions which they formed, and will then notice the conditions obtaining in individual districts. They were on the whole very favourably impressed with the material condition of the labourers. They are well-clad, and generally appear to be well-nourished and prosperous. This is particularly so on old established estates with plenty of rice land on or near the garden grant which the labourers cultivate. Many of the coolies keep cattle and poultry. The following list was supplied of the live-stock owned by the labourers on the Assam Company's gardens :—

Material condition of labourers.

	R	R
Buffaloes	531 @ 40 each	21,240
Cattle	5,799 „ 15 „	86,985
Goats and sheep	1,177 „ 3 „	3,531
Ponies	120 „ 25 „	3,000
Pigs	2,153 „ 9 „	19,377
		<u>1,34,133</u>

This works out at about R9-4-0 per head taken over the whole force (men, women and children).

154. A great deal of attention is paid to the health of the labour force. There is generally a good supply of pure water, and tea or boiled water is often provided for the labourers when at work. The garden hospitals are as a rule well equipped, and the Native doctors are almost invariably under the superintendence of an European Medical officer. The coolie lines occupy

Provision of Lines, etc.

well drained sites, and the houses are in good repair and commodious, if not perhaps sufficiently in accordance with the labourer's idea of comfort.

Wages.

155. Though some labourers owing to ill-health or indolence earn insufficient pay, the Committee are of opinion that on the whole the wages paid to labourers are sufficient to keep them in comfort, and even to enable them with the practice of a little thrift to save money. There is an impression in the recruiting districts that the statutory minimum wage represents the total of the labourer's possible earnings. But this is by no means the case. On some gardens the rate of pay is above that prescribed by law, and on almost all the labourers can earn at least double their pay for a considerable part of the year by working overtime. Many of them do so, but on the other hand many prefer to rest in the afternoon, or spend their leisure on their private cultivation or amuse themselves by hunting or fishing. The published averages give rather an erroneous idea of what the labourers can earn, for they include those who are absent from work with or without leave. A new half-yearly return has now been prescribed which gives a better indication of what the workers make. The table below shows the wages earned in the Assam Valley during two typical months of the past twelve months :—

September 1905.

	Total No. on the Books.	Actual working strength. (Turned out to work.)	Total wages.	AVERAGE WAGES.	
				On Total No. on the Books.	On working strength.
			₹	₹	₹
Act Men	42,405	35,501	2,69,997	6.36	7.60
Non-Act Men	81,645	63,926	4,93,956	6.07	7.72
<i>Total Men</i>	<i>124,050</i>	<i>99,427</i>	<i>7,63,953</i>	<i>6.16</i>	<i>7.68</i>
Act Women	36,355	28,209	1,93,052	5.31	6.85
Non-Act Women	77,781	58,285	3,65,036	4.69	6.26
<i>Total Women</i>	<i>114,136</i>	<i>86,494</i>	<i>5,58,088</i>	<i>4.89</i>	<i>6.45</i>
Children	34,156	27,110	1,02,819	3.01	3.79

March 1906.

	Total No. on the Books.	Actual working strength. (Turned out to work.)	Total wages.	AVERAGE WAGES.	
				On Total No. on the Books.	On working strength.
			₹	₹	₹
Act Men	41,591	32,576	2,14,787	5.16	6.59
Non-Act Men	85,038	64,137	4,84,372	5.69	7.55
<i>Total Men</i>	<i>126,629</i>	<i>96,713</i>	<i>6,99,159</i>	<i>5.52</i>	<i>7.23</i>
Act Women	34,282	26,550	1,44,792	4.22	5.45
Non-Act Women	81,427	58,094	3,01,032	3.69	5.18
<i>Total Women</i>	<i>115,709</i>	<i>84,644</i>	<i>4,45,824</i>	<i>3.85</i>	<i>5.27</i>
Children	36,519	27,164	84,608	2.32	3.11

NOTE.—In September overtime earnings are higher, particularly for women and children engaged in plucking leaf.

For further details regarding the wages of labourers the Committee would refer to Appendix II to Mr. Melitus' statement.

156. A low rate of pay and a low average wage are very often the signs of a popular garden, particularly if there is much rice land in the vicinity, for they denote the grant of liberal leave, and this the ordinary labourer values more than high pay. The fact is that when an emigrant settles down in Assam his object is not as a rule to save money, but rather to lead a pleasant life, and this is more particularly true of the aboriginal coolie. He works enough to provide himself with food and clothing and a few luxuries, and if he has any surplus cash he spends a good deal of it in drinking, gambling and cock-fighting. The standard of living of the ordinary coolie is certainly much in advance of what it would be in his own country. One has only to visit a weekly market and see the purchases made by the coolies to understand this. In addition to the ordinary supplies, fowls, ducks and fish are largely bought, and there is a general air of prosperity about the holiday making crowd which is convincing proof that the coolie is fairly well off in his new home.

157. Tasks vary greatly on different gardens and even on the same estate. Tasks. The extent of the hoeing task depends on the character of the hoeing, whether deep or light, and on the nature of the soil, while the plucking task is governed by many considerations such as the amount of leaf, the variety of the tea bush and the quality of the plucking whether coarse or fine. The Committee were satisfied that the tasks are reasonable and are such as a labourer of ordinary physique can perform in a few hours; it was a common occurrence to meet labourers returning to their homes at 10 A. M. after completing their tasks for the day.

158. The special features distinguishing individual districts may next be referred to. One of the most important districts is Sibsagar. Sibsagar. In 1904-05 the Act VI labour force in this district numbered 19,565, and adult non-Act labourers 72,410. The Committee visited Golaghat, Cinnemara in the Torhat Sub-division, and Nazira in the Sadar Sub-division. The district is being opened out rapidly since the construction of the Assam-Bengal railway. Most gardens give rice land to their coolies, and the latter also frequently take land in the villages on sub-leases at high rents. Wages are usually R5 for men and R4 for women, men receiving a bonus of R12 and women one of R6 to R10. Some gardens, especially those situated in the Sibsagar Sub-division, pay R1 a month more, and the General Manager of the Assam Company thinks that gardens which have not rice land to give to their coolies will probably have to adopt the higher rate of wage. Renewal under Act VI is not uncommon. One garden puts men under Act VI and women under Act XIII. On the whole there is no acute scarcity of labour in the district, and sardari recruiting is fairly successful. In the Golaghat Sub-division Mr. Pickard-Cambridge has lately recruited Santals without any contract and given them land to cultivate. Mr. Shuldham Shaw has also been able to recruit Santals on a two years' contract; in neither case would the emigrants have come up on a four years' contract. In the Golaghat Sub-division there is a good deal of feeling among employers against the Magistrate granting to coolies who apply for them *hathchite* or certificates that their term of agreement has expired. The practice when such an application is made is for the Magistrate to make a reference to the manager, and if the manager replies that the coolie is not under agreement a *hathchit* is given. The feeling is evidence of the stricter

discipline which the employer in Assam would wish to exercise over his coolies, but in the opinion of the Committee it is quite within the province of a Magistrate to explain his legal position to any applicant who comes before him, and they think that the practice of freely granting *hathchits* should not be discountenanced.

Lakhimpur.

159. Lakhimpur is the tea district furthest removed from the recruiting districts. The outturn of tea per acre is heavy and a large labour force is necessary. There is a constant tendency for labourers from the more remote areas in the north and east of the district to drift down the Valley towards Dibrugarh, where the country is open and healthy, and a proportion find their way down to Sibsagar; on the north bank the trend is towards Behali and Bishnath in Darrang. Round Dibrugarh and extending as far up the railway line as Tinsukia there are numerous settlements of ex-tea-garden coolies. Year by year the cleared area increases, and even beyond Tinsukia holdings are gradually being opened out. Sardari recruiting does not make good the wastage caused by the drift down the Valley and the exodus for cultivation, and the district recruits extensively through contractors. Act VI is commonly used to give a greater hold over the labour force. In 1904-05 there were 35,463 Act VI labourers and 61,076 non-Act adults, the percentage of Act labourers being considerably higher than in Sibsagar. Wages are almost everywhere R6 and R5, with a bonus of R12 for men and R8 to R12 for women. Under the Dum Duma Tea Company all new coolies are paid as if they had been imported under Act VI contracts. Some gardens supply all coolies with rice at R3 a maund, and all arrange to supply it cheaply when the bazaar rate is high. The wages and earnings of coolies in the district are higher than elsewhere in Assam, yet the district is, except in the vicinity of Dibrugarh, not very popular with labour. Still the Powai garden (Mr. Heron, No. 205) is an interesting instance of what can be done even in this district with sardari recruitment, if pains are taken to make conditions on the garden agreeable to the coolies. This garden illustrates the effect of Act VI in lowering the wage of newly imported coolies; coolies from Singbhum come up under Act VI and receive the Act wage, but coolies from the adjoining district of Midnapur are not under Act VI contracts and receive a higher wage for the first three years. In this district Mr. F. E. Winsland is trying a very interesting and apparently successful experiment in the importation of free labour.

Darrang.

160. Conditions in the Darrang district are various. It is divided into the three local tea districts of Bishnath, Tezpur and Mangaldai. In 1904-05 there were 19,254 Act and 29,810 non-Act labourers in Darrang. In Bishnath most of the gardens are healthy and on some of them North-West labour thrives; the labour difficulty is not acute. There is a good deal of rice land available and the country is fairly well opened up. Wages are usually R5 and R4 with a bonus of R12 and R10. Sardari recruiting is, however, only fairly successful. In Tezpur the gardens may be divided into two classes, those on the "Tezpur Bank" and those lying below it. The former are unhealthy and have little rice land to give their coolies; they are therefore comparatively unpopular and have to rely largely on Act VI to retain their labourers. Wages, however, are not high, being R5 and R4 with a bonus of R15 and R12. Gardens lying off the "Bank" are healthier and have usually rice land; several of them, however, pay a wage of R6 and R5

with a bonus of R12 and R10. In the Tezpur district there is a local understanding among managers that a coolie shall not be employed unless two years have elapsed since he left a garden on which he previously worked. As is perhaps natural in a district, where healthy and unhealthy gardens lie side by side and where there is consequently a strong tendency for labour to move to the more favourable gardens, the feeling against engagement of coolies who have left a garden, commonly known as "phuslaoing," is exceptionally strong, and the above local rule was designed to overcome the difficulty and tie the coolie to his garden. The Committee, however, understand that permission to engage a time-expired coolie is seldom refused. The Mangaldai district is the envy and reproach of the districts on the north bank higher up the Brahmaputra. Living is very cheap, the country is well-opened out and usually healthy, though it suffered severely, it is true, from the *kala azar* epidemic. The consequence is that coolies have a tendency to drift down there from the districts higher up, and there is a feeling that the Mangaldai planters benefit indirectly by the money expended on importing labour for districts less favourably situated. In spite of the favourable conditions, wages are not exceptionally low, being R6 and R5 with or without a bonus.

[161. In the decade 1891-1901 the Nowgong district was devastated by *kala azar*, which carried off over one quarter of the indigenous population of the district.] As a consequence there is a great demand for ex-tea garden coolies to take up the cultivation of derelict lands, and this leads to serious annual wastage of the labour force. The district is not one of the important tea-districts. In 1904-05 it had a mean annual strength of 4,628 Act labourers and 7,362 non-Act adults. New coolies if imported free are usually placed under local Act VI contracts; renewals are mostly under Act XIII. A good deal of Cachari and basti labour is available. Wages are commonly R6 for men and R5 for women with an annual bonus of R12 and R10 respectively. On one garden where the wages are R5 and R4 with a bonus of R12 and R10, the coolies refused to change to a wage of R6 and R5 with a bonus of R6 and R5, which is a good illustration of the attraction which a lump sum of money has for the coolie. In this district Mr. A. M. Green, part proprietor of the Killing Valley Tea Association, has for 25 years worked his garden with free labour. He finds his advantage in being able to import about four coolies at R25 to R30 a head where he could only get one costing perhaps anything up to R100 under a four years' contract. He pays a wage of R6 and R5 from the commencement.

Nowgong.

162. Kamrup is an unimportant tea district. In 1904-05 the average strength of non-Act adult coolies was 2,357 and at the end of the year there were only 19 coolies under Act VI agreements. Local labour is available and wages are as high as R7 and R6. Local coolies under no agreement are paid 3 annas for men and 2½ annas for women for a task, and the coolies expect to do a double task.

Kamrup.

C.—GENERAL CONCLUSIONS.

163. It has been said above that a change is coming over the conditions of labour in the Assam Valley, and this change is reflected in the statistics of Act VI contracts, the proportion of which is steadily declining. In 1890 there were in the Assam Valley—

Dependence on Act
VI.

84,739 Act labourers, and
61,570 non-Act labourers.

In 1902-03 there were—

93,569 Act labourers, and
149,879 non-Act labourers.

In 1904-05 there were—

73,935 Act labourers, and
173,015 non-Act labourers.

No doubt the smaller importations of recent years have had a considerable effect in reducing the strength of the Act population, for emigrants are generally brought up under Act contracts. But there seems to be an increasing tendency to resort to Act XIII of 1859 for renewal of agreements, except in the Tezpur district, where there has been a reversion to renewals under Act VI. For newly imported coolies, however, the latter Act is in strong favour, and most managers consider it absolutely necessary that the more rigid form of contract should be retained for new arrivals. The greater tenacity with which the Assam Valley planter clings to the Act VI agreement, as compared with the Surma Valley, indicates a more marked want of confidence in his capacity to retain his labour through the attractions of service on his garden, and is in part explained by the difference between the two valleys in development and in the system of recruiting and working labour.

[164. In the Assam Valley owing to its more backward condition there is a larger proportion of gardens situated in remote and perhaps unhealthy localities, where supplies are dear and amenities few, and on which there is consequently not much inducement for a coolie to remain. Unless tied down by a binding contract, he would move to another garden where conditions are more favourable and the pay probably as good, or, if he has saved money, he can acquire a holding on Government land. The Assam Valley also takes large numbers of contractors' coolies, who are more likely to abscond than emigrants recruited by garden sardars. The latter are generally family people with acquaintances on the garden. Again with a less settled labour force the discipline is more strict in Assam than in the Surma Valley. These conditions all tend to make the labourer less at home on the garden than if the circumstances were different. The planter is therefore apprehensive lest, if he relax his hold over his coolies, he may lose his labour force, and this leads him to place strong dependence on the Act VI contract.]

Beginnings of free labour.

165. At the same time there is a growing belief that even for newly imported labour the Act VI contract is no longer necessary, and managers are becoming more prepared to trust to the attractions they can offer to the coolie to retain him on the garden. In this connection the Committee would invite attention to the evidence of Mr. Pickard-Cambridge, (No. 176), Mr. McNab (No. 177), Mr. Ingram (No. 179), Mr. Wood (No. 195), Mr. Simkins (No. 198), Mr. Mackintosh (No. 203), Mr. Heron (No. 205), Mr. Fringle (No. 207), Mr. Winstland (No. 213), Mr. Moran (No. 215), Mr. Green (No. 222), Mr. Catta (No. 223), Mr. Bridge (No. 227), Mr. Davidson (No. 232), and Mr. Bruce (No. 233). Although several of these gentlemen consider it absolutely necessary that the Act VI contract should be retained, they are trying to do without it in the case of newly imported coolies of good stamp. [The conviction appears to be gradually gaining ground that the lighter the hold over the coolie, the more contented the labour force becomes, and in this respect the Brahmaputra Valley may be said to be slowly following in the footsteps of the Surma Valley.]

166. But while life on the tea gardens is in many respects being made more attractive to the coolie, it is remarkable that the change has had no effect on the recruitment of labour for Assam. There are gardens which can offer the coolie a plot of rent-free or lightly-rented land, while for five days a week he can work for four hours a day and is paid $3\frac{1}{2}$ annas for doing so. He gets a bonus of R12 for every year he agrees to stay and work on the garden. The terms would plainly appear to be most attractive to the class of labourer who is most sought after. Nothing is more remarkable than the fact that during thirty years 700,000 labourers and dependants have been imported into Assam and those who remain have on the whole done well for themselves, and yet no free flow of labour has been established. One would have thought that the fact would have been better known in the recruiting districts. But from the evidence which the Committee have recorded, it can be seen that the prejudice against Assam is very strong and that people are unwilling to believe in the advantages which it offers. Nor is the distance of Assam the real deterrent. Nothing is more striking than the extraordinary mobility of labour in India. The journey to Assam is a long one, but not more so than the journey from Madras to Burma, between which places there is a constant flow of labour. Even the Federated Malay States find it easier to get Indian labour than Assam does.

167. The explanation is in part to be sought for in the fact that the planter in Assam has scarcely got beyond the stage of making life on a tea garden congenial to the coolie who has already been "broken in". A coolie after two or three years' life on a garden loses many prejudices; he has become accustomed to interference in many respects with the details of his daily life; caste restrictions have become relaxed and discipline is no longer resented. [The forward step which will benefit recruiting will be taken when the planter sets himself to ascertain what are the conditions of life which will be attractive to the possible labourer in the recruiting districts. There is no doubt that the first essential is freedom; it is scarcely to be expected that a man will bind himself to work for a master he has never seen in a place he has never seen and may not like, when other employers are offering him work which he can leave at any moment if he finds it uncongenial. It is of course possible to adhere to the theory which has often been accepted that it is hopeless to try to "attract" labour to Assam, that the only method is to secure the man who is driven by force of circumstances, such as famine or crime, to leave his own home and does not care where he flees. Assam may continue to be the bankruptcy court, the divorce court and the poor-house of the down-country districts. But it is clear that the number of persons who emigrate from these motives will always be strictly limited except in years of severe famine. This policy is a policy of despair and in the opinion of the Committee there is no ground for despair. There is still labour to be had for Assam, and although the competition of other industries is daily becoming more severe, to a great extent they do not attract the class of labour which Assam most wants and might attract. In the opinion of those most competent to judge, such as Mr. W. H. P. Driver, the supply of labour can be increased, if no contract is demanded, and experience corroborates this opinion. As has been already noted some far-sighted managers are importing free labour and find the results most encouraging.]

Necessity for
greater freedom of
labour.

168. Secondly, it will be necessary to consider the caste prejudices of the newly imported labourer. [Most of the aboriginal and semi-aboriginal races object to close contact with men of other castes; in their own country they live in separate villages or *tolas*. It is repugnant to them to be obliged to live in a common barrack. Every facility will have to be given to separate castes to form their own little hamlets and assimilate as far as possible their life on the tea garden to their life in their own country. Everything possible should be done to encourage the provision of a separate house for each family, a reform which is already being effected on many gardens.] Too much stress cannot be laid on the necessity of a pure water supply and a healthy and well-drained site; but when these are secured coolies should be allowed to build the class of houses they prefer, and to form the societies which are most congenial to them. The Committee have heard of a garden on which not only had the coolies to live in barracks, but as far as possible people of the same caste were separated from each other. Nothing could possibly be more distasteful than this to the class of labourer whom it is sought to attract. No free flow of labour will ever be induced unless attention is paid to these matters. The recruiting districts must be carefully studied and recruiting recognized as an important part of garden management. The penny-in-the-slot system is doomed; not for much longer will the expenditure of a certain number of rupees secure a certain number of coolies. This much-to-be-desired reform is already in progress. The Committee have met gentlemen who have mastered the aboriginal languages and studied the idiosyncracies of the different races, and the experience of these gentlemen affords every ground for hope that Assam, at any rate in several of its principal recruiting grounds, will still be able to hold its own in the severe competition for labour.

169. What leads and naturally leads employers to hesitate about trying the experiment of importing free labour, is the risk they run of losing the money which the recruiting of the coolie has cost them. The strong feeling which exists among planters against even the time-expired coolie moving from one garden to another is very noticeable. The planter admits that he has no legal claim on the coolie whose contract has expired; he does not much mind it if the coolie returns to his country, but he strongly resents his moving off to another garden. The feeling is natural enough. The annual expenditure on importing labour into Assam is enormous and the planter feels that this expenditure should be equally shared. If a garden replenishes its labour force exclusively with coolies imported by other concerns, it is not taking a fair share of the burden which should fall on the Industry as a whole. Thus an employer might be willing to import free labour and to take the risk of the labourers being dissatisfied with their prospects and returning to their homes; but he is not willing to see them move off to another garden which alone will benefit by the money he has spent. In Chapter XI the Committee will consider a proposal for getting over this difficulty, by enabling an employer to recover compensation for loss of imported labour.

CHAPTER VIII.

MAINTENANCE OF THE LABOUR FORCE.

170. In this Chapter the Committee propose to deal with some special subjects connected with the labour force in the tea districts, which are in their opinion deserving of separate consideration. These are—

- A. The strength of the labour force required.
- B. The natural growth of the labour force, apart from immigration.
- C. The settlement of labourers on land.

A.—STRENGTH OF THE LABOUR FORCE.

171. In Chapter III reference was made to the strength of the labour force required for the districts of the Upper Assam Valley. The subject will now be dealt with in somewhat greater detail, particularly with reference to the annual wastage which takes place from the tea estates. The easier conditions now obtaining on the gardens have already been remarked on, and it may be conceded that this tendency towards freedom of service, which may be confidently anticipated to increase year by year, naturally involves the maintenance of a larger labour force. If a labourer is free to turn out to work or not as he pleases, and is not required to work overtime in the afternoon unless he desires to do so, the general experience in both Valleys appears to be that he will not work for more than 20 or 22 days on the average. We may therefore conclude that though, as has been pointed out in Chapter III, the area under tea has not extended during the last three years, and that though the total labour force has gone on increasing and the actual labour force per acre is well maintained, the facts that the acreage under mature tea becomes larger year by year and that more and more leisure is being allowed to the coolie, necessitate the strengthening of the labour force. Mr. Melitus estimates that it should be raised by 50,000 working coolies, that is, to an average of about $1\frac{1}{2}$ coolies per acre, in order to provide for the efficient working of the garden and for the free grant of leave. Among planters, opinions vary as to what force per acre is sufficient for the working of gardens in the Upper Assam Valley. Some managers consider that a force of one and a quarter coolies per acre is large enough, while others would like to have two coolies per acre. These figures include working children. The requisite strength per acre is doubtless affected by many considerations, among them the class of the coolies, the healthiness or unhealthiness of the garden, the annual wastage, the nature of the soil and the quality of the tea manufactured, the out turn of tea per acre, and the extent to which the regular labour force can be supplemented by basti labour. In the Dum Duma district, for instance, where the out turn of tea is high, where there is little outside labour to be had and where there is a constant tendency for coolies to drift down the Valley, requirements are much higher than in Golaghat, where the special conditions are different. In the former district a strength of two coolies per acre is considered necessary, in the latter work could be carried on with a little more than half this force. On the whole the Committee consider that, while some gardens could do with less and others may require more, an average labour force of $1\frac{1}{2}$ working coolies per acre should be sufficient to work the tea estates in Upper Assam and to admit of

Actual and required strength.

the liberal grant of casual leave. In the Surma Valley with its more settled conditions and more abundant supply of basti labour, probably an average of $1\frac{1}{4}$ working coolies would be sufficient, though some managers think that they cannot have too many coolies.

Wastage.

[172. The strength of the labour force leads to the consideration of the annual wastage due to deaths, desertions and to time-expired coolies leaving the estate.] The question is of importance in view of the fact that the recommendations which the Committee have to make tend in the direction of giving greater freedom to the labourer. Will such a freer system lead to reduction of the labour force? The Committee believe that the opposite will be the case. Not only will the improved conditions help, it is trusted, in the long run to attract labour to the tea districts, but the experience of the past few years goes to show that with the change that is taking place in the position of the labourer, the labour force has tended to grow in strength despite the recent falling off in importations. The Committee have also no doubt that freer conditions tend to bring down the death-rate and to increase the number of births.]

Conditions affecting wastage in the Assam and Surma Valleys.

[173. The difference between the two Valleys in respect of up-keep of the labour force to some extent exemplifies what has been said. Mr. Melitus has estimated that the importation rate necessary to maintain the labour force at strength for the years 1902-03 and 1903-04 was 4.4 of adults and 2.9 of total force, including children, for the Assam Valley. The corresponding figures for the Surma Valley were 2.3 and 1.5 per cent. respectively, for the same two years. [These were favourable years, and Mr. Melitus considers that the annual average wastage should be taken at figures somewhat higher than these. But there can be no question that the rate of wastage in the Surma Valley is much less than in the Assam Valley. This is in part due to the fact that the Assam Valley is less healthy and also that it contains a large extent of waste land, which attracts the coolie who has laid by a little money to go and settle on a holding of his own. But the difference in the conditions of labour has also much to do with the coolie in the Surma Valley being more settled than is the case in Upper Assam. The greater freedom which the former enjoys, and which is yearly tending to increase, makes for the contentment of the labourer, and this together with the more advanced development of the Valley reacts favourably on the health and reproductive power of the labour population.]

[174. It is generally recognized that the coolie dislikes restraint, and that now-a-days a garden on which discipline is rigid has difficulty in keeping its labour. Though, as has already been remarked, conditions of labour in the Upper Valley have become much easier in recent years, and this is particularly the case in groups of gardens in certain localities, generally the standard of discipline is higher than in the Surma Valley, and on some gardens it may be described as severe. Coolies are ordinarily required to go out to work, and during the plucking season to return, at a fixed hour at the sound of the gong; they are compelled to reside in precise lines, which are no doubt clean and sanitary, but are not exactly what the coolie likes; and generally greater restrictions are placed upon their movements and they are kept under closer control in the Upper Valley. In these respects the labourer has much more freedom in Cachar and Sylhet, and the fact has, the Committee believe, much to do with explaining the smaller wastage in the labour force of the Surma Valley as compared with Upper Assam.]

175. The following statement, which shows the annual deductions from the labour force of the Upper Valley under the main heads of wastage, also indicates that the improvement in the status of the labourer which has of late taken place has had the effect of making him gradually more settled. The figures show deductions only, and do not take into account the fact that large numbers of the labourers who have left a particular garden have gone to another garden, and are not thus lost to the Industry.

Year.	Average strength.	DEDUCTIONS.				Total Deductions.	Percentage of deaths to average strength.	Percentage of deductions otherwise than by death to average strength.	Percentage of total deductions to average strength.
		Deaths.	Left garden with permission.	Desertions.	Efflux of time since number remaining on garden after giving contracts.				
1885	157,073	5,590	16,848	3,789	6,385	32,857	3.81	17.17	20.93
1890	224,908	8,738	18,061	5,784	6,527	39,110	3.89	13.50	17.39
1895	298,467	10,123	23,334	7,901	6,495	47,753	3.39	12.61	15.99
1900	388,607	12,998	31,314	10,233	3,503	58,048	3.34	11.59	14.94
1903-04	394,403	10,223		33,590		43,813	2.59	8.52	11.11
1904-05	400,632	10,163		35,668		45,831	2.54	8.89	11.44

The Committee were informed that on certain individual estates the wastage had considerably decreased in recent years, and the above figures lend themselves to the inference that the improvement has not been confined to a few gardens but has been general throughout the Valley. Thus though the settlement of coolies on rice lands, the freer grant of leave and the slackening of discipline and the removal of irritating restrictions, may at the outset render the strengthening of the labour force necessary, yet in the long run this policy brings its own reward by its beneficial effect on the health and contentment of the labourers, and in lowering the rate of the annual wastage.

176. The Committee found that the annual wastage varied on different gardens from 3 to 13 per cent., and the majority of the planters whom they questioned on this point estimated it at from 7 to 10 per cent. Considering that part of the wastage from any particular garden finds its way to another garden, they are disposed to accept Mr. Melitus' estimate of 6 per cent. as approximately correct. Assuming that the labour force in the Assam Valley should be $1\frac{1}{2}$ adult coolies per acre and that the annual wastage amounts to 6 per cent. of the force, the Committee have adopted the estimates given in paragraph 28 of this Report. These figures do not include working children, who on most gardens constitute a valuable addition to the labour force, two working children being taken as equivalent to one adult. There are, however, no statistics as to their numbers, and as the figures for the adult labour force include non-working dependants, it may be assumed that the latter balance the working children. No special estimate has been made of the proportion of importations necessary to provide for extensions of cultivation, but it is probable that the allowance of 6 per cent. for wastage, together with the local additions to the labour force accruing from the excess of births over deaths and from an increasing supply of basti labour, will be sufficient to cover such reasonable expansion of the tea area as is likely to be effected in the near future.

B.—THE NATURAL GROWTH OF THE LABOUR FORCE.

The Birth-Rate.

Birth-rate on Tea Gardens.

177. The attention of the Committee has been forcibly drawn to the low birth-rate which prevails on tea gardens. The reported birth-rate has been as follows for the last few years :—

	ON TOTAL POPULATION.		ON ADULT FEMALE POPULATION.	
	On Tea gardens.	In Province.	On Tea gardens.	In Province.
1900	27·6	34·96	89·2	132·4
1901	29·1	33·98	93·2	101·8
1902-03	30·8	34·21	98·6	102·5
1903-04	28·9	35·57	93·4	125·0
1904-05	28·4	35·55	92·1	124·9

In earlier years the birth-rate per mille on tea gardens taken on the adult female population was as follows :—

1882	133·1
1883	119·4
1884	113·2
1885	115·1
1886	102·9
1887	100·2
1888	103·2
1889	103·9
1890	89·8
1891	94·2
1892	83·8
1893	79·7

The steady decline from 1882 onwards is remarkable and is possibly due to the nature of the recruiting carried on by the "free contractors" who sprang up after the passing of Act I of 1882. The Government of Assam in the Annual Report for 1893 was unable to find any satisfactory reason for this deterioration in the birth-rate. The health of the labour force, as evidenced by the death-rate, had steadily improved, and it was difficult to attribute the decline to want of care in the reporting of births.

178. The matter was discussed in the special report on the working of Act I of 1882 during the years 1886-1889 submitted to the Government of India by the Assam Administration. The Chief Commissioner was then disposed to think that the figures were more due to negligence in the preparation of the returns than anything else, coupled with the fact that a certain number of women lived outside the lines, the birth of whose children would probably not be reported. The Committee do not consider that the former explanation can now be accepted. The attention of inspecting officers has been repeatedly drawn to the matter; not only is the birth-rate on gardens examined, but the figures for vaccination are also called for. However careless the native doctors might be about registering births, there is no reason to suppose that they neglect vaccination or are anxious to conceal the number of

operations they have performed. Further the Committee have found that the matter is one to which almost all garden managers have of recent years been paying attention. It is indeed incredible that the birth reporting on tea gardens should be less accurate than that for the general population. In Assam births are reported by village headmen, till recently unpaid, population is sparse, reporting centres few and supervision difficult; there is no doubt that the reported birth-rate is much below the reality. There is, however, one source of inaccuracy in the tea garden returns which may be admitted. [The birth of a child which only survives a few days is not recorded, in order that its death may not swell the death-rate on the garden.] This source of error, however, cannot counterbalance the superior efficiency of the machinery for collecting vital statistics which exists on tea gardens, and in any case an excessive infant mortality is as serious as a low birth-rate.

179. Mr. Melitus in the note submitted by him (Appendix II) remarks that it seems at first sight disappointing that there should have been a tea immigrant population of only 550,000 in the Assam Valley in 1901, seeing that between 700,000 and 750,000 immigrants had entered the Valley during the previous 30 years, but he adds that the results are as good as could be expected, as (1) a certain number of the immigrants return to their homes and stay there, (2) there are a certain number of double immigrations, and (3) there has been an excess of deaths over births. The first two causes are not very material; the percentage of immigrants who return home for good is admittedly small; the important question is why and to what extent deaths have exceeded births.

Statistics of Immigrant Population.

180. The number of immigrants into the Assam Valley from 1874 to 1900 was 729,000 and presumably between 1871 and 1900 not less than 750,000; it would apparently be liberal to deduct 15 per cent. from this number to allow for departures from the country and double immigrations. This leaves 637,500, or say 625,000; we may add another 25,000 as the number of imported coolies in the Valley in 1871 and we have at a moderate estimate a total of 650,000 immigrants who have stayed in the Assam Valley, and who are now represented by a population of about 550,000. Is this loss of population due merely to a high death-rate or also to a low birth-rate? Sanitary science may hope to reduce mortality; the causes of a low birth-rate and the means necessary to counteract those causes are more obscure. Mr. Melitus in his Appendix II considers probable a death-rate of 45 to 50 per thousand and a birth-rate of 35 to 40, which would give a loss of from 5 to 15 per thousand per annum. If we take 42 per thousand as the death-rate on a normal population, the death-rate on tea gardens should be less owing to the lesser proportion of children and old people, and a death-rate of 40 per thousand is not low. On the other hand a birth-rate of 35 to 40 per thousand is undoubtedly low. There is one factor which would affect the ratio of births to total population though not to the number of adult females, and that is the percentage that women bear to the total population. In 1900 women on the tea gardens were equal in number to men, but in 1890 and 1880 there were only 85 women to 100 men; thus the birth-rate on the tea garden population during the 20 years should be about $\frac{17}{30}$ ths of what it would have been if the sexes had been equal. But there are contrary considerations which would lead us to expect a remarkably high birth-rate. We have a population which is well fed, earning fair wages and with better medical treatment than the ordinary population of India. Again it is the older women who move into the bastis or

return to their country, while on the other hand the percentage of children and still more so of old women among new immigrants is less than normal, so that at any given time the percentage of women of child-bearing age among the total female population is unusually high. It is also to be remembered that 60 per cent. of the population comes from Chota Nagpur and the Santal Pergannas and is composed of races which are naturally extraordinarily prolific. The reported birth-rate in some districts in Bengal has amounted to 55 per thousand and it seems not unreasonable to look for a rate but little lower on tea gardens.

81. In Annexure G to Appendix II of his statement Mr. Melitus gives reasons for supposing that the death-rate among immigrants imported before 1891 was 40 per thousand, and among immigrants arriving between 1891 and 1900, 60 per thousand. This death-rate is not so excessive as to account for a decline of 100,000 in a population of 650,000, especially as we may assume that the coolie population outside tea gardens, which Mr. Melitus puts at 200,000 in 1901, is increasing healthily. This estimate of the death-rate would therefore support the vital statistics in leading us to infer that the birth-rate on tea gardens is unduly low, where we should *a priori* have expected it to be high. In his statement before the Committee Mr. Melitus claims that the birth-rate on tea gardens is certainly over 40 per 1,000, deducing this from the percentage of children to the total population. If this is correct, then his death-rates of 40 per thousand of old coolies and 60 per thousand of new coolies imported between 1891 and 1900 are apparently too low, for there would then have been a decrease in population of only a few thousands between 1881 and 1901, that is, assuming that the death-rate among Assam-born descendants of immigrants is not higher than that of immigrants.

Reasons given for
low Birth-rate.

82. It seems useless to try to arrive at any figures that can claim accuracy, but it is sufficiently clear that not only has the death-rate been high but the birth-rate on tea gardens is unduly low. To a certain extent this is apparently the result of the conditions of life on the garden and therefore more or less preventible. There is a practical consensus of opinion among those best qualified to judge that there is a good deal of preventible abortion, as the following extracts from the evidence show :—

Dr. D. Craig (No. 152).—I think that the low birth-rate is partially avoidable because of the instances of abortion which have come to my notice.

Dr. J. R. MacNamara (No. 197).—The amount of abortion on some gardens is appalling; on some gardens 65 per cent. of pregnant women do not give birth to living children. I have no doubt that it is often intentionally caused.

Dr. E. Wells Witham (No. 210).—I believe that there is a good deal of abortion and prevention of conception.

Dr. C. A. Bentley (No. 233).—Malaria and syphilis are responsible for a large number of miscarriages and I think that abortions are sometimes procured. I have, however, only known one proved case. There is undoubtedly a class of people supposed to be skilled in procuring abortions, and coolies also take medicines which are supposed to have this effect, but it is difficult to say whether these medicines really produce such results.

On the other hand Dr. G. H. Glover (No. 147) says.—“One hears that abortions are frequently induced, but I doubt if this is true as I have only known of one proved case.” He attributes miscarriages to the prevalence of syphilis and *anchylostomiasis*.

183. This is the testimony of the medical witnesses; the opinions of a few experienced managers may also be quoted :—

Mr. St. G. A. Showers (No. 185).—I am certain that some years ago there was a good deal of abortion. There were women who lived by causing abortion in others.

Mr. E. Muspratt (No. 168).—Coolie women do not like to have a number of children at short intervals as it interferes with their working; they often suckle their children up to the age of three for the purpose of preventing conception.

Mr. J. Ferguson (No. 191).—On my Nagadhuli garden abortions were so common that there was a Government enquiry, but nothing came of it.

Mr. D. J. Mackintosh (No. 203).—I believe that a good many coolie women procure abortions. I some time ago warned my coolies that any case of abortion coming to light would be reported to the police. This has had a most excellent effect and births have increased greatly in the last year.

It may be mentioned here that in the Duars abortion is believed by garden managers to be commonly procured by women who do not intend to stay permanently on the gardens. They object to take back to their country children born abroad and who have not been regularly admitted into the village community at birth. When they settle down on the garden they bear children freely.

184. The main objection to child-bearing entertained by the female coolie is doubtless the trouble caused to her by having to work with an infant to look after as well; a second objection is the loss of wages which leave following childbirth entails. The first is probably the most powerful motive, as the grant of ample leave after birth is found to improve the birth-rate. A healthy woman is no doubt usually fit for work a month after childbirth; but she has then either the trouble of looking after the child in addition to working, or she neglects the child which suffers in health and dies. Some managers are very liberal in the grant of leave after childbirth, which is recognized as necessary even more for the child than for the mother; if the mother has to take her infant out in the rain or in hot weather the health of the latter is bound to suffer. The following examples may be quoted of the amount of leave granted:—

Leave to pregnant women.

Women are given four months leave at childbirth and they can take more. (No. 156.)

Three months' leave is given to a woman on the birth of a child. To a new coolie three months' pay is given; to an old established well-to-do coolie no payment is made; this has long been the rule in gardens in Caohar and in part of Sylhet. The woman generally takes three months' leave on full pay before the birth and three months without pay afterwards. The period of absence is counted as part of the agreement term. (No. 160.)

I generally give a woman three or four months leave at childbirth; I never put a woman on to hard work till the child is fairly big. (No. 181.)

I have found that increasing the leave after childbirth has had a good effect. We now give two months' leave on full pay after childbirth (No. 185.)

I have in recent years been much more lenient in granting leave. This has certainly decreased infantile mortality. In the rains I employ women with babies in the tea house and set apart a place for the children. A woman generally takes at least two months' leave after the birth of her child. (No. 192.)

We allow a pregnant woman three months' leave on half-pay and they sometimes get as much as six months. Leave up to six months is given with half-pay for two months. (No. 193.)

I give three to five months' pregnant leave; a well-to-do woman gets half-pay but a new woman gets full pay for the whole period. (No. 203.)

The evidence of Dr. F. Wells Witham (No. 210) on the subject is also important. Of course all gardens are not so liberal and farsighted and some make the woman work as soon as she is physically able to do the task. Light work during pregnancy is apparently not prejudicial, but if children are to be

born and to live, six months' leave on half-pay after childbirth would seem to be advisable. The greater liberality displayed in recent years is already reflected in the birth-rate, and speaking generally a high birth-rate is a better index that conditions on a garden are satisfactory than anything else.

“Depot marriages.” 185. Another cause of intentional avoidance of child-bearing is the frequency of illegitimate unions on tea gardens. This applies mainly to the case of contractor's coolies; in the contractors' depots single men and women are sometimes paired off regardless of caste and inclination and sent up as “family coolies.” These “depot marriages” are rarely fruitful as women will not bring a casteless child into the world. The system of herding coolies of many castes together in lines must also tend to break down the caste system and lead to irregular unions. So far as the contractor's single coolie is concerned, there is not perhaps much to be done; but speaking generally it may be said that it is very desirable to do everything possible to assimilate life on a tea-garden to the life of the coolie in his own home, with each caste living separately and its members subject to caste supervision.

Importance of high birth-rate. 186. The importance of a high birth-rate can scarcely be over-estimated; the more difficult Assam finds it to import coolies the more essential is it that they should be bred in the country. Had the imported population bred properly in the past, there would probably have been at the present time 200,000 more persons of the coolie class in the Assam Valley than there are at present. It appears to the Committee advisable that a specially qualified medical officer should be deputed to examine into the causes of the present unsatisfactory birth-rate, the matter not being one with which the present Committee is qualified to deal. It seems advisable that the facts as to the real birth-rate among coolies on different gardens, among coolies of different castes, and among newly imported and old coolies should be ascertained and the causes of variation arrived at. At present the Committee can only record their opinion that the birth-rate would be improved by the universal grant of six months' leave on half-pay to the mothers of living infants, provided that the child lived so long; by the assimilation of life on the tea garden so far as possible to village life; by the weekly parading of pregnant women and by the criminal prosecution of, or at any rate a rigorous police enquiry into, all suspicious cases. Any old women who are believed to make a living by bringing on abortion should be excluded from the gardens.

The Death-Rate.

Death-rate on Tea Gardens. 187. The Committee would next refer to the death-rate amongst the tea garden population, the reported figures for which as well as for the birth-rate in the Assam and Surma Valleys, respectively, are given in the following table for a number of years:—

Year.	ASSAM VALLEY.		SURMA VALLEY.	
	Total death-rate per mille.	Total birth-rate per mille.	Total death-rate per mille.	Total birth-rate per mille.
1885	37.3	29.2	36.3	36.8
1890	33.8	22.7	28.6	28.7
1895	33.9	21.8	33.4	22.7
1900	33.3	26.0	23.8	29.8
1901	28.5	28.5	22.0	29.9
1902-03	27.6	28.7	22.1	33.9
1903-04	27.1	28.8	21.2	29.1
1904-05	25.4	26.3	19.2	31.6

188. The figures in themselves the Committee do not consider to be of much value, for the death-rates, especially in the Surma Valley, would appear incredibly low. As has just been said the deaths of infants are admittedly incorrectly reported, and probably the same is the case with the deaths of older people who are no longer actual workers, either because they have got past work or are able to live on the earnings of younger members of their families. The Committee are unable to say what death-rate on the tea garden population would correspond to a normal death-rate among the general population; the two will obviously not be the same because the age distribution of the two populations is not the same. But although the figures are not absolutely correct, the percentage of error is probably fairly constant; and if this is so, we may conclude that during the last fifteen years there has been a decline in the death-rate and a rise in the birth-rate which is eminently satisfactory. The decline in the death-rate is no doubt partly due to the fact that new arrivals of late years have constituted a smaller percentage of the total tea-garden population, but quite apart from statistics, the Committee have formed the impression that in recent years lighter work and the opening up of the country have led to a general improvement in the health of the labour force, which is showing itself in a lower death-rate and a higher birth-rate. The improvement is likely to continue, unless any sudden exodus of the labour force, which, as already remarked, need hardly be anticipated, upsets the present tendency to allow the coolie to work only when he feels it good for himself.

189. The deaths among Act VI labourers are doubtless reported with fair accuracy, and the death-rate among this class has always been high. The figures for ten years are as follows:—

Death-rate among
Act VI labourers.

1895	. . . . .	52.8
1896	. . . . .	45.5
1897	. . . . .	55.6
1898	. . . . .	48.0
1899	. . . . .	36.7
1900	. . . . .	44.2
1901	. . . . .	37.3
1902-03	. . . . .	40.4
1903-04	. . . . .	38.2
1904-05	. . . . .	34.3

The population to which these figures refer is exclusively adult, and when this is considered, the figures show that the mortality has been serious. The high death-rate among Act VI labourers is usually ascribed to the constant importation of anæmic and poverty-stricken coolies. The explanation has been to a certain extent correct at any rate for the first half of the past decade. The first large importations of coolies from the Central Provinces took place in 1895-96, which was a year of scarcity, and the death-rate among Central Provinces coolies in that and the following years was:—

1895	. . . . .	85.9
1896	. . . . .	84.1
1897	. . . . .	83.0
1898	. . . . .	65.0

If to these deaths could be added the number of deaths amongst persons whose contracts were cancelled owing to serious ill-health and permanent unfitness to labour, an approximate idea would be obtained of the real death-rate among newly arrived adult immigrants imported from famine districts.

190. It must, however, be admitted that the figures for Act coolies do not fairly indicate the death-rate among able-bodied adults in the Assam Valley. Unhealthy gardens in particular rely upon the Act, and on gardens where it is extensively used the labourer is kept more steadily at work than on others where easier conditions prevail. There is again a larger proportion of newly imported immigrants among the Act labourers, and new settlers will always suffer in health more than persons who have been acclimatized. There is another aspect of the question which the Committee consider can hardly be ignored. The Commission of 1868, speaking of the serious mortality on the tea gardens in the early years of the Industry, considered that depression of spirits had not been without its effect in exaggerating the causes of sickness and mortality which had been at work. This aspect of the question was raised again in 1891 by the Government of India who remarked: "It is not known how many desertions, or how much possibly of the lamentable mortality, may be due to a feeling of despair induced by the contemplation of the excessive term for which new coolies find themselves engaged." In his reply the Chief Commissioner briefly said, "The feeling-of-despair theory is one which Mr. Ward is convinced has no foundation in fact, and he thinks it scarcely calls for serious consideration."

191. No grounds were advanced to support this decided opinion, and the Committee are doubtful if the question is one which can be so lightly dismissed. Writing of indentured immigration into the Straits Settlements in 1902 Sir F. Swetenham expressed the following opinion: "The lesson which these papers appear to me to teach is that Tamils come to this distant and foreign country exactly as white men do. * * * They come in the hope of doing better than staying at home. If they fail they are disappointed and as they are physically and morally weaker than the white man, they easily despair, fall sick and die." Mr. Hill, Protector of Labour, Federated Malay States (No. 134), is emphatic regarding the unfavourable effect of a system of indenture on the death-rate, and Dr. O. Connor (No. 5), who has served as a Medical Officer on tea estates both in Assam and in the Terai, considered that one reason why the new immigrants suffered in health in Assam was because they could not leave the garden to which they were indentured; they got home-sick and that acted upon their health. On the other hand Dr. MacNamara (No. 197) does not think that home-sickness affects the health of the newly imported labourer.

192. The Committee are of the opinion that in view of the circumstances under which a considerable proportion of the immigrants were recruited at least up to five years ago, it would be surprising if many of them did not lose their health. They had been sent up to Assam frequently under misrepresentation, and numbers had been forcibly abducted. It is therefore only too probable that the disillusionment following upon the immigrant's arrival on the garden, aggravated by the feeling that he was bound to remain there, should in many cases have had a prejudicial effect upon his health, and the circumstance cannot be left out of account in considering the mortality of the past. The conclusion bears out what has been already said as to the necessity for placing dependence on *bonâ fide* sardari emigration. The waifs and strays of down country picked up at random by contractors, and bound down by a rigid penal contract, cannot become the foundation of a healthy labour force. What should be aimed at is to get people who will come up with their

families and remain on the garden of their own free will, conditions being made as much as possible to their liking and assimilated to what they have been accustomed to in their own homes. The Committee consider that every thing possible has been done in the way of sanitation to improve the health of the labour force. It is for the Industry to make life on the gardens as congenial as possible to the class of persons whom it is desirable to attract to Assam, and to this as much as to sanitary measures employers should look for effecting a steady improvement in the health of the people who come to work on the tea-gardens.

C.—SETTLEMENT OF LABOURERS ON LAND.

193. The Committee will next consider the question of the facilities offered to immigrants to settle on the waste lands at the disposal of Government or comprised in tea-garden grants, as the matter is one of much importance in connection with the upkeep of the labour force. Under the old Jangaluri Rules in the Surma Valley a revenue-free term with a progressive and easy rate of assessment used to be allowed to persons taking up Government *khas* land, and in more recent years a revenue-free term was granted in areas in the same Valley which had been disforested and thrown open to cultivation, and in the Assam Valley in respect of land taken up in the Nambor Forest along the Assam Bengal Railway. But the usual practice in both Valleys has been, and is, to charge full rates for waste land newly taken up, and if the holding applied for exceeds fifty bighas it is customary to realize survey fees and timber valuation in addition. The Settlement Rules empower the Local Government to issue leases on favourable terms in order to encourage persons to take up waste land for ordinary cultivation, in tracts not likely to be opened out within a reasonable period. In practice, however, this provision has remained almost a dead letter, as it has been feared that the grant of special concessions to new settlers would have the effect of tempting time-expired labourers to leave the tea estates and take to cultivation on their own account. And the view that nothing should be done which might tend to encourage the settlement on Government land of labourers who had been imported by the Tea Industry at a high cost, has always governed the land settlement policy of the Assam Administration. In submitting his colonization proposals in 1898 Sir Henry Cotton laid stress on this point, and after providing that at least 90 per cent. of the settlers should be other than coolies imported by the Tea Industry, remarked that extension of cultivation by ex-tea-garden coolies should not be unduly encouraged. These proposals, it may be added, were sanctioned in a modified form but led to no result.

Existing Settlement Rules.

194. In 1888 Mr. Luttman Johnson, the then Commissioner of the Assam Valley, advocated that persons interested in tea should be informed that they might promise intending emigrants land revenue-free for three years if they settled in the country at the expiry of their agreements, and that tahsildars and mauzadars might be authorized to offer time-expired tea-garden labourers the same concession. He anticipated that the proposals might raise a storm among the owners of tea property, but he believed that the prospect of being able to get land of his own with a revenue-free term would be an inducement to a labourer to emigrate. The result of this reference was that persons interested in tea and tahsildars and mauzadars were authorised to promise intending emigrants land with a three years revenue-free term on the expiry of their

Concessions offered to Tea Garden coolies in 1888.

agreements. So far as persons interested in tea were concerned no use seems ever to have been made of this concession, but in the following year a mauzadar in Nowgong offered the concession, not to intending emigrants, but to labourers on tea estates. This action called forth a strong protest from the Tea Association, with the result that all reference to tahsildars and mauzadars was expunged from the Administration's order. Thus up to the present practically no effort appears to have been made to utilize the large tracts of fertile waste land in the Assam Valley to attract either labour to the tea estates or settlers to the Province.

Coolie settle-
ment on Tea Garden
grants.

195. As regards lands comprised in tea-garden grants the Committee have already remarked that, though in the past some reluctance was displayed in employing this powerful means of securing a settled and contented labour force, owing to the feeling that the time spent in the coolie's own cultivation was lost to the garden during the busiest season of the year, the settlement of the labourers on the rice lands of the estate is now becoming general. Government has throughout been favourable to the system of settling the labourers on the garden rice lands. In 1839 the legality of the practice as regards lands held under a thirty years' lease was raised, the lessee being precluded under the terms of the lease from using the land for any other purpose than the cultivation of tea, coffee or timber, without the permission of the Deputy Commissioner. Such settlements were considered by Government to be beneficial, and with the approval of the Government of India, it was ordered that garden land might be employed for the settlement of coolies without special permission up to 10 per cent. of the area granted, or a maximum of 200 acres, on the understanding that the assessment might be at any time increased if it were found that the grantee was levying from the cultivators higher rates than he himself paid. The object of fixing a limit to the area which might be cultivated without permission was to prevent the formation of zemindaris on a large scale. Of this the Committee think that there is little danger, and if the limit placed upon the area to be settled is found to be at all inconvenient in practice, they would recommend its being substantially increased. All tea estates have not, however, rice lands included within their limits, and to meet the case of such the Assam Administration, in its Circular No. 36-R. of 1904, directed that "*cæteris paribus* preference should be given to a tea estate in allotting for settlement at ordinary cultivation rates, lands that are in the close vicinity of the estate boundary."

Concessions now
proposed.

196. Within the past year more liberal terms have been offered to the Tea Industry. It has been proposed that garden managers should be permitted to take up blocks of land near their estates on rayatwari tenure, the land to be revenue-free for three years, to be assessed at 8 annas per bigha for the next seven years and thereafter at ordinary rayatwari rates, the area of the block to be limited to the requirements of the garden. In cases where a manager does not care to take up land on such terms, it is proposed that he should be assigned a plot as mauzadar for the settlement of his coolies. The first proposal has been accepted by the planters of the Surma Valley with some minor reservations, but the Assam Valley Branch of the Tea Association has expressed dissatisfaction with the proposals, though some individual planters whom the Committee met considered that they will be of benefit to the Tea Industry. There are no doubt many gardens in the neighbourhood of which there is no waste land suitable for rice cultivation, but on the other hand there are gardens near which

such land is available, and the Committee would strongly recommend the managers of estates so situated to take advantage of the terms offered, and to employ the land for the settlement of both new and old coolies. They feel sure that if intending emigrants were offered land on which they could form small hamlets, it would go far to overcome their reluctance to leaving their homes, while the beneficial effect of small holdings of land on the contentment of the labour force is everywhere recognized.

197. It remains to be considered how far the settlement of time-expired labourers on Government land should be encouraged, and whether the offer of such land on easy terms after a number of years' service on the garden would be attractive to people in the recruiting districts. The Committee are convinced that if from the first a policy had been adopted of giving inducements to time-expired coolies to settle on waste land, the present position of the Industry as regards labour would have been very different from what it is. It is true that the drain on the estates might have been severely felt at first, but with the opening out of the country this would have become less and less, the influx of labour from the villages would have been much greater than at present, supplies would have been more plentiful and cheap, and it may be taken that the cost of importation would not have risen so high, for the prospect of acquiring a holding in Assam within a reasonable period would have done much to popularize emigration to the Province. It is admitted that ex-coolies prefer to settle on Government waste land comprised in the garden grant. The Committee quite understand, however, the employer's unwillingness to suffer an immediate loss in the hope of a prospective and comparatively remote advantage. They are of opinion that the present is not the time to reverse the policy of past years, and that the Local Government would hardly be justified in undertaking measures which might accelerate the movement of labourers from the estates to Government land. The Tea Industry has not yet recovered from the depression of recent years, and labour is getting more difficult to obtain and more costly. When the time comes, however, as the Committee hope it eventually may, when Assam has established its good name and a flow of labour at a reasonable cost has been obtained, they think that special concessions might well be extended to time-expired coolies.

Settlement of time-expired labourers on Government land.

198. In considering the effect of a promise of Government land with a rent-free term after a period of service on a tea estate as a stimulus to emigration, there is the difficulty that if the term fixed is long, it may be too remote to attract emigrants, and if it be short the employer may not be able to recoup himself for the cost of importation. A term of seven years on a garden has been suggested as a suitable period to fix. This proposal was first mooted in 1904, but was opposed by employers in the Assam Valley on the ground that it would depopulate the tea-gardens. The Committee questioned a good many of the gentlemen who gave evidence before them on this subject; while some witnesses recommended that the experiment should be tried, the weight of evidence was to the effect that seven years would be too remote a period to prove an inducement to a labourer to emigrate with the object of acquiring a holding. With this opinion the Committee are inclined to agree, and they think that the immediate promise of a plot of garden land would provide a stronger incentive to emigration. The offer, if made, of Government land after seven years' service on a garden, could not well be confined to new

Promise of land to intending emigrants.

immigrants, but must in fairness be extended to existing labourers who have already served that period, and as already stated the Committee do not consider that it would be expedient at the present time to make such an offer to existing labourers until the supply has been increased.

199. A proposal has also been made that Government and the planter should join in importing the coolie, Government supplying him at cost price to selected tea-gardens, after four or five years' residence on which the labourer would be given a bonus of some ₹50 from the garden and a plot of Government land on easy terms on which to settle. The Committee, however, doubt whether such a system could be worked without friction, and it is one which might lay Government open to unfavourable criticism.

Condition of ex-coolie settlers.

200. Though as has been shown, no special terms are offered to ex-coolies or other settlers, many of the former have settled in both Valleys, and their number increases year by year. The fact has been put forward as one of the chief reasons why immigrants do not return to their homes. At the same time colonization by the ex-coolie class is very slow, whatever may be urged to the contrary, and Sir Henry Cotton's assertion that "we may wait for the Greek Calends if we are prepared to sit still until the time when the waste lands of Assam shall be cleared and cultivated to any material extent by the labour of time-expired coolies," has still considerable force. It has been more recently urged that the high rates of assessment on waste land, and the expense of clearing heavy jungle, constitute a severe tax on the slender resources of the ex-coolie settlers and that many of them are heavily in debt. It is right to say, however, that this is not always the case, for from a statement laid before the Committee by Mr. Melitus, containing the results of an enquiry into the material condition of ex-coolie settlers in part of the Mangaldai Sub-division, it appears that out of 68 cultivators 44 were in debt, but of those only 9 owed over ₹20. Supplies, however, are generally cheap in Mangaldai, so the settler would probably not have to expend so much in maintaining himself and his family while clearing his holding as higher up the Valley.

CHAPTER IX.
EFFECTS OF THE LABOUR LAW.

CHAP. IX
PARAS.
201—202.

A.—PROTECTION OF THE LABOURER.

201. A much debated question is how far the control exercised by Government has contributed to the provision made for the health and welfare of the labour force on the tea-gardens, how far that control is really effective and how far it is still necessary to retain it in the interests of the labourer. Special legislation was first undertaken for the regulation of recruitment only, and when the labourer reached the garden he was left to the protection of the ordinary law. But interference on behalf of the labourer on the garden was speedily found to be necessary, and Act VI (B. C.) of 1865 was passed. The Committee of 1868 found that the law had generally failed in its object, and Sir John Edgar writing in 1873 regarding the Act of 1865 said:—

Opinions of former officers.

I do not believe that this Act really did much to improve the condition of imported labourers in the tea districts, at least at first. * * * * I am convinced that the very great improvement which has undoubtedly taken place in the condition of imported labourers is scarcely, if at all, due to the direct effect of the Act, and that its main causes have been a complete change in the feelings with which coolies are regarded by their employers and the partial substitution of kindly, elastic, and in a word human relations between the two parties for the rigid, and in many ways cruel, bondage which was practically recognized by the laws of 1865 and 1870.

In a note, dated 22nd May 1887, Mr. Luttman Johnson, Commissioner of the Assam Valley Districts, after eleven years' experience of the labour districts, said:—

The longer I live the less I value protection from the labourer's point of view.
* * * * No amount of inspection will improve wages. * * *
Some years experience enabled me to become, or to think I became, an efficient inspector, *when I had the time*. But when are our officers to find time for efficient inspection? I will not say I consider inspection a mere farce. I do not go as far as that; but I do say that it does not take a very clever manager to hoodwink the inspector, and that when I read in the papers before me of the protection of the labourer which is the correlative of a penal contract, I am inclined to accuse those who insist on the value of inspection of a defective appreciation of time and space.

202. On the other hand it was the opinion of successive Chief Commissioners that the powers of control conferred by the special legislation, and amplified by each new Act, were complete and that they were necessary for the protection of the immigrant. It was, however, admitted that inspections were often too infrequent and that action in the case of unhealthy gardens was sometimes unduly delayed. It may at the same time be remarked that the view was also held that the provisions of the law, including the execution of contracts at Dhubri, were a sufficient protection against fraudulent recruitment in the recruiting districts, an opinion which experience afterwards proved to be erroneous. The Government of India generally endorsed the views of the Local Government as to the protective value of the Act, but inculcated the need for making inspections more effective. Coming to more recent times, Sir Bampfylde Fuller in paragraph 21 of his Secretary's letter No. 4867 R., dated

Opinion of the Local Government

the 4th September 1905, to the Government of India, has expressed himself as sceptical of the completeness of the powers of supervision and control retained by Government:—

The supervision which is exercised by Government ordinarily consists in a brief—sometimes cursory—visit of inspection paid once a year, and often by an officer of very limited experience. It is true that when the death-rate on a garden exceeds 7 per cent. a more detailed investigation is undertaken. But it must be remembered that the death-rates are taken as reported by the garden office, and that on some estates great laxity notoriously prevails in the registration of infantile mortality. In truth, an inspecting officer's powers of interference on behalf of the labourers are exceedingly limited. The matter in which the labourer is most nearly concerned is that he should be paid fully according to the task he renders. The large number of "fractional haziris," which occur in the accounts of some gardens, cannot but raise a grave suspicion of unfair treatment in this respect. Yet a Magistrate who finds a labourer's complaint to be justified can, under section 150 of the Act, only "dispose of the case according to law;" and since the Act gives no summary powers for the recovery of wages unless they are in arrears for two months [Section 151 (1)],—does not (except in like circumstances) penalise a manager for short payment, and does not warrant the cancellation of the labourer's contract until four months' wages are overdue [Section 152 (c)],—it is not clear what effective remedy is forthcoming.

Views of the
Commissioners of
both Valleys and
Mr. Melittus.

203. Mr. Monahan, the present Commissioner of the Assam Valley Districts, says in this connection:—

I do not consider that the Act is necessary for the protection of the coolie. I do not say that some short-sighted or inexperienced manager might not ill-treat their coolies, but under a free system coolies would leave a garden on which they were badly treated. As far as I know, there are no gardens situated in such remote areas that it would be possible for a manager under a free labour system habitually to detain coolies who wanted to go. I consider that the repatriation clauses in the Act are advantageous to the coolie, and that periodical inspections, especially by the Civil Surgeon, have had a good effect in improving sanitation and water-supply. If, however, there were no penal contract, I consider that the necessity for these provisions would disappear.

Mr. Arbutnott, Commissioner of the Surma Valley and Hill Districts, is equally emphatic on this point:—

The ordinary inspection of a tea-garden is in my opinion of very little use. The inspection of an unhealthy garden by an experienced Civil Surgeon is, however, valuable. * * * If Act VI were repealed and a manager was unwise enough to refuse to carry out the suggestions of a Civil Surgeon, presumably the Courts would decline to enforce Act XIII contracts on his garden, and thus his coolies would become practically free.

Mr. Melittus, on the other hand, is strongly of opinion that the powers of control exercised under the Act have been most beneficial in the past and that their retention is still necessary both for the protection of the labourers on badly managed concerns, and for the purpose of supporting managers against proprietors or agents who might wish to reduce expenditure at the cost of the health and comfort of the labourers. His statement, however, in paragraph 13 of his note that better supervision of the labour system in Assam is required, and that Deputy Commissioners should look upon labour immigration as an important part of their work and not as a burdensome tax on their time, and his recommendation that there should be in the principal tea-districts an Assistant Commissioner with full powers specially to assist the Deputy Commissioner in immigration work, lead one to the inference that, even admitting the completeness of the powers conferred by the Act, in practice the control exercised has not been fully effective. The failure to enforce the provisions of the law regarding the production of arrested absconders at the nearest thana contributes to the impression that the checks provided by the Act in the interests of the labourer have not always been applied.

Results of Act
not always to
advantage of
labourer.

204. The Committee are of opinion that the annual inspections of tea-gardens and the sanitary control retained under the Act have certainly been of benefit, specially in times past, in the influence they have had on the provision of good wells and hospitals and on sanitation generally. The powers conferred by the Act have also frequently enabled Government to bring pressure on those proprietors or managers on whose estate the labourers have been ill-paid, under-fed or unhealthy, and interference in this direction has been attended with good results. The Committee are, however, far from asserting that the improvement which has taken place in the care and treatment of the labour force is the direct result of the protection afforded the labourer by law, indeed they think that enthusiasm for sanitation has often been carried too far, and that it would be much better to let the labourers build their own houses on well drained sites, each community forming their own small village on the estate and living under conditions as nearly as possible like those obtaining in their own homes, than to force them to reside in the formal lines which have been built for them. The Committee also are not sure that attendance at hospital has not been made too rigid, and they are inclined to believe that a policy of less medicine and more leave off work would show better results as regards the health of the labourers. It has been urged that self-interest alone would not be sufficient to induce all employers to pay the necessary attention to the comfort and welfare of the labourer, and that, without the guarantees which special legislation gives for the retention of the labourer, the employer would not expend so much money in securing medical attendance and sanitary conveniences for his labour force. The Committee are not prepared to admit this proposition, and would even go further and say that the existence of the Act on unhealthy or badly managed gardens appears to operate hardly on the labour force. Experience has shown that under a free system, such as that in force in the Duars, a good water-supply and adequate medical arrangements are provided, though not on such an elaborate scale as in Assam. It will also be generally admitted that one of the chief causes of the unpopularity of a garden is unhealthiness. Under a free system in order to retain labour on such garden, every effort would have to be made to render it more healthy, or, as will be presently noted, high pay or other inducements would have to be offered, while under the present system a labourer is bound to serve out the full period of his contract whether the garden becomes healthier or not, and the cumbersome provisions of the Act afford a recalcitrant manager considerable opportunity of evading their effect while still keeping a tight hold on his labourers.

205. The conclusion to which the Committee have come is that the special Act is not of itself of such direct advantage to the coolie who is bound by a labour contract under it, as many of its advocates wish to make out, and they would add that it appears to be too much to suppose that an inspection once a year, frequently by a young and inexperienced officer, can have any great effect in correcting abuses. No doubt inspections by experienced Deputy Commissioners and by Civil Surgeons have a good effect specially as regards sanitation, but these officers have many other duties to perform, and it is impossible to expect a Deputy Commissioner to devote more than a fraction of his time to garden inspection work without a sacrifice of efficiency in other directions. Indeed the small amount of inspection work done by individual Deputy Commissioners has occasionally formed the subject of official remark. To inspect a tea-garden thoroughly would take several days instead of a

Inspections.

few hours. There is unfortunately reason to believe that even up to the present day emigrants have been sent up to the tea-gardens either by force or fraud, and the infrequency of complaints of this sort by labourers at the time of the annual inspection shows how useless this check is on fraudulent recruitment. The fact is that as a rule a labourer, unless he is of the "sea-lawyer" type, is too much afraid to make a complaint. It is admitted that formerly it used to be the practice on some gardens to import the coolie as cheaply as possible, to exact the maximum of work from him within the period of his initial agreement, and then, if he broke down, either to cancel his agreement by mutual consent or to turn him adrift at the expiry of the term of contract. The provisions of the law and inspection by officers of Government seem to have been of but little protection to these unfortunate people. This practice it is believed has now stopped, but its discontinuance cannot be attributed to the effect of the Act, and appears to be solely due to the enlightened initiative of the planters themselves.

Effect of the Act
on wages.

206. Reference has been made above to the effect of the Act in respect of the hold it gives over labourers on an unhealthy or unpopular garden. In its operation it is also unfair to the labourer on such a garden in the matter of wages. One of the most striking drawbacks of the Act contract is that it enables the disadvantageous garden to obtain labour at the same money wage as the garden which offers advantages to the coolie. The labourer on a healthy garden where living is cheap and where he can take up as much rice land as he wishes, is obviously much better off than the labourer on an unhealthy garden or on one where living is expensive or where he cannot obtain rice land. It is only natural that the latter should obtain a higher cash wage; to some extent this is the case already, as it is necessary to induce time-expired coolies to renew. In Chapter VII it has been pointed out that the wage varies from district to district, but the difference between garden and garden is not so marked as would be the case if labour were freer than at present. There are, however, many signs that changes are in progress. The General Manager of the Assam Company has stated that he thinks that the time will soon come when the garden which cannot give rice land will have to pay a higher money wage, and even now in most districts some gardens have had to raise the wage above the average. It is, however, plain that a coolie in Lakhimpur drawing Rs 6 a month, with a bonus of Rs 12, and with as much rent-free rice land as he chooses to cultivate, and lightly worked owing to the amount of basti labour available, is much better off than a coolie on the Tezpur Bank drawing Rs 5 with a bonus of Rs 15 and no rice land. It is unfortunate that the indirect effect of legislation should be to perpetuate these inequalities.

B.—SOME ASPECTS OF THE PENAL CONTRACT.

The Penal Con-
tract.

207. The Committee, in reviewing the causes which have rendered it difficult to secure a sufficient supply of labour, have referred to the strong dislike which exists to the penal contract in Assam. It has been shown in Chapter VII that generally speaking, the coolie is well cared for on the tea-gardens, his work is not too heavy, the pay he gets is on the whole enough for his comfort—apart from the question of the sufficiency of the wage as an attraction to emigration,—in places he can get a small plot of rice land to cultivate; and yet there is great unwillingness to go to Assam. One of the chief obstacles to emigration, it has been shown, is the fact that the labourer is bound for four years and that he cannot get away from a garden which he dislikes. He can be arrested and

brought back and made to serve out his time. He can be imprisoned for deserting, and only after he has suffered imprisonment for terms amounting on the whole to six months, can his engagement to work on the garden be cancelled. There can be no question that in this loss of freedom lies the root of the unpopularity of Assam, and so long as the planter insists on his right to detain the coolie against his will, so long must he wait for labour. The Committee, for reasons which will be given in Chapter XI, consider that it would be impolitic to at once withdraw the Act; the Assam planter has yet to learn how to manage his labour on a less rigid system, and it would scarcely be fair to him to withdraw the props on which he has been accustomed to lean, until he has had more opportunity of doing without them. The recommendations of the Committee will be in favour of encouraging the employer to dispense with the penal contract. But there are two matters in respect of which they consider that the present law operates hardly on the labourer and in which modification is called for.

The Local Contract.

208. The first of these is the right given under the Act to place an emigrant, who has been brought up to Assam as a so-called "free" emigrant, under contract the moment he gets there. The present law follows the Act of 1882 in this particular. In the Act of 1873 (B.C.) there was no provision for labourers being put on special contracts in the labour districts. It was hoped that a system of free emigration and free labour would spring up, but this hope was never fulfilled. The planter did not care to run the risk of taking a coolie up to Assam unless he had a firm hold over him, and always put him under contract. The reasons which led to the establishment of the local contract system in 1882 were stated by the Government of India as follows:—

History of the Local Contract.

"First, the necessity in the interests of the employer of providing a system of penal contracts to enable him to control his labour force and to guard him against the serious losses for which a system of civil contracts offers no adequate remedy; secondly, the expediency, in the interests of the Administration as well as of the employer and labourer, of securing a uniform system of contracts and a uniform system of protection to all labourers under general contract; and thirdly, the desirability of encouraging free emigration by holding out to the employer a sufficient inducement to pay the expenses incurred in assisting the emigrant to Assam."

In the discussions which preceded the passing of the amending Act of 1893, it was proposed by the Bengal Government that initial registration of labourers in the districts of recruitment as a condition precedent to their executing a contract under the Act should be compulsory, and that unregistered or free emigrants should be competent only to contract under the ordinary law, including Act XIII of 1859, until they had resided for two years in Assam. The proposal was, however, rejected by the Government of India as being retrograde and likely to interfere seriously with the free emigration which they were so desirous of fostering. The substitution for Sections 111 and 112 of Act I of 1882 of a new law to cover local contracts on the lines of Section 492, Indian Penal Code, or Act XIII of 1859, was deemed inadvisable as destroying "the uniformity in the labour system which was thought so desirable in 1882."

209. The Committee consider that the objects which led to the addition of Sections 111 and 112 to Act I of 1882 have been very imperfectly attained. The protection which these sections were to afford to the employer and the labourer has not been fully appreciated by either, for many of them have preferred to contract under Act XIII of 1859 or Section 492, Indian Penal Code,

Unfairness of Local Contract to newly imported immigrant.

and for the same reason any semblance of uniformity has been destroyed. But the greatest failure has been in the effect of these sections in encouraging free emigration. This hope practically received its death-blow as the result of the odious "Dhubri system," but even in 1901 it does not appear to have been realised that it is hopeless to expect to establish a system of free emigration unless accompanied by free labour. The poor results of Section 90 recruiting are probably to be attributed to the fact that the emigrant is liable to be placed, and often is placed, under an Act contract as soon as he arrives in Assam. The opinion of Mr. Driver (No. 120) as to the unfairness of putting Section 90 emigrants under local Act contracts has already been quoted, and the Committee agree with him that the practice is both unjust to the emigrant and injurious to recruiting. They consider that if an emigrant is to be put under an Act agreement, this should be done before he starts for Assam. There is more security that the labourer is a free agent and gives a free consent to the contract when he is in his own country among his own friends and appears before a Magistrate who knows his own language. The theory that he is in a better position to contract after he has been on the garden for a few days is not one which the Committee can endorse, for experience has shown that the further the emigrant gets from his home the more helpless he becomes. A new arrival in a foreign country, he is not in a position to make any objection to any terms that may be demanded.

Local Contract
should be abolished.

210. The Committee would suggest that the provisions of the Act as to local contracts should be withdrawn. They do not consider that it will be any hardship on employers, if first contracts have all to be executed in the district of recruitment. As already said it will always be the practice to demand such contracts from emigrants recruited by contractors. Emigrants recruited by garden sardars can still be placed under a contract, if they agree; the suggestions made by the Committee in Chapter IV of the Report provide for this being done. And it is not proposed to interfere with the ordinary law under which the employer and the emigrant can still contract if they wish to. But if Assam desires to attract labour, it will ask for no contracts of any kind from emigrants who are engaged by garden sardars. The one hope for emigration lies in sardari recruitment. In this way alone can a satisfactory class of emigrants be obtained, and if their lot in Assam is made agreeable to them, the Committee do not believe that difficulty will be experienced in keeping them on the gardens, free of contract of any kind.

Renewal of
Agreements.

211. The abolition of the local contract has further to be considered in connection with the renewal of agreements by time-expired labourers. As already pointed out in Chapter VII, there is reason to believe that Act XIII of 1859 is steadily gaining ground in this respect; very many gardens regularly renew under this Act; others which renew under Act VI do so more from habit than for any definite reason. The Committee consider it desirable that a definite move should be made in the direction of the abolition of Act VI, and they believe that the abolition of the local contract will constitute such a step without causing any real hardship to employers. By the time a coolie has been four years on a garden he has usually settled down, and if he gives an agreement under Act XIII he can fairly be trusted to keep it. If he is not content to stay on, every facility should be given to him to leave. It is mostly unhealthy and unpopular gardens which depend upon Act VI for renewals. The Committee do not consider that such gardens should be allowed the option of using the Act for this purpose, especially as it is in

their case that there is most danger of illegitimate pressure being put upon the coolie to renew. On these gardens the practice also exists of giving the labourer three or four years' bonus in a lump sum as an inducement to stay on, and the employer takes an Act VI agreement as better security for his money. In the opinion of the Committee these heavy advances and long agreements are to be discouraged, and the alteration in the law which they propose will help to bring this about.

212. Many of the leading employers examined by the Committee have agreed to the proposal to abolish Act VI local contracts, at least for renewals. Among them may be mentioned Mr. Showers (No. 185), Mr. Lawrence (No. 190), Mr. Begg (No. 192), Mr. Farquharson (No. 194), Mr. Macfarlane (No. 202), Mr. Mackintosh (No. 203), Mr. FitzGerald (No. 211), Mr. Permar (No. 225). Others, though not approving of the change, are not seriously opposed to it. There is not, therefore, likely to be much opposition to the proposal, to which the Committee attach great importance. When once it is understood in the recruiting districts that a coolie who goes up to Assam free remains free or is at most subject to a light form of agreement under the ordinary law, it may be hoped that much of the prejudice against the country will disappear. The abolition of the local contract in Assam is also of importance in connection with recruitment for the Surma Valley. The matter has been referred to in paragraph 128 of the Report.

[Arrest by Employers.]

213. The second point in which the Committee consider that the present law has operated to the detriment of the labourer is the right conferred by Sections 195 and 196 on employers of arresting absconding coolies. The power was first conceded in the Act of 1865, and from Sir John Edgar's Note of 1873 it would appear that this was done in order to legalise the existing practice. Sir John Edgar strongly condemned the failure of the district executive administration to put a stop to the illegal arrest of absconding labourers, and regretted that Government should have legalized the practice of private arrest. It has been justified in the past on the ground of the paucity of magisterial courts and the want of rapid means of communication. No accurate figures are obtainable as to the extent to which the right has been exercised, for the published returns regarding desertions refer only to absconders who have been arrested on warrant, or who have been produced before the court for punishment.

214. The Committee are of opinion that the right of private arrest should be withdrawn. It is the only recommendation which they have to make which is likely to arouse any serious opposition. It is inevitable that employers who for forty years have enjoyed the power of arresting absconders without reference to the public authorities should be reluctant to forego that power. At the same time it may be said that it is generally recognized that these exceptional powers are out of date and that their abolition is inevitable. Many witnesses have stated that if these sections are repealed, the whole Act might as well be repealed. The general expression of opinion is that the sections are not often used, and it is generally conceded that the right of arrest is not very effectual when a coolie has really made up his mind to get away. Nothing for instance will detain the professional bolter, who takes money from a contractor to get sent up to Assam in order that he may run away and go back and repeat the process. But it is urged that the sections have a "moral effect" on the labour force, which

"Fugitive Law
of American Slaves."

Reasons for the
right of private
arrest.

Injurious effect of
Private arrest.

enables the planter to keep his labour on the garden. This, which employers consider the sovereign virtue of the sections, appears to the Committee to carry their condemnation with it. It is not the fact that the precise nature of these sections is understood in the recruiting districts, and that they in themselves deter intending emigrants. But the "moral effect," which seems so valuable to employers is understood in the recruiting districts. It is known that Assam is a country where labour is not free, and where the employer is more powerful than elsewhere, and this knowledge is one of the factors in the dislike of the country which is so marked. The more importance employers attach to the "moral effect" of these sections, the more important it is that the sections should be withdrawn, because it is evidence that they are really effective; and their effect is to perpetuate a state of affairs which so long as it lasts will render a free flow of labour to Assam impossible. The Committee believe that the withdrawal of these sections will in the long run benefit the Tea Industry of Assam.

Liability to abuse. ✓ [215. A further reason for the withdrawal of these sections is that they are inevitably liable to abuse. The Legislature hedged in the right of private arrest with safeguards; under Section 195 the employer is bound to take the labourer after arrest to the nearest police station on pain of a fine of R200. The Administration of Assam has abstained from enforcing compliance with this provision of the law; probably it would be very difficult, if not impossible, to do so. But the inevitable result of the absence of that publicity which the law intended to secure for these proceedings has been that employers have not been particular in considering whether an absconder was under an Act VI contract and liable to summary arrest or not; any coolie who left a garden has been liable to seizure, and in fact the section has been so worked that it was difficult for persons of the coolie class to move about the country at all. It was until recently the custom to detain persons at ferries, railway stations and steamer ghats, on the chance of their being absconding coolies. In the opinion of the Committee there is no reason at the present day, when the Province is so rapidly developing, to confirm to employers a power which is unique in British India and which past experience shows cannot be exercised without the prevalence of abuse.

Facilities for obtaining warrants.

216. As has been already stated many planters feel that the sections are doomed, and they have accordingly turned their attention to considering what should be done to facilitate the obtaining of warrants under Section 197. The justification of the practice of private arrest has been the difficulty of having recourse to a Magistrate's court. Mr. Monahan, the Commissioner of the Assam Valley Districts, considers that this difficulty, owing to improved communications, has been to a great extent removed. But there are still parts of Assam which are far from a Magistrate's court and where to obtain a warrant from the Magistrate may involve a delay of two or three days during which an absconder may make good his escape. The employer in such a locality would certainly be under a disability as compared with the employer whose estate is more centrally situated. The suggestion has accordingly been made that in such places a leading planter, or preferably some other non-official gentleman, should be invested with the powers of an Honorary Magistrate solely for the purpose of issuing warrants under Section 197. Such Honorary Magistrates would not be given power to try cases under the Act; they would not themselves desire to do so. If such a limitation can be placed on the power of the Magistrate, as the Committee understand can be done, they see no objection to effect being given to the suggestion in particular localities which

are far removed from the court of a regular Magistrate. The step would ensure the institution of a regular proceeding in court, which would be open to inspection and control by the Magistrate of the district, and due publicity would thus be obtained as regards the exercise of the Honorary Magistrate's powers. The Committee are far from recommending the general conferral of such powers; they recognize that the result might be to leave the restrictions on the labourer little less than they are at present. But they think that something might be done for the planter in a far-off corner of the district, whose situation precludes him from having recourse to the machinery of the regular courts.

C.—EFFECT OF THE ACT ON OTHER INDUSTRIES.

217. A further matter to which the Committee would direct attention is the effect of the law in respect of industries other than tea. From the beginning, labour legislation for Assam has been undertaken solely in connection with the Tea Industry, but the law has applied to every industry in the Province which employs imported labour. No large industry can be started in Assam without importing labour, and it appears to the Committee that it would have a prejudicial effect on the development of the Province, if new industries are to be bound to recruit labour under Act VI of 1901, as also if they are tempted to place their labour under the Act VI contract. The contract also has been framed with special reference to employment on tea-gardens; the minimum wage has been fixed with reference to the nature of the work on a tea-garden and to the possibility of the tea-garden labourer's making overtime earnings. The wage would be perfectly inadequate for work of a different class, *e.g.* in a coal mine. Besides tea-gardens, the only important concern that at present makes use of Act VI is the Assam Railways and Trading Co., which works the Margherita coal mines. This Company buys contractors' coolies who are under a one-year Act VI contract with a wage of R8 a month. But there is nothing in the law to prevent the Company bringing these miners up on the inadequate wage of R5. The procedure is as follows: a selecting agent inspects a gang of recruits in a contractor's depot down-country and picks out the strongest for work in the coal mines at R8 a month, the others are taken for the tea-gardens at R5; the intending emigrant has no voice whatever in the matter, he is there to be sold and he has ordinarily nothing to say as to who is his buyer.

Law specially intended for the Tea Industry.

218. In the opinion of the Committee it is unsatisfactory that the Act should apply to all industries, while so long as it does apply Government should have the power to modify the minimum wage according to the circumstances of particular industries. The most important case where, if the law were enforced, serious inconvenience would ensue, is that of contractors importing labour for employment in railway construction. The Government of Bengal in its letter No. 1936—41 T. G., dated the 15th November 1901, ordered that the provisions of the law must be observed in the case of coolies recruited for railway work in Assam. As a matter of fact, however, the law has been allowed to remain a dead letter. Contractors are at present bringing up large numbers of labourers from the Central Provinces and United Provinces for employment on the Dhubri-Gauhati extension, and had the law been enforced the greatest inconvenience would have been caused.

Inconvenience in case of Railway construction.

219. The Committee consider that it would be well to amend the law so as to confine its operation to tea or at any rate to allied industries employing

Committee's recommendation.

unskilled labour of the kind usually imported for tea, such for instance as fibre or rubber plantations. It is unnecessary to bring under the special law an employer who is willing to attract labour and retain it by the offer of good wages, and it is unfair to cripple a special industry which offers such inducements by the cumbersome provisions of the Act. Such an industry may be safely left to work under the ordinary law and to make its own arrangements for obtaining labour. If the labourers it imports are subject only to the ordinary law, the industry will be forced to offer them such terms as will enable it to retain their services. Such general freedom to import labour does not appear to afford an opening for abuse, provided that the local contract under Act VI is abolished, and the fact that the freedom of other industries will thus be facilitated is an additional reason for doing away with such contracts.

220. It is not likely that employers in industries other than tea will be anxious to come under Act VI. Mr. Harris (No. 204), the Manager of the Margherita Collieries, has no objection to the repeal of the Act, and Mr. A. B. Hawkins (No. 206), Manager of the Assam Oil Company at Digboi, has specially asked that the coal mines and such like industries should be exempted from its operation. The Committee would specially refer to Mr. Hawkins' account of the failure of the attempt to import skilled labour for the mines from Bengal, as the provisions of Act VI stood in the way. For the oil works at Digboi Mr. Hawkins has succeeded in obtaining workmen from the Punjab; he does not employ even an Act XIII contract; had he done so he would probably not have secured Punjabi labour.

221. The Committee would recommend the amendment of the law so as to give effect to the recommendation made above. The words "on an estate" should be inserted after the words "labouring for hire" in Section 2 (e). And the definition of an "estate" should be modified by the addition of some such words as "in the cultivation, preparation or manufacture of tea, or of any other product or substance to which the Local Government with the previous sanction of the Governor-General in Council may by general or special order declare this Act to apply." Should it ever be considered necessary to apply the Act in the case of an industry other than tea—should for instance it be decided that coal mines should not be excluded from the operation of the Act—the power should be reserved of prescribing a suitable minimum wage for adoption in the case of any such industry. This might be obtained by adding in the first paragraph of Section 5 (4) of the Act after the words "No labour contract" the words "to labour on an estate in the cultivation, preparation or manufacture of tea," and adding immediately below this paragraph the words "No labour contract to our on an estate otherwise than in the cultivation, preparation or manufacture of tea shall stipulate for a less rate of monthly wages than such rate as may be prescribed by the Local Government for such estate."

CHAPTER X.

ACT XIII OF 1859.

222. Act XIII of 1859 was passed at the instance of the Master Wardens and Members of the Calcutta Trades Association, who memorialised Government setting forth the losses they sustained owing to the wilful breaches of contract or desertion of service by workmen and servants, and asking that summary punishment and summary remedies should be provided by application to a Magistrate. It was at first proposed to limit the scope of the Act to the Presidency Towns, but at the suggestion of the Government of Madras a provision was inserted in the Bill authorizing the Governor General or the Executive Government of any Presidency or place to extend the Act to any place within their respective jurisdictions. In the event, however, of the Act being so extended it was provided that the powers under it should only be exercised by an officer or officers specially appointed by Government to exercise such powers.

Reasons for enactment.

223. The Act was extended to the labour districts (except Sylhet to which district it was extended later) in the sixties, and was intended to meet the case of imported and locally engaged labourers against breaches of contract, by whom it was considered that the civil law did not give employers sufficient protection. Since then it has gradually increased in favour especially for the re-engagement of time-expired labourers, and in some localities, particularly in the Surma Valley, it has to a great extent replaced Act VI also for new immigrants. The application of the Act to the engagement of tea-garden labour, instead of the special labour law, was at first viewed with considerable official disfavour. The facts that the Act enabled a labourer to be prosecuted and sent to jail for breaking his agreement though it contained no compensating provisions for his protection while serving on the garden, that verbal contracts were legal under the Act and could not either be verified or redeemed, and that they were often for a number of days or completed haziris and therefore might be spun out indefinitely by unscrupulous employers, were considered as operating harshly on the labourer. Doubts were also expressed as to whether the Act was legally applicable to tea-garden labour, and it was thought undesirable that the planter should be left to the protection afforded by so indefinite an enactment. Sir Charles Elliott was strongly opposed to the Act and recommended its withdrawal from Assam. These views appear to have deeply impressed the Government of India, and in their Despatch No. 18, dated the 17th July 1886, to the Secretary of State the following remarks were made:—"We think that Your Lordship will agree with us in the opinion that its provisions are not less severe than those which attach to a contract under Act I of 1882, while they fall very much short of that Act in the safeguards which they furnish for the due understanding and execution of his engagement by the labourer, and in their omission to require from the employer any compensatory advantages in the provision of cheap and suitable food, good lodging, maintenance when sick and reasonable wages, such as are secured to the labourer by the Labour Emigration Act." Further on, in the same despatch the procedure under Act XIII was described as "much harsher" than that under Act I of 1882. The Chief Commissioner was ordered to make enquiries regarding the effect of the repeal of Act XIII. In these views the Secretary of State concurred.

Previous history of the working of the Act in the Labour Districts.

224. In 1887 Sir W. Ward, after having made special enquiries, submitted a Note to the Government of India which was a complete vindication of Act XIII. While he considered the Act to be totally indefensible in principle, he found it in its actual operation almost harmless. He said that its repeal would seriously affect the Tea Industry and that the planters would strongly object to its withdrawal. Statistics were given to prove that it was not harshly worked, and it was pointed out that its use was restricted to healthy and popular gardens both for time-expired labourers, some of whom objected to re-engage under Act I of 1882, and for "free" immigrants. He added: "Planters know well enough that, if they treat their Act XIII labourers badly, they will lose them. The labourer will not stay on the garden and, even if caught, the planter has no remedy if the labourer refuses to return to the garden, as it is no satisfaction to him to be able to put the labourer into prison for three months." In his special report on the working of Act I of 1882 during the years 1886—1889, Mr. Quinton examined the working of Act XIII in considerable detail, and gave his opinion in favour of its retention. He remarked:—

"Act XIII is in itself a lenient law of penal contract. The employer has not the power of arrest without warrant; the Magistrate has a wide discretion as to the determination of what is a lawful or reasonable excuse for the non-performance of the contract within the meaning of Section 2 of the Act; if the Magistrate should be compelled on technical grounds to find in favour of the employer and order the coolie's return to the garden, he has a further discretion as to the amount of imprisonment, nominal or substantial, to be inflicted for enforcing the order. When once a labourer has been sentenced to imprisonment, he is no longer liable to prosecution in respect of his Act XIII contract. The power of the employer over the labourer is less under Act XIII than Act I. These considerations tend to limit the application of Act XIII generally (1) as regards the labourer, to labourers who can be relied on not to desert, *i. e.*, to old labourers, (2) as regards the garden, to gardens which can retain their labour under the less stringent law, *i. e.*, to healthy and popular gardens. There are as a matter of fact less deaths, less desertions, less judicial punishments among Act XIII than among Act I coolies, and the former earn higher wages than the latter. * * * Lastly, the existence and use of the Act have in Mr. Quinton's opinion given a considerable impetus to free or assisted immigration in the Surma Valley by holding out to the planter some security over that of the ordinary law for the expense incurred in assisting the immigrant up, or in the loss sustained in supporting him when he is learning his work; on the other hand it places the coolie in a position of considerably greater independence and enables him to exact his own terms more easily than his fellow labourer bound by contract under Act I of 1882 can do. It serves the purpose of a transitional state from a strict penal contract to one enforceable only in the civil court, and as such is in the Chief Commissioner's opinion smoothing the way for a result which all are anxious to reach."

225. The Government of India accepted these views and in their despatch of the 5th October 1891 to the Secretary of State, said: "However objectionable in principle, there is no doubt that in its practical operation this Act has been harmless and even beneficial. This is the conclusion deliberately arrived at by three successive Chief Commissioners who have enquired into the matter. * * * The results of the two enquiries show that, far from having been employed as an instrument for exacting unreasonable contracts, or being felt in practice to be harsh in its operation against the labourer, it has been used as a more lenient and popular penal contract law, from the labourer's point of view, than the Act of 1882. As such it is serving a useful purpose as a transitional stage between strict penal contracts and a system of civil contract under the ordinary law." The Secretary of State in his reply, assented to the decision arrived at by the Government of India to retain Act XIII, but

directed that its working should be watched as carefully as that of Act I, as he considered "its continued retention is not without serious prospective dangers".

226. Act XIII has continued to gain in popularity with employers and employed, and is serving its purpose as a stepping stone towards free labour. Its working has generally been well reported on, and in practice abuses under it are few. There is no doubt but that it has suffered from its association with Act VI, for the powers of private arrest conferred by the latter have not infrequently been illegally exercised in the case of Act XIII absconders and even of free labourers. Tea garden managers have not much knowledge of law, and are apt to apply the provisions of the more stringent Act to those who have contracted under the milder one, but it is fair to say that the benefits secured to the labourers under Act VI are generally voluntarily extended to those under Act XIII. Of recent years every effort has been made to put a stop to the illegal arrest of coolies; managers have generally accepted the situation, and the practice is gradually dying out. That the Act is not harsh in its operation is patent from the small number of punishments inflicted under it. The figures since 1900 are given below:—

Present working of
the Act.

Year.	Total number of cases.	Decided in favour of complainant.	Number of persons imprisoned.
1900	430	139	33
1901	336	102	36
1902-03	492	228	64
1903-04	568	274	63
1904-05	599	209	45

* Includes persons fined.

227. Considering that a large number of non-Act labourers are indentured under Act XIII, these figures cannot be called formidable. There is no reason to suppose that agreements are obtained from the labourers by force or fraud, and the readiness with which they come into court, when they have a real or fancied grievance, provides a valuable check on practices of this sort and on any attempt to unduly prolong the period of the agreement. Though contracts for a number of days or haziris are open to abuse in the latter respect, still they have their advantages in enabling the planter to give ample leave to his labourers while at the same time getting full value for his bonus. As a rule such contracts are fairly fulfilled on both sides, and indeed a planter could not afford to deal unfairly with his Act XIII coolies, for if he did so they would assuredly leave him. As a general rule Act XIII contracts are limited to a period of 313 days, but they occasionally extend to 939 days. The Committee think it inadvisable that contracts for a longer term than 313 days should be given, as if liberal leave be allowed a 939 day contract would extend to an abnormal period. It is true that the contracts are often verbal, but a record of them is invariably kept either in the garden cash-book or advance register, and the labourer's thumb mark is generally attached to the entry. The conditions are perfectly well known to both parties, so the failure to commit them

to writing is not in practice inconvenient. If Act XIII were abolished tomorrow, probably most gardens would have to continue the same procedure as at present of giving advances or bonuses and taking agreements in return, for coolies are accustomed to the system and would most likely resent its stoppage. As to the applicability of Act XIII to tea garden labour, since the Act has been so applied for over forty years, and the practice has been upheld by the High Court, it does not seem probable that any legal objection on this score could be successfully maintained now.

Defects in the Act.

228. From the employer's point of view the chief objection to the Act is that the consideration is a recoverable advance. Many employers used not to recover the advance at all, but of late years many show it as recovered, making a corresponding addition to the coolie's emoluments so that he should not be a loser. It is also a frequent complaint that Magistrates differ as to what constitutes an advance and as to what its amount should be. This, however, seems to be in a fair way to being settled and a mutual understanding arrived at. A recent ruling of the Legal Remembrancer, Bengal, that it is not necessary to recover the advance month by month, but that it may be written off at the expiry of the contract term, and that the cost of recruitment up to a reasonable amount may be considered as an advance and written off in the same way, provided that the contracts are in writing and contain express provisions to this effect, will do much to remove the ambiguity of the present Act if upheld in the law courts. Mr. Melitus considers the forms of agreement approved by the Legal Remembrancer (which have been produced at the end of his evidence) as unduly severe on the labourer, in that the writing off of the advance at the conclusion of the contract term is made contingent on there being no breach of the agreement on the part of the labourer. The objection, however, appears to be hardly a practical one, as the wide discretion vested in the Magistrate under the Act is quite sufficient to protect the labourer in a case of this sort. Moreover under executive orders all Act XIII cases are carefully scrutinized, and at the end of every quarter the records of cases decided by subordinate Magistrates are examined by the District Magistrate so as to ensure that the Act is being properly administered. The Committee on the whole are satisfied with the working of Act XIII and endorse the opinions expressed by Sir W. Ward and Mr. Quinton regarding it. It is surprising how the Act should ever have been considered more harsh than the special labour law. The fact that unhealthy and unpopular gardens are reluctant to make use of it is alone a proof that its penal effect is much less severe than that of Act VI.

229. The Act would be much simplified if a bonus were made the consideration instead of an advance, and if some protection were given the employer against enticement, though employers, more especially in the Surma Valley, are by no means unanimous that a provision of the latter description is required. There would, however, be difficulties in amending the Act, which applies to the whole of India, to suit the needs of a particular industry in one Province, and the Committee do not consider that the defects inherent in the Act are in practice of so serious a nature as to justify legislation being undertaken. The opinion of employers who have worked it for many years is on the whole favourable to the Act, and as may be seen from the evidence of the Surma Valley planters there is now a general disposition to accept it as it stands.

230. Similarly the Committee are not disposed to recommend its replacement by a special local Act. They incline to the belief that penal labour legislation in the past has not made for the best interests of the Tea Industry, and they would be unwilling to see another enactment of the kind added to the Statute Book. Owing to the existence of Act VI, Act XIII has never had a fair chance, and the Committee are of opinion that its failure should be clearly demonstrated before fresh legislation is undertaken. It is not as if employers were agreed among themselves as to what is required; some even go so far as to ask that a new Act should contain provisions legalising the private arrest of absconders by employers and requiring a labourer who has been punished for breach of contract to work out his agreement. If Act VI were to be withdrawn from the Assam Valley to-morrow and a new law on the lines of Act XIII were enacted, which did not give the planter a hold over his labour almost as strong as he has under Act VI, the Committee believe it would meet with very considerable opposition. That a new Act should contain such provisions would be out of the question, for it would be tantamount to re-enacting Act VI without providing safe-guards in the interests of the labourer. The Committee consider that on the whole Act XIII works fairly well in practice, notwithstanding that there is some uncertainty in its administration. Its very defects constitute perhaps its chief merit; it leaves a wide discretion to the Magistrate to see that agreements under it are interpreted with fairness to both the parties concerned. Although it is clearly right that in flagrant cases of dishonesty the labourer should be liable to imprisonment, still the less the planter relies on the criminal law to secure work from his labour force the better, and as it is felt that Act XIII is a somewhat weak staff, he does not lean too heavily upon it.

231. Before leaving this subject the Committee would refer once more to the inadvisability of demanding contracts under Act XIII from intending emigrants in the recruiting districts. They quite understand the desire of the employer to secure himself against loss of the expenses incurred in the importation of labour. And more especially if he has paid up the debts of an intending emigrant it is natural and right that he should protect himself against fraud by taking an agreement from the emigrant. But it must not be lost sight of that people in the recruiting districts will not always distinguish between a contract under the special Act and an agreement under Act XIII. And if the employer goes asking for agreements of any kind, suspicion will be aroused. More particularly if he asks for an Act XIII agreement for a long term such as three years, he will defeat his object in getting people to agree to emigrate. This must be very clearly borne in mind. If labour is to be attracted to Assam, contracts and agreements must be shunned. The evidence recorded by the Committee in the recruiting districts is very distinct upon this point, and there is a strong body of opinion that the really desirable emigrant, the aboriginal from the backward tracts of the down-country districts—the man who gains most by going to Assam—will honestly work off any advance he may receive. It is for the employer to recognize the feeling there is against putting their names to a paper among such people; the less there is of this, the better it will be for emigration to Assam.

Advisability of
 foregoing agreements
 in the Re-
 cruiting Districts.

CHAPTER XI.
RECOMMENDATIONS.

232. The Committee will now proceed to set forth the recommendations which they have to make on the points referred for their consideration in the Resolution of the Government of India. Many of these recommendations have been discussed in detail in the previous Chapters. In such cases a summary will here be given of the suggestions put forward by the Committee, and in the margin reference will be made to the paragraphs of the Report in which the various subjects have been dealt with.

I. THE GENERAL WORKING OF THE ACT VI OF 1901 IN CONNECTION WITH EMIGRATION TO THE LABOUR DISTRICTS OF THE UPPER ASSAM VALLEY.

233. The general working of the Act has been dealt with in Chapters III to IX of this Report. The various matters in respect of which the Committee propose that action should be taken will be noticed in the course of the recommendations to be now recorded.

(a) THE CAUSES WHICH HAVE RENDERED IT DIFFICULT TO SECURE A SUFFICIENT SUPPLY OF LABOUR.

234. These have been fully set forth in Chapter III of the Report. The causes to which the Committee would attach most importance are:—

The resentment among all classes in the recruiting districts against the abuses of the "free" emigration system which existed under Act I of 1882.

The penal contract.

The great advance in industrial development in or near the recruiting districts.

The lowness of the statutory wage in Assam compared with what is now offered elsewhere.

Abuses under
Act I of 1882.
48.

235. The evidence which has been recorded has only to be perused to see how intense is the feeling aroused in the recruiting districts by the malpractices of the so-called "free" emigration which existed prior to 1901. People cannot be got to believe that Assam is a really desirable place for the down-country coolie, in the face of the crooked and unscrupulous devices which were resorted to for getting him to go there. The Committee believe that the feeling is gradually dying out with the regulated system of recruitment which was brought about by the passing of Act VI of 1901. It behoves the Industry to do everything it can to see that recruitment is carried out on thoroughly satisfactory lines. The chief hope of this object being attained is that dependence should be placed on emigration conducted through garden sardars. With a view to encouraging this form of recruitment, the Committee have recommended that special facilities should be granted to sardars, and they trust that emigration will in time come to be conducted mainly through their agency.

The penal contract.
57—59.

236. The penal contract which has hitherto been generally demanded by Assam is a strong bar to emigration. It stands to reason that the emigrant will think twice about binding himself down to serve in a strange country

under an employer he has never seen for a considerable term of years. Unless the Industry is prepared to forego the contract, it seems certain that in the changing conditions of the recruiting districts, it will become more and more difficult to attract a really desirable class of emigrant. For the broken down debtor, the fugitive from justice or the waifs and strays of the bazaar, the contract may never be a matter of much concern, but it is surely not to be thought of that a great Industry should ever have to come to depend on people of this class for its labour.

237. The general advance in prosperity which has of late taken place in many of the recruiting districts with the extension of railways and the consequent opening up of new sources of employment, is a further matter which has not been sufficiently taken into account in connection with emigration to Assam. The wage which is offered on the tea gardens is no longer an attraction in many of the parts from which Assam recruits its labour. The field in which Assam can hope to compete is being gradually narrowed, and unless the Industry is prepared to fall more into line with the down-country industries and offer terms—either in money or land—which will tell with the coolie, it cannot expect that he will go to a far-off country, when he has better prospects before him almost at his own door. With regard to these and other objections to emigration, the Committee will have more to say when considering the measures to be adopted for securing a supply of labour for the tea districts and rendering service in them more popular.

Advance in
prosperity in
Recruiting
Districts.
27—46; 61

(b) WHETHER THE TIME HAS NOW ARRIVED FOR WITHDRAWING THE ACT FROM THE DISTRICTS OF THE UPPER ASSAM VALLEY.

238. The evidence recorded by the Committee in the labour districts of the Brahmaputra Valley is against the withdrawal of the Act. As might be expected the opinions on this subject are less strong in some localities than in others, but almost everywhere the view is expressed that the Act should not be withdrawn. In the more settled and well opened out parts of the country, it is probable that it would make little difference if the Act were withdrawn at once. Such are the greater part of the Sibsagar district, the neighbourhood of Dibrugarh, and Mangaldai, Bishnath and Behali in Darrang. For old coolies there is almost everywhere an increasing tendency to dispense with the provisions of the Act; if it is considered necessary, as is usually the case, to take renewed agreements from old coolies, the agreement is generally taken under Act XIII of 1859. And there are a fair number of managers who are now making it a practice to do without Act VI contracts for newly imported emigrants of a good stamp. The Dum Duma circle of the Assam Branch of the Indian Tea Association have formulated proposals for dispensing with Act VI except in the case of coolies recruited by contractors.

Time not come
for
Act. withdrawing
163, 164.

239. In the less settled portions of the Valley the planter still clings strongly to the Act. Unless the coolie is bound down by a rigid contract, it is feared that he would move to another garden where conditions are more favourable, and without the power to retain him the planter would stand to lose his labour force. The conclusion at which the Committee have arrived is that the immediate removal of the Act would affect a certain number of gardens in the more backward parts of the Valley. And it would be strongly objected to by the majority of employers everywhere as tending to disturb the existing conditions of labour. The Industry was given a new Act only

five years ago, in which the powers and privileges they have so long possessed were all confirmed to employers; they would have some justification in complaining if these were now suddenly taken away. Under the circumstances the Committee would not advocate the withdrawal of the Act at the present time. The recommendations which they are making all aim at facilitating the eventual abolition of the special law, at encouraging the planter to work his labour on a freer system and thus gradually accustoming him to conditions which will enable the Assam Valley to fall into line with the Surma Valley. The Committee believe that the time is not far distant when the Upper Valley will be prepared to do without Act VI. They do not consider that the Act is required for the protection of the labourer. Under a freer system the labourer would be in a better position to make his own terms, and he may perfectly well be left to do so. There is no danger of his ever lacking employment in Assam; the cry is everywhere for more labour. And if the lessons to be learnt from the evidence recorded in the recruiting districts are taken to heart by the planting community, and the strong objections which have been put forward to the system of penal contracts are listened to, the Committee believe that employers will themselves come to adopt a less rigid system for the management of their labour. Unless they are prepared to do so, they must not expect that people will be attracted to Assam.

Period to be fixed
for
Act. withdrawing

240. The Committee would here refer to a proposal which has been put forward by Mr. Arbuthnott, C.I.E., Commissioner of the Surma Valley Districts, that a date should be fixed in the near future for the withdrawal of the Act from the Assam Valley. Mr. Arbuthnott was in 1904 deputed by the Government of Assam to visit the tea gardens in the Duars, Madras and Ceylon, and he submitted a valuable report on the conditions obtaining there. Mr. Arbuthnott has also had long experience of both the Valleys of Assam. He is strongly of opinion that a system of free labour is the best for every one concerned, including the planter. He considers that it is an anomaly to retain an elaborate special law for four districts in the whole of India, and he would fix a date three or four years hence when the special Act should be withdrawn. The Committee are of opinion that the suggestion is one which might well be acted on. It would give the Industry time to organize its labour on a new footing; it could accustom itself to doing without the penal contract and the special and intricate system of control over labour which the latter involves. The Committee have recommended a modified system of recruitment through garden sardars, on condition that labour is imported free of an Act contract, and they have proposed the abolition of the local contract in Assam. Both these steps should help to bring about a change, and they believe that within a few years the result of the change will be such as to make it possible for the Act to be withdrawn. It may be difficult to specify an exact date for the withdrawal of the Act, but the Committee are inclined to think that five years would not be too short a period to fix for the purpose.

Free emigration
when Act is with-
drawn.

241. The question may be raised of whether it will still be possible when the Act is withdrawn to do without control over emigration in the recruiting districts. The emigrant could still be brought to Assam under an agreement under Act XIII of 1859 or section 492 of the Indian Penal Code. It is not to be expected that employers will give up every form of contract, although in the matter of attracting labour it would, the Committee believe, be to their

best interests to do so. It could not, therefore, be said that the labourer would be free in the sense that the labourer in the Duars is free. But as will presently be pointed out, the use of these forms of agreement does not confer upon the employer so effective a hold over his labour as to enable him to detain against his will a coolie who has been fraudulently recruited. And this would appear to be the best security that abuses in recruitment will eventually disappear. There can be no doubt that hitherto owing to the influence of Act VI the labourer, whether under an Act XIII agreement or under no agreement at all, has often been treated as if he were bound by a contract under the Act. Once this impression has disappeared, it may be expected that matters will right themselves and that the way will be clear for the removal of restrictions on recruitment.

242. At the same time so long as the planter is willing to pay a price to a contractor who undertakes to supply him with coolies, there will be some danger of ignorant persons being beguiled. The feeling in the recruiting districts is that it would be unsafe to at once sweep away all control over the recruitment of labour, even if the penal contract were abolished in Assam. It would certainly be against the interests of the Tea Industry and of the Province, if anything in any way approaching the state of affairs which existed in the recruiting districts in the nineties should again recur; sooner than have this happen it would be better that some supervision over emigration should be retained. Much will depend on how matters shape in the meanwhile. If sardari recruitment on the lines recommended by the Committee meets with success, and if confidence in Assam is restored in the recruiting districts, there appears no reason why, under the new conditions in the labour districts, emigration should not be left uncontrolled. If, however, Assam has still to depend largely on the contractor, it may be advisable to retain some measure of supervision; the Industry may itself ask for this to be done, as the presence of the contractor might interfere with sardari recruitment. The matter is one which must be left for decision when the time comes. All that the Committee desire to point out is that, while the withdrawal of the Act as regards the labour districts would be for the best interests of Assam, and while its withdrawal in the recruiting districts is certainly the object to be aimed at, it may not be all at once possible to relinquish all supervision over emigration in the districts from which Assam draws its labour.

- (c) WHETHER, IF THE ACT BE WITHDRAWN, A NEW ENACTMENT GOVERNING EMIGRATION INTO THE UPPER ASSAM VALLEY WILL BE REQUIRED. IN THIS CONNECTION IT SHOULD BE CONSIDERED WHETHER ACT XIII OF 1859, EITHER IN ITS PRESENT FORM OR WITH MODIFICATIONS, WOULD BE SUITABLE.

243. The Committee have above recommended that Act VI should not at present be withdrawn from the Assam Valley. If it were withdrawn, the majority of employers in the Valley would not be satisfied with any new enactment which did not contain provisions for the control of the labour force, differing but little from those of Act VI. Many have asked that facilities for the arrest of absconders should be provided, and there is a general desire that the conviction of a labourer for failure to carry out his agreement should not operate as a release. The Committee, holding as they do that the hope for the Industry lies in the direction of free labour, do not consider

New enactment
not required.
230.

that any object is to be gained by changing one penal law for another. It would not help to advance the interests of emigration to Assam and would be a set-back to the prospect of attracting labour to the Province.

Act XIII of 1859.

244. In Chapter X of their Report the Committee have discussed the operation of Act XIII of 1859. The Act is in almost universal use in the Surma Valley, and although it has admitted defects, it may be said that it meets with acceptance among the great majority of the planters. It is being more and more used in the Assam Valley especially for renewal of agreements with time-expired labourers. The Committee are on the whole favourably impressed with the working of the Act. Its chief virtue lies in the wide discretion which it gives to the Magistrate to deal fairly between the employer and the labourer. It affords sufficient protection to the former in cases of gross dishonesty on the part of the labourer. And at the same time it gives the labourer the opportunity of pleading reasonable excuse before the Magistrate for not fulfilling his agreement. The Committee believe that, when dissociated from the influence of Act VI which has given it a greater moral effect over the labourer than it could have without, the Act will be found to be a fair enough bond over the coolie. The latter is not likely to forego the custom which has grown up of asking for a sum down at the commencement of the year. And so long as he does so, it is reasonable that the employer should be able to obtain redress, if the coolie wilfully and without proper cause fails to carry out his agreement. The Act is not popular with many employers in Upper Assam, who consider its provisions not sufficiently stringent. This is perhaps the best proof that it presses lightly on the coolie, and that it affords a form of contract which places the latter in a position where he can assert his rights. It is for this reason that the Committee would leave the Act to stand as it is. The day when labour on the tea gardens will be as free as it is in other industries is probably far distant. Until then, the best thing for all concerned is that the knot which ties it should not be very firm.

Section 492, Indian Penal Code.

245. Section 492 of the Indian Penal Code is also used for the engagement of new coolies in the recruiting districts. If the coolie breaks his engagement, he can be imprisoned, but his employer has then no hold over him. There is also the difficulty of proving the contract, if the coolie refuses to admit its execution. Employers will probably still continue to use this form of indenture, although from the point of view of many of them it is open to the same objection as the agreement under Act XIII, in that the coolie can only be punished for breach, he cannot be sent back to work on the garden.

(d) WHAT MEASURES SHOULD BE ADOPTED IN ORDER TO RENDER SERVICE IN THOSE DISTRICTS MORE POPULAR, TO REMOVE THE ABUSES WHICH NOW EXIST AND TO PREVENT THEIR RECURRENCE.

Freedom of labour and increased attractions.

246. The two essentials to popularity of service on the tea gardens may be summed up in the words, freedom and attractiveness. The suggestions which the Committee have to make can only be regarded as palliatives, until such time as the Industry comes to see that the freedom of the labourer is the most certain means of drawing people to Assam and keeping the labour force contented on the gardens. The Committee recognize that any modification of the present system must be gradual, it is not to be expected that a

fundamental change in the management of tea garden labour can be brought about in a day. And the recommendations which they have to make are all in the direction of facilitating the transition to a less rigid system and of enabling the planter to adapt himself to the altered conditions. The Committee will now mention in detail the measures which they would recommend in order to attain the object in view.

The Greater Freedom of Labour.

247. It has been said above that one of the great deterrents to emigration to Assam is the penal contract. There is a strong feeling in many parts of the labour districts that the Act contract is absolutely necessary for the retention of labour, particularly in the case of emigrants recruited by contractors. The Committee propose to allow emigrants recruited both by contractors and by garden sardars to be placed on contract. But there should be no relaxation of the recruitment provisions of the law, in the case of people from whom the employer demands a contract; they should continue to be placed before an officer in the recruiting districts who should satisfy himself that they understand the nature of the step they are taking and the conditions on which they are going to Assam. It is also considered essential that the emigrant should be placed on contract in his own country; there should no longer be the fiction of taking him to the labour districts "free," and demanding a contract from him the moment he gets there. The Committee, therefore, recommend* that the provisions as to local contracts, Sections 118 to 121 of the Act, be withdrawn by notification under Section 221. The withdrawal of these sections will prevent the re-engagement of time-expired labourers under an Act VI contract. The evidence recorded by the Committee goes to show that the sections are gradually falling into disuse for this purpose, and there is a general feeling that, in so far as old coolies are concerned, the necessity for the retention of these provisions hardly arises.

Local contracts to
be withdrawn.
202-212

248. In the case of new emigrants the power to enter into a contract under the Act in the district of recruitment is left to the employer. The Committee do not consider it necessary to make any recommendation as to the reduction of the maximum term of contract, which is fixed by the present law. It is always optional with the employer to ask for a contract for a less term than four years. But if he consults his best interests, the Committee believe that he will come to dispense with the contract in the case of persons recruited through garden sardars. For emigrants of a really suitable type recruited in this way it is in many quarters conceded that a contract under the Act is hardly required. If the sardar brings up people of his own class, with whom he is acquainted and who are ready to accompany him, it is safe to take it that they will be perfectly willing to stay with him on the garden if they are comfortably off there. The Committee would strongly urge upon employers not to demand a contract from persons of this class. With a view to encouraging this, they recommend that the provisions of Chapter IV be relaxed in the case of emigrants who are not placed under contract. The emigrant will not be placed before a Magistrate, and the control of recruitment will be left entirely in the hands of the Local Agent appointed for the supervision of the sardars. The hope for emigration to Assam lies in properly conducted sardari recruitment, and the Committee are desirous that every thing possible should be done to facilitate this form of emigration.

Better prospect of
emigration if
contract foregone.

* Mr. Gordon concurs in this recommendation conditionally. See Note of Dissent.

249. The employer may still enter into an agreement with the intending labourer under the ordinary law (Act XIII of 1859 or Section 492 of the Indian Penal Code). He will be well advised to resort to this course as little as possible. No industry down-country would think of taking such an agreement from persons it wishes to engage. Admittedly the circumstances of the tea gardens are to some extent different; labour has to be imported to a distant region at great expense, and the planter is apprehensive lest the labour he has paid to import should leave him. The Committee will presently consider a suggestion which has been made as to remedying this difficulty, and which, if it can be given effect to, should enable agreements of all kinds to be dispensed with.

Right of private
arrest to be with-
drawn.
213—216

250. In Chapter IX the Committee have put forward reasons for withdrawing the right of private arrest of absconding labourers, which employers possess under Sections 195 and 196 of the present Act. They have shown that the effects of this power are felt in the recruiting districts; the sections themselves may not be generally known, but it is thoroughly appreciated that in Assam the labourer is not free, and the feeling has had much to do with the unpopularity of emigration. It is again certain that the right of arrest has been abused, the provisions of the Act requiring production of the arrested absconder at the Police station have not been complied with and the safeguards which the law has provided for the protection of the labourer have remained a dead letter. It is perhaps inevitable that this should be the case, and the Committee consider that the power should no longer be continued to employers. It is in the real interests of the latter that this should be done; it will make for the contentment of the labour force, and it will remove from the labour districts the reproach that in them alone in the whole of India should such a power be possessed by an employer over his work-people.

Indemnity for loss
of imported Labour.

251. This brings the Committee to the consideration of a proposal which has been made for the protection of the employer who has paid for the importation of labour. Of recent years the tendency has been for the cost of importation to increase, with the contraction of the supply and the competition of other industries in the fields in which Assam recruits. There appears to be no possibility of new fields for emigration being found, and the only course open to the planter is to tap a fresh supply of labour by offering different terms. In the opinion of the Committee there is every reason to believe that there are people willing to emigrate as free labourers, who are not willing to execute a penal contract. But the cost of importing such would still be considerable, and many employers hesitate to incur expenditure on bringing up free labour so long as it is possible for the newly imported immigrant to move off to another garden which tempts him with the offer of a bonus. It was this consideration which rendered the Act of 1873 fruitless; it was hoped that under the provisions of this law the free recruitment of free labour would spring up. The hope was doomed to disappointment; the planter would not pay for a coolie who was not bound by a contract to serve on his garden.

252. There are signs that the attitude of employers in some parts of Assam is changing in this respect. But generally speaking there is a strong feeling against the enticement of labour—all suggestions for the substitution of a new law for the present Act have dwelt strongly on the necessity for providing penalties against enticement and the fear is expressed that the grant of greater freedom to the coolie will hit the employer who regularly imports people from down-country. The cost of importing labour into Assam is

enormous, and it is fair that the expense should be shared by all employers of imported labour. In the Duars this is secured by voluntary agreement amongst employers, and the ideal would be to see a similar arrangement come to in Assam. From what the Committee can learn, however, there seems no prospect of any effective voluntary agreement being adopted. They therefore put forward the suggestion that the Legislature should step in and secure what cannot be secured otherwise. The proposal is a novel one, but in the opinion of the Committee nothing will do more to encourage the employment of free labour and finally rid Assam of the trammels of the special labour law. At present things proceed in a vicious circle; the effect of Act VI is to diminish the labour supply; the shortness of the supply makes the coolie expensive; and the high cost of labour is made the excuse for retaining the Act.

253. The suggestion is therefore put forward that provision be made by law for the recovery of the actual importation expenses, subject to a maximum to be fixed, of a labourer who has within a certain period left the service of the employer who imported him, from another employer engaging him within such period. There should be a maximum limit prescribed to the amount which should be so recoverable and there should be a limit to the period during which the importing employer should have a claim to recovering the expenses or a portion of the expenses of importation. To be effectual the period should not be a nominal one, and the Committee would suggest that it be put at four years, the duration of the present Act contract. They would fix the limit of importation expenses at Rs80, if the coolie is taken on by the new employer within one year of his arrival in the labour district, Rs60 if within two years, Rs40 if within three years and Rs20 if within four years of his arrival. The amount might be recoverable on application to a Magistrate, who after such summary enquiry as may be necessary, should assess the amount payable and fix a date for payment, recovery being made by warrant in the event of failure to pay.

254. The effect of such a provision would be that the newly imported labourer would be free at any time to return to his country if he did not like Assam. The Committee would also allow him to take employment outside a tea garden. The law should apply only to employers of labour as defined in the Act of 1901. Other employers, contractors and the like, do not ask for any law for the retention of their labour or for indemnity against loss of the expense of importing it. And they should not come under any disability, merely because the planter wants to be protected against himself. The Committee admit that the suggestion is not altogether free from objection. It may not find favour with the planter, whose chief object is to get back his coolies. And it imposes a certain amount of restriction on the movement of labour and may thus be regarded as a retrograde step. Were there any possibility of the matter being arranged by agreement amongst the planters themselves the Committee would not have suggested its being legalized. It is the belief that this is not possible and the consideration that one of the greatest checks on the freedom of labour is the strong feeling against what is known as "phuslaing"—the expression used to cover the engagement of coolies from another garden, even though they may not have been actually enticed—that has led the Committee to recommend the recovery of compensation being embodied in the law. If this is done, the Committee do not anticipate that many cases will be brought into Court; the matter will ordinarily be privately settled. It is even possible that were the practice of paying compensation

Other employers.

for coolies from another garden once established, the lot of the labourer under an Act VI contract might be lightened; the employer might be often willing to accept compensation and allow such labourers to change their garden in preference to retaining an unwilling and discontented worker. It remains to add that, if it is decided to abolish Act VI after a certain term of years the suggestion which has been made might be carried into effect by passing a local Act. The matter is not one which is necessarily connected with the present labour law, and the special circumstances which attend the importation of labour into Assam might be taken to justify the grant of a power of summary remedy on some such lines as the above to the importer.

Attractions to Labour.

Material condition
of Labourer.
153, 154.

255. The Committee will now proceed to consider the attractions which are at present offered by Assam, and the measures which might be adopted to enhance these. They would state generally that they were satisfied with the material condition of the labourers on the gardens, and from the evidence recorded it is clear that there has been an improvement in many respects in the way the coolie is treated in recent years. As an important employer told the Committee: "There is no doubt that now-a-days the coolie is much less harassed about turning out to work at fixed hours, about keeping cattle near houses and in other ways than used to be the case. He is humoured as much as possible and everything is done to make him comfortable and contented, and it is to our interest to see that this policy is steadily pursued." The same movement has been in progress throughout the labour districts and it may be said that increased attention is being paid to the consideration of what the coolie himself likes rather than to what the employer thinks best for him.

256. The labourer is well housed and elaborate precautions are nearly everywhere taken for securing him a good water-supply. He obtains firewood free of charge and he has free grazing for his cattle. The hospital arrangements on most gardens are good, and on some they are excellent. The work which the coolie has to perform is light; it is a common occurrence to see coolies returning at ten o'clock in the forenoon after completing their tasks for the day. On the question of the wages the coolie receives the Committee will presently have some remarks to offer, but the impression they formed is that he can live well on what he earns and that the ordinary labourer is certainly better off than he would be in the back tracts of the down-country districts which he has left behind. A feature on every tea-garden is the number of live-stock possessed by the labourers. Cattle, goats and poultry are everywhere in evidence. A visit to a bazaar on the market day shows that the coolie is able to make purchases which would be quite beyond his purse in his own country. The Committee would in this connection refer to the evidence of the Rev. Dr. Nottrott (No. 24) and the opinion of the Rev. Mr. Brock recorded in the evidence of the Collector of Nellore (No. 135) as to the impressions which these gentlemen had formed regarding the lot of the coolie in Assam.

The wage.
47, 51, 155, 156.

257. The Committee have recorded very full opinions as to the wage offered on the tea-gardens, both from witnesses in the recruiting districts and from the employers of labour. The views taken by these two classes are naturally divergent. It is strongly held by the great majority of the persons examined in the recruiting districts that the wage offered by Assam is insufficient. The

planter on the other hand considers that the coolie is sufficiently paid. There is much to be said for both these views. In the recruiting districts people only consider the actual Act wage ; practically nothing is known about the coolie's being able to earn extra money for overtime ; and the fact that wages in Assam have stagnated, while down-country they have almost everywhere risen, is held to be a strong argument for raising the pay of the coolie. The published reports have also not put clearly before the public the wages actually earned on the gardens. The planter on the other hand sees that the coolie is comfortably off, his work is not heavy, and he earns extra pay at certain seasons of the year. The Committee will now record the opinion they have formed on this much debated question.

258. The wage fixed by the present Act was laid down in 1901 after prolonged debate in the Legislative Council. The initial wage was retained at R5 and R4 for men and women, respectively, for the first year, but was raised to R5-8 and R4-8 for the second and third years of service ; R6 and R5 continued to be the wage offered in the fourth year. The new rate of wage for the second and third years was not brought into force until the 1st of April 1903. In practice some gardens pay R6 and R5 from the commencement, and many employers are prepared to see the initial wage raised to R6 and R5. In the Lakhimpur district this is generally accepted. The time-expired labourer gets R6 and R5 *plus* a bonus usually equal to another rupee per month. In Sibsagar, where the country is more opened up and the coolies' surroundings more congenial, the general practice is to pay the time-expired labourer R5 and R4, the difference between this and the final year Act wage being paid in the form of a bonus. In this district the view is mostly held that the initial wage can hardly be raised, unless importation charges are reduced. In Nowgong the planters examined by the Committee have no objection to the pay being raised to R6 and R5. In Darrang there is more opposition to raising the wage. Some employers think it unnecessary, and others say they cannot afford it.

Local rates.

259. The Committee believe that there would be no great objection on the part of employers to the initial Act wage being raised to R6 and R5. It is being recognized that circumstances are changing in the recruiting districts and it is felt in many quarters that the opposition to the increase in the statutory wage in 1901 has told against the Industry. The Committee do not wish to go over the arguments that were then used on both sides, but it should be taken into account that many people believed that the coolie who emigrated to Assam was being rescued from starvation in his own country and that in these circumstances it was not the time to talk of giving him better pay at the expense of a depressed industry. Times have changed since then, and a perusal of the evidence which the Committee have recorded in the recruiting districts will show that in many parts from which Assam used to draw its labour, the wage at present offered is no attraction to the labourer. It is of no use saying that the planter provides the coolie with extras which should count in lieu of wages. This is not considered, and will not be considered, by the person who is being asked to emigrate. Unless the Industry is prepared to offer an increased wage, it will find that many of its recruiting grounds will become drier year by year. It is not that the coolie does not do fairly well for himself on what he at present gets. The Committee have nothing to say as regards this. But unless the money inducements held out to him are improved, he will be less and less ready to leave his country.

Offer of higher
wage advisable.

CHAP. XI

PARAS.

260—263.

Considerations for
and against amend-
ing the Act.

118

260. This fact must be recognised by the Industry, if it hopes to attract labour to Assam, and the Committee would strongly recommend employers to at once make up their minds to raise the initial wage to R6 and R5 in order to help to attain this object. The question remains if whether the minimum wage prescribed in the Act should be raised. Stated as a *minimum* the Committee do not believe that the wage is in itself unfair; with the extra earnings the coolie receives it is sufficient to keep him in fair comfort. Considering that the wage was introduced as recently as 1903, they are not prepared to press for its being now raised. The chief objection to its remaining as it is, is that the mention of a minimum wage in the Act tends to stereotype the pay of the coolie all over the labour districts. There would also be a certain amount of unfairness in allowing an employer to take advantage of the minimum wage and bring the emigrant up under a contract on this wage, when another employer offers better terms to an emigrant who is engaged without a contract at all. These are arguments in favour of altering the law.

261. On the other hand the abolition of the arrest sections may be expected to re-act on the wages offered on the gardens. It will be more difficult to retain a coolie who is dissatisfied with what he is paid, as compared with the earnings of his fellows on another garden. The Committee believe that the greater freedom gained by the labourer will automatically affect the pay offered on unfavourably situated or unpopular gardens; competition will come into play, and unless such a garden makes it worth the coolie's while to stay, it will have difficulty in retaining its labour. One of the most pronounced features of the Act as it at present stands is the way it enables a bad garden to retain its labour on the same terms as a good one. The natural thing would be to see the coolie on such a garden compensated for the greater risk to his health or the increased irksomeness of his surroundings by the offer of a higher wage. The Act stands in the way of this and the Committee consider its effect in this respect to be one of the worst results of the special labour legislation.

Further sugges-
tions as to the
wage.

262. In saying that they are prepared to allow the minimum wage to remain as stated in the Act, the Committee have been actuated by the consideration set forth at the commencement of the preceding paragraph. They also trust that one effect of what they have said as to the dislike to the penal contract will be to lead the planter to dispense with such contracts. Under the circumstances they do not wish to press for amendment of the law. They would advise the employer to adopt two courses in placing the wages he is prepared to pay before intending emigrants in the recruiting districts. The pay should be stated in the terms of a daily wage, as well as a monthly wage. Several people have spoken as if the coolie were hardly treated in being taken to Assam on the offer of a monthly wage. It is thought that he can always earn this by the display of ordinary diligence, and that occasional absence from work should not result in his monthly pay being out. It is thought in short that he is a monthly, and not a daily, labourer. Again many employers are prepared to guarantee double pay to any labourer who cares to work overtime during certain months of the year. This should be prominently placed before the intending emigrant, as also should the fact, in the case of families, that the planter guarantees employment and pay throughout

the year not only to the head of the family but to all its working members. This fact is often forgotten when speaking of the earnings of the coolie in Assam.

263. The Committee in Chapter IX of the Report have discussed the question of offering land to emigrants as an attraction to service in Assam. This is a point to which they attach the very greatest importance. Nothing could be a more certain magnet to draw the landless labourer to the country. The policy in the past has not generally been in favour of allowing the tea garden coolie to settle on land, especially outside the garden grant. There has been the constant fear that his services would be lost to the garden. Time-expired coolies have taken up land in Assam, but the area hitherto settled with them, 112,000 acres according to the last published report, is comparatively trifling considering the extent of immigration. In no other part of India, it is believed, would progress in this respect have been so slow; the policy elsewhere is to help the new settler by the grant of a revenue-free term and encouragement is given to the breaking up of waste land. In Assam the case has been different; the grant of a revenue-free term has been withheld except in special tracts as a rule at a distance from the tea areas. In addition to settlers on Government land, there are numbers of coolies who have taken to cultivation under the ordinary land-holders, paying rent at the usual rates in force in the locality.

Offer of Land.
193—200.

264. More particularly of late years there has been, however, a movement in favour of allowing coolies to take up cultivation on rice-land included within the garden grant. It may be that at the busiest season of the year the planter has to give the coolies leave for attending to their crops, but this drawback is made up for by his labour being more settled, and it is being generally recognized that it is greatly to his advantage to let his coolies take up land in this way. The profits from cultivation are also an important addition to the coolie's earnings. There are unfortunately many gardens which have no land which can be given out to the labourers, but every garden that has land should use it for the purpose. The Government of Eastern Bengal and Assam has recently proposed the grant of land on special terms to gardens for the purpose of settling their coolies. The proposal, it is understood, has not been altogether favourably received by the Assam Valley Branch of the Indian Tea Association. The Committee are not in a position to discuss the details of the proposal and the objections put forward to it, but they would strongly urge on employers the advisability of taking up land where it is available and coming to terms with the Government on the subject. Even if the land is at some distance from the estate, it is better to have it than none at all; the coolie has plenty of time in the day, and he would not mind walking a certain distance to his work, if he were comfortably settled on his own plot of land.

Settlement of
Coolies on Garden
grant.

265. The Committee do not suggest any alteration in the terms on which land is available for settlement by time-expired coolies outside the estate grants. They recognize the difficulties which have beset this question in the past—difficulties which, with the continued scarcity of labour, are still to the front. The suggestion has been put forward that, in order to attract labour to Assam, the offer should be made of the grant of land with a revenue-free term to any person who has served for a number of years on an

Terms for time-
expired Labourers.

estate, and a term or seven years' service has been mentioned in this connection. The Committee are inclined to believe that such an offer would be too remote to prove an attraction. There is further the difficulty that the planter never wants to part with his labour, and that he is hardly likely to make the offer, but employers wishing to try the experiment should be given the opportunity of doing so. There is no question that the coolie prefers to settle on land which is absolutely his own, and with a freer flow of labour to Assam the offer of better terms for settlement to the ex-coolie might come to prove a general attraction, once the prospect became widely known. But till then every opportunity should be taken of giving the labourer land belonging to the garden. The plan has been tried with distinct success by Mr. Winsland (No. 213) in Lakhimpur, and the evidence of Mr. Bradish (No. 34) who superintends recruiting for the gardens of which Mr. Winsland is in charge, shows that the offer of land has had a stimulating effect on emigration.

Emigrants to keep
in touch with their
country.

266. A constant complaint in the recruiting districts is that practically no one who goes to Assam ever returns. The emigrant goes on an agreement to serve for four years, but he does not come back at the end of this time, and nothing is ever heard of him once he gets to Assam. This has rendered emigration unpopular, and questions are asked as to what has become of the people who have gone to the province. In Assam the answer is given that the coolie is too well off in his new home to want to get back to his country, and the Committee believe that in the great majority of cases the answer is probably correct. But they consider that it is a short-sighted policy not to encourage the emigrant to keep in touch with his country. He should be induced to communicate with the people he has left behind as much as possible. Many gardens are fully alive to this and provide for letters being sent by coolies to their friends. The Committee would also recommend that coolies should be allowed to return more freely to their homes. The suggestion has been made that repatriation should be provided for in the law, and that it should be a condition of the contract that the coolie should be sent back to his country after he has served his term. The Committee are of opinion that there would be difficulty in carrying out such a plan. In the first place it would be impossible to insist on sending back a person who did not want to go, and if any option were left, there would be the danger that the coolie might not be given his choice in the matter. It would be necessary to provide that the Inspector or Magistrate should see that the offer of repatriation was fulfilled. The Committee are averse to adding a further provision to the law, which would call for the interference of the executive authorities; their recommendations are all in favour of hastening the time when the relations between employer and labourer will be free from such control. If also the suggestion to forego contracts under the Act is generally acted upon the question of providing for repatriation by law ceases to be of much importance. It is always open to the individual employer to make repatriation a condition in the engagement of his labour, and the Committee believe that the offer of such a condition would often be successful in giving the emigrant confidence in going to Assam.

Repatriation
considered.

Grant of Leave.

267. What the Committee would like to see adopted as a general practice is the free grant of leave during the slack season to well-to-do coolies to re-visit

their homes. It would do much to remove the existing prejudice against Assam in the recruiting districts and it would be in the best interests of the employer to pay the fares of such people going and returning. It is almost universally accepted that there would be no difficulty about coolies who are granted leave failing to return. Employers should not consider the question of these people bringing others up with them. Do not let them be looked upon as garden sardars. The return of emigrants as sardars is not regarded in the recruiting districts in the light that the return of the free coolie would be. The sardar comes down with an object; what is wanted is the return of emigrants on their own account. If the coolie on leave wishes to bring back his friends, he can always apply to the Local Agent; the Committee believe that there would be nothing to prevent the Local Agent sending the coolie and his friends up to Assam in charge of a sardar from a neighbouring estate, if one from his own estate is not available, provided it is not intended to put the new people under contract.

268. It has been objected to the proposal that the coolie should be freely allowed to visit his country, that he is constantly interfered with by the Railway and Police subordinate officials and that he stands the chance of being snapped up by a contractor's recruiter and sent off to some other garden. The interference of the Police is part of the price which Assam pays for its system of indentured labour. The Committee are certain, however, that cases of undue interference have only to be brought to the notice of the district authorities to ensure that every effort is made to put a stop to them. It would be well if every coolie proceeding on leave were supplied with a leave pass from the garden to prevent his being molested, and instructions might be issued by Local Governments with a view to such passes being respected. With regard to interference by recruiters, the Committee propose that all contractors and recruiters for Assam emigration should be licensed, and any tampering by these people with coolies on leave should result in the prompt forfeiture of their licenses.

Danger of interference with coolies on leave.

269. Believing as they do that nothing will conduce to a freer flow of labour towards Assam than the steady coming and going of people between the Province and the down-country districts, the Committee would draw special attention to a proposal which has been put forward by the Assam Bengal Railway Company, as to the grant of cheap return tickets to coolies proceeding on leave to their homes. The Committee had an interview with Mr. Cooper, the Traffic Manager of the Railway, at Shillong, and an account of the Credit Note system of railway passes which has been introduced by the Railway and of the rates it is proposed to charge, will be found at pages 204 to 209 of the Committee's Proceedings. The Assam Bengal Railway in conjunction with the East Indian Railway have arranged to carry the garden sardar and the emigrants accompanying him at the rate of one and a half pies per mile. Coolies returning to their homes for good on the expiry of their term of contract are also given the reduced rate of one and a half pies for the journey. But the proposal is now made that cheap return tickets should be issued to coolies returning on leave at the rate of one pie per mile. The tickets would be valid for three months, and could be used by garden sardars who are likely to return within this time. If they are to overstay the three months, they would travel at the single fare of one and half pies. The Committee would strongly recommend the adoption of these fares on the Railways in North

Cheap Railway tickets.

Eastern India over which people are carried going to and coming from Assam. If the country is to be speedily opened out and if a return is to be earned on the vast capital sunk in the construction of the Assam Bengal line, the concession proposed is one in the interests of Government as well as of the Tea Industry. A map has been prepared showing the large extent of the tea producing areas in both Valleys served by the Assam Bengal Railway; the prosperity of these tracts means the prosperity of the Railway. North of the Brahmaputra the tea estates are served by the River Steamer Companies. The latter have given a concession which enables the garden sardar or the time-expired coolie to travel from any station in Assam to Goalundo for Rs. 3-8. For the coolie returning to his country on leave this concession might also be allowed and cheap tickets issued in conjunction with the Railway Companies.

Special carriages
on the railway.
138.

270. For the convenience of persons travelling to and from the tea gardens, special carriages are provided by the Railway Companies from as far down as Bilaspur. The Committee have also suggested that a through carriage should be run from Cuttack to Naihati three times a week during the emigration season. There should thus be little difficulty in coolies who are returning to Assam finding their own way there, more particularly if at the principal junctions a member of the Railway staff is told off to see that persons travelling in the emigrant carriages are looked after. This small service is one which may perfectly well be asked for from the Railway Companies and which they would be no doubt ready to accept. Arrived at Goalundo the passenger is taken charge of by a representative of the Assam Bengal Railway if he is travelling *via* Chandpur, and the rest of his journey should be an easy matter. If he is travelling by steamer to Assam, he should have still less difficulty in finding his way.

Discipline on
Tea-Gardens.
149—152.

271. Reference has already been made to the generally easier conditions which now prevail in the tea districts in respect of the management of labour. The further this policy is pursued, the greater will be the contentment of the labour force and the more popular will service on the gardens tend to become. Many gardens no longer insist on a morning muster of the coolies; they are allowed to go out to work and return when they please. Leave off work is also being more readily given. Too much insistence cannot be laid upon this point; it is a constant complaint in the recruiting districts that no matter whether the labourer be feeling unwell, he has to turn out to work all the same. This idea has been carried back by returned emigrants and has created a deep impression inimical to emigration to Assam. It is safe to say that the coolie, especially of aboriginal descent, values a life of comparative independence. He has never been accustomed to discipline. Discipline there must be amongst a large force of labourers such as are employed on a tea garden, but the less irksome the discipline is made, the more readily will labour be attracted to the gardens.

Coolie's surround-
ings should be made
congenial.
159.

272. Another point on which the Committee would lay stress is the adaptation of the coolie's surroundings on the garden to what he has been accustomed to in his own country. He is at present well housed, but the practice is to locate the labourers in regular lines, each barrack containing three or four families living in separate rooms. Nothing could be more distasteful to aboriginals than having to live mixed up with people of a

different class in this way. They are used to having their separate huts, and people of the same tribe like to form their own distinct hamlets. Everything possible should be done to indulge this taste. A garden may have spent a great deal on its lines, and it would be out of the question to at once adopt a different system; but as lines fall into disrepair or have to be rebuilt, it should be possible to give the coolie more choice in the matter of the house he is to live in. And in any case care should be taken that people of the same class are brought together as much as possible in existing lines. The Committee would like to quote the experience of Mr. Heron of Powai (No. 205) on this subject; they were particularly impressed with the excellence of the labour force on his garden. "I allow the coolies to live anywhere outside the lines they like. They build their own houses and I supply all the materials and pay them for a reasonable time while doing it. They consider this a great privilege. They can make a small vegetable garden round their huts and this has been a great success." It may be added that on this garden, which is by no means favourably situated, a considerable number of the labourers are entirely free, the result of the attention paid to humouring the likes of the coolies.

273. The attention paid to sanitation and to the maintenance of the health of the labour force generally leaves nothing to be desired. The Committee are not sure that in some cases zeal has not been carried too far in this respect; it is fair to say that this overzeal has sometimes been the result of orders passed by junior inspecting officers. In the matter of attendance at hospital, it is now being generally understood that too great insistence on this is distasteful to the coolie. Most planters are thoroughly alive to the fact that what is in the end best for the health of the coolie is leave rather than medicine, and it is on this account that general anxiety is everywhere expressed for obtaining as full a labour force as possible, so as to ensure the grant of liberal off-time to the workers.

Health of Labour
Force.

Organized Recruiting by a Central Agency.

274. The Committee have been asked whether organized recruiting by the Indian Tea Association or by some other body similarly situated would help to popularize emigration to Assam and whether it is possible that the whole business of recruitment might be undertaken by such an agency. The general opinion held by the planters in both Valleys is that any such scheme would be unworkable; there would be practical difficulties about the allotment of labourers to the different gardens; employers would raise objections if their indentments for labour were not supplied in full or if the labourers sent them were of an indifferent standard. It is certain that there can be no prospect of the whole body of employers consenting to join such an agency. Many have declared their unwillingness to do so, others are lukewarm as regards the proposal. The Committee consider that the question of forming such an agency may be left aside. It would be of practical advantage only in enabling control to be kept over the operations of contractors, but the Committee trust that reliance will come to be placed more especially on recruitment through garden sardars, and in this connection it is their desire that the individual employer should take increased interest in the engagement of labour through his sardars. He should see that the advantages which his own particular garden has to offer are put clearly before the intending emigrant, and it is believed that

Scheme of Central
Agency not
feasible.

this can best be attained if he works more on his own account and does not leave the whole business of recruitment to a central agency or association. He may generally find it convenient to make use of the agents of an established association, particularly if his sardars are working in a number of different districts, where he cannot himself supervise them and comply with all the directions of the law. But he should not be compelled to do so, as would be the case if a single agency were created. The Committee for this reason would not be altogether in favour of the proposal, even if it were feasible in other respects.

Application of the Act to other Industries.

Act should apply
only to Tea-Garden
Labour.
217—221.

275. The Committee are in favour of at once withdrawing the operation of the Act from industries other than tea. It is unsuited for the engagement of workmen required for any occupation demanding skill. For the Margherita coal mines difficulty has been experienced in importing trained miners, as such people would never submit to undergo the formalities in recruitment which are required by the law. The Act has been allowed to remain a dead letter, so far as the importation of labourers for railway construction has been concerned; had not this been so, trouble would have certainly arisen in getting work carried on. Labourers for Railway work are given good wages and readily come to Assam from many parts of the United Provinces and from the eastern districts of the Central Provinces. The whole machinery of the Act is designed for tea garden labour and the minimum wage has been fixed more particularly with reference to the sort of unskilled labour required for tea and to the conditions obtaining on the tea estates. The Committee consider that the Act should apply only to the Tea Industry, or at least to industries of an allied nature in which the conditions are similar to tea, and they would recommend its being amended so as to give effect to this suggestion.

(e) THE EXPEDIENCY, IF ACT VI BE RETAINED, OF EXTENDING THE SCOPE OF SECTION 90 OF THAT ACT.

Unnecessary to
extend scope of
Section 90.
104—106.

276. The Committee are not in favour of extending the scope of Section 90 of the Act. There is a large body of opinion in the recruiting districts that the garden sardar of the stamp usually sent down to recruit cannot be left to work free of all control. As a matter of practice, sardars are almost universally accredited to a Local Agent; without the help of the Local Agent the ordinary sardar cannot get on. The Committee would recognize this fact, and in their recommendations with regard to recruitment, which are summarized in paragraph 283 below, they have proposed that the responsibility for sardari recruitment should be placed in the hands of the Local Agent. If the emigrant is not placed under contract, registration before the Magistrate will be foregone, there need be no provision for the detention of emigrants for three days as under Section 90, and the latter can travel to Assam in the usual way without having to proceed with a special sardar, as required by clause (g) of Section 90. The Committee believe that this suggestion will fulfil all requirements, and that the plan they have recommended will come to be generally adopted.

Section 90 suited
for recruitment
through Head
Sardars.
111.

277. The necessity for amending Section 90 hardly arises, if this be done. It will still be left open to the individual planter to work under it, if he chooses. But what the section is specially suited for is the engagement

of labour to be worked on the true sardari system, which the Committee would like to see gradually introduced in Assam. They would grant exemptions from most of the provisions of the section by a notification under Section 91 (a) of the Act to any association of employers undertaking to manage the labour on their gardens through head sardars, who would form their own settlements of coolies and be responsible for their working and welfare. The principle of working through headmen or gangers is one which is adopted in most industries which regularly employ unskilled labour; it is in almost universal use in the tea districts of other parts of India and in Ceylon, and the Committee see no reason why it should not come to be eventually adopted in Assam. It offers many advantages in dealing with labour of the kind employed on tea gardens, and its adoption might go far to smooth the way of emigration to Assam.

(f) THE EFFECT OF MADRAS ACT V OF 1866 (LABOUR CONTRACTS WITH NATIVES ACT) IN RESTRICTING EMIGRATION TO ASSAM FROM THAT PRESIDENCY.

278. The question has been dealt with in Chapter V of the Report. The Committee recommend that Act V of 1866 be repealed. It was passed solely for the purpose of regulating recruitment for Assam, but is not now required in view of the fact that Act VI of 1901 fulfils this purpose; and the Committee do not believe that it can possibly be said that the Act is required for regulating emigration to any other part of India. If the Act is not repealed, it will still continue to govern recruitment for the Surma Valley districts, when Act VI of 1901 is withdrawn. These districts will then be in a worse position than the districts of the Upper Valley as regards the engagement of labour in Madras, and it would be to their advantage to come under the scheme for sardari recruitment which the Committee have formulated for the Assam Valley. It is recommended that in the regular districts the Surma Valley be placed on the same footing in the Madras Presidency as in the other Provinces, and allowed to recruit free of control. But if the Agency Tracts of the northern districts are opened to recruitment as has been suggested by the Committee, it would be well to apply the provisions of Chapter IV of Act VI to emigration to the Surma Valley as well as to the Assam Valley. In paragraph 130 it has been explained how this may be carried out.

Madras Act V to
be repealed.
114—119.

II.—WHETHER THE WITHDRAWAL OF ACT VI OF 1901 WILL PREJUDICIALLY AFFECT RECRUITMENT FOR THE UPPER ASSAM VALLEY DISTRICTS; AND IF SO, TO SUGGEST MEASURES FOR ENSURING A SUFFICIENT SUPPLY OF LABOUR FOR THE LATTER.

279. The Committee do not believe that the withdrawal of the Act from the Surma Valley will necessarily affect emigration to Upper Assam. The two Valleys largely demand labour of a different type, and there is no reason why they should not obtain their supply more or less independently of one another. The Surma Valley specially asks for up-country labour; it has not been willing to pay the price which the aboriginal coolie has fetched of recent years. If, as is believed will be the case, the Valley still mainly confines itself to recruiting the labour which it has been accustomed to take, it will not compete with the Upper Valley in the latter's chief recruiting grounds.

Effect of with-
drawal of Act from
Surma Valley.
124.

280. But the question has been raised, and in the evidence recorded in the recruiting districts much stress has been laid upon it, of malpractices again springing up in recruitment, when emigration for the Surma Valley is freed from all control. Were abuses in this respect to become common, the effects on emigration to both Valleys might be extremely prejudicial; the dislike to service on the tea estates, which has been largely engendered by the state of affairs existing in the nineties, would be kept alive and the increased confidence which is being brought about by regulated recruitment under Act VI might be rudely shaken. It is considered that the danger of malpractices arising will be minimised, if the Surma Valley planters confine themselves to recruitment through garden sardars. In the opinion of a majority of the Committee they should be given the opportunity of working uncontrolled, in recognition of the step they have taken in asking that the special labour law should be withdrawn from the Valley. If employers will undertake not to buy coolies from contractors and if they clearly understand that such a practice may lead to Government having to intervene to exercise supervision over recruitment, it is believed that the difficulties in connection with a dual system of emigration will not be so great as many persons in the recruiting districts appear to anticipate. In view, however, of the contingency arising of malpractices having to be put down, the power should be reserved of regulating emigration in the manner described in paragraphs 128 and 129 of the Report.

281. In Chapter IV of the Report the Committee have gone at length into the question of recruitment for the Assam Valley. It has been urged in some quarters that contractors' recruiting should be abolished, and the Committee would have been prepared to recommend this step, had the necessity for retaining contractors not been strongly pressed by many employers in Assam. There is also evidence that in the recruiting districts where emigration is carried out in strict accordance with the provisions of Act VI, recruitment through contractors has been conducted in a generally satisfactory manner. They are therefore of opinion that the contractor should be retained. They have recommended certain modifications in the licensing of recruiters, so as to bring the latter more under control. They would dispense with the enquiry into the recruiter's character, which as at present carried out means practically an investigation by the Police; they would accept the contractor's nomination of his recruiters on the clear understanding that he will be held responsible for their actions. They would also reduce the fee on a recruiter's license, so as to offer less temptation to the contractor to work through unauthorized recruiters. They would give recruiters' licenses only to natives of the district; the employment of the up-country bully should be discountenanced. The Magistrate should refuse to register any person whom he believes to have been brought from a far off district in order to be got to agree to go to Assam. In the Bengal plains districts they would like to see the present system, under which all emigrants are forwarded to Calcutta there to be put under contract, modified so as to have contracts entered into in or near the district of recruitment. They believe that these recommendations, if carried into effect, will lead to improvement in the present methods of contractors' recruitment. A further suggestion which has been made is that the experiment should be tried of closing some districts to contractors' recruiting. A beginning might be made in the SantaF Pergannas, where only recruitment through garden sardars might be allowed.

282. The Committee are strongly of opinion that the districts of Lower Bengal, in which free emigration is at present permitted under Section 92, should all be brought under the regular provisions of the Act. The existence of "free" emigration, especially in the districts of Burdwan and Midnapur, has been attended by abuses differing in no way from those which were so strongly condemned in 1901. The system should not be allowed to continue.

283. The Committee are in favour of granting increased facilities for emigration conducted through garden sardars, on condition that emigrants are not placed under an Act contract. Their proposals are set forth in detail in paragraphs 99 to 103 of the Report. They would on this condition dispense with many of the provisions of Chapter IV which at present regulate sardari recruitment, in the case of all approved agencies and associations. Effect can at once be given to this recommendation by the issue of a notification under Section 91 of the Act. Practically all the garden sardars who come down from Assam to recruit are consigned to a Local Agent, whose appointment is subject to the approval of the Superintendent of Emigration. The Committee would fully recognize this fact, and make the Local Agent responsible for the proper control of the sardars working under him. If the emigrant is not to be placed under contract, he need not be produced before a Magistrate for registration, he need not have to enter anything in the nature of a depot, and there need be no restrictions placed on the conduct of the Local Agent's business further than that in cases of objections being raised to the emigration of any person, he should refer the matter for the Magistrate's orders. The Committee believe that the grant of these facilities will lead to sardari recruitment being generally conducted on these lines. It is in many respects preferable to the uncontrolled emigration allowed under Section 90 of the Act, which there is evidence to show has not been altogether free from abuse.

284. The advisability of employers and their assistants taking an increased interest in recruitment has specially impressed itself upon the Committee. They should visit the recruiting districts more freely and see that the advantages their gardens have to offer are brought to the notice of intending emigrants. The Committee would like to see the concession mentioned in the preceding paragraph given to employers who wish to work entirely on their own account, and to enable this to be done they would recommend that employers' associations for purposes of recruitment should be more freely formed, in order to enable them to take advantage of the exemptions permitted by Section 91 of the Act. It will be unnecessary for the employer visiting the recruiting districts to obtain such exemption, if his sardars, as is generally the case, are working under a recognized association already in existence. But there should be nothing to prevent groups of employers working independently, if they desire to do so.

285. In Chapter VI the Committee have dealt with the question of transport of emigrants to Assam. They consider that it would be impossible to introduce a system of transport on the lines of the Ceylon "tin-ticket" system. But there is no reason why more resort should not be had to the course, which is permitted by the present transit rules, of letting the sardar travel to Assam with the emigrants he has engaged as ordinary third class passengers. The Railway Companies already provide special carriages for the use of emigrants

CHAP. XI

PABAS.

282—285.

All recruitment to be under the Act. 75, 76.

Recruitment by Garden Sardars. 90—113.

Individual employers to take interest in Recruitment. 107—111.

Transport of Emigrants. 135—140.

from the chief recruiting centres, and there should be no greater difficulty in people finding their way to Goalundo than they do to the Duars gardens. Arrived at Goalundo they need have no trouble about their forward journey, as already pointed out in paragraph 270.

Depots and Rest-
houses. 184.

286. The recommendation has been made that in Bengal the elaborate depot-rules should not be applied to places of accommodation maintained by Local Agents. The ordinary emigrant recruited by a garden sardar should see as little of places of accommodation or rest-houses on the journey to Assam as possible. It is in evidence that there is a great deal of venereal disease among newly imported immigrants to Assam, contracted it is believed in these places where coolies of all castes and kinds are herded together. The only way to prevent this is to let the sardar and the people he has with him travel in their own way; even if they are put to possible inconvenience, it is better than that they should incur greater risks in having to be shut up for the night in places where their women folk are not free from molestation.

Appointment of a
special Officer in Re-
cruiting Districts.

287. With the object of removing misconception regarding conditions in Assam and generally supervising the introduction of the measures they have recommended, the Committee would like to see an officer deputed by the Government of Eastern Bengal and Assam, for at least one season, to visit the principal recruiting districts. They consider that this is particularly important in view of the doubts which have been expressed in many quarters as to the possibility of working two systems of emigration side by side, controlled for the Assam Valley and uncontrolled for the Surma Valley. An officer conversant with Assam would be able to help the local authorities in case of difficulties arising in this respect. He could, if necessary, follow up cases of attempts being made to pass on to Assam emigrants nominally recruited for the Surma Valley and secure that emigration to the latter is not being unnecessarily interfered with. He should devote special attention to the introduction of the credit note system of railway passes which is being brought into force, and he should do everything possible to procure facilities for sardars and their coolies travelling as ordinary passengers on the railway.

288. Such an officer might also bring himself into touch with local public opinion and do much to remove existing prejudices regarding emigration. Several missionary gentlemen have for instance expressed views favourable to forming settlements of their converts in Assam; they would be grateful for the assistance and advice of a responsible Government officer in connection with any such project. If any of these gentlemen proposed to visit Assam, he might be able to arrange for their tour in the tea districts; nothing could do more to dispel the prevailing ideas about conditions there than that persons interested in the betterment of the very poorest classes should see for themselves how the coolie fares in Assam, and they should be afforded every facility for enquiry into the state of the labourers and their surroundings on the garden. Employers visiting the recruiting districts might also refer to the special officer for advice in case of any misunderstanding arising with the local authorities. It is essential, the Committee consider, that the person appointed should be an officer of Government of some standing, who could be trusted to see that recruitment was being carried out on perfectly straight lines, and whose opinion

would carry weight not only with persons engaged in recruiting but with the officers of Government and the leaders of public opinion in the recruiting districts.

289. The Committee have in Chapter VIII of the Report laid stress on the necessity for the improvement of the birth-rate amongst tea garden coolies. They have recommended the grant of liberal leave to women after childbirth. It is of the utmost importance that everything possible should be done to encourage births and to secure that the children born are not neglected in infancy. The harder it is to obtain imported labour, the greater should be the attention paid to the natural growth and the maintenance of the health of the existing labour force.

Natural growth
of Labour Force.
177-186.

290. A matter connected with the supply of labour is the possibility of finding new recruiting grounds for Assam. The Committee do not consider that there is any prospect of new fields being tapped, with the exception of the Agency Tracts of the northern Madras districts, suggestions for opening which have been made in paragraph 122 of the Report. The conditions in the various recruiting districts have been summarized in Appendix B, and the chances of obtaining labour for the tea gardens have been estimated, so far as the information at the disposal of the Committee goes.

New Recruiting
grounds.
36.

291. The measures above recommended should all tend towards ensuring a better supply of labour for the tea estates. But they must be taken in conjunction with the recommendations made for rendering service on the gardens popular. Improved prospects as regards pay or the grant of land to immigrants must be offered, if the Industry is to compete in many of the districts from which it has hitherto drawn its labour. But of even more importance is the grant of greater freedom to the labourer and the study of what he himself would like; his life in Assam should be made as much as possible like the life he has been accustomed to in his own country. The suggestions which have been made as to emigration and as to the freedom of the labourers are by no means new ideas. Many of them were put forward by the Commission of 1868, and the Committee believe that had they only found acceptance then, the aspect of the labour question would have been very different from what it is. Circumstances have changed in the last forty years. Assam is more accessible and the country has been opened out. Several far-sighted employers are already working on the lines which have been recommended for adoption. If the Industry in general will follow the lead which these gentlemen have given, the time cannot be far off when the necessity for special legislation will disappear and Government control both over the recruitment of labour and its management on the tea estates will be a thing of the past.

Conclusion.

B. ROBERTSON.

C. H. BOMPAS.

H. GORDON.

W. MILNE.

W. M. KENNEDY.

NOTE OF DISSENT BY MR. BOMPAS.

In my opinion the Act VI contract may be abolished with advantage to the labourer and in the long run to the employer, whenever it is, considered that employers have had time to accommodate themselves to the proposed change. But I do not consider that control over recruiting should be withdrawn because the Act VI contract is abolished. I consider it essential to control recruiting so long as coolies are bought and sold by contractors. If and when the supply of labour for Assam equals the demand the occupation of the contractor will be gone and I would then and then only sweep away the whole Act.

It is not the Act VI contract alone which gives the coolie a money value; the Sylhet planter at present pays R60 and R80 for a coolie who is not put under an Act VI contract, either in the recruiting district or the labour district. I therefore dissent from the recommendation contained in paragraph 128 of the Report that free recruiting under Section 92 of the Act for the Surma Valley should be allowed experimentally consequent on the abolition of the Act VI contract in Sylhet and Cachar. The Surma Valley will still buy coolies from contractors, probably to the extent of 2,000 a year. I agree with the views which are summarized in paragraph 126 of the Report. Unlicensed contractors for the Surma Valley would be free to commit all the abuses which prevailed previous to 1901 and which still prevail in the districts where the unlicensed contractor is at present allowed to work. They would be free to interfere with sardari recruiting for both the Assam and the Surma Valleys; and the fact that a man could recruit without license for the Surma Valley would render it almost impossible to cope with the misdeeds of recruiters for Assam.

Most of the Surma Valley planters are willing and some are anxious to have the contractors for that Valley brought under control, and I believe that they are wise; for the free contractor has done more harm to Assam than any one else.

In paragraphs 130 and 278 of the Report it is recognized that the Agency Tracts of Madras, hitherto entirely closed to recruiting, cannot be suddenly thrown open to uncontrolled recruiting for the Surma Valley by contractors and garden sardars. But if the law is to be retained to meet the conditions of these tracts there are other parts, such as Chota Nagpur, which can fairly claim similar protection. It is not the contract, but the contractor, which renders it necessary to control recruiting.

If the Surma Valley planters were willing to have the Valley closed to recruiting by contractors by notification under Section 3 it might be possible to abstain from any supervision over sardari recruiting, but there is no reason to suppose that they would assent to such a proposal.

While, however, licensing all contractors for the Surma Valley I propose to reduce the control of sardari recruiting to a minimum. To attain this I am in favour of the more complete solution referred to in paragraph 100, namely, the recasting of Chapter IV of Act VI of 1901.

I favour two simple forms of sardari recruiting in lieu of the forms prescribed by the present law. Under one the control of a licensed Local Agent is insisted on, and in compensation the employer is given some summary remedies against his sardar; under the other we merely ask the employer to notify

to the Magistrate the names of the sardars despatched by him and the names of the coolies recruited by his sardars. I would prefer to see these systems embodied in the law where every one can read and understand them and whereby they would be available to all employers, rather than contained in a series of concessions and notifications in favour of particular associations. It would, of course, have been convenient to leave the law as it stands, but the Committee are unanimous in recommending some legislation, and if the law is to be touched it seems immaterial how many sections are amended, provided that the proposed legislation is of a strictly non-contentious character. I am in favour of amending the law in the manner set out in Appendix D of the Report.

C. H. BOMPAS.

NOTE OF DISSENT BY MR. GORDON.

I agree with Mr. Bompas as regards the control to be kept over recruitment by contractors for the Surma Valley. I consider it necessary that the contractor should be licensed, but I do not think that control should be retained over recruitment by sardars.

I do not agree to the proposal that the local contract should be abolished, and would retain Sections 118 to 121 of the Act, unless new legislation on the lines proposed in paragraphs 251 to 254 of the Report is undertaken. It is essential that the employer should possess some guarantee against loss of the cost of importing labour, and unless this can be secured by an amendment of the law enabling the importer to realise compensation from another employer who, within a certain period, engages the labourers imported, I consider that the right of placing the latter under contract in the labour district should be retained.

H. GORDON.

Appendices.

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

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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 Biera 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.

SINGBHRUM.

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	13,703

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 cutcherry, 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.