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BRITISH TEA PLANTERS AND THE MADRAS PLANTERS' LABOUR
LAW OF 1903: THE CREATION AND COERCION OF A MIGRATING
LABOUR FORCE IN THE NILGIRI HILLS OF SOUTHERN INDIA

by

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A thesis submitted in fulfillment of the requirements
for the degree of Doctor of Philosophy.

DEPARTMENT OF HISTORY

UNIVERSITY OF SYDNEY

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"The greatest benefactor is the pioneer, the man who turns the waste places of the earth, which had previously been useless to the human race into fruitful fields and raising the level of that population by intercourse with a set of men more civilized and better educated than itself. All this I claim the planter both of North and South India has done."

G. L. Acworth, Planting Member,
Madras Legislative Council, 1903.

"I consider such legislation especially undesirable in this country, where ignorance of the language on the part of the master often leads to seeming disobedience on the part of the servant; where a dominant race of masters is from its circumstances encouraged to exercise arbitrary power over servants, where the servant can expect but little protection from the effect of public opinion in controlling his master's conduct and where, among the lower grades of society there are masters who have not been accustomed from their youth to fulfil the duties entailed by that relationship."

Sir Charles Turner, Chief Justice,
Madras High Court, 1884.

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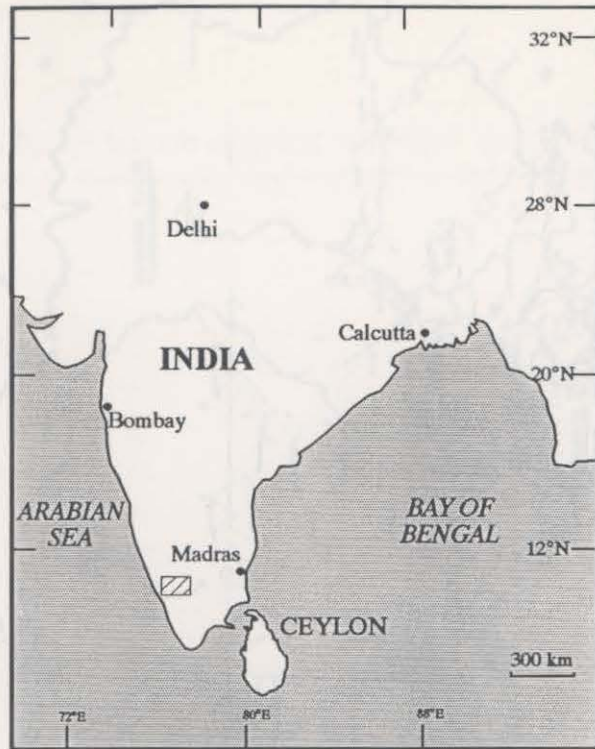
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GLOSSARY

<u>ain</u>	grass
<u>ayacut</u>	area of land watered from a given source of irrigation
<u>bhurty system</u>	land revenue system based on <u>puttas</u> which can be translocated
<u>cholum</u>	a variety of millet
<u>cole-maistri</u>	a subordinate labour contractor and overseer working under the direction of a head <u>maistri</u>
<u>cumbly</u>	a blanket
<u>dorai</u>	master
<u>kanganni</u>	same as <u>maistri</u> . The term <u>kanganni</u> was commonly used in Ceylon and Malaya.
<u>kist, kisti</u>	land tax instituted by government
<u>maistri</u>	a labour contractor and supervisor
<u>mamootie</u>	an agricultural implement akin to a broad bladed hoe
<u>mirasdar</u>	a holder of an hereditary right (<u>miras</u>) to land, particularly prevalent in Tanjore, North Arcot and Trichinopoly
<u>mofussil</u>	the countryside: the provinces as opposed to a principal town
<u>panchayat</u>	a council consisting of five or more men who attend to the common affairs of a village or caste

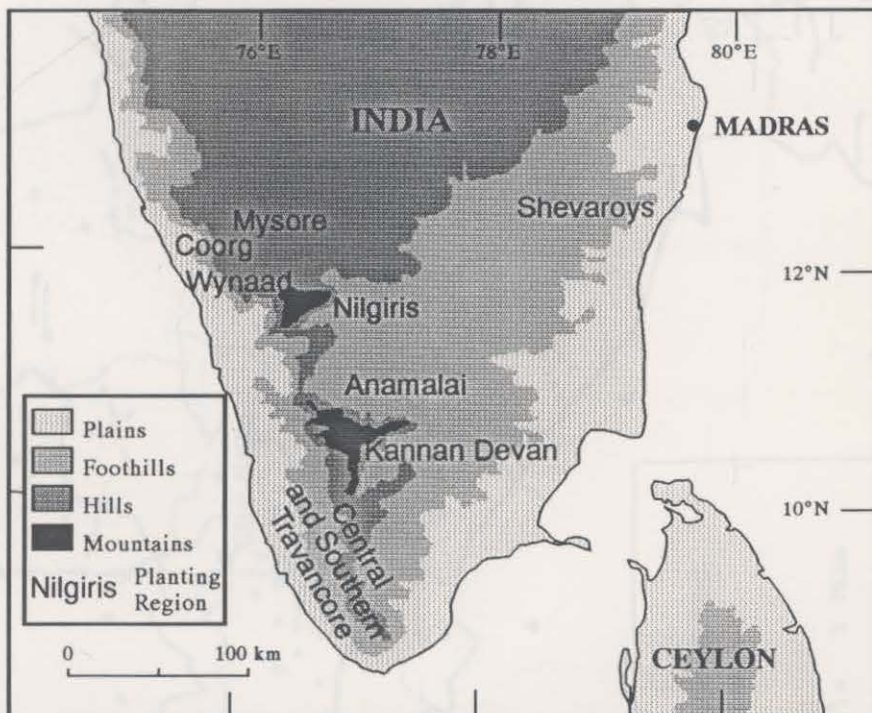
<u>putta</u>	title deed to land granted by the revenue collector to the peasant
<u>puttadar</u>	holder of a <u>putta</u>
<u>raqi</u>	a variety of millet
<u>ryot</u>	peasant.
<u>selavu</u>	part-payment made weekly to plantation labour, either in cash or in kind, against outstanding wages.
<u>shandy</u>	bazaar.
<u>taluk</u>	subdivision of a District in Madras Presidency.
<u>Tulican</u>	professional Muslim labour contractor.

MAP 1



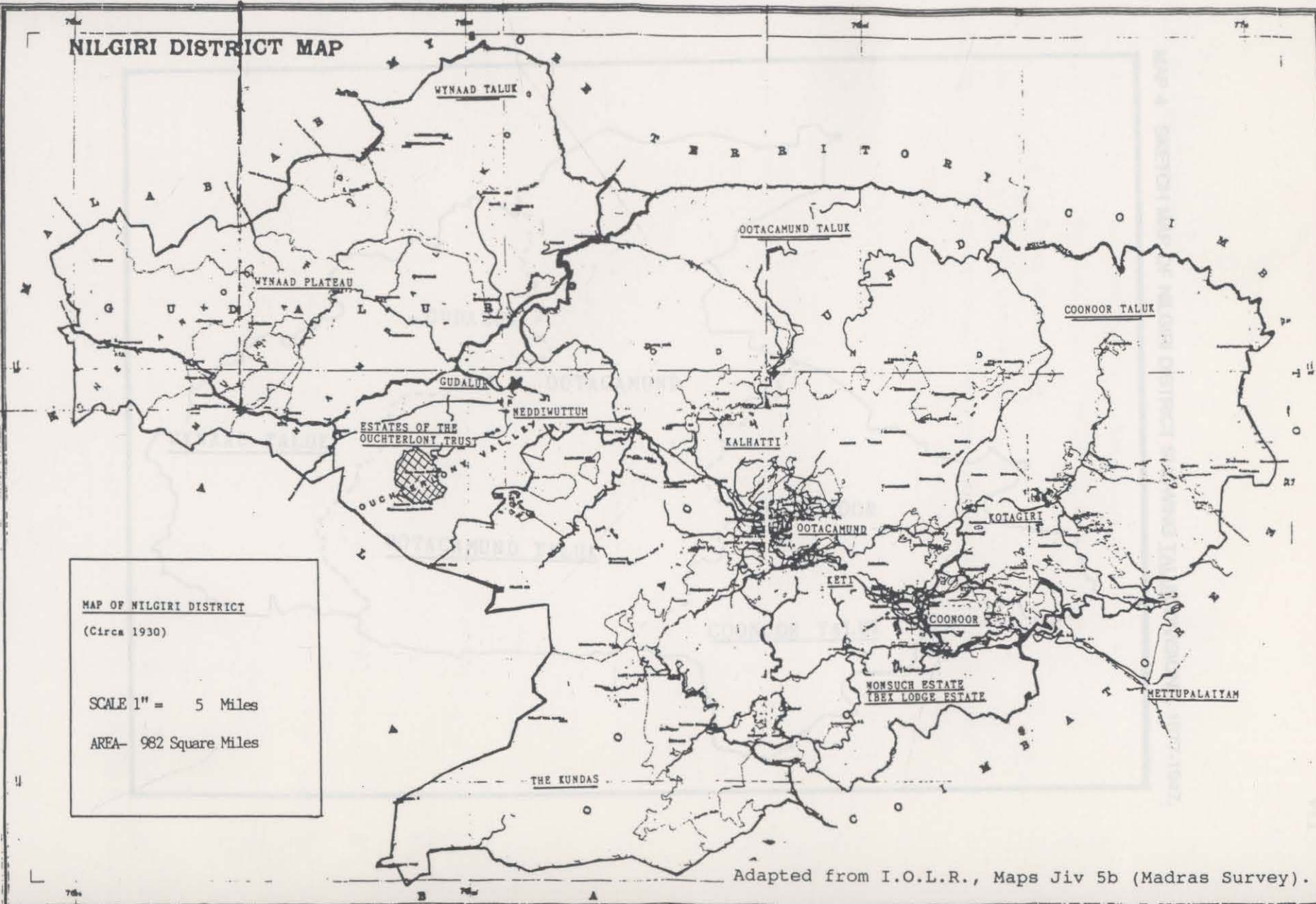
SKETCH MAP OF INDIA
SHOWING THE LOCATION OF NILGIRI DISTRICT

MAP 2



THE EIGHT PRINCIPAL PLANTING REGIONS OF SOUTH INDIA,
1850 - 1947

NILGIRI DISTRICT MAP

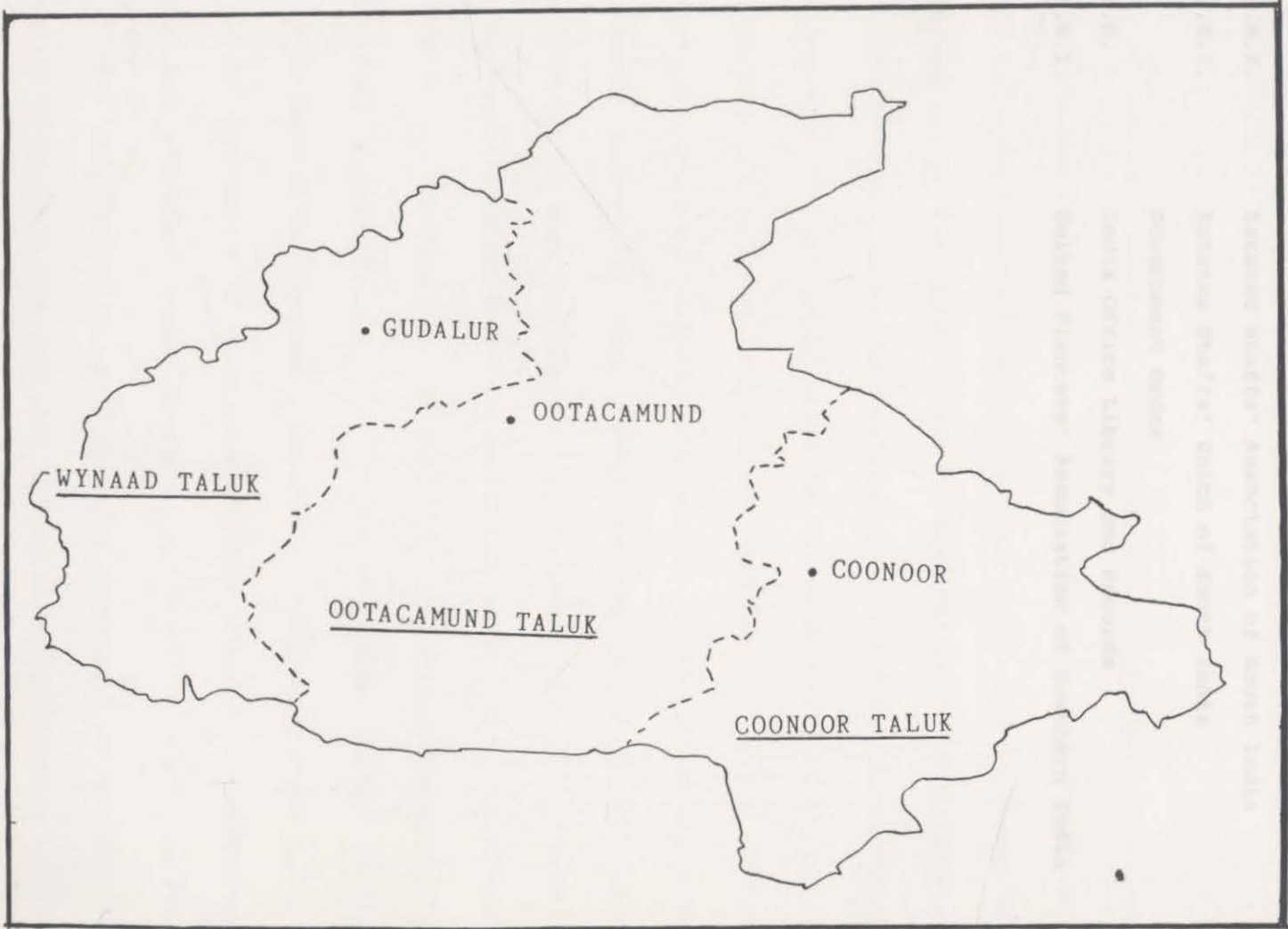


MAP OF NILGIRI DISTRICT
 (Circa 1930)

SCALE 1" = 5 Miles

AREA- 982 Square Miles

Adapted from I.O.L.R., Maps Jiv 5b (Madras Survey).



MAP 4 SKETCH MAP OF NILGIRI DISTRICT SHOWING TALUK DIVISIONS, 1877-1947.

LIST OF ABBREVIATIONS

E.S.A.S.I.	Estates Staffs' Association of South India
E.S.U.S.I.	Estates Staffs' Union of South India
G.O.	Government Order
I.O.L.R.	India Office Library and Records
U.P.A.S.I.	United Planters' Association of Southern India

INTRODUCTION

This thesis examines the evolution of contractual relations on British owned tea plantations in the Nilgiri hills of southern India during the colonial period. The introduction of intensive tea cultivation in the Nilgiri hills began in the mid-nineteenth century and proved to be the most important economic transformation to take place in the region prior to independence. By the turn of the twentieth century Nilgiri District had emerged as the leading centre of tea production in the south. As in other areas of plantation agriculture, local labour supplies in the Nilgiris were insufficient to meet the demands of tea producers who required a large, unskilled work force to be readily available at relatively little cost. Consequently, Nilgiri tea planters stimulated the growth of an annually migrating stream of plains' labour to the hills to satisfy their economic needs.

The development of colonial plantation enterprise in southern India has attracted scant academic interest to date. Percival Griffiths' The History of the Indian Tea Industry¹ is the classic study in this field and provides a comprehensive coverage of the

1. Percival Griffiths, The History of the Indian Tea Industry, London, 1967.

growth of tea cultivation in colonial India. With regard to south India, Griffiths includes chapters on labour and on the development of planters' organizations, particularly the United Planters' Association of Southern India (U.P.A.S.I.). Griffiths' work has been supplemented by K. J. Tanna in Plantations in the Nilqiris -A Synoptic History ². However, the purpose underlying these works differs from that of the current study. Both Griffiths and Tanna have been primarily concerned with detailing the advancement of tea cultivation in the region and the production problems faced by the early planters. With regard to labour, both these works as well as the jubilee history commissioned by the U.P.A.S.I. in 1953 ³ and Raymond Renford's more recent and briefer coverage ⁴, are written squarely from the planters' point of view. They are largely concerned with the various proposals advanced by planters to solve the problem of inadequate labour supply. The most tangible and best documented outcome of planters' attempts to redress their labour problems was the enactment of the Madras Planters' Labour Law (Act I of 1903). The efforts expended by southern planters to win

2. K. J. Tanna, Plantations in the Nilqiris- A Synoptic History, Wellington, 1969.

3. S. G. Speer, (Ed.), U.P.A.S.I. 1893-1953, Coonoor, 1953.

4. Raymond K. Renford, The Non-Official British in India to 1920, New Delhi, 1987, pp 77-104.

enhanced legal control over labour have also been briefly surveyed by R. K. Das ⁵, and by Bipan Chandra ⁶.

However, none of these studies has attempted to trace the formation and evolution of contractual and social relations on tea plantations. This thesis attempts to redress these shortcomings. Chapter One outlines the conditions under which the tea industry developed in the Nilgiri hills and the demands that this development imposed on labour supply. Chapter Two provides a detailed account of the ethnic, caste, age and sexual composition of the plantation labour force and describes the mechanisms used to recruit and retain plantation labour. The relationships between planters, labour contractors and migrating workers are also established here. Additionally, this chapter tests a number of contentions which were often advanced by tea planters: that family migration was encouraged, that wages were sufficiently high to pull labour into plantation employment and that plantation employment promoted emancipation of bonded, agrarian labour. The planters' failure to recruit a labour force commensurate with their needs led directly to their campaign to strengthen the established law of

5. R. K. Das, Plantation Labour in India, Calcutta, n.d., probably 1932, pp 34-42, 93; R. K. Das, History of Indian Labour Legislation, Calcutta, 1941, pp 28-32.

6. Bipan Chandra, Rise and Growth of Economic Nationalism in India, Economic Policies of Indian National Leadership, 1880-1905, New Delhi, 1966, pp 375-380.

penal contract. Chapter Three examines this protracted campaign and the responses it provoked from the Government of India, the Government of Madras and local officials. This material has provided the opportunity to assess the degree to which the various levels of government regarded laws of penal contract as a means of bolstering colonial enterprise. Chapter Four provides a detailed coverage of the findings of the South of India Planters' Enquiry Committee and the subsequent enactment of Act I by the Government of Madras in 1903. This chapter also examines the conflict between the economic demands of tea growers and the humanitarian concerns expressed by, firstly, the Government of India, and then by Indian nationalists. Chapter Five is clearly focused on the results of Act I's operation in Nilgiri District and the Wynaad taluk of Malabar between 1904 and 1927. A comprehensive attempt is made here to explain the varying intensity with which the Act was applied to plantation labour. The chapter concludes by weighing the planters' success in retaining labour under Act I against forces which promoted greater competition in the rapidly expanding south Indian plantation labour market. Chapter Six analyses Act I's impact on plantation relations and the planters' attempts to exploit these novel relations in order to bond contracted labourers to their estates. These attempts promoted the emergence of labour contractors as a newly independent, professional class on Nilgiri

estates. This chapter explores the results of this development both on plantations and in labour's home villages. Chapter Seven begins with the repeal of Act I in 1927. The impact of the Act's repeal is assessed through a detailed examination of changes in plantation practices and conditions over the following two decades. The chapter closes by evaluating the roles played by the Indian National Congress and trade unionism in plantation relations in the period immediately preceding independence.

The findings presented in this case study not only add to the history of a small district within Madras Presidency. More significantly, they also contribute to understanding of a number of broader issues which are relevant to the overall study of colonial industrialization in British India. These issues include: the relationship between colonial enterprise and British administration at the local, provincial and national levels; the relative contributions made by colonial labour laws and pre-capitalist culture to the formation of industrial relations in colonial India; the role of the Indian National Congress in labour relations, particularly in the period between 1937 and 1939; the impact of colonial industrialization upon the pre-industrial social order; the origins and evolution of systems of labour contracting in colonial industry; the relationship between industrial and agrarian labour markets. The results of this study, in relation to these

issues, are discussed at length in the Conclusion.

The history of plantation agriculture in the Nilgiri hills can only be constructed from a wide variety of source materials. In examining the growth of the planting community and its relations with government I have relied largely on the U.P.A.S.I.'s annual proceedings, periodicals, year books and planting directories which were consulted in the U.P.A.S.I.'s offices in Coonoor. Official publications such as district gazetteers and their statistical appendices, and non-official accounts by planters and travellers also proved useful. The roles played by the Governments of India and Madras have been traced primarily through official sources held at the India Office Library. The Madras Judicial Proceedings and the annual departmental papers of the Public and Judicial Department have proved most valuable in completing this task. While the activities of planters and administrators have been relatively well documented, plantation labourers have left no accounts of their experiences on tea plantations. Although the reports of various government committees and commissions provide a fairly comprehensive, official view of labour's living and working conditions in the twentieth century, the same is not true of the nineteenth century. Neither have the systems of labour recruiting employed in the Nilgiris nor the conditions under which labour was contracted been recorded in a comprehensive and accessible form.

Rather, evidence on these topics is scattered and fragmentary. While many of the developments covered in this thesis relate to plantation labour, their role in events could only be ascertained by piecing together brief references from planters' records, newspapers, census reports, union records and other non-official and official sources consulted in London, Coonoor, Coimbatore and Madras. Nevertheless, some gaps in evidence remain and, as a result, a number of arguments concerning the origins of labour recruitment systems employed in the Nilgiris are presented in a more tentative fashion than I would have preferred.

No thesis can be completed without the assistance of others. I would like to record my thanks to B. Sivaram, Secretary of the U.P.A.S.I., for granting me access to the Association's records and for assisting me to locate materials. The help provided by P. S. Sundar of U.P.A.S.I. deserves a special mention, particularly as he was able to arrange plantation visits, interviews and introductions which would otherwise have been impossible. I am also indebted to Dr. P. H. Daniel of the Estates Staffs' Union in Coimbatore, P. L. Perumal of the Nilgiri District Estate Workers' Union in Coonoor, C. Sankaranarayanan of the Planters' Association of Tamil Nadu and to the Ootacamund Planters' Club for opening their library to me. In London I owe a debt of thanks to Professor Kenneth Ballhatchet for his supervision of this project. Thanks are also

due to Dr. Richard Bingle of the India Office Library and to Dr. Lionel Carter at the Centre for South Asian Studies, Cambridge. Finally and most importantly, I would like to thank my supervisor at the University of Sydney, Dr. Geoff Oddie, for his constructive criticism and for his unending enthusiasm and encouragement.

CHAPTER 1

EARLY TEA CULTIVATION AND THE PROBLEM OF LABOUR SUPPLY •

The development of the Nilgiri district as a region of plantation agriculture began in the mid-nineteenth century. Large tracts of virgin forest and sparsely populated grasslands were cleared by British planters and cultivated with coffee trees. Although coffee remained the dominant commercial crop of the district until the twentieth century, the introduction and rapid expansion of tea cultivation from about 1860 was fundamental in shaping plantation labour relations in the area. Tea production was more labour intensive than coffee, and unlike coffee it required a year-round labour force. These factors, combined with the growth of tea estates and the intensive replanting of unprofitable coffee fields with tea after 1880, led to a rapid increase in the demand for labour. At the same time, the labour sources on which the early coffee planters had relied, that is local tribal labour and imported agricultural workers from Mysore, now proved inadequate. As a result, Nilgiri planters were forced further afield to locate suitable labour pools from which the new tea plantation work force could be moulded.

* * * * *

Throughout the period under study the Nilgiri district of Madras Presidency primarily encompassed a small elevated plateau at the junction of the Eastern and Western Ghats. This plateau rose dramatically to a height of approximately 8,000 feet above the surrounding lowlands of Coimbatore district and Mysore state (See Map 2). As a result, the area, although ceded to the British on the defeat of Tipu Sultan, remained geographically remote and protected from early European penetration. British exploration of the region did not begin until 1812¹, while the first bridle path allowing access to the summit of the plateau from Mettupalaiyam in the south was completed in 1823² (See Map 3).

Prior to European acquisition of land in the Nilgiri the country was occupied and utilized by the indigenous tribes³ of the region: the Todas, the Kotas, the Kurumbas, the Irulas and the

1. W. Francis, The Nilgiris, Madras, 1908, p 107.

2. Ibid. p 109.

3. Although use of the term tribal is subject to historical debate, the term had been used throughout the text to refer to the inhabitants of the Nilgiri hills at the time of European settlement. These people demonstrated many of the characteristics identified by S. C. Dube as being encompassed by the term tribal: they were hill dwellers, they lived in relative isolation, their sense of their own history was short, they possessed a low level of socio-economic development, and they were readily distinguishable from the surrounding population. (S. C. Dube, Tribal Heritage of India, New Delhi, 1977, Vol.1, p 2.)

Badagas. The Irulas and Kurumbas, who practiced swidden agriculture and gathered forest produce, were scattered about the slopes of the Nilgiri, while the Badagas who were more settled cultivators occupied the whole middle area of the plateau. The Toda who supported themselves by their grazing herds of buffalos were concentrated in the north and north-east of the plateau and around Coonoor. Additionally, at least six scattered villages were reported in 1880 as being occupied by Kotas, the artisans of the region ⁴.

Initially Europeans recognized the region more for its potential as a recuperative post than for its agricultural capacities. Early observers were keen to relate both the beauties of the landscape and the benefits of the climate, frequently by comparing the region's attributes with those of the mother country. Dr Robert Baikie, the government's chief medical officer for the Nilgiris in the early 1830s, claimed that "the change from the low country to the mountain air of the Neelgherries, is nearly equivalent to that of a return to Great Britain" ⁵. Proof "of the perfect adaption of the climate to our constitution" was said to be

4. H. B. Grigg, A Manual of the Nilagiri District in the Madras Presidency, Madras, 1880, p 182.

5. R. Baikie, Observations on the Neilgherries, Calcutta, 1834, p 52.

found in the faces of European children in the hills "whose rosy chubby cheeks, sparkling eyes, and buoyant spirits, form a pleasing contrast with the pale, languid, irritable-looking wretches one is so often doomed to see dying by inches in the low country" ⁶. The writings of Baikie and other enthusiasts ⁷ did much to promote the region's reputation as an area of inordinate beauty, blessed with a temperate European climate though under Indian skies.

The development of plantation agriculture in the region dates from the late 1830s. Both the hills proper and the area to the north-west of them, known as the Wynaad ⁸, were opened at this time ⁹ (See Map 3). The production of coffee for the European market was the dominant economic activity of the early planters. In 1847 the coffee acreage was estimated at not less than 580 ¹⁰,

6. Ibid. p 50.

7. See for example James Hough, Letters on the Climate, Inhabitants, Productions, etc., of the Neilgherries or Blue Mountains of Coimbatore, South India, London, 1829. Hough's letters were originally published in the Bengal Harkaru under the pen name Philanthropus.

8. The Wynaad region and the Ouchterlony valley were included in Malabar until 1877. In that year the Wynaad was divided between Malabar and Nilgiri districts. In some texts that area of the Wynaad included in Nilgiri district is referred to as the south-east Wynaad, or Nilgiri-Wynaad, in order to distinguish it from the Malabar-Wynaad.

9. Francis, op. cit., p 171.

10. J Ouchterlony, "A Geographical and Statistical Memoir of a Survey of the Neilgherry Mountains", p 29, in
(continued over)

and continued to expand steadily, particularly in the Ouchterlony Valley in the district's south-west. By the 1880s approximately 25,000 acres had been planted with coffee trees ¹¹.

Although experimental plots of tea were successfully cultivated prior to 1860 they were of little commercial importance. Initially, attempts were made in 1835 by the Government of India under Lord Bentinck to introduce tea plants imported from China to various parts of India including the Nilgiri hills. Although this experiment failed, tea was later produced from some of these plants at the government's experimental farm in the Nilgiris at Keti (See Map 3). Samples of made tea from the farm were sent by John Sullivan, the first European settler on the plateau, to the Madras Agri-Horticultural Society in 1840 and were judged to be of fair quality ¹². The first successful commercial cultivation of a tea estate was conducted by a Mr Mann of Coonoor. In 1856 tea from his estate was sent to London where it was favourably commented upon by tea brokers. Mann eventually abandoned his tea enterprise as he

J. Shortt, An Account of Tribes on the Nilgherries, Madras, 1868. Note that the figure includes land where coffee and mulberry trees were intermixed.

11. Manual of the Administration of Madras Presidency, Madras, 1885, Vol.II, p 207. See also Grigg, op. cit., Appendix 7A, p xii. It is impossible to accurately state acreage figures. Different sources use different criteria in classifying the total acreage taken up, though not necessarily cultivated, by coffee planters.

12. Francis, op. cit., p 178.

found it impossible to acquire suitable forest land from the government ¹³. Dr Cleghorn, then the Conservator of Forests for the region, made a representation requesting government to assist the growth of tea cultivation, but this was rejected in 1859 by the Governor of Madras, Sir Charles Trevelyan. Trevelyan described such measures of government aid as "torpid and wasteful", and likely to encourage "moral paralysis" within the community ¹⁴. Nevertheless, the industry continued to develop slowly without direct government support. In the late 1850s a Mr Rae of Ootacamund was, after much difficulty, given a grant of land for tea cultivation near Kalhatti. Shortly afterwards another estate was founded at Kotagiri, and in 1863 an estate named Belmont was begun near Ootacamund ¹⁵. However, it is only in the years succeeding 1863 that three events - the alteration of regulations governing land sales and revenue assessment, the blight of the "coffee bug" Hemileia vastatrix, and the short lived Wynaad gold rush - promoted the rapid expansion of tea plantations.

A supply of suitable and unencumbered land was a necessary precondition for the growth of planting in the Nilgiris. However,

13. Grigg, op. cit., p 511.

14. Ibid., p 512.

15. Ibid., pp 512-513.

both the practice of shifting agriculture and the British failure to conduct an accurate land survey now combined to thwart the planters' attempts to own land. Due to the traditional practices of shifting cultivation and rotational grazing the colonial state recognized three types of puttadars, all of whom were able to claim more land than they utilized at any one time. Firstly, the bhurty system of "shifting" puttas allowed cultivators to claim up to ten times the area of land under cultivation. Hence a puttadar who cultivated 10 acres could also claim that these 10 acres were but part of 100 acres which he farmed periodically. These lands could be widely dispersed in separate parcels and as these lots were never properly surveyed or identified, "the potentiality of possession really depended on the will of the headman and the connivance of the lower revenue officials"¹⁶. This system was further complicated by joint family holdings. Two other types of puttas were also prevalent in the Nilgiri: Ain (grass) puttas allowed the cultivator to hold up to one fifth of his holdings as fallow at one quarter of the normal assessment, and grazing puttas applied to inferior lands which could be retained at one quarter the ordinary assessment until they were required. All three types of puttas allowed a cultivator to virtually claim any part of his

16. Ibid., p 316.

holding as fallow and thus defeat a selector.

Pressure on the government increased in the 1860s to allow for more liberal sales of land. In 1862 the planters' demand for land gave rise to much correspondence between the Collector, the Revenue Board, the Government and the Secretary of State¹⁷. Planters had previously been able to purchase land from both the forest tribes, whose puttas were freely alienable because of defects in revenue administration¹⁸, and from the Todas, whose land rights had been lost forever in 1849¹⁹. However, it now became clear that in order to meet the planters' growing demand for land the bhurty system would have to be abolished.

In reviewing the system of land titles the Board of Revenue reasoned that the Government "in justice to the general community" could not continue to uphold the bhurty system²⁰. They argued

17. Francis, op. cit., p 269.

18. Grigg, op. cit., p 326.

19. Ibid., pp 341-342. In 1849 the Madras Board of Revenue formulated new land regulations for the Nilgiris which denied the Todas any proprietary rights to their traditional grazing lands. While the government formally recognized the Todas' pasturage rights, these were denied in practice since these lands could be put to public auction by the state if they were required by any agriculturalist. Where grazing lands were sold, the Toda received compensation in the form of an annual payment which the government calculated as being equal in value to the original pasturage rights.

20. Ibid., p 317.

that:

"land required on the Hills by European settlers for agricultural purposes is invariably sold at auction, subject to an unvarying annual assessment of Rupees 1 per acre, while the Burgher (Badagas) can at any time take up a proportion at rates of assessment generally below that sum, there is clearly no reason why any further concession should be made to the latter"²¹.

With regard to grazing puttas, the Board of Revenue did not wish to restrict the use made of the land by the tribal inhabitants under these titles. However, it was also keen to prevent impediments to Europeans taking up land. Therefore, while the Board recommended the abolition of the bhurty system, they also believed that grazing land should remain in the puttadar's possession. Nevertheless, they recommended that no reduction in assessment should now be allowed except on one fifth of the acreage allowed under ain puttas. Hereafter the puttadar would pay full assessment on all grazing lands claimed, rather than one quarter of the assessment on land claimed as fallow. The Board stated that it was attempting to preserve the rights of the indigenous inhabitants, but this could only be done if they could pay their land revenue in full. Plainly, shifting agriculture and grazing did not maximise the collection of land revenue.

21. Ibid., p 318.

The Board's recommendations were sanctioned by the Secretary of State, Sir Charles Wood, on 24th April, 1863 and were put into effect in Fasli 1272 (1862-1863). By way of compensation revenue assessments were reduced by about 25% on average ²². The Government felt that this was adequate compensation, but the Badaga clearly did not. They continued to cultivate lands within their village ayacuts and continued to utilize jungle land when their own fields became exhausted ²³. In effect the bhurty system was maintained clandestinely. This was only possible because no accurate land survey had been undertaken.

In the most southerly area of the district, the Kundahs, new rates of revenue were fixed to replace the old system of plough and hoe tax. However, in the absence of any reliable survey the old system of shifting agriculture was, in reality, still practiced as the puttas issued here indicated nothing beyond the area in which the land was held ²⁴.

Of the three kinds of land available to potential tea plantation owners in the Nilgiri: that is grass, fern, and forest

22. Francis, op. cit., p 269.

23. Grigg, op. cit., p 321.

24. Ibid., p 323.

land, the last was most highly valued²⁵. Forest lands were richer since they contained a higher humus content which produced higher yields of tea. James McPherson, an experienced tea planter in the district, also recommended that potential tea planters take up fern lands, but commented that these appeared to have been monopolised by the Badaga²⁶.

The introduction of the Waste Land Rules of 1863 assisted planters in acquiring suitable land. Under the Waste Land Rules all lands were declared to be waste "in which no rights of private proprietorship or exclusive occupancy exist"²⁷ and were made liable to sale at public auction. This did away with the villages' traditional claims to lands within their ancient boundaries. In 1880 Grigg commented that as a result of the new regulations "a Badaga now clings to his land though he may derive little profit from it, because he fears it may be alienated forever under the Waste Land Rules if it comes to the hammer for arrears of revenue"²⁸.

25. James McPherson, The Neilgherry Tea Planter, Madras, 1870, p 10.

26. Ibid., p 12.

27. Francis, op. cit., p 273.

28. Grigg, op. cit., p 325.

The Waste Land Rules disadvantaged many of the native inhabitants of the hills. Unlike areas of northern Coimbatore, forest lands in the Nilgiri were not rented out by the British even though Badagas, and to a greater extent Irulas and Kurumbas, exploited them for firewood, honey, wax and resin. Under the Waste Land Rules the indigenous inhabitants had to purchase waste lands in the same manner as Europeans. This restriction was virtually ignored until 1880 when an accurate survey of the district brought an end to many irregular agricultural practices.

In 1869 the depressed state of the planting industry prompted a government investigation which resulted in reductions in land revenue assessment which were highly beneficial to the tea planting industry. In 1871 the rate of assessment on grass lands was reduced to 8 annas per acre and the assessment on forest land was remitted for the first five years in the Nilgiris, and also for the first five years in the Wynaad where coffee yielded its first crop earlier. These concessions were retrospective and were made because the government recognized "the political and other incidental advantages to be derived from an influx of Europeans and European capital into India"²⁹. Henceforth, planters would not be liable for land revenue payments until their crops were in bearing. The

29. Ibid., p 358.

tax-free period was further extended to grass lands in August, 1874, and this measure was especially intended to promote tea estates ³⁰.

In the western area of the Ouchterlony Valley, as in the Wynaad, the charge of Rs 2 per acre on land cultivated with coffee was made. However it was only in 1889 that uncultivated lands in the Ouchterlony Valley were assessed at 6 pies per acre having previously been held free of charge. This had allowed plantation owners to expand their holdings at no extra charge and had been very popular. When the government introduced the new rate the Ouchterlony Trust, the largest landowner in the Valley, threatened to appeal to the Secretary of State ³¹.

The concessions on land revenue assessment gave special impetus to the tea industry in the eastern and central taluks of Nilgiri district. At the end of 1869 there were probably only two or three hundred acres of tea in the hills ³². By late 1879 4,200 acres had been taken up for tea cultivation, of which 2,550 acres were mature ³³.

30. Ibid.

31. Francis, op. cit., p 282.

32. Ibid., p 513.

33. Ibid., p 514.

In 1880 an accurate survey of the district was completed and was followed by a land revenue settlement. As a result of the survey unallotted lands were granted to those who applied for them at much cheaper rates than those which prevailed under the Waste Land Rules. Owners of estates were granted land to round off their boundaries at Rs. 2 per acre so long as it did not contain forest ³⁴. The settlement also resulted in more than 18,000 acres being made available under the Waste Land Rules. Native puttadars too were able to obtain land grants and their rate of land revenue was reduced to just over six annas an acre; however they could no longer escape payment on fallow land. The bhurty system could no longer be surreptitiously practiced as the settlement made ownership clear and public; maps showing the lots were sold for a few annas.

In the period from 1863 to the close of the nineteenth century it is apparent that planters in Nilgiri district were able to purchase suitable land for tea and coffee cultivation relatively cheaply. By comparison, in Ceylon, in the decade between 1869-1879 an acre of forest land fetched as much as 28 pounds ³⁵. In the same period the average price for waste land at auction in the

34. Ibid., p 277.

35. John Ferguson, Ceylon in 1903, Colombo, 1903, p 60.

Nilgiri was under Rs. 11 or one guinea per acre³⁶. Although in the Nilgiri planters had to pay land revenue on their estates, the amount of capital needed to establish a plantation in the Nilgiri was a fraction of that required for comparable land in Ceylon in this period. As a result of a deliberate government policy of encouraging planting in the Nilgiri, planters also received the benefit of considerable reductions in their land revenue assessments from 1871. These factors made the Nilgiri highly attractive to potential planters.

The second factor which promoted the rapid growth of the tea industry in the Nilgiri was the appearance of the "coffee bug", Hemileia vastatrix. This disease of coffee eventually brought to an end the era of widespread and highly profitable cultivation of coffee which had prevailed since 1851 both in Ceylon, and in southern India. The effects of coffee leaf disease and the subsequent depression in the coffee industry in Ceylon have been thoroughly investigated elsewhere³⁷. However, the resulting

36. Grigg, op. cit., pp 359-360.

37. See for example: Bertram Bastianpillai, "From Coffee to Tea in Ceylon", Ceylon Journal of Historical and Social Studies, Vol.7, 1964, pp 43-66; D. M. Forrest, A Hundred Years of Ceylon Tea, London, 1967; E. F. C. Ludowyk, The Modern History of Ceylon, London, 1966; Lennox A. Mills, Ceylon under British Rule, 1795-1932, London, 1964; S. Rajaratnam, "The Growth of Plantation Agriculture in Ceylon, 1886-1931", Ceylon Journal of Historical and Social Studies, Vol.4, 1961, pp 1-20; L. A. Wickremeratne, "The Establishment of the Tea Industry in Ceylon: The First Phase, c. 1870 to c. 1900", Ceylon Journal of Historical and Social

(continued over)

emigration of some British planters to parts of southern India, and their adoption of tea culture on their new plantations has not been documented. The resettlement of British planters from Ceylon in the Nilgiri hills can probably be largely attributed to the ready availability and cheapness of fresh lands in the latter location.

The decline of coffee cultivation in Ceylon was a gradual one. Coffee leaf disease in Ceylon was first noted in 1868 but the progress of the disease fluctuated according to the seasons. Planters attempted to combat the disease with various preventative measures which appeared effective for a time. Some coffee growers replanted their delicate Arabica trees with the more robust Liberian variety of coffee in the mistaken belief that it would prove immune to the disease. For a while land at higher altitudes appeared to be free of the disease. Coffee cultivation was not abandoned readily by planters, many of whom had pioneered the establishment of estates and now had considerable capital invested in their trees.

Prevailing high market prices for coffee disguised the effect of the disease for some time. Despite declining yields coffee planters continued to make handsome profits. As a result, new lands were opened for coffee culture after 1868 and land prices soared.

Coffee planting was extended from 4,500 feet above sea level, its supposed natural limit, to 5,000 feet³⁸. Between 1869 and 1879 400,000 acres of crown land were sold and 100,000 acres of it were brought under coffee³⁹. Competition for land was so keen that prime forest land which a decade before had sold for less than a pound an acre commonly fetched fifteen and twenty times that sum⁴⁰. Jenkins, an experienced contemporary coffee planter commented that, "These high values were in a great measure due to the old Ceylon men themselves, in not only refusing to sell, but actually competing with the newcomers in buying estates and land at the highest prices"⁴¹.

The demand for fresh land could not be easily satisfied. Forest land, which was most highly valued by planters for its high humus content, became increasingly scarce. In 1874 Birch, the Government Agent in Central Provinces noted that all but the highest forest lands had been stripped of their cover⁴². The

38. Mills, op. cit., p 245.

39. John Ferguson, Ceylon in 1884: The Leading Crown Colony in the Empire, London, 1884, p 60.

40. Ibid., p 60.

41. R. W. Jenkins, Ceylon in the Fifties and Eighties, Colombo, 1886, p 56.

42. Ludowyk, op. cit., pp 87-88.

shortage of elevated land was probably aggravated by a new government policy dating from 1874 which emphasised the conservation of tropical forests ⁴³. Although the policy did not prove effective in the long term, it did restrict the supply of land in a period when demand was high.

While planters in 1878 commonly believed that coffee would recover, their confidence had evaporated by the early 1880s. The spread of coffee leaf disease to Uva, which had previously been thought immune ⁴⁴, was disconcerting. But by 1882 the Governor of Ceylon reported that the disease had now spread over the whole island ⁴⁵. From about this period coffee growers began to abandon coffee cultivation and even their estates. Economic depression in Europe helped to bring about a shortage of credit in Ceylon, and in Ceylon seasons were wet and unfavourable ⁴⁶. Cheaper coffee from Brazil began to exclude the more expensive Ceylonese product from the British market ⁴⁷. By 1880 many planters were attempting to sell their estates but there were few buyers. Mortgages were

43. Bastainpillai, op. cit., p 51.

44. Ludowyk, op. cit., p 89.

45. Mills, op. cit., p 247.

46. Ibid.

47. Bastainpillai, op. cit., p 56.

foreclosed, and as some banks had given credit against coffee crops, they too were affected. In 1884 the Oriental Bank Corporation had to close its doors ⁴⁸. As loans were difficult to obtain ⁴⁹, credit was presumably rationed by the operation of high interest rates.

It was not always possible for a plantation owner to switch from coffee to tea cultivation even if he could afford to do so. Some coffee estates were not suitable for tea cultivation ⁵⁰. Tea and coffee flourished in different soil types and on differing slopes ⁵¹. Additionally, the finest tea was believed to be grown on highly elevated lands - lands which in Ceylon had already been largely sold or were protected by the new forest conservation policy. For some planters who could not make the change from coffee to tea on their current estates, Ceylon offered few opportunities to purchase appropriate land.

Of the 1700 European planters in Ceylon at the time of the

48. Forrest, op. cit., p 980.

49. S. Rajaratnam, "The Growth of Plantation Agriculture in Ceylon, 1886-1931", op. cit., p 5.

50. Heidrun Marby, Tea in Ceylon, Weisbaden, 1972, p 29.

51. John Ferguson, Ceylon in 1903, op. cit., p 72.

coffee crisis about 400 were said to have left the island ⁵². In addition, about one quarter of the planting superintendents left for jobs elsewhere in the Empire ⁵³. Of these some probably found new estates and new jobs in the Nilgiri district of south India. John Ferguson, who served the British community in Ceylon as newspaper editor of the Ceylon Observer and as a renowned writer of works dealing with tropical agriculture, was well acquainted with the details of Ceylon's plantation economy throughout his long working life. In 1884 Ferguson commented:

"Since the depression of 1879 many Ceylon plantation managers and assistant superintendents have had to seek their fortunes elsewhere; and indeed the planting districts of southern India may be said to be the off-shoot settlements from Ceylon" ⁵⁴.

In south India the coffee growing regions were generally less dramatically affected by Hemileia vastatrix than their counterparts in Ceylon. Whereas in Ceylon coffee had been planted exclusively over hundreds of square miles, in India this was not the case. Coffee estates were frequently separated by forest and grassland,

52. Frederick Lewis, Sixty-Four Years in Ceylon, Colombo, 1926, pp 56-128, in Mills, op. cit., p 247.

53. Forrest, op. cit., p 99.

54. John Ferguson, Ceylon in 1884, op. cit., p 100.

and by grain and vegetable crops. This helped to delay the spread of the disease. Robert Elliot, a British coffee planter resident in Mysore from 1855, noted in 1894 that while coffee in Ceylon had been "ruined by leaf disease ... shade grown coffee in Mysore and Coorg (was) as yet unaffected" ⁵⁵.

In Nilgiri district and the Wynaad (then part of Malabar) the effects of Hemileia vastatrix were more noteworthy since they followed closely upon another recent blight of coffee. The borer Xylotrechus quadrupes was considered the most troublesome pest of coffee in south India, and in 1865-1866 had destroyed complete estates in Coorg and the Wynaad ⁵⁶. Infestation of the new "coffee bug" occurred throughout the Nilgiri hills and few plantations escaped it completely. In the Wynaad the effect was more severe ⁵⁷. There the ravages of disease and a short lived gold rush undermined the sway of "King Coffee" forever.

Although alluvial gold deposits had been worked by the tribal Kurumbas in the Wynaad ⁵⁸, gold in commercial quantities was not

55. Robert H. Elliot, Gold, Sport and Coffee Planting in Mysore, London, 1894, p 309.

56. Francis, op. cit., p 175.

57. C. G Warnford Lock, (Ed.), Coffee: Its Culture and Commerce in all Countries, London, 1888, p 84.

58. M. A. Handley, Roughing it in South India, London, 1911, p 164.

found until 1879. Gold fever followed its discovery. Numerous, recently formed gold companies proceeded to buy up coffee estates at grossly inflated prices. Some 24,000 acres were said to have been purchased at a cost of 70 to 2,600 pounds per acre⁵⁹. Coffee planters showed little reluctance in disposing of their ailing estates, but the boom collapsed quickly and in mid-1883 it was all over. The result for the coffee industry in the Wynaad was devastating. E. G. Windle, a prominent south Indian coffee grower, later recalled a landscape of abandoned and neglected coffee plantations rapidly overgrown by lantana "while here and there solitary estates, mostly in Indian hands and much reduced in size, struggled for existence"⁶⁰. The gold craze was a blow from which coffee in the Wynaad never recovered. Although fresh coffee estates were opened in the central and eastern parts of the district, total coffee plantings continued to decline from a peak expanse of 25,000 acres which had been reached in 1879⁶¹. In the 1890s low yields,

59. Rhodes Morgan, "The Wynaad", p 69, in John Shortt, (Ed.), The Hill Ranges of Southern India, Part 4, Madras, 1870.

60. E. G. Windle, Modern Coffee Planting, London, n.d. probably 1933, p 112.

61. Francis, op. cit., p 172. Francis' figure of 26,000 acres for 1908 includes a large number of abandoned estates.

low world prices for coffee, and unfavourable rates of foreign exchange, combined to harass the coffee industry.

In the Nilgiri hills the expansion of tea planting was facilitated by the ready availability of low cost land and an influx of experienced planters and plantation managers. The various problems of coffee growing encouraged the search for an alternative crop. At first, cinchona⁶² was profitably grown, but over-production in Ceylon and Java led to rapidly declining world prices. Consequently, cinchona production declined in the Nilgiris from about 1888⁶³. A few planters experimented with rubber growing. However, environmental problems, general ignorance of tapping methods, and variable yields destroyed enthusiasm for rubber production⁶⁴. In contrast, tea was already an established crop in the Nilgiris. It was less susceptible to disease and pests than coffee, it could be grown over a wide range of altitudes and micro-climates, and unlike rubber it presented few technical production problems. Above all it was remunerative.

62. The bark of cinchona trees was processed to yield quinine.

63. Francis, op. cit., p 186. Note that government owned cinchona plantations in the Nilgiris were maintained. The government used the quinine derived from these plantations to supply the Army, and continued to make "pice packet" sales of quinine available to the public at post offices.

64. Ibid., p 191.

Tea planting expanded rapidly. Between 1876 and 1880 the area taken up for tea cultivation doubled. By the later date over 4,200 acres had been actually planted with tea ⁶⁵. Five years later almost 12,000 acres had been appropriated by tea planters ⁶⁶. Not only fresh lands were cleared for tea bushes but "in many cases it has been planted on estates in which coffee has proved a failure" ⁶⁷.

As tea was a more labour intensive crop than coffee an increase in tea planting required an even more dramatic increase in plantation labour. Tea simply required more attention than coffee, and whereas coffee estates largely employed seasonal labour at harvest time, tea required year-round labour. It has been estimated that in this period tea cultivation required two field labourers per acre whereas an acre of coffee could be worked with less than one ⁶⁸. Tea factories were also more labour intensive than their

65. Grigg, op. cit., p 514.

66. Manual of the Administration of the Madras Presidency, op. cit., Vol.II, p 207.

67. Francis, op. cit., p 178.

68. Wickremeratne, op. cit., p 142-143. Wickremeratne estimates that coffee estates needed 0.75 of a field labourer per acre plus factory workers. These estimates should be considered as minimums, especially where production processes continued to be manual rather than mechanised.

coffee counterparts. Additionally, the tasks of clearing forest, removing old coffee trees, and replanting with tea, dramatically increased labour requirements. This increased demand for labour came at a time when the labour supply, already insufficient to meet demand, began to contract even further.

In establishing and cultivating their estates it is apparent that planters were initially able to secure local labour to meet their needs. Of all the tribal peoples resident in the region the Badaga appeared to be the most willing, and from the planters' standpoint, the most reliable plantation workers. Hockings' research on the Badaga indicates that as early as the 1850s Badaga men were responding to the call of plantation employment⁶⁹ though Badaga women, who were afraid to be near jungle, did not⁷⁰. In 1869 McPherson commented that there was no need for new tea planters to hurriedly construct labour lines "if there happens to be a Badagha village in the neighbourhood of the estate, little difficulty will be experienced in procuring contract labour"⁷¹. These people were employed to fell and burn

69. Paul Hockings, Ancient Hindu Refugees, Badaga Social History 1550-1975, The Hague, 1980, p 149.

70. Ibid., p 152.

71. McPherson, op. cit., p 15.

forest ⁷², and on grasslands they dug in the turf in preparation for planting ⁷³. By 1880 Badaga men were said to be "constantly leaving their villages to work in the nearest coffee plantations" ⁷⁴. In the same year, Dr Cornish, the Sanitary Commissioner for Nilgiri district, noted that their women and children were now earning money on the tea and coffee estates ⁷⁵.

While many British sources praise the Badagas for their industrious and progressive nature ⁷⁶, it should not be forgotten that one of the chief results of British rule in the Nilgiris was the monetisation of the economy. Land revenue had to be paid in cash (at least after it was no longer acceptable to pay it in opium). In the latter half of the nineteenth century increasing regularisation of land titles and more accurate surveying made it more difficult to avoid payment. As the only settled, indigenous agriculturalists of the Nilgiris it is possible that Badagas worked on plantations to raise the cash to pay their taxes ⁷⁷. The

72. Ibid., p 21.

73. Ibid., p 24.

74. Grigg, op. cit., p 222.

75. Quoted in Ibid., p 34.

76. See for example Ibid., p 222.

77. Hockings, op. cit., pp 138-139.

diligence with which many Badaga applied themselves to plantation employment may indicate little about any inherent nature they were said to possess as a people, but a great deal about their desire to retain their lands.

Despite the planters' preference for "diligent" Badaga labour⁷⁸, other tribal workers were also employed on plantations. A few Todas initially put themselves forward to work on estates but where they were employed Grigg commented that "neither they nor their employers appear to have been much pleased by the experiment"⁷⁹. Prior to 1868 Kurumbas were found working on the Government cinchona plantation at Neddiwuttum, while others weeded and pruned various coffee estates near Kotagiri and Gudalur⁸⁰. Kurumbas were also noted in 1880⁸¹ and 1883⁸² to occasionally take work on coffee plantations. Irulas too worked

78. Ibid., p 149.

79. Grigg, op. cit., p 188.

80. J. Shortt, An Account of the Tribes on the Neilgherries, Madras, 1868, p 53. The first cinchona plantation was opened before 1867. (Steen Folke, "Evolution of Plantations, Migration and Population Growth in Nilgiris and Coorg", Geografisk Tidsskrift, 1966, p 206.)

81. Grigg, op. cit., p 211.

82. W. Stokes, "Mission Work amongst the Badaga and other Hill Tribes on the Nilagiris", Harvest Field, Vol.III, No. 6, Dec. 1882, p 171.

on plantations. Their employment as estate labourers was recorded in the 1860s⁸³, while the Nilgiri District Gazetteers of 1880 and 1908 both make reference to their working for wages on tea and coffee plantations⁸⁴. In the Wynaad too tribes such as the Irawar provided labour, and on some small estates production was said to be carried on by their efforts alone⁸⁵.

However, as in most areas of colonial plantation agriculture local population numbers were insufficient to meet planters' labour needs. The existence of vast areas of forest indicated a low population density. As early as 1857 John Ouchterlony, a government engineer familiar with the Nilgiri planting industry, gave evidence before the Select Committee on Colonization and Settlement that the expansion of plantation agriculture in the region would require the importation of labour⁸⁶.

It is also debatable whether local labour, had it been available in sufficient numbers, would have proved satisfactory to

83. J. Shortt, An Account of the Tribes of the Neilcherries, op. cit., p 63.

84. Grigg, op. cit., p 216.
Francis, op. cit., p 152.

85. E. C. P. Hull, Coffee Planting in Southern India and Ceylon, Second Edition, London, 1877, pp 73-74.

86. Third Report from the Select Committee on Colonization and Settlement (India) with the Minutes of Evidence taken before them, Sessional Papers of the British House of Commons, 1857-58 Session, Vol.vii, Part I, p 380.

planters in any case. On Wynaad coffee estates local labour was said to be "desultory and uncertain"⁸⁷, and plantation wages were thought sufficiently high to encourage a native "disinclination to work"⁸⁸. The uncertainty of local labour supplies may be attributed in part to the agricultural ties which bound the non-tribal local labourer in the Wynaad. Only when agricultural obligations were fulfilled at home did they offer their services to the planter⁸⁹. Clearly plantation work was of secondary importance. Moreover, as Roberts' research on Ceylonese plantations has shown, the planters' conception of local Sinhalese as lazy disguised labour's objection to regular work hours and rough supervision on estates⁹⁰.

In the Nilgiri, Badaga labour like their Sinhalese counterparts, showed a marked preference for contract work on plantations⁹¹. Contracts were frequently made for the physically

87. Hull, op. cit.

88. Ibid., p 65.

89. Ibid., pp 73-74.

90. M. W. Roberts, "Indian Estate Labour in Ceylon during the Coffee Period (1830-1880)", Part I, Indian Economic and Social History Review, Vol.III, No.1, March, 1966, p 2.

91. McPherson, op. cit., p 15.

demanding tasks of felling timber and digging in grassland. In comparison with Ceylon, contracts in the Nilgiri were often more formally executed and an advance made in part payment⁹². A contract to work implied a degree of equality between the two contracting parties, and removed the worker from the planter's direct supervision and from routine work conditions and schedules. Similarly, local field labour, which did not reside in labour lines on the estates, was beyond the planter's control at the end of the working day. Overall, suitable local labour even if it had been available in sufficient numbers, was still too independent of the planter and the plantation to constitute a permanent work force. Local labour was often bound by other forms of agricultural production (both pre-colonial agriculture, and modern cash cropping of vegetables as practiced by the Badaga), and by local kinship, tribal and village ties. The call of the family land holding prevented many local labourers from being moulded to modern industrial work practices, and to the strict social and racial hierarchy of the tea plantation.

As local labour supply was always insufficient to meet plantation needs, planters relied on imported labour. From 1846 coffee planters in the Wynaad were dependent upon labourers from

92. Hull, op. cit., p 70.

the Ernaad taluk of Malabar, from Coimbatore and Salem districts, and from Mysore state to open their estates ⁹³. In 1847 John Ouchterlony noted that around Ootacamund, the chief town of the Nilgiri hills, planters employed migrants from "the plains of Canara, Malabar and Coimbatore, or from the Mysore territory", and of these, workers originating in South Canara and Mysore were said to be the most numerous ⁹⁴. By 1865 the Collector of the Nilgiris reported that approximately 80% of the estate labour in the district emanated from Mysore state ⁹⁵. Overall, it is likely that Mysoreans were the predominant migrant workers on Nilgiri plantations until at least 1876.

This migration of plantation labour was seasonal rather than permanent. Having planted their crops at the time of the first monsoon, labour left the plains to work on coffee estates in the Nilgiri hills until harvest time in the home village. The timing of these migratory flows altered from region to region, while the length of an individual labourer's stay on the plantation could vary from a few weeks to the full season. Coffee planters were able to

93. Planting Opinion, 21st Nov., 1896, p 14. See also Morgan, op. cit., pp 60-61.

94. Ouchterlony, op. cit., 1868, p 39.

95. Report of the South of India Planters' Enquiry Committee, Madras, 1896, p 10.

readily accommodate these variations since coffee did not require the same degree of attention throughout the whole year, and because the peak season for coffee extended from November to March when grain harvests in the plains had already been reaped.

In the decades following the great famine of 1876 the migration of Mysorean labour to the Nilgiri hills declined. The famine itself was partly responsible since it greatly reduced the pool of available labour. As a result of the general shortage of labour within Mysore state, agricultural wages there rose dramatically. High wages allowed many a plantation labourer to become a small landholder ⁹⁶, especially as uncultivated land was more readily available in Mysore after the famine ⁹⁷. Beleaguered by disease and falling prices, Nilgiri coffee growers found it increasingly difficult to match increases in agricultural wages. Additionally, the development of the Kolar gold fields after 1881 attracted a proletarian work force which was well paid ⁹⁸. By 1891 census officials stated that the demand for labour on the Kolar gold fields and on coffee estates located within Mysore

96. J. Daniel Moore, Plantation Development and Labour Response in Nineteenth Century Mysore, Ann Arbor, 1983, MS, p 282.

97. Ibid., pp 58-59.

98. Elliot, op. cit., pp 198-204.

itself, had been responsible for an overall reduction in emigration from the state ⁹⁹. Similarly, in 1901 the Marikaname irrigation project employed large numbers of Mysorean labourers thereby increasing the state's capacity to utilise its own labour ¹⁰⁰.

The decline in migration of plantation labour from Mysore to the Nilgiri is evident in the Indian census statistics. While plantation employment was not the sole reason for Indian migration to the Nilgiri, the reports of successive census officials indicate that it was of paramount importance. Table 1 illustrates the origin of all Indian migrants to the Nilgiri according to their district or region of birth for the period between 1881 and 1921.

99. Census of India, 1891, Vol. XIII, Madras, 1893, pp 202ff.

100. Census of India, 1901, Vol. XV, Madras, 1902, p 28.

TABLE 1 ORIGIN OF INDIAN MIGRANTS TO NILGIRI DISTRICT BY BIRTH DISTRICT, (BY NUMBER AND PERCENTAGE), 1881-1921. 101

<u>DISTRICT OR AREA</u>	<u>YEAR</u>				
	<u>1881</u>	<u>1891</u>	<u>1901</u>	<u>1911</u>	<u>1921</u>
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
MYSORE	21234 (55)	13954 (35)	10104 (23)	11138 (29)	8407 (22)
COIMBATORE	7524 (19)	10585 (26)	14289 (32)	11604 (31)	12607 (33)
TRICHINOPOLY	2329 (6)	2106 (5)	2216 (5)	1819 (5)	1697 (4)
MADRAS CITY	2006 (5)	2375 (6)	2570 (6)	2508 (7)	2055 (5)
MALABAR	1416 (4)	4791 (12)	8289 (19)	4266 (11)	6626 (17)
NTH. ARCOT	920 (2)	1339 (3)	1958 (4)	1154 (3)	1206 (3)
SALEM	663 (2)	1071 (3)	1069 (2)	993 (3)	1170 (3)
REST OF MADRAS PRES.	1920 (5)	2520 (6)	2831 (6)	2355 (6)	3027 (8)
REST OF INDIA	642 (2)	1166 (3)	1133 (2)	1619 (4)	1758 (5)
<u>TOTAL</u>	38654 (100)	39907 (99)	44459 (99)	37416 (99)	38537 (100)

In Table 1 the districts are listed in order of their importance as sources of migrants in 1881. Unfortunately, as district of birth information was not collected in 1871, the probable decline in Mysorean labour over the previous decade cannot be traced here. Additionally, the numbers of immigrants shown are

101. Imperial Census of India, 1881, Vol.II, Madras, 1886, Tables X,XI, p 173; Census of India, 1891, Vol.XIV, op. cit., Table XI, p 150; Census of India, 1901, Vol.XV-A, op. cit., Table XI, p 123; Census of India, 1911, Vol.XII, Madras, 1912, Table XI, p 94; Census of India, 1921, Vol.XIII, Madras, 1922, Table XI, p 94. Note- As the census enumerates all people by place of birth the term Indian here would also include Eurasians born within India. All percentages are rounded to the closest whole number.

probably underestimations of the actual migratory flow because of the time of year when each census was conducted. In particular, tea estate workers were likely to be under-enumerated since they commonly worked in the hills for nine to ten months, and returned to their home villages in January or February. From 1881 all census surveys were conducted when many tea workers were likely to be absent. Despite this shortcoming, the data collected in 1881, 1891 and 1901 clearly shows the rapid and continuing decline of Mysorean migrants as a proportion of the total migrant population of Nilgiri district during these decades. Furthermore, this trend is lent additional credibility by the findings of the South of India Planters' Enquiry Committee which calculated that Mysorean labour comprised only 38% of Nilgiri plantation labour in 1896 ¹⁰².

This decline of a longstanding labour source was of crucial importance to Nilgiri planters, and particularly affected tea growers. Economical tea cropping required labour's constant attention. Whereas work on coffee estates could be allowed to fall into arrears when labour was not available, on tea estates such delays reduced overall annual output. Tea crops, and hence profits, were most readily maximized by the employment of a sufficiently large, stable labour force. Neither local tribespeople nor Mysorean

102. Report of the South of India Planters' Enquiry Committee, op. cit., Appendix IX, p 94.

labourers were suitable sources of the new tea plantation work force since they were often primarily committed to agricultural production in their home villages. Most importantly, they could not be obtained in sufficient numbers. In an attempt to satisfy the rising demand for relatively permanent plantation labour in the Nilgiri hills, tea planters reoriented their recruitment drives to the populous Tamil speaking plains of Madras Presidency.

CHAPTER 2

CREATING THE TEA PLANTATION LABOUR FORCE

In their quest to create a large-scale labour force Nilgiri planters increasingly turned their attentions eastward to the plains of Coimbatore and adjacent districts. Planters focused their labour drive upon agricultural workers, and in particular upon the debt bonded labourer. By utilizing a maistri (labour contractor ¹) planters were able to recruit labour by locking into the existing relations between landlords and the agrestic poor. These relations were transposed to the planting sector by the maistri system of recruitment. Rising rural distress assisted the recruitment of a work force which was remarkably homogeneous. By the turn of the century tea planters were heavily reliant upon an annually migrating labour force characterised by poverty, low caste status

1. Although the term maistri is commonly translated as labour contractor, this definition is far too narrow. Aside from recruiting labour, it was usual for a maistri to assume responsibility for both the supervision of his workers on an estate and for their welfare needs. Planters made a clear distinction between maistris and professional labour contractors who merely delivered workers to estates. While the terms kanqanni and maistri were used interchangeably on Nilgiri plantations until the 1930s, the latter term was more frequently employed in South India and it is for this reason that it is used here throughout the text.

and an abiding tie to the home village. Despite the success of the maistri system of recruitment, labour supply never matched the demands of plantation employment in the Nilgiri hills. In addition, the problem of absconding labourers; whether due to inferior conditions of work, insufficient earnings, or a simple intention to defraud the planter; plagued most tea planters. The failure to establish an adequate and stable work force was the catalyst which encouraged planters to form a political lobby group seeking legal sanction for the coercion of their workers.

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The rapid decline in Mysorean agricultural labour in the aftermath of the great famine of 1876 was instrumental in redirecting the recruitment drives of Nilgiri planters to the Tamil regions of Madras Presidency. In particular, planters sought agricultural labourers from the plains of Coimbatore. The planters' success is reflected in the fact that after 1881 Coimbatore district provided an increasing proportion of all migrant people enumerated in the Nilgiri, and by the turn of the century it had overtaken Mysore as the leading source of immigrants.

The severe famine years of the 1870s may have originally prompted the flow of migrating peoples from Coimbatore, then a

district hard-hit by famine, to the Nilgiri hills. Although no district of birth figures are available for 1871 it is possible to demonstrate that migrants enumerated in the Nilgiri in 1881 were more commonly from famine areas than non-famine ones. The 1881 census shows that 16% of males and 13% of females in the Nilgiri were born in famine districts. In contrast only 11% of the district's male population and 9% of the district's female population originated in non-famine districts ². This breakdown of Nilgiri immigrants according to their origin in famine and non-famine regions clearly shows that Nilgiri district must be excepted from the statement contained in the Madras Census Report of 1881 claiming that no significant migration from famine districts to non-famine ones had occurred ³. In addition, the presence of migrants from the famine districts of Salem, and especially from North Arcot which is relatively remote from the Nilgiris, may also be significant evidence that famine promoted pathways of out-migration which continued to be utilized long after the threat of famine ceased to be imminent.

By 1891 Mysoreans and Tamils were present in Nilgiri district in similar numbers. Perusal of the planters' journal,

2. Imperial Census of 1881, Vol.I, Madras, 1883, p 130.

3. Ibid.

Planting Opinion, indicates that in 1896 plantation clerks literate in Tamil were as commonly sought by estate owners as those literate in Kannada ⁴. However, by 1901 Tamils were the major ethnic group on Nilgiri plantations. The preponderance of Tamil field labour, in the twentieth century was clearly demonstrated in the results of an independent labour survey conducted in December, 1928 by the United Planters Association of Southern India (U.P.A.S.I.) ⁵.

While Tamils were employed throughout Nilgiri District, Mysoreans, who continued to labour in the district in large numbers, journeyed to the coffee estates located at lower altitudes in the Ouchterlony valley and in Wynaad taluk ⁶ (See Map 4). These, largely coffee, estates had been the original destination of most Mysorean labour. The work was familiar, the harvest season timely, and labourers travelling from Mysore by the main route had to pass relatively close to Gudalur estates before reaching Ootacamund. Similarly, Malayali labour which increased rapidly over this twenty year period, had to pass through Gudalur en route from Malabar to the Nilgiri hills. In consequence Malayali workers were

4. Planting Opinion, July-Dec., 1896.

5. Royal Commission on Labour in India, Evidence, Vol.VII, London, 1931, Part I, p 161.

6. Ibid.

largely employed in the Nilgiri-Wynaad ⁷. Plantation employment for Malayalis and Mysoreans was therefore concentrated respectively in those areas of the Nilgiris which were adjacent to Malabar district and Mysore state. In contrast with their counterparts in the tea districts of North India, the vast majority of migrating labourers in the Nilgiri, irrespective of their ethnic origin, remained relatively close to home.

As in other colonial enterprises ⁸, an increased demand for plantation labour promoted greater ethnic diversity within labour's ranks, but the tea plantation work force was decidedly homogeneous in other respects. An examination of the age and caste structures of the immigrant population of Nilgiri District reveals a work force which was youthful, was unencumbered by aged or immature family members, and was of low social status. These characteristic features of the new plantation labour force indicate that planters deliberately drew upon workers who possessed the greatest capacity for work and, given their social origins, the least capacity for complaint. As tea cultivation was particularly labour intensive, profits could be maximised where the work force was both productive

7. Ibid.

8. Ranajit Das Gupta, "Factory Labour in Eastern India: Sources of Supply, 1855-1946, Some Preliminary Findings", Indian Economic and Social History Review, Vol.XIII, No.3, p 278.

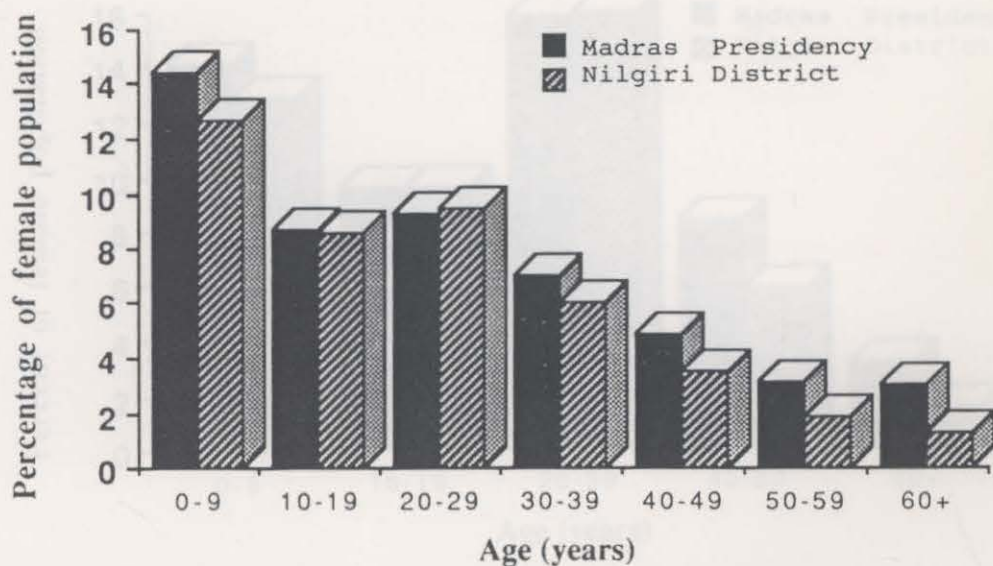
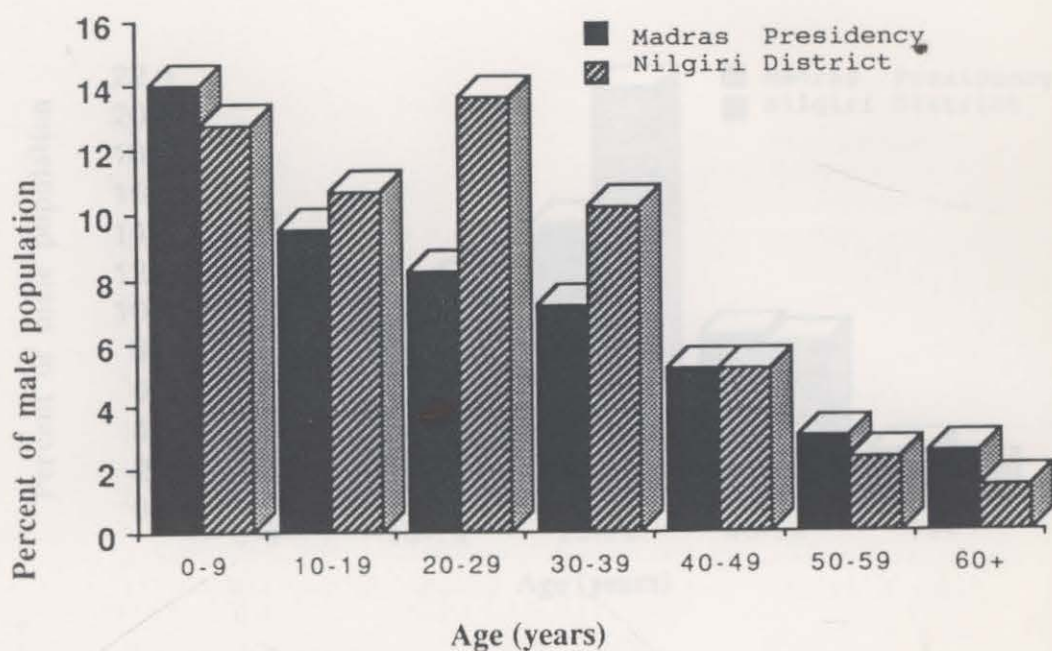
and compliant.

The age structures of both the male and female populations of Nilgiri District are compared with their counterpart populations in the whole of Madras Presidency for the years 1891, 1901, and 1931 in Figures 1, 2 and 3.

FIGURE 1 COMPARISON OF AGE STRUCTURES OF MALE AND FEMALE

POPULATIONS IN NILGIRI DISTRICT AND MADRAS PRESIDENCY,

IN 1891.⁹

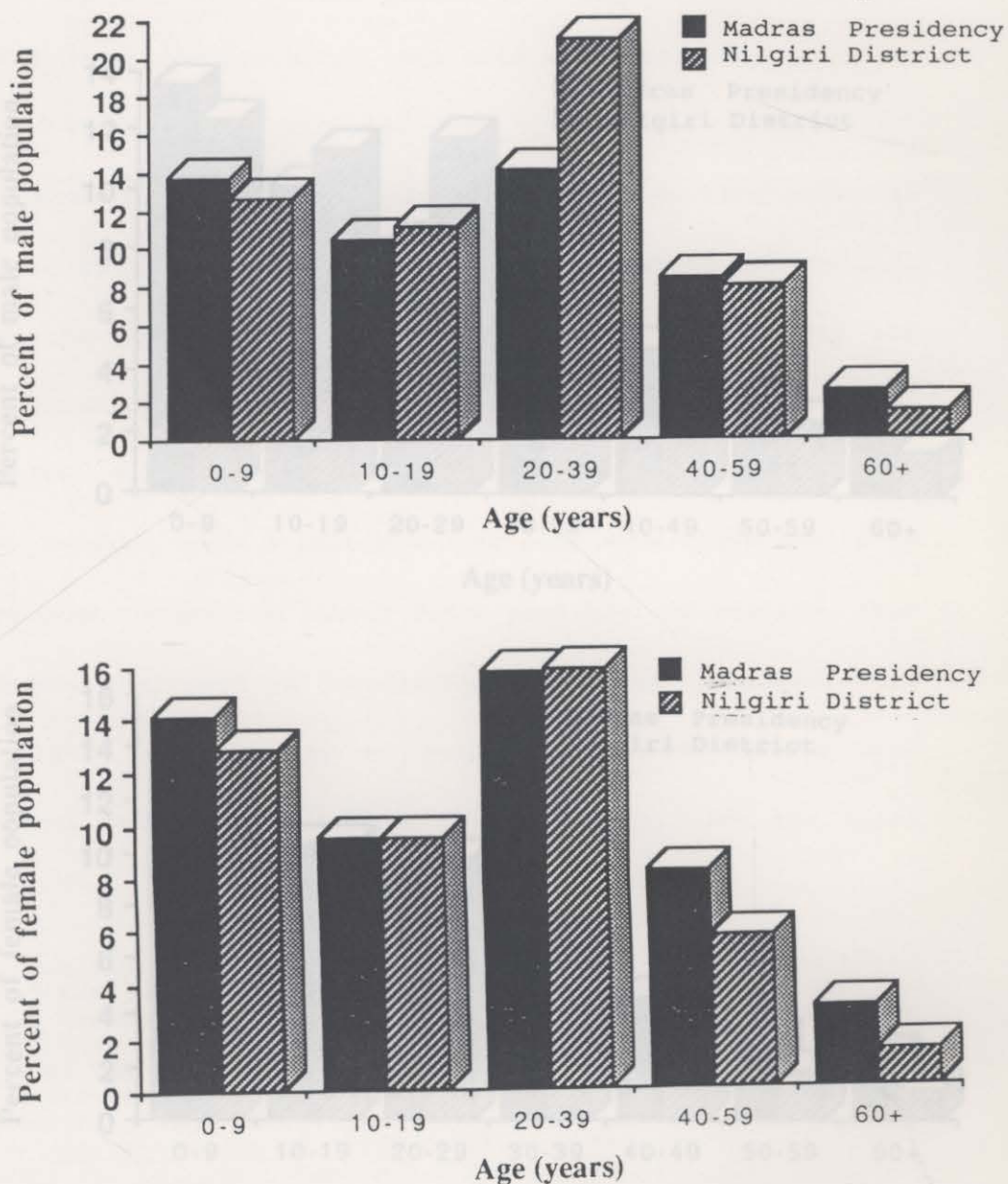


9. Census of India, 1891, Vol.XIV, op. cit., Table XIII.

FIGURE 2 COMPARISON OF AGE STRUCTURES OF MALE AND FEMALE

POPULATIONS IN NILGIRI DISTRICT AND MADRAS PRESIDENCY,

IN 1901. ¹⁰

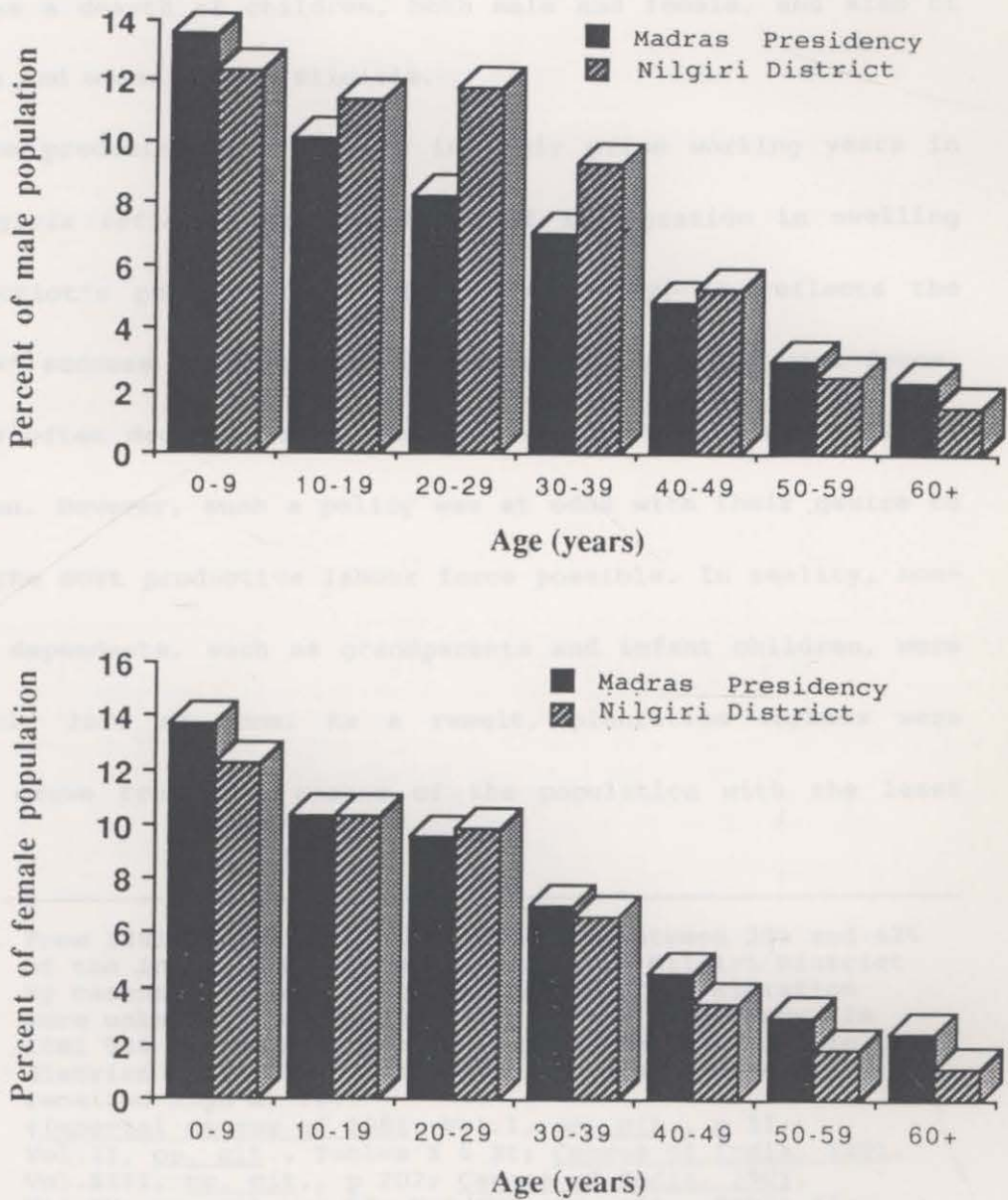


10. Census of India, 1901, Vol.XV-A, op. cit., Table VII.

FIGURE 3 COMPARISON OF AGE STRUCTURES OF MALE AND FEMALE

POPULATIONS IN NILGIRI DISTRICT AND MADRAS PRESIDENCY,

IN 1931. 11



11. Census of India, 1931, Vol. XIV, Madras, 1932, Part II, Table VII.

These figures clearly demonstrate that the age structure of the Nilgiri District population was, over at least four decades, skewed by the inclusion of large numbers of people, predominantly male, who were aged between 10 and 40 years. On the other hand there was a dearth of children, both male and female, and also of aged men and women in the Nilgiris.

The predominance of people in their prime working years in the Nilgiris reflects the importance of in-migration in swelling the District's population ¹². More importantly, it reflects the planters' success in composing a diligent and healthy work force. Planters often declared that their policy was to encourage family migration. However, such a policy was at odds with their desire to create the most productive labour force possible. In reality, non-working dependents, such as grandparents and infant children, were frequently left at home. As a result, plantation workers were largely drawn from that sector of the population with the least

12. From 1881 to 1931 migrants comprised between 30% and 42% of the Indian population enumerated in Nilgiri District by census officials. Such high rates of in-migration were unknown in other districts of the Presidency. In 1881 95% of the Presidency's population lived within the district of its birth. In 1931, the comparable figure remained high at 96%. (Imperial Census of 1881, Vol.I, op. cit., p 11; Vol.II, op. cit., Tables X & XI; Census of India, 1891, Vol.XIII, op. cit., p 202; Census of India, 1901, Vol.XV, op. cit., p 27; Vol.XVA, op. cit., Table XI; Census of India, 1911, Vol.XII, op. cit., Table XI; Census of India, 1921, Vol.XIII, op. cit., p 46, & Table XI; Census of India, 1931, Vol.XIV, op. cit., pp 74, 76, 403 & Table VI.)

largely drawn from that sector of the population with the least potential for ill-health. Moreover, plantation workers were also largely relieved of their familial obligation to provide time-consuming care of the old, the infirm or the very young. In short, they were remarkably free to work.

At the same time the new labour force was largely composed of those castes which ranked lowest in the social order. Although there are inherent difficulties in the census statistics concerning caste ¹³, it is, nevertheless, possible to calculate the proportion of outcaste people in the Nilgiri population for the years 1871, 1881, 1891 and 1901 ¹⁴.

13. The data contains in-built errors because of numerous problems with nomenclature and the desire of some peoples to upgrade their caste status. Additionally, the strength of non-Brahmanism in Madras Presidency in the 1920s led to the widespread use of terms such as Adi-Dravida in place of caste names in census returns. For this reason any detailed analysis of caste origin after the 1911 Census is precluded.

14. In 1871 the census report showed Chakkili, Mala, Madaga, Pariah, Pulayan and Valluvan peoples grouped under the category of Pariahs. In the 1881 census the castes grouped under the heading Pariah were not given. In order to aid direct comparison, the functional grouping of castes employed in 1891 has been applied to the 1901 census. As a result, more than 99% of outcastes enumerated in Nilgiri district in both 1891 and 1901 were drawn from the Holey, Cheruman, Pallan, Pariah, and Panniyan castes, and (erroneously) from the Palli caste. However, it should be noted that the 1901 total outcaste numbers only included those castes whose membership amounted to more than 200. Therefore the percentages of outcastes appearing in Table 2 against 1901 should be considered minimum figures.

TABLE 2 OUTCASTES AS A PROPORTION OF POPULATION IN NILGIRI DISTRICT, 1871-1901. ¹⁵

<u>YEAR</u>	<u>OUTCASTES AS % OF HINDU AND TRIBAL POPULATION</u>	<u>OUTCASTES AS % OF HINDU POPULATION ONLY</u>
1871	22.5	46.5
1881	25.8	39.1
1891	30.3	53.0
1901	27.1	49.7

From Table 2 it is readily apparent that outcastes formed a significant proportion of the Hindu population in Nilgiri District. That proportion, varying from 39% to 53%, is unusually high. A direct comparison with the whole of Madras Presidency is afforded by the 1881 census which concluded that the average proportion of outcastes in the total population of the Presidency was only 15.6% ¹⁶. While it is impossible to distinguish the caste

15. Report on the Census of the Madras Presidency, Vol.I, Madras, 1874, p 328; Imperial Census of 1881, Vol.I, op. cit., Table V, p 305; Census of India, 1891, Vol. XIII, op. cit., Table XVI-A, pp 358-377; Census of India, 1901, Vol.XV-A, op. cit., Part II, Table XIII; Madras District Gazetteers, Statistical Appendix for the Nilgiri District, Madras, 1905, p 5.

Note that the tribal peoples referred to here include the Badaga, Toda, Irula and Kota peoples who were the pre-colonial inhabitants of the tableland. In the 1901 census the Kota and Toda people were excluded from the tribal figure. As the census indicates the number of Kota and Toda speakers as 2105 it would be reasonable to subtract this number from what has been calculated as the Hindu population. If this is done then the proportion of Pariahs in the Hindu population rises to 51.7%.

16. Imperial Census of 1881, Vol.I, op. cit., p 305. Note that this proportion may have been slightly lower than normal for it was also reported by census officials that famine in the 1870s fell more heavily on
(continued over)

composition of the immigrant population of the Nilgiri from that of the district-born population on the basis of the quantitative data available in the censuses, the information contained in the census reports indicates that these outcaste people provided the bulk of plantation workers in the Nilgiri Hills. In 1921 when the number of Pariahs was found to be everywhere on the rise except in the Nilgiri, the Census Report attributed this to the fact that there had been "less recruiting on the tea estates" ¹⁷. In 1931, census officials concluded that "practically all the labour recruited for these estates is drawn from the depressed classes" ¹⁸. The poverty of the depressed classes, their illiteracy, low social standing and exclusion from positions of authority, all helped to ensure that they would become a relatively passive and powerless industrial labour force.

The newly created plantation labour force was also marked by a relative scarcity of females. The ratio of women to men

the lower castes. However, if this proportion remained even roughly constant, then the high proportion of outcastes in the Nilgiri must be seen as a peculiarly distinctive feature of the district's population.

17. Census of India, 1921, Vol.XIII, op. cit., pp 158-159.

18. Census of India, 1931, Vol.XIV, Madras, 1932, p 81. The economic term "depressed classes" was often used by the British to indicate both outcastes and castes which ranked immediately above them who also suffered from a number of social disabilities.
(M. S. A. Rao [Ed.], Social Movements and Social Transformation, New Delhi, 1979, Vol.I, p 4, Note 2).

enumerated in Nilgiri district was considerably lower than the average for Madras Presidency throughout the period 1881-1921. That this was largely due to the effect of migration to the district can be seen in Table 3 where the female to male ratio of the population born in the district is compared with the group born outside the district.

TABLE 3 COMPARISON OF FEMALE TO MALE RATIOS OF NILGIRI POPULATIONS BORN INSIDE AND OUTSIDE THE DISTRICT, 1881-1931. ¹⁹

YEAR	NILGIRI POP. BORN IN NILGIRI DISTRICT.	NILGIRI POP. BORN OUTSIDE NILGIRI DISTRICT.
1881	939 Females:1000 Males	627 Females:1000 Males
1891	965 " :1000 "	560 " :1000 "
1901	989 " :1000 "	662 " :1000 "
1911	990 " :1000 "	658 " :1000 "
1921	973 " :1000 "	730 " :1000 "
1931	983 " :1000 "	681 " :1000 "

The Census report of 1881 opined that the unusually low proportion of female immigrants in the Nilgiris "was probably due to influx of coolie labour for tea, cinchona and coffee plantations" ²⁰. In 1911 the Census Commission went further in stating that the sexual imbalance was due to "the large immigration

19. Imperial Census of 1881, Vol.II, op. cit., Tables X, XI; Census of India, 1891, Vol.XIV, op. cit., Table XI; Census of India, 1901, Vol.XVA, op. cit., Table XI; Census of India, 1911, Vol.XII, op. cit., Table XI; Census of India, 1921, Vol.XIII, op. cit., Table XI; Census of India, 1931, Vol.XIV, op. cit., Table VI. Note that the figures for immigrants refer to all persons irrespective of their racial origins.

20. Imperial Census of 1881, Vol.I, op. cit., p 63.

of male labourers to coffee and tea estates" ²¹, while in 1931 the comparable report recorded the peculiar nature of the district "with its plantations and immigrant labour ... predominantly this labour is male" ²².

The relative scarcity of female labour may well reflect conditions and decisions beyond the control of European employers. Periodic and regional shortages of labour plagued planters in the Nilgiri throughout the period under study. There is no evidence to indicate that planters, either of coffee or tea, preferred male to female labour. On the contrary, in the tea fields female pluckers were considered superior as their fingers were said to more nimble and dexterous than their male counterparts. Plucking was a constant task on tea plantations and by 1931 tea production dominated the Nilgiri economy. In an attempt to satisfy the need for pluckers, (and perhaps also to redress the sexual imbalance among labourers), planters were known to deliberately recruit widows ²³. In the tea fields the real earnings of pluckers often exceeded those of other field labourers ²⁴. Additionally, planters frequently proclaimed

21. Census of India, 1911, Vol.XII, op. cit., p 84.

22. Census of India, 1931, Vol.XIV, op. cit., p 78.

23. Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part II, p 313.

24. Report on an Enquiry into Conditions of Labour in Plantations in India, Delhi, 1946, p 146.

the benefits of family migration and their desire to promote it. In short, there is ample evidence that female workers were in demand both for industrial and social reasons. It is therefore rather surprising that males continued to dominate the migratory flow at this late stage. In part, the answer to this question lies in the planters' preference for labour which was free to permanently commit itself to long hours in the fields. On the other hand, an examination of the wide variation in sexual ratios among the various outcaste groups enumerated in the Nilgiris indicates an additional reason for this imbalance. The sexual composition of the various outcaste groups is illustrated in Table 4.

TABLE 4 RATIO OF FEMALES TO MALES AMONGST OUTCASTES IN NILGIRI DISTRICT, 1901. ²⁵

<u>TAMIL</u> <u>OUTCASTES</u>	NUMBER OF FEMALES	NUMBER OF MALES	RATIO OF FEMALES TO MALES.
Pariah	9259	10170]	= 903 Females:1000 Males
Pallan	248	354]	
<u>WEST COAST</u> <u>OUTCASTES</u>			
Panniyan	106	2117]	= 244 Females:1000 Males
Cheruman	2	267]	
Holeya	776	1243]	
TOTAL	10391	14151	

In Table 4 the outcastes have been grouped according to

25. Census of India, 1901, Vol.XV-A, op. cit., Part II, Table XIII.

their geographic origin. The Pariahs and Pallans are Tamil people, the latter residing chiefly in Tanjore, Tinnevely, Madura and Trichinopoly, and to a lesser extent in Salem and Coimbatore. The Panniyans, Cheruman and Holeyas castes were all found on the west coast of Madras Presidency. Panniyans were found chiefly in Malabar in the eastern taluks of Wynaad and Kottayam. Cherumans were found largely in southern Malabar, while Holeyas resided principally in South Canara. As a result of the geographic division employed here, a pronounced contrast is evident in the female to male ratios of the two groups. The proportion of females among those outcastes originating in the plains east of the Nilgiri approaches the ratio of females amongst the Nilgiri born population, as illustrated in Table 3. In contrast, the proportion of female immigrants is remarkably low amongst those outcastes whose origin lay to the west of the Nilgiri hills.

Such significantly low proportions of females amongst migrant Malayali labour have been documented elsewhere. In a study focusing on the caste composition of immigrant labour in Ceylon, Jayaraman noted that south Indian male and female plantation workers were present in approximately equal numbers. However, amongst Malayali labour less than 5% were female ²⁶.

26. R. Jayaraman, Caste Continuities in Ceylon, Bombay, 1975, p 40.

The reason why so few female outcastes migrated from Malabar and South Canara is most probably found in the continuance of these outcastes' severe socio-economic disabilities, including the widespread practice among landlords of keeping the women in their home villages in order to secure the return of male labourers seeking temporary employment elsewhere. Although Cherumans, Holeyas and other agrestic slaves in British India were legally emancipated in 1843, the low proportion of women amongst these castes in Nilgiri District in 1901 is important evidence that their emancipation was less than complete or universal. Edgar Thurston, writing some fifty years after the initial settlement of coffee planters in the Wynaad, stated that European planters who originally purchased land on the plateau simultaneously acquired the Panniyans who were attached to it ²⁷. In 1895 Wynaad estates were reported to be drawing their labour supply largely from among the Cherumans of Malabar whom one leading planter characterised as "nothing more than praedial slaves" ²⁸. As late as 1903 G. L. Acworth, a prominent planter and member of the Madras legislature, described these labourers as "the slaves of the landowners on the West Coast" who between planting and harvesting were permitted to

27. Edgar Thurston, Ethnographic Notes in Southern India, Madras, 1906, p 447.

28. U.P.A.S.I. Annual Proceedings, 1895, p 35.

work on hill estates, "the masters keeping their women as hostages" to guarantee their return ²⁹. These labourers were also reported to have originated in Walluvanad taluk, and also in Calicut taluk ³⁰ where Francis Buchanan had earlier indicated the concentration of slaves amongst the non-slave population exceeded other areas of Malabar ³¹. The unfree nature of their employment in Nilgiri district is also reflected in the fact that they worked for the same planters from year to year, and arrived "without the intervention of a maistri or recruiter" ³² to serve labour's interests, or even his own, in obtaining the highest wages or best conditions. Their isolation from the mainstream of migrating labour extended even to their accommodation, for they lived in temporary

29. Proceedings of the Council of the Governor of Fort St George, 27th Feb., 1903, p 35.

30. Ibid., p 36.

31. Francis Buchanan Hamilton, A Journey from Madras through the Countries of Mysore, Canara, and Malabar, London, 1807, Vol.II, pp 361-62, 441-442, 483, 508, 562, in Benedicte Hjejle, "Slavery and Agricultural Bondage in South India in the Nineteenth Century", The Scandinavian Economic History Review, Vol.XV, 1967, p 89.
Note that Hjejle has collated Buchanan's estimates.

32. Proceedings of the Council of the Governor of Fort St George, 27th Feb., 1903, p 36.

huts which they constructed themselves rather than in the plantation labour lines³³.

Acworth's assessment of these labourers as slaves is in accord with the description provided in the Malabar District Manual of 1887. The author, William Logan, a former district magistrate in Malabar and a keen antiquarian, argued that the "chief obstacle" preventing the complete release of Cherumans was that:

"the women must have dwellings of some sort somewhere, and the masters provide the women with huts and allow the men to go to work on plantations on condition that they return in good time for the rice cultivation and hand over a considerable portion of their earnings"³⁴.

In Logan's opinion real freedom for the Cheruman could only come about when they had acquired "indefensible rights" to their house sites³⁵.

While Benedicte Hjejle has proposed that paid employment offered by Wynaad plantations helped to reduce the high degree of debt slavery that lingered in Malabar after the abolition Act³⁶,

33. Ibid.

34. William Logan, Malabar, Madras, 1887, p 148.

35. Ibid., p 151.

36. Hjejle, op. cit., p 125.

emancipation is clearly not complete by 1903. For abolition to have any real substance, as Kooiman has argued ³⁷, alternative employment opportunities had to be available to newly freed workers, but the low rate of female, Malayali emigration to the Nilgiri some sixty years after plantations were established there must undermine the importance often accredited to plantation wages in promoting widespread and full emancipation.

The creation of a circularly migrating, agro-industrial ³⁸ work force which was youthful, of low caste origin and predominantly male was not accidental. To some degree the composition of the new work force reflected the planters' ambition to obtain maximum productivity, but it also reflected the wider socio-economic order of rural south India and the forces of change that were operating upon it. While it is readily apparent that the growth of plantation employment in the hills was itself one of those forces, plantation recruitment was assisted by the commercialisation and alienation of traditional landholdings on the

37. Dick Kooiman, Conversion and Social Equality in India: The London Missionary Society in South Travancore in the 19th Century, Columbia, 1989, p 135.

38. The term agro-industrial work force is used here to highlight the fact that the characteristics of plantation production had little in common with traditional agriculture. A strictly hierarchical management structure, mass production for export rather than for subsistence, accurate measurement of productive output and a complex network of agents and brokers were typical features of the planting industry.

plains and the consequent increase in the number of landless labourers. Moreover, to account for the composition of the new plantation work force it is necessary to look beyond the general provision of employment opportunities by the planter, to the means by which labour was recruited and the interaction of this recruitment system with the circumstances in which potential workers were already immersed.

The major factor which determined the composition of the Nilgiri tea plantation work force was the planters' employment of the maistri system of labour recruitment. This system was near universal in the Nilgiri for the recruitment of non-local labour and had operated from the earliest days in which tea was grown as a commercial crop.

The use of the maistri system was not confined to the Nilgiri nor did it originate there. In Ceylon the system had been used to obtain south Indian plantation labour from about 1820³⁹, while J. Daniel Moore in his study of the Mysorean coffee industry has reported that the system operated long before the British introduced plantation cash cropping in the late 1820s⁴⁰. Moore

39. R. Jayaraman, "Indian Emigration to Ceylon: Some Aspects of the Historical and Social Background of the Emigrants", Indian Economic and Social History Review, Vol. IV, No. 4, Dec., 1967, pp 320-321.

40. Moore, op. cit., p 216.

asserts that the maistri's original position was as the acknowledged leader of a migrating agricultural labour gang. The maistri's function was to negotiate with employers, mediate between members of the gang and safeguard their welfare. Moore designates this type of labour foreman an "old" maistri, adding that he was usually a man of some importance in his village though not a caste leader. His gang would frequently include his relatives and acquaintances. Moore asserts that "old" maistris dominated plantation labour supplies in Mysore until about 1875 ⁴¹.

In the Nilgiri there is scant evidence concerning the pioneering planters' employment of the maistri system. A. A. Wright, who was engaged in 1845 and 1846 to establish coffee fields in the south east Wynaad, later recalled that gangs of workers were imported with "great trouble and expense", their maistris being paid monthly salaries and no commission ⁴². The fact that Wright expressed surprise that the members of such gangs would "bolt away without the knowledge of even their maistry" indicates that a personal tie commonly bound gang members to their

41. Ibid.

42. A. A. Wright, "Sketches of the Planting Districts of South India", Part III, in Planting Opinion, 19th Dec., 1896, p 22.

"old" maistri ⁴³. However, it would be easy here to make too much of a flimsy record of evidence. On many estates it was commonplace in the pioneering days for planters to expect their clerical staff to provide them with a "labour connection" ⁴⁴. On smaller plantations, office clerks continued to share the supervision of field workers with maistris ⁴⁵, whose coercion of their workers is implied in their early description as men not only of superior intelligence and influence, but also of superior "physique to the average run of cooly" ⁴⁶. These facts would appear to seriously undermine the notion advanced by Moore that "old" maistris originally functioned as labour spokesmen rather than as labour foremen on the early coffee estates. Moreover, Moore's assertion that the maistri system "was in existence long before the British introduced new cash plantation crops" ⁴⁷ is unsubstantiated and doubtful in any case. Francis Buchanan who took a particular and detailed interest in agriculture whilst traversing much of south India at the turn of the nineteenth century, makes no mention of

43. Ibid.

44. Planting Opinion, 26th Sept., 1896, p 6.

45. Planters' Chronicle, 1st Sept., 1945, p 274.

46. Planting Opinion, 1st April, 1899, p 240.

47. Moore, op. cit., p 216.

maistris ⁴⁸. In truth, the hierarchical administrative and supervisory structure of the larger Nilgiri estates grew to mirror those of Ceylon coffee plantations where many south India tea planters had gained their initial experience of planting ⁴⁹. Rather than accept Moore's explanation, it is more likely that the maistri's position, and by association other plantation practices, were legitimized by the construction of a false tradition of agricultural custom. With this in place, planters could subsequently claim that their handling of labour was in line with long standing Indian conventions ⁵⁰. Although the origins of the maistri system are uncertain, it is evident that planters

48. Buchanan, op. cit.

49. This extended even to the transfer of occupational titles. For instance, "K.P." (kanaka pillai) was the term commonly used for field conductors both in Ceylon and in south India. However, the origins of the term itself pre-date commercial coffee culture in Ceylon. S. Arasaratnam has reported the growth of kanaka pillais as subsidiary functionaries to European cloth merchants operating in the Coromandel in the seventeenth century. As there is no evidence that K.P.s were drawn from higher castes than common labourers on tea estates, the caste titular "pillai" may have been used by planters to convey to labourers the field conductor's dominion over them. (S. Arasaratnam, "Indian Commercial Groups and European Traders, 1600-1800: Changing Relationships in Southeastern India", South Asia, Vol.I, No.2, Sept.1978, p 48.)

50. Lalita Chakravarty has noted that owners of colonial enterprises often quoted village and caste traditions in order to resist attempts to curb the power of maistris, daffadars, sardars and other labour contractors. (Lalita Chakravarty, "Emergence of an Industrial Labour Force in a Dual Economy -British India, 1880-1920", Indian Economic and Social History Review, Vol.XV, No.3, p 283, note 48.)

transformed the maistri's position to meet their own ends. In doing so any resemblance to an ancient labour spokesman was subsumed.

According to Moore the recruitment of coffee plantation labour in Mysore after 1875 was increasingly undertaken by men promoted by planters from the plantations' permanent labour ranks ⁵¹. These "new" maistris were selected for their long service and loyalty to planters, and in their position as labour foremen were expected to serve planters' interests rather those of the labour gangs. Similarly, Roberts reports that in Ceylon by the 1850s the maistri had become merely a planter's agent ⁵².

The operation of the "new" maistri in the Nilgiri was probably accelerated by the rapid increase in demand for labour which accompanied the changeover to tea production. By the 1880s the "new" system was firmly entrenched ⁵³. In 1896 the South of India Planters' Enquiry Committee found Nilgiri planters to be heavily reliant on annually migrating labour recruited by maistris and concluded "that the employment of maistries for recruiting plantation labour is absolutely necessary" ⁵⁴. Each maistri was

51. Moore, op. cit., pp 216-217.

52. M. W. Roberts, "Indian Estate Labour in Ceylon during the Coffee Period, (1830-1880)", Part I, op. cit., p 12.

53. Lock, op. cit., p 209.

54. Report of the South of India Planters' Enquiry Committee, op. cit., p 13.

said to have recruited between 100 and 250 labourers who would often arrive at estates in gangs of 20 to 40 under the control of the maistri himself or a headman termed a cole-maistri ⁵⁵. However, the composition of the gang appears to have been little different from Moore's description of the gang under an "old" maistri: the members would be drawn from a single village or at most several villages, they would often be accompanied by close relatives and by their own caste members ⁵⁶. If the "new" maistri drew heavily upon those labourers "who knew little or nothing about him" ⁵⁷ it is not readily apparent in the Nilgiri by 1896.

It is only in 1930 that evidence is available to show that the composition of the maistri's gang had become less tightly knit. In that year planters' representatives informed the Royal Commission on Labour that in south India, "Under the kangani system as originally understood you would have a head kangani who is practically the father of the estate " but "things have changed now and we find a Tamil maistri recruiting a Kanarese coolie or a

55. Ibid., p 12.

56. Ibid., p 14.

57. Moore, op. cit., p 218.

Telugu coolie in whom he can have no interest" ⁵⁸. Additionally, planters had by this time begun to appoint as maistris those labourers "who have proved to be good coolies" and who were thought to be capable of bringing in labour, possibly through a family connection ⁵⁹.

Under the "new" maistri system the personal tie between the gang members and their leader was replaced by an economic bond. The "new" maistri bound his labourers by an advance of money prior to their commencing work on the estate. That the new debt-bond came to utterly supersede a personal tie to the maistri was evident in the words of one "new" maistri before the 1930 Commission who declared "unless I give them (labourers) an advance I will have no hold on them" ⁶⁰. Despite the diverse ethnic origins of labour gangs in 1930, planters declared that a competent maistri would only advance money to labourers he knew thoroughly ⁶¹. In the "new" maistri system the maistri and his labourers had separate economic interests, and it was the maistri's knowledge of his workers which

58. Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part 2, p 388.

59. Ibid., p 355.

60. Ibid., p 336.

61. Ibid., p 195.

now protected him from being defrauded.

The feature which most readily distinguished "new" maistris from "old", and simultaneously signalled a step in their conversion to the side of capital, was their receipt of a commission. Both the South of India Planters' Enquiry Committee ⁶² and A. A. Wright ⁶³ noted in 1896 that maistris now commonly received 10% of their coolies' wages as commission. Commissions in reality reduced the earnings of labourers. This, irrespective of whether the maistri arose from within the gang or was promoted from the estate work force, exemplified that the "new" maistri and the planter had a common interest in ensuring that the maximum number of workers turned out to labour in the fields each day. In order to extract the largest commission the "new" maistri assisted the planter in extracting the maximum profit from labour.

The linchpin of the "new" maistri system was the monetary advance made to the labourer. An advance was almost invariably made to migrating labour and was considered by most planters to be indispensable in attracting labour ⁶⁴. By 1902 G. S. Stokes, a

62. Report of the South of India Planters' Enquiry Committee, op. cit., p 12.

63. A. A. Wright, "Sketches of the Planting Districts of South India", Part III, in Planting Opinion, 19th Dec., 1896, p 22.

64. Report of the South of India Planters' Enquiry Committee, op. cit., p 19.

veteran civil servant in the Madras Presidency and a member of the Madras Legislative Council, described the advance system as "so universal and so deeply seated in the habits of the labourers that it is impossible either to ignore it or overthrow it"⁶⁵.

The size of the advance proffered by the maistri varied. In 1896 in the Nilgiri a planter might advance between Rs 2 and Rs 20 for each worker⁶⁶. Trusted workers were often advanced more than new recruits, while the largest advances were reportedly paid to Mysorean labour which was highly sought after⁶⁷. When labour was scarce, as when the grain harvest had been abundant or when there was increased competition for labour from landlords, public works projects or overseas labour recruiters, the size of the advance rose⁶⁸. Since the advance made to the labourer was recoverable from his earnings on the estate, the cost to the planter of rising advances was minimal in comparison with rising wage rates. As long as the labourer did not abscond, and either cash or credit could be

65. Proceedings of the Council of the Governor of Fort St George, 15th Dec., 1902, p 208.

66. Report of the South of India Planters' Enquiry Committee, op. cit., p 17.

67. Ibid.

68. I.O.L.R., Madras Judicial Proceedings, 1884, No.1911-1912, Assisting Magistrate of Nilgiris to Chief Secretary to Government, 20th May, 1884, p 11.

found to fund the advances, the system was economically beneficial to the planter.

The advance system was employed by Nilgiri planters throughout the Tamil speaking regions to mobilize primarily low and outcaste peoples. Many of these castes such as Pallis, Pariahs and Pallans, were traditionally employed in agricultural work; as casual day labourers, as share-croppers, as debt-bonded workers and even as agrestic slaves. The planters' organization, the U.P.A.S.I., considered the wet districts of Madras Presidency "where the labourer has no land of his own" to be their best recruitment ground, superior to dryer regions where "the labourer works for the most part on his own land"⁶⁹. However, labour recruitment campaigns which were conducted by U.P.A.S.I from about 1914 drew labour for Nilgiri plantations largely from eastern Coimbatore, and to lesser extent from southern Salem and western Trichinopoly, rather than from the more intensively cropped wetlands of the Cauvery region⁷⁰.

As early as 1887 the pariahs of Coimbatore were identified in the district's manual as readily emigrating to Nilgiri

69. Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part II, p 194.

70. Census of India, 1931, Vol.XIV, op. cit., Part I, p 81.

estates⁷¹. In the 1920s the President of the Coimbatore Labour Union, N. S. Ramaswamy Ayyangar, observed that amongst the factors contributing to plantation migration - failure of rain, bad seasons, and rural poverty - was the "degrading treatment afforded to Adi-Drivadas in the villages"⁷². In stark contrast "the Vellala Gounders, Naickers and other caste Hindus who are the bulk of the population ... do not care to serve on plantations". Ayyangar concluded that these caste Hindus were "better off in their own villages", in spite of the fact that they too were subject to poor seasons and economic distress⁷³. Rather than take up plantation employment, insolvent Gounder cultivators preferred to seek employment in the cotton mills of Coimbatore⁷⁴ where the sudden influx of labour allowed mill owners to pay very

71. F. A. Nicholson, Manual of the Coimbatore District in the Presidency of Madras, Madras, 1887, p 63. Nicholson was to become a notable expert on agrarian conditions in the Presidency. Towards the latter part of his career his efforts were instrumental in establishing agricultural banks in the region.

72. Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part I, p 251.

73. Ibid.

74. David Arnold, "The Gounders and the Congress: Political Recruitment in South India, 1920-1937", South Asia, No.4, Oct., 1974, p 4.

low wages ⁷⁵. The plantation maistri's labour drive most commonly attracted agricultural labour which was both of the lowest economic class and of either low caste or outcaste origin.

There can be little doubt that a maistri's advance was often directed at labourers who were already indebted. Existing indebtedness and agrestic bondage amongst recruits were cited by planters as factors which made advances essential ⁷⁶. The Acting Head Magistrate of Nilgiri district, Mr F. A. Wedderburn, wrote in 1884 that he "often questioned coolies why they took the original advance" and found "the invariable answer is we had debts" ⁷⁷. Even where the labourer held land of his own he was not immune to the maistri's advance. An increase in the size of the family, a rise in rent, the desire of a landlord to increase his own cultivation, and most commonly a poor harvest, created fresh recruits. In the latter half of the nineteenth century revised land revenue settlements and a number of severe famines in many Tamil areas sorely aggravated rural distress, particularly amongst the

75. Eamon Murphy, Unions in Conflict, A Comparative Study of Four South Indian Textile Centres, 1918-1939, New Delhi, 1981, p 27.

76. Report of the South of India Planters' Enquiry Committee, op.cit., p 19.

77. I.O.L.R., Madras Judicial Proceedings, 1884, No.1911-1912, Report of the Acting Head Magistrate of Nilgiri District, 9th April, 1884, p 14.

poorest classes ⁷⁸.

In Coimbatore district an erratic and unreliable rainfall pattern contributed to rural suffering. In 1865 the Collector of the district tabulated the previous 62 seasons as having been 2 good, 11 fair, 40 unfavourable and 9 really bad ⁷⁹. In the latter decades of the century the plight of poor cultivators in the district worsened. In addition to widespread rack-renting landlords began to "evince an inclination to turn out their customary tenants for casual bidders who offer higher rents" ⁸⁰. By 1887 the position of the common agricultural labourer was judged "very precarious; his ranks are increased not merely by multiplication from within, but by additions from the ryot class above" ⁸¹. Increasing misfortune and rising debt amongst the agricultural labourers and small cultivators of Coimbatore made the district an ideal recruiting ground for Nilgiri planters whose traditional labour source in Mysore was simultaneously evaporating. The planter's advance could dissolve the labourer's financial

78. Dharma Kumar, "Agrarian Relations-South India", in Dharma Kumar (Ed.) The Cambridge Economic History of India, Cambridge, 1983, Vol.2, Part 4, Ch. 2, pp 229-233.

79. Nicholson, op. cit., p 13.

80. Ibid., p 267.

81. Ibid., p 270.

obligation to his landlord or village moneylender but the debt was simply transferred to a foreign and unknown landowner. All the new labourer could learn of his obligations as a member of a new, industrially organized work force, and of the conditions under which he would work and live, he would have gleaned from the maistri who was eager to recruit him.

In accepting the advance the labourer bound himself both to the maistri and to the planter. In place of the landlord the new recruit found he had two masters to serve. Both the planter, who was chronically short of labour, and the maistri, who derived profit from the labourer's earnings, found their economic interests best served by retaining the labourer on the plantation. In an attempt to effect this it was customary on Nilgiri tea plantations to make a fresh advance to a labourer at the end of the season irrespective of his financial position, and prior to his leaving for his village. In this way planters attempted to ensure the labourer's return. This practice prevailed throughout the period under examination ⁸², and was also beneficial to the maistri. Mr J. Ryan, a Nilgiri planter whose opinions on the maistri system were solicited by F. A. Wedderburn, concluded that "a maistri does

82. See for example A. A. Wright, "Sketches of the Planting Districts of South India", Part III, in Planting Opinion, 19th Dec., 1896, p 22 and Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part 2, p 214.

all in his power to prevent a cooly under advance from clearing himself entirely" ⁸³. On occasions when the labourer was able to repay the advance it was Wedderburn's experience that "coolies have pleaded before me that return of the advance was tendered but refused by the maistry" ⁸⁴. Acceptance of the maistri's advances plainly compromised the labourer's free exit from the new labour market.

The maistri's advance also bridged the cultural divide between the pre-capitalist world of the rural village and the capitalist realm of the plantation. Recruits to Nilgiri estates were often debt-bonded agricultural labourers who, in accepting plantation advances, were provided with a continuity of experience in relation to their terms of employment. Moreover, recruits simply transposed village mores regarding debt to the maistri's advances. The degree to which this process took place can be gauged from the promotional pamphlet of one foreign labour recruiter, who advised field workers on Shevaroy estates to rid themselves of their maistris' grip and;

83. I.O.L.R., Madras Judicial Proceedings, 1884, No.1911-1912, Report of the Acting Head Magistrate of Nilgiri District, 9th April, 1884, p 15.

84. Ibid.

"Go to Ceylon gentlemen with the chit of Goodfellow ...As soon as the labourers arrive on our estates they will be given free, two cloths, a woollen blanket and a cooking vessel(and) a present of Rs. 2 to each man and woman ... They are not bound to clear the debts of their parents and ancestors"⁸⁵.

There is no evidence to suggest that maistris in the Nilgiris ever attempted to disspell labour's belief that their new debts were heritable. On the contrary, maistris relied not only on the efficacy of the law of penal contract to protect their advances, but also on labour's traditional acceptance of the binding power of debt.

The labourer remained a member of his village despite his entry into the new agro-industrial work force. As early as 1870, Mysorean, Tamil, and west coast plantation workers in the Wynaad who accumulated savings were reported to be returning home and investing it in land⁸⁶. In Mysore this process, regardless of whether the estate wages were earned in the state itself or in the Nilgiris, reduced the plantation labour pool and stimulated a new source of labour in South Canara⁸⁷. Other labourers who already held, however tenuously, plots of land prior to their recruitment

85. U.P.A.S.I. Annual Proceedings, 1912, pp 76-77.

86. Morgan, op. cit., pp 60-61.

87. Moore, op. cit., p 282.

by the maistri used part of the cash wages they received to maintain their claims⁸⁸. The managers of Nonsuch Tea Estate and Ibex Lodge Estate in the Nilgiris who employed about 1,000 workers between them, attested before the Royal Commission on Labour that;

"all these coolies have got interests in the country down below; they are all agriculturalists. They have to pay government kisti and have to buy seeds. A great deal of the money we advance to them is sent straight down to the countryIf he is going down to his country he takes it with him and buys his seed and pays his Government kisti"⁸⁹.

Aside from his tie to land, the labourer was frequently bound to the village by the presence of his kin there. Labourers often left children, parents and even wives in the villages. Additionally, women employed on the plantations commonly migrated home for the birth of a child⁹⁰, despite a rising standard of medical treatment on the plantations, and in some cases, the provision of maternity benefits. In general, workers who became seriously ill preferred to return to their villages rather than

88. Dharma Kumar reports that in the dry Tamil regions such as Coimbatore District where intensive agriculture was not worthwhile, some Paraiyans and Pallans were owner-cultivators on small lots. (Dharma Kumar, "Agrarian Relations -South India", op. cit., p 212.)

89. Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part II, p 313.

90. Ibid., p 320.

remain on their estates ⁹¹.

The widespread retention of familial village ties and the skewed age structure of Nilgiri migrants lucidly illustrate that plantation employment did not engender true family migration. Where women and youths migrated they generally did so as workers, and not as the dependents of a working male. Although planters often believed that they would be better served by a resident work force, plantation wages were insufficient to support non-working dependents. In 1904 a government enquiry into conditions on tea estates in Madras Presidency accepted that the food expenses of an adult male estate worker were approximately Rs 4 per month ⁹². At the same time the maximum male wage per month would probably never have exceeded Rs 6 14 annas ⁹³, and as it was customary for planters to make deductions for lateness, short work and other

91. Report of the South of India Planters' Enquiry Committee, op. cit., p 15.

92. Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, Shillong, 1904, p 12.

93. Ibid. The figure has been calculated by taking the maximum daily rate of pay for 22 working days per month. Although labourers were expected to work for six or even seven days each week, an individual worked on average 20-22 days per month. (Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 146). Many planters regularly made deductions from their labourers' wages, but these have not been taken into account here. On Nilgiri estates it was not customary for labourers to earn supplementary pay. (Report on the Conditions of Tea Garden labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 12.)

misdemeanours, real earnings were very commonly a great deal less than stated wage rates and probably hovered around Rs 3 per month⁹⁴. Even where planters made rent-free land available, workers proved unwilling to settle permanently near plantations⁹⁵. The lack of a true family wage characterised employment on tea plantations throughout the period. As a result, the non-working population of dependent family members, the aged and the infirm, remained at home and were maintained on the whole by small family plots of land and alternative sources of income. Thus the real cost of reproducing the labour force was borne in the home village and not on the tea plantation.

In summary, the growth of tea planting in the Nilgiri had engendered an increased flow of migrants to the district particularly from Malabar and the Tamil speaking districts of Madras Presidency. The predominance of youth, and of youthful males in particular, among that migratory stream is indicative of migration for unskilled labour⁹⁶ rather than migration for

94. Planting Opinion, 24th Oct., 1896, p 10.

95. Report of the South of India Planters' Enquiry Committee, op. cit., p 11. In the mid-1940s less than 10% of plantation workers in South India were estimated to be permanently resident on their estates. (Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 119.)

96. Chakravarty, op. cit., p 289.

settlement. The lack of true family migration to the Nilgiri, and the retention of agricultural and village ties by immigrant workers indicate that plantation employment was regarded by recruited workers as impermanent. The burgeoning tea plantations to which they were despatched were a clear example of colonial capitalist penetration of the Indian economy. However, tea planters in attempting to create a large and permanent agro-industrial work force, found it simplest to use the pre-colonial mechanism of debt-bonding as the basis of their labour recruitment system. This system, the maistri system, had already been sufficiently modified some decades before, most notably in Ceylon, to serve planters' interests. In south India, as in Ceylon, the maistri served as the planter's agent and in tendering an advance locked the new relationship between capital and wage labour into existing agrarian relations. Worsening rural economic conditions pushed those villagers with the greatest socio-economic disabilities into plantation employment. On tea estates low wages and high advances continued a familiar round of exploitation. In the new capitalist mode of production the planter and the maistri merely replaced the landlord and the money lender as patrons; as a client the "coolie" stood in place of the debt-bonded and the indebted agrestic labourer. Capitalist development in the form of tea plantations worked to preserve, rather than to transform, existing relations of

agrarian exploitation.

The failure of Nilgiri planters to raise a work force commensurate with their needs was in part due to a concurrent increase in demand for Indian labour overseas. In Ceylon, as in the Nilgiri, the changeover from coffee to tea cultivation created an increased demand for plantation workers⁹⁷. This, coupled with an acceleration in public works programmes in Ceylon⁹⁸, affected both Tamil and, to a lesser extent, Malayali labour catchment areas. Between 1871 and 1881 the annual net emigration of Tamils to Ceylon rose from approximately 123,000 persons to 206,000⁹⁹. By 1901 it stood at over 440,000¹⁰⁰. South Indian emigrants to Ceylon were predominantly drawn from the same lowly, agricultural castes targeted by Nilgiri planters¹⁰¹. In the twentieth century, Trichinopoly and the surrounding districts of Salem, Tanjore, Ramnad and Madura, provided the bulk of emigrants to

97. R. Jayaraman, "Indian Emigration to Ceylon: Some Aspects of the Historical and Social Background of the Emigrants", op. cit., p 326.

98. Ibid.

99. Ibid., p 325.

100. Ibid.

101. Hugh Tinker, A New System of Slavery, The Export of Indian Labour Overseas, London, 1974, p 59.

Ceylon ¹⁰². By 1902 keen competition for estate labour led recruiters in these districts to offer advances ranging between Rs 50 and Rs 90 per person ¹⁰³. Coimbatore district, which was rapidly becoming the major supplier of labour to the Nilgiri, supplied only small numbers of recruits for Ceylon estates ¹⁰⁴. Direct competition between Nilgiri and Ceylon planters for estate labour in Coimbatore was minimal. However, recruitment for Ceylon from districts immediately east of Coimbatore very probably restricted the attempts of Nilgiri planters to draw in labour from further afield. Prior to 1931 south Indian planters conducted recruitment drives in eastern Coimbatore, western Trichinopoly, southern Salem, and northern Madura ¹⁰⁵. While this resulted in a flow of labour to Anamalai estates in southern Coimbatore, it produced only small numbers of recruits for the Nilgiri from districts east of Coimbatore ¹⁰⁶. Where migrating Tamil labour

102. R. Jayaraman, "Indian Emigration to Ceylon: Some Aspects of the Historical and Social Background of the Emigrants", op. cit., pp 333-334.

103. U.P.A.S.I., Annual Proceedings, 1902, pp 44-45.

104. R. Jayaraman, "Indian Emigration to Ceylon: Some Aspects of the Historical and Social Background of the Emigrants", op. cit., p 333.

105. Census of India, 1931, Vol.XIV, op. cit., Part I, p 81.

106. Ibid. See also Table 1 above.

had the choice between long range destinations such as Ceylon (and after 1900 Malaya ¹⁰⁷), and the Nilgiri hills it clearly preferred the former.

On the west coast of south India the development of the tea industry in Ceylon also led to the increasingly permanent migration of labour from Malabar ¹⁰⁸. Rates of emigration among low caste Cherumans appear to have been highest in the mountainous taluks of Malabar - Walluvanad, Palghat, and Wynaad ¹⁰⁹ - whose close proximity made them convenient recruiting grounds for planters in Nilgiri district.

Competition for labour from overseas colonies was sorely felt by Nilgiri planters, even in the nineteenth century. As early as 1874 planters in the Wynaad complained to the Governor of Madras, Lord Hobart, that,

"though suffering from an increased want of labor (sic), we are unable to compete with settlers in other more favoured countries, who are attracting our own coolies from the very districts which should supply us, and are, moreover, able to

107. Although South Indian labour emigrated to Malaya well before this date, it is only after 1900 that the number of emigrants increased dramatically. (Kernal Singh Sandhu, Indians in Malaya, Some Aspects of their Immigration and Settlement, (1786-1957), Cambridge, 1969, Appendix 1, pp 304-305.)

108. Hjejle, op. cit., p 103.

109. Ibid., pp 111-112.

and are, moreover, able to keep them".¹¹⁰

Similarly the Report of the South of India Planters' Enquiry Committee claimed that an overall reduction in the labour pool available to planters was in part attributable to labour migration abroad¹¹¹. Emigration, particularly to Ceylon, appeared to offer greater rewards than emigration to the tea estates of the Nilgiri hills.

To the potential plantation labourer, emigration to Ceylon appeared more lucrative than migration to a Nilgiri tea estate. Daily wage rates on Ceylon plantations exceeded those offered to tea labourers in the Nilgiri hills. In 1887 the daily wage of adult male estate workers in Ceylon was 6 annas¹¹². Although no comparable figure is available for that year in the Nilgiri it is highly probable that the most common daily wage rate was either 4 or 4 1/2 annas per day¹¹³. By 1894 wage rates in Ceylon were

110. I.O.L.R., Madras Judicial Proceedings, 1875, Nos.31-36, Wynaad Planters' Association Memorial to Lord Hobart, 9th January, 1874.

111. Report of the South of India Planters' Enquiry Committee, op. cit., p 11.

112. John Ferguson, Ceylon in the Jubilee Year, London, 1887, in Wickremeratne, op. cit., p 144.

113. In 1877 H. B. Grigg reported a daily wage rate for adult males of 5 annas (Grigg, op. cit., p xl,). In 1896 A. A. Wright, indicated that a daily wage rate of 4 annas had been current for a long period (Wright, (continued over)

calculated by south Indian planters to annually exceed those of Nilgiri district by an average of Rs 20 per adult male ¹¹⁴. Significantly, the cost of living in Ceylon was also dramatically higher ¹¹⁵. However, the information required to make such calculations, subject as they were to large local variations, would not have been available to the freshly recruited labourer. A simple statement of wage rates, rather than actual earnings, coupled with a high advance often proved sufficient inducement for emigration. That Ceylon tea estates were able to retain their labour may be more attributable to the impact of labour laws on the island ¹¹⁶ than to superior conditions of labour.

op. cit., 4th July, 1896, p 17). In the S. E. Wynaad where poorer conditions of labour forced planters to pay more than their counterparts in the Nilgiri Hills proper, A. A. Wright states that wages varied between 4 and 5 annas. (Wright, Ibid., 19th Dec., 1896, p 22). Similarly, J. C. Arbuthnott who led a government enquiry into plantation labour conditions in 1904 found that Nilgiri wages had remained static since 1896 at a maximum of 5 annas per diem in the most unhealthy tracts. (Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 12) As Grigg's wage rate relates to 1876, a severe famine year when continuing high grain prices resulted in pressure to increase plantation wages, it is highly probable that Wright's estimates are more indicative of wage rates in 1887 than are Grigg's.

114. U.P.A.S.I., Annual Proceedings, 1894, p 4.

115. Ibid., p 5.

116. A comprehensive coverage of labour law pertaining to Ceylon plantations is contained in Vijaya Samaraweera, "Masters and Servants in Sri Lankan Plantations: Labour Laws and Labour Control in an Emergent Export Economy", Indian Economic and Social History Review, Vol.XVIII, No.2, pp 123-158.

In a labour market relatively free of effective legal coercion Nilgiri tea planters found it impossible to form a stable, annually migrating work force. Labourers commonly deserted plantations in mid-season without notice to their employers and many estate owners found that they were able to retain only 20 or 30% of their work force from year to year¹¹⁷. The physical environment of Nilgiri tea plantations, the standard of living on plantations, and the competition between Nilgiri planters to obtain workers in a labour market already chronically undersupplied, were all responsible.

Early attempts to retain migrating labour in the Nilgiris were often thwarted by environmental conditions. The climate of the Nilgiris was commonly recognized as "too cold and wet for the natives of the low countries"¹¹⁸. In attempting to explain labour's disinclination to work in the hills other planters portrayed Indian workers as superstitious. They related labour's "nameless dread of the hills as a place over which all sorts of intangible horrors hang"¹¹⁹, and their fear of the "silent and

117. Report of the South of India Planters' Enquiry Committee, op. cit., p 16.

118. Hull, op. cit., p 25.

119. Proceedings of the Council of the Governor of Fort St George, 3rd March, 1903, p 92.

sombre jungle, which is peopled with all sorts of bad and malicious spirits and demons in their imaginations" ¹²⁰. Aside from bitter cold and a prolonged, severe monsoonal season to which they were unaccustomed, plains labour feared attacks by wild animals such as tigers as well as disease.

Malaria was particular prevalent on tea estates, especially in the Wynaad. European residents and visitors to the Wynaad commonly claimed that the area was infested with fever ¹²¹. With the growth of tea cultivation malaria probably became more common. The malarial "season" began soon after the onset of the first rains. Tea estate labour was present in the hills at this time, whereas the majority of coffee workers were usually absent until June or July. This fact alone may account for the extraordinary rise in deaths due to fever in Gudalur taluk in the early part of the twentieth century. Statistical records for the district indicate that between 1898 and 1902 fever in Gudalur caused 20 deaths per one thousand head of population ¹²². In the quinquennium 1908-1912 this rate accelerated to an average 76

120. Edwin Lester Arnold, On the Indian Hills; or, Coffee Planting in Southern India, Vol.I, London, 1881, p 319.

121. See for example Handley, op. cit., p 155.

122. Madras District Gazetteers, Statistical Appendix for the Nilgiri District, op. cit., 1905, p 4.

deaths per one thousand ¹²³. In this period the prevalence of fever in the Wynaad was the major cause of Gudalur taluk's high death rate which ran at approximately twice the rate recorded in Ootacamund and Coonoor taluks ¹²⁴.

In the late nineteenth century the standard of living prevailing amongst plantation labour fell in Nilgiri district. In this period daily wage rates remained static but grain prices rose concurrently. This phenomenon is illustrated in Table 5.

TABLE 5 AVERAGE GRAIN PRICES IN NILGIRI DISTRICT, 1896-1903,
(IN SEERS PER RUPEE). ¹²⁵

	Seers of <u>Ragi</u> per Rupee	Seers of Rice (Second Sort) per Rupee
1896	17.3	8.9
1897	19.3	9.5
1898	20.0	9.7
1899	17.2	8.8
1900	14.7	7.8
1901	14.7	8.5
1902	13.9	8.7
1903	12.6	7.7

It should be remembered that both 1896 and 1897 were years marked by dire food shortages in south India; not until 1898 did

123. Madras District Gazetteers, Statistical Appendix for the Nilgiri District, Madras, 1915, p 8.

124. Ibid.

125. Ibid., 1905, p 15.

average grain prices in the Nilgiri return to normal. On plantations ragi was the major grain consumed by both Mysorean ¹²⁶ and Tamil labour ¹²⁷. By 1903 workers on fixed wages were only able to purchase 63% of the quantity of ragi they had been able to buy in 1898. Similarly, their capacity to purchase rice had also been reduced to around 80% of the 1898 figure. By 1903 workers clearly had less purchasing power with regard to food grains than they had on average both in 1898 in the famine year of 1896. While Dharma Kumar has documented a corresponding fall in agricultural wages, it is apparent that the purchasing power of plantation wages was declining at a much faster rate ¹²⁸. This relatively rapid decline in the purchasing power of plantation wages further detracted from the appeal of plantation employment.

While the use of average district rice prices reveals the long term decline in the purchasing power of plantation labourers, it simultaneously conceals both periods and pockets of severe distress. In 1896 the district average price of ragi is given at 17.3 seers to the rupee, but perusal of the planters' periodical,

126. Report on Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 12.

127. Planting Opinion, 26th June, 1897, p 389.

128. Dharma Kumar, Land and Caste in South India, Cambridge, 1965, pp 163-165.

Planting Opinion, indicates that over a period of three months the price of raqi ranged from a low of 30 seers per rupee ¹²⁹ to a high 11 seers to the rupee ¹³⁰. With individual monthly consumption of estimated at 36 seers ¹³¹, a labourer in 1903 would have required approximately Rs 3 per month simply to purchase grain at the average annual price. In 1896, when daily wage rates equalled those of 1903, the actual monthly earnings of labour were reported to be no more than Rs 3 "at the outside" ¹³². Where earnings were equal to immediate expenditure on a staple food it is obvious that any increase in the price of raqi above the annual average was a critical blow to labour.

In a similar fashion, local variations in grain prices are disguised by the use of district averages. The 1900 average district price for raqi at 14.7 seers per rupee fails to show that in Gudalur taluk the average annual price was as low as 17.6 seers per rupee while the comparable price in Coonoor taluk was 12.8

129. Planting Opinion, 24th Oct., 1896, p 6.

130. Ibid., 21st Nov., 1896, p 6.

131. Report on Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 12.

132. Planting Opinion, 24th Oct., 1896, p 10.

seers per rupee ¹³³. Large differences in grain prices have also been recorded between small settlements located within a dozen miles of each other. Thus in December, 1896 a labourer purchasing raqi in Nellakotta would have received 30% more grain for each rupee expended than his counterpart in Pykara ¹³⁴. Similarly, on isolated estates where grain was supplied by only a few merchants, prices could be easily inflated. Such wide regional variations in grain prices may well have encouraged labourers to change estates, particularly as employment was at most times readily available throughout the whole region.

There can be no doubt that labour abscondence was a common occurrence in the Nilgiri prior to 1903. Labourers were most likely to desert estates during harvest time in the plains ¹³⁵. At this time landlords in the plains offered the highest wages for casual agricultural labour. It is likely that these wages were well in excess of plantation earnings, although the data available allows for only a rudimentary comparison. In Coimbatore District between 1898 and 1900 government officials estimated that permanent

133. Madras District Gazetteers, Statistical Appendix for the Nilgiri District, op. cit., 1905, p 15.

134. Planting Opinion, 19th Dec., 1896, p 6.

135. I.O.L.R., Madras Judicial Proceedings, 1876, No.26, Secretary Wynaad Planters' Association to Chief Secretary to Government, 6th March, 1876.

agricultural labourers received on average Rs 4 per month which was paid in second sort rice ¹³⁶. In the Nilgiri, plantation wages were probably roughly equivalent, but the purchasing power of those wages in terms of grain was probably much lower. This was particularly the case with rice rather than with ragi since the former could not be produced locally, and its transportation from the plains added to its price. As the earnings of casual, agricultural labour were higher than those of permanent workers it is clear that absconding tea plantation workers could earn more in the plains at harvest time than in the hills. Additionally, where wages at harvest time were paid in grain, many Tamil labourers had the opportunity to consume rice which they preferred to ragi. A sudden loss of labour was particularly costly for tea growers. Unlike coffee "where the work can be allowed to fall into arrears if only the labour is forthcoming eventually", tea fields required labour to be "at hand at the hour required, or the whole yield for the whole year is ruined" ¹³⁷.

The labour force of a tea plantation could also be reduced by labourer deserting one estate for another. Desertion of this kind usually occurred when a labourer or maistri had already arranged

136. Dharma Kumar, Land and Caste in South India, op. cit., pp 163-164.

137. U.P.A.S.I., Annual Proceedings, 1898, p 9.

alternative employment. The practice of enticing away a planter's labourers by offering higher advances or a pay rise was termed "crimping". It was widely regarded by tea planters as an unfair practice and an ungentlemanly act. As a result, planters did not comment publicly on it, although they frequently suggested measures to government aimed at eradicating the practice¹³⁸. The social stigma attached to crimping in British planting circles probably influenced the 1896 Committee of Enquiry to conclude;

"We have no reason to believe that deliberate enticement from one estate to another ... is at all common among planters belonging to the various Associations, but there are thousands of small¹³⁹ native planters who do not belong to any Association".

Although British planting society was content to accept the Committee's racist opinions on crimping, there is no accessible evidence which supports them. On the contrary, crimping was widespread simply because it was an economical and relatively simple method of acquiring labour in a labour market which was chronically undersupplied. The planter who lost his labour more

138. See for example I.O.L.R., Madras Judicial Proceedings, 1879, No.1583, Secretary, Wynaad Planters' Association, to Acting Chief Secretary to Government, 29th June, 1879.

139. Report of the South of India Planters' Enquiry Commission, *op. cit.*, p 51.

often than not had to bear also the loss of irrecoverable advances. For the estate labourer, crimping was a mechanism which to some extent preserved his freedom to sell his labour where he chose at the market price.

Absconding by labourers has been described as a form of labour resistance to intolerable working conditions, in studies of labour relations in the planting regions of both Assam¹⁴⁰ and Sumatra¹⁴¹. In the Nilgiri scant evidence of conditions prevailing on tea plantations in the nineteenth century does not warrant a similar conclusion. Nevertheless, it is important to note that a few instances of collective violence against planters occurred in this period. The most significant case involved 200 labourers on an estate in the Ouchterlony valley at the turn of the century. The labourers struck work in protest at an estate superintendent who had reduced the wage of one labourer for short work. They assembled outside the superintendent's house and on his attempting to mount his horse he was struck on the side with an axe

140. Rana Pratap Behal, "Forms of Labour Protest in Assam Valley Tea Plantations, 1900-1930", Economic and Political Weekly, Supplement, 20 (4), 26th Jan., 1985, pp 19-26.

141. Ann Laura Stoler, "Plantation Politics and Protest on Sumatra's East Coast", Journal of Peasant Studies, Vol. 13, No.2, Jan., 1986, pp 124-139.

and assaulted with sticks and stones" ¹⁴². In the same year two other separate instances took place in which planters were assaulted by their employees ¹⁴³. These events may indicate that working conditions and practices on Nilgiri tea plantations were unsatisfactory to labour, but if this was the case then individual flight was the simple, commonplace solution. Labourers in the Nilgiri were frequently within a hundred miles of their home villages and individual desertion required none of the organizational skills essential for collective action.

The readiness with which tea plantation labour deserted the Nilgiri hills, particularly during the plains' harvest season, further indicates that labourers were largely pushed rather than pulled into plantation employment. When alternative employment was available in the plains, tea estate labour frequently absconded. Similarly, planters experienced increased difficulty in recruiting labour in years when the plains' harvest had been abundant. If conditions of labour and real earnings in the tea fields had been sufficiently attractive to pull agricultural labourers out of their home villages, then the plantation labour supply would have been more constant and absconding labour less commonplace.

142. Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 14.

143. Ibid.

For Nilgiri tea estates absconding labour was a perpetual and costly problem which undermined the creation of a stable, annually migrating work force. Planters had already expended considerable capital and effort in acquiring land, the technical knowledge to cultivate it and the maistris to staff it. Yet despite their ability to locate and exploit alternative sources of labour, planters remained frustrated in their desire to maximise profits through the constant employment of cheap, reliable wage labour. In Assam, and particularly in Ceylon, the retention of plantation work forces was already aided by state legislation. Throughout the latter half of the nineteenth century south Indian planters increasingly combined to control the market for plantation labour. In particular, they conducted a prolonged campaign aimed at winning governmental assistance in coercing estate labour through the enactment of labour laws. To a lesser extent they also attempted to present a united front as employers so as to control the price which labour could command. Their success was to create an unfree market for estate wage labour.

CHAPTER 3

PLANTERS AS LOBBYISTS: THE CAMPAIGN FOR A PLANTATION

LABOUR LAW

Between 1865 and 1896 planters in southern India conducted a protracted campaign to secure increased legal control over plantation labour. Planters' labour problems were twofold and interrelated. Firstly, and most importantly, absconding labourers and maistris undercut planters' attempts to build a reliable and productive labour force. Secondly, absconding labourers and maistris also caused planters heavy financial losses through unrecovered advances. The existing law of penal contract, the Workman's Breach of Contract Act of 1859, could be employed by planters in redressing these difficulties but it was neither consistently effective nor efficient. As the supply of plantation labour became increasingly inadequate to meet the demands of an expanding planting sector¹, planters came to regard plantation labour law as an essential instrument whereby workers could be retained on their estates. Planters sought to persuade the colonial state to assist the creation, articulation and retention of a

1. Supra., p 24ff.

modern, wage-labour work force through the enactment of an enhanced labour law. Primarily planters envisaged legal reforms which would increase the utility of the Breach of Contract Act by ensuring efficient legal proceedings and the execution of sentences. These proposals also encompassed a radical alteration to the existing balance of judicial equity in the planters' favour.

At the same time planters also attempted to exert control over the labour market by implementing schemes for the compulsory registration of maistris and by imposing maximum daily wage rates. The successful implementation of these measures and the effective lobbying of government required a high degree of co-operation and coordination within the planting community which is best illustrated by the unification of the various district planting associations under one central organization, the United Planters' Association of Southern India (U.P.A.S.I.), in 1894. Throughout the period neither the administration in Madras nor the authorities in Calcutta evinced support for the planters' proposals for reform. However, in 1896 economic downturn in the tea industry and the emergence of a newly united and vociferous planting community were instrumental in persuading both governments to abandon a position of laissez faire in favour of judicious intervention in the plantation labour market of Madras Presidency.

* * * * *

From 1859 to 1903 the contractual relationship between planter and plantation labourer within Madras Presidency was subject to the provisions of the Workman's Breach of Contract Act (commonly known as Act XIII of 1859). Act XIII came to be applied to plantation labour cases in Madras Presidency more by default than by design. The Act had been originally passed to satisfy the urgent demands of the Calcutta Trades Association², and had been drafted to protect employers in the Presidency towns from being defrauded of monetary advances they made to "Artificers, Workmen and Labourers"³ as part of a contract to work. Where a workman failed to complete the tasks which he had been contracted to perform, the Act provided that a magistrate could order the workman to complete the contracted work or refund the outstanding advance. Only when a workman failed to comply with the magistrate's order could he be imprisoned⁴. The enactment of penal legislation was considered necessary since the poverty of workmen effectively precluded employers from recovering damages for breach of contract offences through civil proceedings. As has been noted elsewhere, in

2. R. K. Das, History of Indian Labour Legislation, op. cit., p 25.

3. Workman's Breach of Contract Act, (Act XIII of 1859), in U.P.A.S.I., Annual Proceedings, 1894, p 121, Preamble.

4. Ibid., Clause 2.

penal legislation of this kind "the fear of punishment", rather than financial loss, "operating on the mind of the servant, is given to the master" to act as a deterrent against misconduct ⁵. In this fashion the Act granted planters a degree of formal control over plantation labour which complemented the informal authority they already exerted over their employees through the maistri system of recruitment. At the request of the Madras government the operation of the Act was rapidly extended beyond Madras city to the mofussil. However, the Act in an unmodified form could not satisfactorily meet the different circumstances to which it was now applied.

In southern India, dissatisfaction in planting circles with the operation of Act XIII arose soon after the Act's inception. In 1865 planters from both the North and South Wynaad presented memorials to the Government of Madras in which they complained that the Act could not be worked efficiently to recover advances, and that this made them subject to a heavy financial burden ⁶. In the following year a spokesman for planting interests voiced concern in the Governor's Council in Madras at the lack of effective legal

5. Comments of Chief Justice Marshall in a breach of contract case in Colombo, 1835, cited in Samaraweera, op. cit., p 142.

6. Report of the South of India Planters' Enquiry Committee, op. cit., p 34.

redress available to planters in dealing with absconding labour⁷. Planters claimed that their interests required that a new and separate act be framed to regulate contracts between themselves and their field labourers, and cited the Ceylon Labour Ordinance No. 11 of 1865 as an appropriate model⁸. It is noteworthy that under the 1865 Ordinance planters in Ceylon continued to secure local rulings which compelled labourers convicted of desertion to return to their estates to complete contracts rather than to face imprisonment⁹. Additionally, both desertion and disobedience were treated as criminal rather than civil offences, all contracts were deemed monthly hirings, and contracts executed in south India had full legal standing in Ceylon's courts. The legal and quasi-legal control which British planters in Ceylon could thereby wield over their workers was far greater than that accorded to planters in south India under Act XIII. In securing the specific performance of contracts after desertion had occurred, planters in Ceylon were also greatly advantaged by the geographic barriers which separated the immigrant Indian labourer from his homeland. In south India where the migrating labourer remained relatively close to his home

7. Proceedings of the Council of the Governor of Fort St George, 3rd July, 1866, p 21.

8. Ibid.

9. Samaraweera, op. cit., pp 143-144.

village, permanent desertion of the plantation was more easily effected.

In rejecting the planters' case the Governor of Madras, Sir William Denison, argued that planters had failed to show the necessity for fresh legislation in Madras Presidency. No instance had been presented to the Governor's Council where desertion of labour had prevented planters from harvesting their crops, and enquiries made of district magistrates had led the government to conclude that there "was no emergent necessity for legislation" ¹⁰. Denison also claimed that there was evidence that the planters treated their labourers well, and that this good treatment was an effective means of ensuring a steady labour supply ¹¹. However, as the government possessed no legal right to inspect plantations, Denison was reliant on the opinion of only one senior official for information on plantation conditions ¹². Although the Government of Madras was largely ignorant of the labour conditions prevailing on plantations within the Presidency, it was obvious that Denison would not entertain increasing government regulation of the plantation labour market so long as

10. Proceedings of the Council of the Governor of Fort St George, 3rd July, 1866, p 19.

11. Ibid., p 24.

12. Ibid., p 20.

planters continued to draw profits without the aid of a more appropriate, and readily applicable labour law.

Sounding a broader argument, Denison also claimed that the government's legislative role must be just to the whole community. In Ceylon, where planting was the predominant enterprise, Denison believed that planting interests were well served by the government, even at the possible expense of the whole community. In Madras Presidency, where planters were a "subordinate" interest, similar legislation was regarded by the Governor as inappropriate ¹³.

The balance of interests which Denison believed should be incorporated in labour law was amply demonstrated in other legislation concurrently before the Madras legislature. Act V of 1866 was drafted in response to the abuses enacted upon Madrasi labour recruited for the tea fields of North India by unscrupulous labour agents in the previous year ¹⁴. This legislation may be viewed simultaneously as an enactment to protect migrant labour, since it prohibited unlicensed recruiting for destinations outside the confines of Madras Presidency, and an enactment to facilitate colonial enterprise, since it permitted the mobilisation of a

13. Ibid., p 22.

14. Ibid., 16th Aug., 1866, p 31.

migrant work force under specific circumstances. In the debate which followed the Select Committee's report on Act V, the Madras administration made clear that it was only prepared to regulate internal labour migration where labour travelled over long distances, where labour was contracted for substantial periods of time, and where evidence of deception already existed¹⁵. On south Indian estates labour contracts were of relatively short duration, and unlike the tea regions of North India, southern plantation districts were bordered by densely populated regions in which estate labour should have been easily obtainable. As the Madras authorities knew of no case of mistreatment of south Indian plantation workers, the government declined to interfere in the general freedom of contracting on labour's behalf.

The Madras government's stance on labour legislation in 1866 was consistent with its adherence to an economic policy of laissez faire moderated by judicious interference. As has been amply demonstrated by Sabyasachi Bhattacharya, the application of Western principles of economic liberalism in India was considerably modified by the belief that British entrepreneurial capital was essential for the development of Indian resources¹⁶. As a

15. Ibid.

16. Sabyasachi Bhattacharya, "Laissez Faire in India", Indian Economic and Social History Review, Vol.II, No.1, pp 2-22.

result, the British administration in India took upon itself the responsibility of facilitating private enterprise through the provision of an adequate infrastructure of roads, railways, and irrigation projects¹⁷. Similarly, the remodelling of some land tenure provisions removed one disincentive to the investment of British capital¹⁸. In the Nilgiri hills, as in the rest of British India, the execution of the Waste Land Rules in 1863 predominantly benefitted foreign planters rather than native cultivators¹⁹. Planters in Nilgiri District derived additional economic benefit from the Madras government's deliberate policy of revising land revenue assessment in favour of an ailing plantation sector in 1871 and 1874²⁰. However, there were limits to government intervention - the British administration in India was no doubt willing to assist merchants and planters but it was wary of adopting the entrepreneurial role itself. So too in the realm of labour law the Government of Madras preferred not to impinge upon the process of labour contracting so long as that policy permitted the British planter to take his profit, and so long as no public

17. Ibid., pp 9-12, 14.

18. Ibid., pp 7-9.

19. Supra., pp 11-12.

20. Supra., pp 12-13.

and large scale abuse of labour took place.

It was a stance with which the Government of India concurred. Just as the Madras Government had legislated in response to the maltreatment of migrant Madrasi plantation labour in 1866, so too the Government of India enacted the first Inland Emigration Act governing the emigration of plantation workers to Assam in 1863 in response to the exposure of extraordinary death rates amongst transported labourers ²¹. As a result, Bengal Act III of 1863 provided that all recruiters should be licenced, that every intending emigrant should be medically examined and declared fit, and that his contract of service should be explained to him before a district magistrate ²². These measures were clearly designed to protect the labourer against inhumane exploitation, and in drafting them the Government of India may well have been influenced by the tide of industrial legislation in Britain which had already instigated reform of working conditions in mines and factories to meet current humanitarian standards. However, it should not be forgotten that government regulation of the Assam plantation labour trade was also undertaken on behalf of the planter, and it established the legal guidelines within which the supply of tea

21. Percival Griffiths, The History of the Indian Tea Industry, London, 1967, p 269.

22. Ibid.

field workers might be facilitated. The balance of commercial and humanitarian interests which the Government of India sought to strike in plantation labour law was lucidly illustrated in Bengal Act VI of 1865. In their statement of objects and reasons, the Government declared that their "interference appears to be necessary in the interests of the employer as of the labourer" ²³. Protection was afforded to the labourer by the prescription of minimum wages, the limitation of working hours and the length of his contract, as well as by the establishment of estate hospitals. On the other hand, a labourer who persistently refused to work or absented himself for more than seven days could be imprisoned, and to facilitate the ready application of the Act, planters were also empowered to arrest absconding labourers without a warrant. These provisions attempted to protect the planter's profitability by ensuring the recruitment and retention of an industrious and healthy work force at minimum cost.

In 1866 south Indian planters rejected outright the notion that labour law in British India should protect employer and employee alike. Planters bluntly declared that they were unwilling to accept legislation akin to Bengal Act VI of 1865 which they claimed imposed "onerous conditions" upon planters. Such conditions

23. Statement of Objects and Reasons, Bengal Act VI, 1865, in Griffiths, op. cit., p 270.

were claimed to be particularly unwarranted where labour contracts were of shorter duration as in the Nilgiris and the Wynaad ²⁴. Planters were unwilling to accept regulation of their work practices as a result of the mistreatment of plantation labour in a distant and distinctly separate region of British India. On the contrary, southern planters maintained a fundamental belief that it was the government's object and duty to foster colonial enterprise in India. This belief was evident in their attempt in 1866 to persuade the Government of Madras to enact a labour ordinance similar to that prevailing in Ceylon on the grounds that such a law would promote the expansion of plantation agriculture within Madras Presidency ²⁵.

Despite the rapid expansion of British plantation agriculture in southern India from the mid-1870s, planting always remained a minor rural undertaking in comparison with other forms of agricultural production. Planting never lost the "subordinate" position accorded to it by Denison, but in their attempt to win legislative reform planters became increasingly unified and vociferous allowing them to wield a political influence far in excess of their actual numbers. The combination of low wages and

24. Proceedings of the Council of the Governor of Fort St George, 3rd July, 1866, p 20.

25. Ibid., p 21.

high advances in an increasingly tight labour market encouraged plantation labour to abscond and this ensured financial losses, both through the cost to production of an irregular labour supply and through unrecovered advances. The failure to establish an adequate and regular work force on south Indian plantations was instrumental in the planters' drive to win more comprehensive legal control over labour, as it had been for their counterparts in Ceylon during the heyday of coffee cultivation ²⁶.

In the years following the great famine of 1876 south Indian planters stepped up their campaign to secure greater legal control over labour. The shortage of plantation labour which the famine had exacerbated ²⁷, and the fear that future labour supplies might contract further, motivated planters to intensify their efforts. From 1876 memorials presented by the Wynaad Planters' Association to the Madras Government increasingly emphasised the unstable nature of the plantation labour supply. In 1876 the Secretary of the Wynaad Planters' Association, in addressing Madrasi officials, indicated that the news that good rains had fallen in the home districts of estate labourers would be sufficient inducement to

26. Samaraweera, op. cit., p 125.

27. Supra., pp 32-33.

desertion of the plantation at harvest time²⁸. Similarly in 1878 the same Association urgently requested that government modify Act XIII before "the returning prosperity of the neighbouring districts, make it optional with our labourers to evade, or carry out, any contract they may have made for working on the estates"²⁹. As a result, planters now concerned themselves more with winning a means of compelling labourers to complete the contracted work than with recovering lost advances.

There is no doubt that planters and maistris who were chronically short of labour preferred magistrates to impose an order that the contract be performed rather than that the advance be repaid. Under Act XIII a magistrate, in sentencing a convicted workman, was required to refer to the wishes of the complainant³⁰. In the Nilgiri courts in 1884 it was the usual practice for magistrates in sentencing a defaulting labourer to consult with the maistri who had instituted the case. As maistris commonly indicated that they did not desire repayment of the

28. I.O.L.R., Madras Judicial Proceedings, 1876, No.26, W. V. Huddleston, Secretary, Wynaad Planters' Association to Chief Secretary to Government, 6th March, 1876.

29. Ibid., 1879, No.98, H. B. Winterbottom, Secretary, Wynaad Planters' Association to Chief Secretary to Government, 14th June, 1878.

30. Workman's Breach of Contract Act (Act XIII of 1859), op. cit., Clause 2.

outstanding advance, an order to complete the contracted work was frequently made ³¹. The return of the labourer to the plantation benefitted maistri and planter alike: the maistri continued to draw a proportion of the labourer's wage in the form of a commission while the planter retained the defaulting labourer as a member of his work force. Additionally, an order to specifically perform the contract effectively embraced an order to repay the advance since any outstanding debt could be recovered from future wages.

However, an order to work was easily and frequently evaded. There is no evidence to indicate that a convicted offender was handed over to the successful complainant at the conclusion of a case, and for many labourers the home village could be reached within a few days. A second desertion might be effected as easily as the first and the planter's only recourse was to repeat the legal process by which he had originally brought the labourer to trial. The outcome of the labourer's second trial could only be less than satisfactory for the planter since the penalty for failing to comply with the court's original work order was either repayment of the advance or imprisonment. At this stage the Act made no provision for reordering the defendant to complete the contract.

31. I.O.L.R., Madras Judicial Proceedings, 1884, Nos. 1911-1912, Report of the Acting Head Magistrate of Nilgiri District, Mr F. A. Wedderburn, 9th April, 1884.

This whole legal process was considered by planters to be highly inefficient and ineffective. In 1876 Wynaad planters described the issuing of a summons for the arrest of a labourer as little more than "a hint to the cooly to abscond"³², and claimed that only one quarter of the total number of warrants issued in the area resulted in convictions³³. It is highly probable that low conviction rates continued to characterise cases instituted under Act XIII for in the 1890s less than 30% of those tried for breach of contract offences in Nilgiri District courts were sentenced³⁴. It is quite clear that in practice an order for the specific performance of a contract could neither be readily obtained nor readily enforced under Act XIII. The importance which planters attached to the completion of contracted work can be gauged by their failure to exploit an alternative avenue of legal redress which was open to them. Under Section 492 of the Criminal Procedure Code planters could prosecute defaulting workmen, but as the Code did not allow for an order of specific performance to be

32. Ibid., 1876, No.26, W. V. Huddleston, Secretary, Wynaad Planters' Association to Chief Secretary to Government, 6th March, 1876.

33. Ibid.

34. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1897, No.637, p 92.

made, it was very rarely resorted to ³⁵.

The increased importance which planters now accorded to winning enhanced legal control over plantation labour is evident in their willingness to act as a united body and in the detailed proposals for reform which they presented to the Madras administration. The development of the planting enterprise had given rise to regional planting associations in the 1860s and 1870s, chiefly in Mysore, Malabar and the Wynaad. Although these associations had no governing mother body, by 1877 rising concern over the application of Act XIII to plantation labour cases motivated planters to organize a planters' conference at Manantoddy which attracted delegates from the various planting regions. As a result of that gathering, planters memorialised the Madras government to reform Act XIII by increasing the scale of punishments, by appointing honorary magistrates and increasing the powers of existing magistrates, by recognizing second offences as more heinous and therefore liable to more severe punishment, and by presuming that a person who had committed a breach of contract either to supply other labourers or to personally undertake work had prima facie done so willingly ³⁶. The memorial represented a

35. Report of the South of India Planters' Enquiry Committee, op. cit., p 57.

36. I.O.L.R., Madras Judicial Proceedings, 1879, No.1583, G. L. Yonge, Secretary, Wynaad Planters' Association to Chief Secretary to Government, 29th June, 1879.

new approach by planters to the issue of reforming Act XIII: rather than simply requesting reform they now specifically directed government on the measures which they, as a united body, believed it should take.

In addition to the modification of Act XIII, planters also sought government assistance in instituting legal control over labour prior to its arrival on the plantation. In July, 1877 the Secretary of the Wynaad Planters' Association requested government to consider a system of compulsory registration of all maistris, who recruited labour for plantations, and of all contracts for plantation work. The Association envisaged the establishment of a network of registration offices manned by honorary magistrates throughout Mysore and Malabar³⁷, where the majority of estate labour originated. The planters' scheme was aimed at ensuring that labour contracted in the villages under the advance system was delivered to the plantation. However, the Government of Madras had yet to be convinced that the circumstances of the planting industry now warranted official interference.

In appealing to the Madras government for additional legislative protection, planters in southern India highlighted the

37. Ibid., 1879, No.98, G. L. Yonge, Secretary, Wynaad Planters' Association to Collector of Malabar, 13th Dec., 1878.

financial contribution made by planting to the economy of Madras Presidency, and emphasised the threat which defaulting labour now posed to the industry's prosperity. Planters portrayed their development of unproductive tracts of land and their investment of large capital sums as ultimately providing a means of livelihood for masses of Indian labour³⁸. Similarly, planters drew attention to the contributions they made to the government treasury, not only through export earnings but also through the payment of land revenue taxes on land which, prior to their occupation, had yielded little or no tax³⁹. The capacity of the industry to pay was dependent upon its profitability. Planters now claimed that the economic viability of the industry was being undermined by the state of the law which permitted a planter to be "deserted by his coolies at the time of year when he most requires their services"⁴⁰.

Planters clearly believed in the government's continuing responsibility to support those colonial enterprises which had originally taken root with its encouragement. They argued that the

38. Ibid., 1876, No. 26, W. V. Huddleston, Secretary, Wynaad Planters' Association to Chief Secretary to Government, 6th March, 1876.

39. Ibid.

40. Ibid., 1877, No.1692, W.Logan, Collector of Malabar, to Chief Secretary to Government, 12th Oct., 1876.

development of plantations in southern India had been "fostered all these years by the Government of Madras"⁴¹, and it was now incumbent upon that administration to protect the industry's interests by framing a labour law which would complement the economic incentives they had already received. In presenting their case to government, planters solicited the support of the District Collector of Malabar, William Logan. Between 1876 and 1878 correspondence directed at Madras by the planters was invariably accompanied by letters from the District Collector. There can be no doubt that planters felt that the weight of local official opinion strengthened their case, especially as Logan possessed an expert knowledge of his district and the impact of British rule upon it⁴². In 1876 Logan bluntly informed the Madras authorities that;

"it must never be forgotten that it has been the policy of Government throughout to encourage this industry in a locality where one of the most essential elements of success is wanting, viz. a permanent and sufficient supply of labour

41. Ibid., 1881, No.89, Secretary, Wynaad Planters' Association to Chief Secretary to Government, Madras, 19th Feb., 1881.

42. Following his term as Collector of Malabar, William Logan was variously appointed a fellow of the University of Madras in 1881, an Acting Member of the Madras Board of Revenue and special Commissioner to the Malabar Land Tenures Enquiry in 1882, and Acting Resident of Travancore and Cochin in 1883. His published works included an historical treatise on British affairs in Malabar and a District Manual of the area in 1887.

... it behoves the Government to come to the assistance of those who would not but for such encouragement have embarked their capital in such a doubtful enterprise" ⁴³.

In Logan's view the government was morally bound to relieve a situation which its previous policies had engendered. However, Logan's idea of the proper course of legislative reform ran somewhat differently from that of the planting community. Although Logan supported many of the planters' proposals to enhance the provisions of Act XIII he also advised the authorities in Madras that the government should take upon itself the power to inspect plantation conditions, particularly those relating to health and sanitation ⁴⁴. Logan conceived that judicial equity in plantation labour law could be achieved by balancing the additional legal rights afforded to planters, with legal protection of labour's working conditions. Neither the Government of Madras nor the Government of India would have objected to the underlying principle of Logan's argument for both had already enacted legislation consistent with it.

Initially the Madras administration's response to the planters' persistent solicitations was unfavourable. The Governor

43. I.O.L.R., Madras Judicial Proceedings, 1877, No.1692, W. Logan, Collector of Malabar, to Chief Secretary to Government, 12th Oct., 1876.

44. Ibid.

of Madras, Lord Hobart, responded to a memorial from the Wynaad Planters' Association in 1875 by acknowledging the planters' complaints, but also reasoned that where a defaulter was imprisoned the advance was not lost as planters had claimed. Hobart noted that under Act XIII the planters retained their recourse to civil proceedings whereby the money might be recovered⁴⁵. Although Hobart's argument denied the reality of the planter's situation- maistris and labourers usually had little property from which the advance could be recovered, and civil proceedings were notoriously slow and inefficient- it demonstrated that the Governor was not convinced that the threat to the planting industry was severe enough to warrant government intervention.

By 1877 the Madras government appeared to be more sympathetic to the planter's cause. As plantation agriculture had expanded, planters' difficulties in securing labour had multiplied and problems encountered in the application of Act XIII to estate labour cases became more widespread. These facts combined with the greater efforts that planters now expended in drawing the governments' attention to their difficulties led the Madras authorities to reassess their earlier opinions. Whereas previously they had considered legislation unnecessary because planting had

45. Ibid., 1877, No.1692, G.O. No.35, 7th Jan., 1875.

continued to expand notwithstanding the labour problem ⁴⁶, they now concluded that;

"the planting industry in the Wynaad is suffering from a substantial grievance ... The season for gathering the crops is at a critical moment, and the planters are liable to heavy loss for which an adequate remedy is difficult" ⁴⁷.

Clearly it was the prospect of the industry's declining profitability which persuaded the government now to declare itself "disposed to give the planters all the assistance in their power, consistent with adequate protection to the employes (sic)", and consistent with the principles of law in British India ⁴⁸. The government then proceeded to refer the planters' specific proposals arising from the Manantoddy Conference to the Advocate-General to ascertain whether these were open to objection ⁴⁹.

That planters were aware of the principles underlying recent labour law in British India is evident in their memorial of 1877. Planters prefaced their appeal by indicating that they were "inclined to agree" that the Ceylon Labour Ordinance of 1865 "would be inappropriate ... and would really imply a revolution of the

46. Ibid., 1877, No.1692, G. O. No.1692, 19th July, 1877.

47. Ibid.

48. Ibid.

49. Ibid.

principles which had hitherto been embodied in the legislation of India" ⁵⁰. Despite these comments it was plainly evident that planters had taken little cognizance of the labour laws enacted in northern India, or of the opinions of William Logan. Both had sought legal protection for the labourer as well as the planter. In contrast, southern planters had campaigned for measures which were decidedly one-sided, and were based on principles unacceptable to both Madras and Calcutta.

The Advocate-General's assessment crushed the planters' hopes of wringing reform from the administration in Madras. It was the Advocate-General's opinion that the current labour law was "as stringent as it ought to be" ⁵¹, and planters were advised that it was beyond the province of the Madras Government to extend the law in the manner in which planters had requested ⁵². While planters were advised that they were free to approach the Government of India in this matter, the Government of Madras declined to do so on their behalf ⁵³.

50. Ibid., 1877, No.1692, E. Thompson, Secretary, Wynaad Planters' Association to Chief Secretary to Government, 24th Sept., 1876.

51. Ibid., 1879, No.98, G.O. No.98, 18th Jan., 1879.

52. Ibid.

53. Ibid.

The Madras authorities took a similarly dim view of the planters' request for compulsory registration of maistris and contracts. The government primarily rejected the scheme because it was "an interference with the law of contracts and the general freedom of contracting"⁵⁴. Furthermore, the government informed planters that such a measure was likely to increase planters' difficulties as the number of available labour contractors would diminish, rather than increase, were registration required⁵⁵. On this issue the Madras Government held distinctly to a policy of laissez-faire, partly because they believed it would be more effective in mobilising labour. Planters disagreed, and in this matter as well decided to approach the Government of India in the hope that it would override decisions made in Madras.

In their memorial to the Government of India planters made clear that their intention was to win legislation which would tighten their hold over estate labourers and maistris. Planters compared the current application of Act XIII to plantation labour cases with the operation of labour laws in other British colonies, such as Ceylon and Mauritius, which imported India labour. They concluded that in south India not only were labour laws less

54. Ibid., 1879, No.1372, Government Order No.1372, 11th June, 1879.

55. Ibid.

stringent, but the ease with which labour could abscond necessitated a degree of legal control over labour at least equal to that existing abroad ⁵⁶. Among the more important provisions proposed by planters were that where an advance had been lost, the onus should fall on the maistri to prove his honest intention, that labourers who were already under advance who were found working on a second estate should be presumed to have acted dishonestly and be liable to prosecution, and that breach of contract where no advance was paid be punished similarly to instances where an advance had been paid. Most importantly, planters requested that where a labourer or maistri was sentenced to prison for breach of contract, he should also be required to repay the advance or complete the work at the expiration of his term ⁵⁷. Planters clearly desired more than the recovery of lost advances; as labour became increasingly scarce their foremost concern became the retention of labour on the plantation, even when that labour had already been judged as dishonest.

For the first time planters indicated that in return for extended legal control over labour they would be willing to accept

56. Ibid., 1879, No.1583, G. L. Yonge, Secretary, Wynaad Planters' Association to Acting Chief Secretary to Government, 29th June, 1879.

57. Ibid.

that they too might be made subject to criminal punishment⁵⁸. However, this did not imply any elevation in status for the labourer who traded employment with a village landlord for a contract to labour on a plantation. Planters indicated that any punishment for which they themselves might be made liable needed to be less severe than that which could be accorded to their employees. In the planters' eyes the two contracting parties could "hardly be considered on the same level"⁵⁹. Unlike the early contracts which pioneering planters had made with local labour for piece work, contracts with migrating labour for seasonal positions as field workers never denoted any notion of equality between employer and employee. This was in part due to the operation of Act XIII, and planters had no intention of abandoning the upper hand.

The Government of India's reply to the south Indian planters' memorial bluntly denied proposals to alter Act XIII. Its reasons for doing so were legal rather than social. The notion that someone convicted for breach of contract should be required at the end of his prison sentence to either repay the advance or complete his contract was rejected as involving double punishment for the same

58. Ibid.

59. Ibid.

offence ⁶⁰. Neither would the Government of India entertain the proposal that a person breaching a contract be presumed to have done so willingly as this contradicted the Evidence Act and was said to fetter "the discretion now allowed by Law to Magistrates" ⁶¹. The remainder of the planters' proposals were rejected either because they contradicted existing legislation or were the province of the Madras authorities whose previous decisions the Viceroy was not prepared to question ⁶².

Although Act XIII never proved a consistently effective means of controlling labour or recovering advances, it must be noted that on occasion the Act was rigidly enforced. In its unamended form, the Act therefore periodically assisted planters in retaining labour on their estates. When a maistri who had been contracted to provide labour failed to appear on an estate the usual procedure was for the planter to obtain a warrant for his arrest from an honorary magistrate and bring the maistri to trial. When the maistri was ordered by the court to complete the contract he then secured warrants with bail for the arrest of his labourers. These

60. Ibid., 1879, No.3193, C. Bernard, Officiating Secretary to the Government of India (Home, Revenue and Agriculture), to Acting Chief Secretary to Government, 21st Nov., 1879.

61. Ibid.

62. Ibid.

workers were then brought from their home districts to face trial in the Wynaad or Nilgiris. The usual outcome of that trial was that the labourer was ordered to work, especially as the maistri rarely asked that his advance be returned ⁶³. It was in the maistri's financial interests to retain the labourer since at the end of the season the maistri would have recovered the original advance and have received a commission equal to one tenth of the labourer's wages. In the opinion of the Acting Head Magistrate of Nilgiri District in 1884, F. A. Wedderburn, the Act was a powerful instrument in the hands of the maistri who was thereby enabled to force the labourer to travel to the planting districts ⁶⁴. In one extreme case noted by Wedderburn the Act was used to bring a defaulting coolie some five hundred miles from Anantapur to the Wynaad at the height of the monsoon ⁶⁵.

Once the labourer had been brought to the hills he stood little chance of being acquitted. Removed from his home, the labourer, illiterate and very probable possessing at best a rudimentary understanding of the law, could produce neither written

63. Ibid., 1884, Nos.1911-1912, Report of the Acting Head Magistrate of Nilgiri District, Mr F. A. Wedderburn, 9th April, 1884.

64. Ibid.

65. Ibid.

evidence nor witnesses from his village to support his case. In Wedderburn's experience,

"the trial of the coolie was a farce. If the advance was said to have been given in the cooly's country his witnesses were there and could not be produced without delay ...nor would verbal evidence that an advance was given or not two or three years ago be of any value, still less whether several years ago the cooly was really sick or not" ⁶⁶.

Although the process by which the labourer was brought to trial was fraught with the difficulties of obtaining and executing warrants, the operation of Act XIII advantaged the planter at the labourer's expense.

The disadvantages which the labourer suffered in a courtroom conflict with his new landlord or the landlord's agent may well have represented a continuation of his experiences with the British judicial system in his home village. Hjejle reports that the repressive measures enacted by Indian landlords upon their depressed class tenants often involved "direct exploitation of the intricacies of the British judicial system" ⁶⁷. Just as village landlords were able to bring false cases against agricultural workers ⁶⁸, so too maistris were able to make witnesses materialise to support their claims that labourers, who denied

66. Ibid.

67. Hjejle, op. cit., p 116.

68. Ibid., p 115.

taking advances, had actually done so ⁶⁹. The fact that workers' trials took place near the plantation and not at the place where their contract had been entered into clearly worked in favour of the maistri and the planter. Similarly, the ignorance of labourers, their illiteracy, and their low socio-economic station, which all contributed to their victimization in the village, continued to prejudice their chances of obtaining justice under Act XIII in the hills.

Although Act XIII remained unamended, the application of the Act to cases of absconding plantation labour was affected by rulings made by the Madras High Court in the 1880s. In January, 1880 and again in 1883, the court ruled that the advance given by the maistri to the labourer was not an advance against work to be done, but an interest free loan made to induce the labourer to enter into a contract to labour ⁷⁰. Similarly in 1884 the Court ruled that if a workman took an advance in Mysore but failed to journey into British India to fulfil his contract, a warrant to try

69. I.O.L.R., Madras Judicial Proceedings, 1884, Nos.1911-1912, Report of Mr F. A. Wedderburn, Acting Head Assistant Magistrate for Nilgiri District, 9th April, 1884.

70. Ruling No.39, 9th Jan., 1880, in I.O.L.R., Madras Judicial Proceedings, 1884, Nos.1911-1912, Report of F. A. Wedderburn, Acting Head Magistrate of Nilgiri District, 9th April, 1884.

him in British India was illegal ⁷¹. These decisions severely curtailed the power of a maistri to bring defaulting labourers into the planting districts through the use of Act XIII. In Nilgiri courts maistris were instructed that their recourse against defaulting coolies now lay only in civil proceedings as Act XIII could no longer be applied to their cases ⁷². Although the planter retained his right to criminally proceed against a maistri for breach of contract offences, the High Court's interpretation of Act XIII added to planters' difficulties in retaining a steady work force on the estates.

There can be little doubt that planters felt the results of these decisions acutely. In February, 1884, G. L. Yonge, the former Secretary to the Wynaad Planters' Association and Resident Manager for Ouchterlony Trustees, the most extensive landholder in the Ouchterlony Valley, complained to the Madras government that the law was now "a dead letter" ⁷³. Yonge estimated that the extent of his outstanding advances stood at one lakh of rupees, but failed to state whether this figure included old debts which were long

71. Ibid.

72. Ibid., 1884, No.676, Letter from G. L. Yonge, Resident Manager, Ouchterlony Valley, to Chief Secretary to Government, 18th Feb., 1884.

73. Ibid.

past being recoverable ⁷⁴. If the advances had all been current, then this would have represented an average debt of Rs 25 for each of Yonge's 4,000 employees, who would (given the location of the estate) have largely been drawn from Mysore. Clearly, the High Court's decisions adversely affected Yonge's ability to recover outstanding advances, and Yonge responded by making a personal plea that Act XIII be amended to bring contracts between maistris and labour within its scope ⁷⁵. The Government of Madras reacted by soliciting responses to Yonge's request from the Advocate-General, judges of the Madras High Court and all District Magistrates within the Presidency.

Replies obtained from government officials revealed much opposition to Yonge's request. Local officials largely condemned any move to widen the scope of the Act. A. G. Cardew, the Assistant Magistrate of Nilgiri District, praised the recent rulings of the High Court because they now prevented the Act from being "used for a purpose for which it was not intended and to which it should never have been applied" ⁷⁶. In Cardew's opinion the object of

74. Ibid.

75. Ibid.

76. Ibid., 1884, Nos.1911-1912, Report of the Assistant Magistrate, Mr A. G. Cardew.

the Act had never been to allow "a coolie who has received an advance of two rupees in Mysore ... (to) be dragged some hundreds of miles ... and forced to work for a year on a coffee estate" ⁷⁷. Cardew praised the recent rulings of the Madras High Court for having reduced "the abuses which have characterised the application of the Act in this district" ⁷⁸. F. A. Wedderburn, Head Assistant Magistrate, pointed out to Madras officials that not all local planters agreed with Yonge's standpoint. Wedderburn cited one planter in whose opinion the past operation of the Act was "a blot on our legislature... (which) works as an instrument of torture and oppression to a large class who cannot speak for themselves" ⁷⁹. It was an opinion with which Wedderburn heartily concurred, and which was later to earn him the enduring acrimony of the planting community ⁸⁰.

Other officials identified the advance system, rather than the operation of Act XIII, as the seminal cause of the planters' difficulties. L. R. Burrows, Acting District Magistrate of Nilgiri

77. Ibid., 1884, Nos.1911-1912, Report of the Acting District Magistrate of the Nilgiris, Mr L. R. Burrows, to Chief Secretary to Government, 20th June, 1884.

78. Ibid.

79. Ibid.

80. U.P.A.S.I., Annual Proceedings, 1894, p 74.

District, expressed the view that the advance system ought to be actively discouraged by government, and as Yonge's suggested amendments would only revitalise the system of advances, he was not prepared to support them ⁸¹. In Tanjore District the Joint Magistrate described advances as "an ensnaring system" and every step in legislation which encouraged them as "a mistake" ⁸². Tanjore District was then a great labour catchment region and although it was virtually untapped by planters from the Nilgiri hills, it provided large numbers of labourers for Ceylon planters who also recruited on the advance system. According to the Joint Magistrate, if the Act were abolished "advances would soon die out, and a better system would be introduced in which the pay of labourers would be a sufficient inducement to labour" ⁸³.

Legalistic opinions solicited by government from members of the Madras judiciary accorded strongly with the views of local district officials. Although the judges of the Madras High Court recognized the planters' difficulties, they argued that these problems could not be cured by legislation. Justice Brandt

81. Ibid.

82. I.O.L.R., Madras Judicial Proceedings, 1884, Nos.1911-1912, District Magistrate of Tanjore to Chief Secretary to Government, 9th May, 1884.

83. Ibid.

recognized that the relationship between planter and labourer was dependent,

"to a very great extent on the state of supply and demand in the labour market, owing to a great demand for labour in Mysore, the planters feel the difficulty acutely; and they not unnaturally ascribe no small portion of the blame to the labor-law (sic) and the courts"⁸⁴.

In assessing the effects of the application of Act XIII to plantation labour cases Brandt countered Yonge's plea by concluding that the Act in its current form "may be worked very hardly against the cooly, and that the devices for bringing cases ... against labourers are very ingenious and not easy to frustrate"⁸⁵. The Chief Justice of the High Court, Sir Charles Turner, concurred and pointed out that the solution to the planters' problem lay in their inducing labour by the offer of higher wages⁸⁶. Turner noted that the amendments suggested by Yonge were inconsistent with recent legislation in India which had abolished imprisonment "of any kind for the enforcement of contracts or civil wrongs resulting in debts or measured in damages"⁸⁷, and bluntly opined that if

84. Ibid., 1884, Nos.1911-1912, J. A. Davies, Acting Registrar, Appellate Side, High Court, Madras, to Chief Secretary to Government, 21st May, 1884.

85. Ibid.

86. Ibid.

87. Ibid.

Yonge's suggestions were adopted they would "accord the sanction of the law to a qualified form of slavery"⁸⁸. Turner was particularly aware that he was commenting upon the application of British law in an Indian environment. He considered,

"such legislation especially undesirable in this country, where ignorance of the language on the part of the master often leads to seeming disobedience on the part of the servant; where a dominant race of masters is from its circumstances encouraged to exercise arbitrary power over servants, where the servant can expect but little protection from the effect of public opinion in controlling his master's conduct"⁸⁹.

Turner understood that in India, cultural differences and British racial prejudice enfeebled the labourer in relation to the planter, and for this reason Turner was probably more sympathetic to the legal position of the Indian labourer than he might have been to the legal standing of servants in contemporary British law. Moreover, Turner's own personal assessment of planters as originating "among the lower grades of society" may well have prejudiced him against their cause. According to Turner, the lower orders were ill fitted to the role of the master because they had "not been accustomed from their youth to fulfil the duties entailed by that relationship"⁹⁰. As a result of the official opinions

88. Ibid.

89. Ibid.

90. Ibid.

which the Government of Madras collected in 1884, Yonge's suggestions for amending Act XIII were rejected.

Despite almost twenty years of unsuccessful campaigning south Indian planters persisted in their drive to have the provisions of Act XIII altered. The continued expansion of tea planting constantly exacerbated the labour shortage and absconding labour became an increasingly acute and widespread problem. These developments encouraged planters not only to act in a more unified fashion, but to view an amended Act XIII as an essential tool in ensuring retention of the plantation labour force.

By 1892 some semblance of unity among planters was evident in the memorial which they addressed to the Viceroy in that year. Seven separate planting associations in south India indicated their solidarity of purpose by being signatories to the memorial. Planters from the Nilgiri hills and the Wynaad were represented by the Kotagherry Planters' Association and Wynaad Planters' Association respectively ⁹¹. At about the same time an attempt was made to found a new association of planters at Coonoor ⁹². Whereas in 1877 the planters' desire to combine in an association in order to control wage rates for labour had eventually proved an

91. U.P.A.S.I., Annual Proceedings, 1893, Appendix, p 74.

92. South of India Observer, 8th Oct., 1892, p 10.

insufficient inducement to a long-lasting association⁹³, in 1892 the general support for reform of the Breach of Contract Act allowed for the permanent establishment of the Nilgiri Planters' Association⁹⁴. Its location at Coonoor reflected the gradually shifting centre of plantation agriculture to the south eastern regions of Nilgiri District.

The 1892 memorial provided the most clear cut evidence to date that the planters had come to regard Act XIII as an adjunct to their labour drive rather than as a measure to assist in the recovery of advances. Planters stated that it was "the universal object and practice of Planters" in dealing with labour contractors and through them with the labourers, to "avoid punishment if by any possibility they can get the contract for labour fulfilled"⁹⁵. That the planters' chief object was to use Act XIII to assist in the fulfillment of labour contracts was also apparent in their paramount objection to the way in which the Act was interpreted and applied in the Wynaad. There local magistrates refused to issue warrants against defaulting maistris after the expiry date of a

93. Ibid., p 9.
Ibid., 1877, 10th Oct., p 2; 24th Oct., p 5;
 7th Nov., p 4.

94. Ibid., 8th Oct., 1892, p 10:

95. U.P.A.S.I., Annual Proceeding, 1893, Appendix entitled "Memorial of the Planters' Associations of Southern India on the Subject of Act XIII of 1859", Clause 3.

contract if the work specified in the contract had been completed by other labourers⁹⁶. This state of affairs was highly unsatisfactory to planters suffering severe labour shortages.

The reforms suggested by planters in 1892 were primarily aimed at converting the Act into an effective mechanism for retaining estate labour. Planters proposed that the Act be modified so that where a breach of contract was committed, the defaulter would be liable both to the punishment provided and to complete the work even after the expiry of the contract⁹⁷. Planters cast this amendment as beneficial to labourers and maistris, rather than as being in their own interests. Planters argued that it was "unfair to the cooly that if on arrest after the expiry of the term of his contract he is willing to work and the planter to accept his service, the Court cannot pass an order to that effect"⁹⁸. In a similar fashion, planters posed as defenders of the maistri's interests since a contractor whose labour absconded was not entitled to legal redress after the expiry date of the contract⁹⁹. In the planters' account the Courts and the Act

96. Ibid., Clause 2.

97. Ibid., Clause 4, part II.

98. Ibid.

99. Ibid., Clause 5.

prevented a just solution from being reached. However, while planters cast their amendment as being beneficial to all parties concerned, in legal terms it would have made the labourer forever liable for the breach of contract offence. Furthermore, it would allow a defaulting labourer to be punished doubly for a single offence. Clearly, planters desired that the Breach of Contract Act be converted into a fully fledged act of criminal law, where expiry of the term of contract would no longer protect the labourer by effecting, in practice, a statute of limitations. The planters' desire to mould the Act into a practical mechanism whereby the strength of a plantation labour force might be more readily preserved, could only be won by eroding the scant legal protection accorded to labour in the existing enactment.

Planters also sought to modify the Act by bringing the loosest of contractual arrangements within its scope. Planters proposed that where labourers had their names entered in the check roll of an estate, and where they had received an advance, even in the form of a cumbly (blanket), they should be deemed to have entered into a contract. The minimum term of the contract was one month, and was to be renewable on a monthly basis ¹⁰⁰.

Planters attempted to persuade the Government of India that

100. Ibid., Clause 4, Part III.

their proposed amendments were consistent with the body of British Indian law. They reproduced the opinions of William Logan who in 1876 had argued that,

"the law of India has hitherto recognized the necessity of criminally punishing breaches of contract, first, where the master is more or less at the mercy of his servant, and second, where a breach of contract by the servant leaves the master without adequate compensation for the wrong suffered. Both of these sets of circumstances apply with peculiar force to the case of a coffee planter in the Wynaad, who is deserted by his coolies at the time of year when he most requires their services" ¹⁰¹.

Plainly planters did not recognize the considerable developments which had taken place in regard to penal punishment for breach of civil contract in the intervening period. The law of master and servant, which had been under consideration by the Government of India in the late 1870s, had eventually been allowed to languish because the stringent penal clauses were considered open to objection ¹⁰². In North Indian tea districts, the repeal of all exceptional legislation permitting penal punishment for breach of civil contract had been considered since 1882 ¹⁰³. Where the flow of migrant labour to colonial enterprise already appeared to

101. Ibid., Clause 1.

102. Francis Du Pre Oldfield, "Law Reform", in H. H. Dodwell (Ed.), The Cambridge History of India, The Indian Empire, 1858-1918, Vol.VI, Cambridge, 1932, p 386.

103. Revenue and Agriculture Department, (Emigration), Letter No.77, Viceroy Lansdowne to Secretary of State, Cross, 5th Oct., 1891, Para. 2, Reprinted in U.P.A.S.I., Annual Proceedings, 1893, pp 76-103.

be assured the Government of India had eliminated laws permitting penal contract of labour. For this reason the Burma Labour Law was repealed in 1883, and in 1888 Bengal Act I of 1882 was withdrawn from Chittagong and the Hill Tracts districts of Bengal ¹⁰⁴. By 1891 the Government of India could confidently declare that its eventual object was the abandonment of all special legislation governing emigration to Assam, so that labour would be subject only to the provisions of civil contracts ¹⁰⁵.

Not surprisingly, the Government of India was not inclined to lend the south Indian planters' memorial a sympathetic hearing in 1892. Moreover, the central administration's recent report to the Home government on the operation of Act XIII and other labour laws in the tea districts of northern India prejudiced the southern planters' chances of winning amendments to the law. The Viceroy, Lord Lansdowne, described the wording of the 1859 Act as so vague as to allow the law to be worked "in a manner harsh and inequitable to the labourer" ¹⁰⁶, and the Act's provisions as "objectionable in theory and opposed to the spirit of modern legislation in

104. Ibid., Para. 24.

105. Ibid.

106. Ibid., Para. 8.

England" ¹⁰⁷. In Assam the application of Act XIII to cases of absconding labour was defended by the Government of India only because its use was confined to healthy gardens where death rates were low, wages high and the rate of judicial punishments less than four cases per ten thousand workers ¹⁰⁸. The Government of India clearly preferred Act I of 1882 which bound the employer as well as the labourer, and provided for government supervision of estates. It was only the specific circumstances of Act XIII's application in Assam which constrained the Government of India from recommending that it be repealed.

These views were in accord with the government's overall conception of its role in regard to plantation labour. Plantation labour laws clearly served the tea industry of North India by establishing a legal structure whereby labour was mobilised and engaged by estates. On the other hand, the Government of India also believed that work emigration provided economic benefits for recruitment districts commonly characterised either by overpopulation, or great impoverishment, or both ¹⁰⁹. These dual interests were reflected in the actual provisions of plantation

107. Ibid., Para. 26.

108. Ibid.

109. Ibid., Para.4.

labour laws which attempted to protect the employer from loss of labour, and the employee against ill treatment and over-work. Moreover the government believed that, in regions such as Assam where planters had not yet secured a flow of labour sufficient to their needs, planters would only undertake legal obligations towards their work force because penalties for desertion were provided by the same legislation ¹¹⁰. Legislation which struck a balance between the interests of employer and employee was both pragmatically and philosophically based.

The Government of India recognized that its willingness to undertake the defence of working class interests contrasted with the role of the government at home. In 1891 the administration in Calcutta claimed that in England "the working classes are in a position to help themselves and Government interference is resented", while in India "the intervention of Government is not only necessary, but is expected and welcomed by the labourer who has not yet learnt to stand alone" ¹¹¹. In England for more than a century industrial growth had been accompanied by the rise of the middle classes, wider enfranchisement, and the growth of trade unions. As a result, legislation to further protect the interests

110. Ibid., Para. 8.

111. Ibid. Para. 26.

of the working classes was, in the 1890s, demanded from below rather than proffered from above. In India no parallel development had taken place, and the British administration there undertook to guard labour against the abuses which had characterised the rapid industrial development of Britain.

At home the India Office was even less predisposed to the reforms suggested by British planters in Madras Presidency. Secretary of State, Cross, supported the Government of India's attempts to protect labourers from misuse, and therefore was not readily convinced that a law as one-sided as Act XIII should be retained on the statute books. While he was prepared on this occasion to assent to the Government of India's wish to retain Act XIII, Cross described the Act as "objectionable"¹¹², and "out of harmony with the general principles of legislation accepted by civilized Governments"¹¹³. Cross' decision was strongly influenced by the fact that local officials in Assam had in practice been able to use the supervisory powers enacted in Act I of 1882 to inspect tea plantations using Act XIII, and he warned the Government of India of the "obvious danger" should the Act of

112. Letter No. 13, Secretary of State, Cross, to Viceroy, 11th Feb., 1892, Reprinted in U.P.A.S.I., Annual Proceedings, 1893, pp 106-107, Para. 14.

113. Ibid., Para. 2.

1882 fall into disuse in any part of the country and labourers become subject to penal contract without "the protection which renders the special law defensible" ¹¹⁴. Cross expressed his approval for the government's policy of amending the law only to facilitate the abolition of the system of penal contract of labour ¹¹⁵.

The correspondence conducted between the Government of India and the Secretary of State in relation to the labour laws operating in Assam tea gardens bore heavily upon Calcutta's blunt refusal to enact any of the amendments contained in the Madras planters' memorial of 1892 ¹¹⁶. Nor was support forthcoming for the planters' cause from the Madras administration. In a full report to the Government of India officials in Madras rejected outright all the planters' pleas for amending Act XIII ¹¹⁷. Their reasons for doing so were in accord with the opinions expressed by their predecessors in Madras, and more recently by the Government of

114. Ibid., Para. 13.

115. Ibid., Para. 2.

116. I.O.L.R., Madras Judicial Proceedings, 1893, No.1238, Sir E. C. Buck, Secretary to Government of India (Revenue and Agriculture Department-Emigration), to Chief Secretary to Government of Madras, 19th May, 1893.

117. Ibid., 1892, No.1458, Chief Secretary to Government of Fort St George to Secretary to Government of India (Revenue and Agriculture Department), 10th Aug., 1892.

India and the Secretary of State. Moreover, local developments also predisposed the Government of Madras to reject the planters' requests. In 1891 the Government's attention had been drawn to the conditions endured by depressed class agricultural labour in the Chingleput District, firstly by Protestant missionaries attending the Madras Missionary Conference and subsequently by the Collector of Chingleput, J. H. A. Tremenhere. Among the measures suggested by Tremenhere in his report in October was the recasting of the Workman's Breach of Contract Act in the labourers' favour so that landlords in Chingleput could no longer exploit the Act to keep their labour in a semi-servile state. Although the Government of Madras rejected Tremenhere's account as exaggerated and, in any case, had no authority to amend Act XIII, its concern for the plight of pariah labour was demonstrated by its decision to provide greater opportunities for pariahs to acquire land, education and security of tenure in their own homes¹¹⁸. The Madras Government's reaction to the pariah question in Chingleput and the weight of humanitarian concern stemming both from past administrative decisions in Madras and more recently from Calcutta, all created a climate of opinion in Madras which was unfavourable to the planters' memorial. Accordingly, the Madras Government

118. G. A. Oddie, Social Protest in India: British Protestant Missionaries and Social Reforms 1850-1900, Manohar, 1979, pp 138-143.

denied the planters' request that the Government reverse the Madras High Court's rulings of 1880 and 1883, and so make a labourer who had received an advance from a maistri punishable under the Act. They believed that this would give renewed vitality to the advance system - a result which the government termed "undesirable" as it clearly preferred that labour should be attracted to the estates by increased wages and good treatment ¹¹⁹. The notion that defaulting labourers should be liable both to repay the advance and complete their contracts was renounced as unjust ¹²⁰. Similarly, the suggestion that labourers whose names had been entered in a plantation check-roll and who had received an advance should be deemed to have entered into a month long contract was declared "most objectionable" as it would "destroy all freedom of contract and leave the cooly entirely at the mercy of his employer", perhaps for his whole lifetime ¹²¹. Overall, the Madras Government recorded its unwillingness to strengthen an Act which it already considered unbalanced ¹²². They argued that a freer wage and

119. I.O.L.R., Madras Judicial Proceedings, 1892, No.1458, Chief Secretary to Government of Fort St George to Secretary to Government of India (Revenue and Agriculture Department), 10th Aug., 1892.

120. Ibid.

121. Ibid.

122. Ibid.

contract market was not only in the labourer's interest but would ultimately benefit planters as labour supply would be increased ¹²³. As the tea industry was suffering no adverse economic circumstance which might warrant government intervention, the administration in Madras preferred to maintain a policy of laissez faire with regard to the plantation labour market. The united opposition of the governments of Madras and India, and of the Secretary of State, was evident in the government orders imparted to the Wynaad Planters' Association in June, 1893 ¹²⁴.

The failure of south Indian planters to win legal reform in 1892-1893 was the catalyst which inspired the unification of the various planting associations under the leadership of one central organization. The Government of India's reply to the Wynaad Planters' Association was considered "curt and discourteous in tone" ¹²⁵, while the failure of both the Government of India and the Government of Madras to communicate the reasons for their rejection of the planters' memorial contributed to the planters'

123. Ibid.

124. Ibid., 1893, G.O. No.1238, J. F. Price, Chief Secretary, Government of Madras, to Wynaad Planters' Association, 17th June, 1893. A copy of the letter from Sir E. C. Buck, Secretary to Government of India, (Revenue and Agriculture Department-Emigration), to Government of Madras, 19th May, 1893, was also sent to the Association.

125. U.P.A.S.I., Annual Proceedings, 1893, Preface.

belief that their plea had been subjected to haughty and high-handed treatment. Widespread discontent in planting circles led to the convening of a planters' conference in Bangalore in August, 1893. In the following year planters resolved that the various district planting organizations should form a permanent association under the umbrella of a single, central authority. This organization, the United Planters' Association of Southern India (U.P.A.S.I.), now became the chief vehicle by which southern planters directed their drive to increase the stringency of the existing labour law.

At the annual planters' conferences held in 1893 and 1894 reform of the law governing contracts on plantations was of major concern to delegates. Planters complained that the wording of the Act was imprecise and that as a consequence the Act was neither interpreted in the High Court, nor administered in the local courts, in its true spirit.¹²⁶ George Romilly, Secretary to the Wynaad Planters' Association and author of the planters' most recent memorial, informed delegates in 1893 that the government had failed to fulfil the commitment which it had made in 1877 to give the industry "all the assistance in its power consistent with

126. Ibid., 1893, p 2.

adequate protection to their employees" ¹²⁷. Romilly's view found ready support amongst delegates who resolved to resubmit their memorial of 1892 to the Government of India for reconsideration ¹²⁸. In readdressing the Government of India planters hoped to win amendments which would prevent magistrates and the High Court "placing a narrow and prejudicial construction" upon the Act ¹²⁹. In plainer language, the planters hoped to win special legal privileges without undertaking any reciprocal liability for the welfare of labour.

At the same time, planters attempted to exert additional legal control over the labour market by instituting compulsory registration of maistris and labour contracts. An experiment in the voluntary registration of maistris had been instituted in the Wynaad under government supervision in January, 1891 ¹³⁰. Although planters believed that a maistri would derive benefits from establishing the reliability of his character, only a few

127. Ibid., p 4.

128. Ibid., p 44.

129. Ibid., p 9.

130. I.O.L.R., Madras Judicial Proceedings, 1895, No.198, G. L. Yonge, Secretary to U.P.A.S.I. to Chief Secretary to Government, Madras, 15th Oct., 1894.

maistris had bothered to register¹³¹. In a planting region chronically short of labour, maistris had little incentive to register as their services were already in constant demand. Without legal compulsion the scheme was clearly inoperable.

Planters generally viewed the compulsory registration of maistris and contracts to labour as an important measure which would complement the operation of Act XIII. Under the proposed scheme it was believed that a defaulting maistri could be traced, and that fraud and crimping would be deterred¹³². As the supply of plantation labour continued to be deficient these benefits appeared attractive, and in September, 1893 south Indian planters requested the Madras government to convert the voluntary registration scheme to a compulsory programme¹³³. The importance which planters attached to its successful operation is indicated by the fact that in October, 1894 planters accepted a government suggestion that in return for establishing the scheme, planters be made liable to a penal clause if they employed

131. U.P.A.S.I., Annual Proceedings, 1893, p 58.

132. Ibid., 1894, p 34.

133. I.O.L.R., Madras Judicial Proceedings, 1895, No.198,
G. L. Yonge, Secretary to U.P.A.S.I. to Chief
Secretary to Government, Madras, 15th Oct., 1894.

unregistered maistris ¹³⁴.

Discussions conducted during the 1893 conference in relation to the compulsory registration of maistris reveal that planters were aware that they were attempting to exert greater control over the labour market. Baron Von Rosenberg, a delegate from the Kannan Devan Hills, related how maistris who were employed by the government constantly enticed plantation labour away to work on the Periyar River engineering project where they received a higher rate of pay ¹³⁵. However, Von Rosenberg believed that "if our maistries could show that they had registered their men in a Government registry office the Government maistries would not dare to interfere with them" ¹³⁶. In this example the scheme would clearly prevent workers from obtaining the highest price available for their labour. This was recognized by at least one planter who believed that the scheme left planters open to the charge that the Government could "rightly say that such service was akin to slavery in that you prevent a man from bettering himself by going to another estate" ¹³⁷.

134. Ibid.

135. U.P.A.S.I., Annual Proceedings, 1893, p 60.

136. Ibid.

137. Ibid.

Planters were particularly sensitive to the charge that were oppressors of labour. They bitterly resented the implication contained in much official correspondence that their demands for legal reform would result in the enslavement of the labouring class, and were angered by the more public campaign conducted against them by a "certain section of the community" whose object they believed was to set "class against class, the European against the native"¹³⁸. In Madras, the Hindu had already voiced its opposition to the planters' clamour for enhanced legal control over labour. The paper claimed that if the planters' demands were conceded then,

"the extinct serfdom which once existed in Mysore will be revived and those unfortunate labourers who enter into any contract with the planters will, for all practical purposes, be their slaves, till they have paid back the debt"¹³⁹.

In the planters' own eyes they had "unquestionably freed" their labourers from bondage "by advancing large sums of money and affording constant and congenial employment". They perceived that reversion to slavery could only occur if plantation employment contracted, and those factors which had originally promoted

138. Ibid., pp 2-3.

139. Hindu, 27th April, 1889, p 4.

emancipation - "British capital and advice" - were withdrawn ¹⁴⁰.

In addition, the Hindu opposed the planters' campaign on the grounds that it would further imbalance Act XIII by strengthening the employers' avenue of legal redress at the expense of their employees. The paper recognized that in practice,

"a cooly has neither the means nor the knowledge to prosecute a European planter for assault in the Madras High Court, and the planter therefore enjoys practical immunity from punishment, ¹⁴¹ even in the most aggravated cases of offence" ¹⁴¹.

It is evident that towards the end of the nineteenth century south India planters began to receive hostile press notices from Indian owned newspapers, just as their counterparts in North India had done ¹⁴². In Madras Presidency the execution of Act XIII by the courts came under particular fire from the Indian press. By 1900 such articles had taken on a stronger racist and nationalist tone. Whereas in 1891 the Indian press in Madras had, for humanitarian reasons, supported the missionaries' call to

140. U.P.A.S.I., Annual Proceedings, 1893, p 18.

141. Hindu, op. cit.

142. Revenue and Agriculture Department, (Emigration), Letter No.77, Viceroy Lansdowne to Secretary of State, Cross, 5th Oct., 1891, Para. 6, Reprinted in U.P.A.S.I., Annual Proceedings, 1893, pp 76-103.

improve the conditions of pariahs in Chingleput¹⁴³, the growth of nationalist feeling among educated Indians coupled with the fact that most sizeable tea plantations were British owned, lent vehemence to the press' defence of depressed class plantation labour. In October, 1900 the Swadesamitran, a weekly Tamil publication which like the Hindu was associated with the founders of the Indian National Congress in Madras¹⁴⁴, asserted that British Magistrates in the Presidency were partial to the interests of British planters. Magistrates were said to regard labourers as "beasts of burden", and to believe that they had "no cause of action against their masters"¹⁴⁵. The paper further implied that the Madras Government was prepared to tolerate magisterial practices such as this where a commonality of race and nationality overrode the pursuit of justice¹⁴⁶. Similarly, the paper's assertion that conditions of labour on Nilgiri plantations were

143. Oddie, op. cit., pp 141-143.

144. The Swadesamitran was founded by G. Subramania Iyer in 1882. He served as its editor for 25 years.

145. Reports on English Papers owned by Natives Examined by the Criminal Investigation Department, Madras and on Vernacular Papers Examined by the Translators to the Government of Madras, (Madras Native Newspaper Reports), 1900, Report No.20, Swadesamitran, 19th Oct., 1900.

146. Ibid.

akin to those existing on Assam estates ¹⁴⁷, had the effect of not only associating the tea industry of the south with past outrages committed against labour in the north, but also linked the two planting communities by virtue of their race and economic activity. British planters in south India regarded these criticisms as unjustifiable.

In addition to their attempts to convince government to amend Act XIII and to institute the compulsory registration of maistris, the planting delegates to the Bangalore conference of 1894 also considered fixing the rate of advances and wages paid to labour ¹⁴⁸. The benefits of such self-regulation by the industry were obvious. As labour was in constant short supply maistris were often able to win increased rates from their employers by falsely claiming that they had received higher offers from planters in other districts ¹⁴⁹. By setting maximum rates for advances and wages planters would become far less vulnerable to the maistri's ploy. While the suggestion had the advantage of not requiring any governmental support, decisive action was constrained by lack of information about the prevailing wage rates in various planting

147. Ibid.

148. U.P.A.S.I., Annual Proceedings, 1894, pp 47-48.

149. Ibid., p 48.

regions, and by the fact that labour's cost of living varied from district to district ¹⁵⁰. The planters' desire to limit advances and rates of pay was effectively an attempt to regulate the labour market. Rather than continuing to allow market forces to determine the price which labour could command, planters hoped to artificially fix a ceiling price for labour by eliminating competition for plantation labour both within and between the various planting districts.

The annual convening of planters' conferences from 1893 encouraged growers of various plantation products in diverse regions of southern India to increasingly consider themselves members of a single and important industry which had failed to receive adequate consideration from government. Planters hoped that by demonstrating a united front they would not only win legal concessions but would command "a more respectful attitude ... than has hitherto been shown" by government ¹⁵¹. Delegates to the 1893 conference looked to a recent enactment to enlarge the Representative Councils in India as an opportunity to secure political influence in government while simultaneously receiving

150. Ibid., 1893, p 8.

151. Ibid., 1893, p 8.

appropriate and public recognition of the industry's importance¹⁵². Accordingly, in September, 1893 planters appealed to the Governor of Madras to appoint one of their community to a recently vacated seat in the Legislative Council. In their request planters emphasised the economic worth of their industry and informed the Governor that their capital investment alone approximated twelve million pounds¹⁵³. Although on this occasion the planters' request was refused, in the following month the Governor committed himself to appointing a planter to the next unforeseen vacancy¹⁵⁴. It was an important initial victory for the newly unified planting community.

The united associations' attempt to modify the form and application of Act XIII also produced some early results. In 1894 the newly elected Planting Member of the Legislative Council, George Romilly, reported to the second annual planters' conference that the Madras High Court had recently ruled that warrants could be issued against defaulting maistris and labourers even where the time limit in the contract had expired, or where the work specified

152. Ibid., pp 8-9.

153. Ibid., 1894, p 97, Letter from the Secretary of U.P.A.S.I. to Government of Fort St George, 28th Sept, 1893.

154. Ibid., p 98, Letter from Mr G. Romilly to the Secretary, U.P.A.S.I., 17th Oct., 1893.

had been completed by others ¹⁵⁵. This decision reversed current magisterial practice and effectively permitted contractors an indefinite time span in which to prosecute defaulters. In 1894 magistrates in the local district courts were reported to have begun applying the law in accordance with the latest interpretation of their judicial superiors ¹⁵⁶.

Additionally, the planters' appeal for a recasting of Act XIII met a more hospitable reception in Madras than any earlier submission made by an individual planting association. In a letter eliciting clarification of some points raised in the planters' memorial, the Government of Madras indicated that it would have no objection in recommending to the Government of India that the circumstances should be widened in which maistris, who made advances to labourers, had recourse to the Act ¹⁵⁷. Shortly afterwards in April, 1894 the Governor of Madras, Lord Wenlock, received a planters' deputation. As a result of that meeting planters were requested to compose a draft bill embodying their

155. Ibid., p 12.

156. Ibid.

157. Madras Judicial Proceedings, Government Order No.2482, 28th Nov., 1893, reprinted in U.P.A.S.I., Annual Proceedings, 1894, p 75.

proposed amendments to the Breach of Contract Act ¹⁵⁸. By November the Government of Madras was in receipt of the planters' draft entitled the Estates Labour Act ¹⁵⁹. Although the draft bill was referred to the Madras High Court for comment ¹⁶⁰, the Madras government did not repeat those objections which had marked its response in 1892 to the same document. It is apparent that the authorities in Madras were now sympathetic to the planters' cause.

The planters' success in winning concessions from the Government of Madras may in part be attributed to their formation of a strong, central organization to represent their interests. The memorials which they submitted to government could no longer be described by administrators as the protestations of a scattered handful of planters, for the U.P.A.S.I. embraced growers of tea, coffee, cinchona, and cardamoms across fourteen different planting districts both within Madras Presidency and in the native states which it adjoined.

At the same time government may well have been more prepared to entertain the planters' proposals for a more stringent labour

158. U.P.A.S.I., Annual Proceedings, 1894, p 3.

159. I.O.L.R., Madras Judicial Proceedings, 1895, No.198, G. L. Yonge, Secretary to U.P.A.S.I. to Chief Secretary to Government of Madras, 31st Oct., 1894.

160. Government of Fort St George to the Secretary to U.P.A.S.I., 31st January, 1895, reprinted in U.P.A.S.I., Annual Proceedings, 1895, p 93.

law as the economic outlook for tea growers grew increasingly gloomy. From about 1885 the rate of increase in tea consumption in Britain began to slow ¹⁶¹, and oversupply of Ceylonese and Indian teas was reflected in declining market prices ¹⁶². At first planters were cushioned from the full impact of the declining returns of tea production by the falling value of the rupee in terms of sterling exchange ¹⁶³, and the industry in southern India continued to expand. However, the government's closure of Indian mints in 1893 radically exacerbated the economic position of planters. The value of the rupee rose and then stabilized well above its 1891 price of thirteen pence ¹⁶⁴. Planters were now exposed to the full effects of a depressed tea trade, particularly in 1893 when a rise in the value of the rupee corresponded with the lowest prices to date in the London tea market. The ill effects suffered by tea producers encouraged the U.P.A.S.I. to view the government's decision to close Indian mints as a deliberate attempt

161. S. Rajaratnam, "The Ceylon Tea Industry 1886-1931", Ceylon Journal of Historical and Social Studies, Vol.4, Pt 2, 1961, p 175.

162. Ibid., p 177.

163. Ibid.

164. V. B. Kulkarni, British Statesmen in India, Bombay, 1961, p 224.

to peg the rupee's value at an artificially high level ¹⁶⁵, and the organization fully understood the unpalatable economic consequences upon their export earnings. In response the U.P.A.S.I. petitioned the government to reverse its decision and allow the rupee to find its own "natural" value ¹⁶⁶.

Irrespective of whether the plight of south Indian tea growers was more attributable to the oversupplied state of the market or to the exchange rate, the rapid expansion of tea planting in Nilgiri district was quickly arrested. In 1895 and 1896 only 155 additional acres were added to the 7,000 acres already cultivated by U.P.A.S.I. members ¹⁶⁷. It is highly probable that the sudden slowdown in the expanding tea industry may well have influenced the Madras government's attitude to reform of the breach of contract legislation. In previously rejecting the enhancement of Act XIII the Madras government had not confined itself to considerations of judicial equity but had voiced utilitarian considerations in

165. U.P.A.S.I., Annual Proceedings, 1895, p 60.

166. Indian Currency Commission, 1898, Minutes of Evidence taken before the Committee to Inquire into the Indian Currency, Together with an Analysis of Evidence, Part I, Sessional Papers of the British House of Commons, 1898 Session, Vols.lxi (c. 9037), Readex Microprint Edition, p 460, Chairman of U.P.A.S.I. to Government of India, Finance and Commerce Department, 14th Feb., 1898.

167. Griffiths, op. cit., p 163. The figures are taken from the U.P.A.S.I. Annual Report of 1897.

arguing that amendment was unnecessary since the cultivation of exotic plants had expanded notwithstanding the labour problem¹⁶⁸. That expansion was clearly curtailed by economic circumstances in the mid-1890s. Economic relief might be afforded to the planter by permitting the free fall of the rupee, but such a decision had massive economic consequences for the whole of British India, and was beyond the province of the Madras authorities. On the other hand, an enhanced labour law could be had at virtually no cost to government, and could provide economic relief for planters. Beleaguered by low world prices for tea which were beyond their capacity to control, and bearing a significant freight disadvantage against their competitors in Ceylon, the slim profit margin held by south Indian tea planters in the mid-1890s could only be easily increased by lowering the cost of production. As tea cropping was a labour intensive enterprise, substantial savings could be made if a cheap, stable labour force could be retained and lost advances reduced. While the Madras administration was convinced that the economic circumstances of tea planters in the Presidency warranted government interference in the plantation labour market, planters had also to persuade the Government of India that its policy of laissez faire was undermining the profitability of southern

168. I.O.L.R., Madras Judicial Proceedings, 1877, No.1692, Government Order No. 1692, 19th July, 1877.

planting districts.

However, the Government of India was still more attuned to the long standing humanitarian and judicial concerns of the India Office than to the recent economic difficulties experienced by southern planters. In Calcutta, the planters' plea received a less than hospitable hearing. There the Government of India reiterated its earlier misgivings in stating that the Act was "a dangerous instrument capable of being worked most oppressively"¹⁶⁹. As a result, the Government of Madras advised planters that "it would be useless to proceed further"¹⁷⁰.

Despite their failure to convince the Government of India of the necessity of reform, the newly united planters of southern India recognized that they had made a valuable ally of the Madras administration. They noted that the Madras Government had declared itself "reluctantly compelled"¹⁷¹ to abandon the legislation desired by the planting community, and concluded that they had convinced the Government "on the spot ... that the grievances laid

169. Ibid., 1895, No.1309, D. Ibbertson, Officiating Secretary to Government of India, Department of Revenue and Agriculture (Emigration), to Chief Secretary to Government of Madras, 1st May, 1895.

170. Ibid., 1895, No.1309, J. F. Price, Chief Secretary to Government of Madras, to the Secretary, U.P.A.S.I., 19th June, 1895.

171. Ibid.

before them by the Association are real and require adjustment" ¹⁷². However, Act XIII was not an enactment of the Madras legislature and it could only be recast under the auspices of the central administration. Members of the U.P.A.S.I. now considered the methods by which they might convince the seemingly intransigent authorities in Calcutta of the necessity for reform.

Having failed to advance their cause through the administrative channels of the Government of India, planters concluded that their appeal might be more effectively promoted by a direct and personal approach to individual authorities. Planters had before them the positive results of their consultation with the Governor of Madras, and now hoped that similar benefits might be derived if the central administration could be made more aware of the peculiar difficulties confronting the planting enterprise in southern India. Planters at the U.P.A.S.I. annual meeting of 1895 initially considered approaching the Secretary of State. However, this scheme was quickly abandoned when planters were informed that the Secretary of State was closely associated with Sir Charles Turner, the former Chief Justice of the Madras High Court who had reported strongly against the planters plea in 1884, and whose Minute on the Labour Law and cases brought under Act XIII was

172. U.P.A.S.I., Annual Proceedings, 1895, p 3.

equally unfavourable ¹⁷³. The Viceroy's impending tour of Madras Presidency appeared to planters to provide a more promising opportunity to influence the prevailing attitude in Calcutta ¹⁷⁴.

In the memorial which the U.P.A.S.I. deputation presented to the Viceroy, Lord Elgin, in December, 1895 the planters of southern India made a novel attempt to distinguish their enterprise from the planting industry of northern India. They proposed that their oft repeated plea for increased legal protection against loss of advances and wilful breaches of contract was due in part to the fact that the government in Calcutta was not sufficiently aware of "the radical differences" existing between the conditions of labour in northern and southern India ¹⁷⁵. This argument, coupled with the appearance of a united planting community, led the Viceroy to profess "himself unwilling to refuse assistance to a great industry so long as there was room for doubt as to the material facts of the case" ¹⁷⁶. As a result, Lord Elgin took up the planters'

173. Ibid., p 16.

174. Ibid., pp 10-16.

175. I.O.L.R., Madras Judicial Proceedings, 1896, Nos.664-666, Viceroy's reply to U.P.A.S.I.'s Memorial, 4th April, 1896.

176. Ibid.

suggestion that a committee of enquiry be established to investigate the particular problems of plantation labour recruitment in south India ¹⁷⁷.

The association's personal approaches to the Governor of Madras and the Viceroy of India should not be undervalued. In 1897 the Chairman of the U.P.A.S.I. informed delegates from the various district associations that in his opinion Lord Elgin had been instructed by his Council prior to his tour of Madras Presidency to reject the planters' memorial outright, but on arrival had been persuaded otherwise by the personal representations of Lord Wenlock ¹⁷⁸.

However, it is highly probable that the Viceroy's willingness to grant an enquiry into the labour recruiting system of southern plantations was more attributable to the increasingly adverse economic circumstances then affecting both the Indian tea and coffee industries. In the north the Government of India had already capitulated on the issue of reducing the maximum length of tea plantation labour contracts in Assam from five to three years ¹⁷⁹. Government acquiescence on this point, and on other

177. Ibid.

178. U.P.A.S.I., Annual Proceedings, 1897, Supplement, p 3.

179. Raymond K. Renford, The Non-Official British in India to 1920, New Delhi, 1987, p 69.

proposed changes to Bengal Act I of 1882, stands in stark contrast to the opinions expressed shortly beforehand by both the Secretary of State for India and Viceroy Lansdowne. In his correspondence with Calcutta, the Secretary of State, Cross, described the reduction of the term of plantation labour contracts as the principal amendment proposed in 1892 by the Government of India to the labour law of Assam¹⁸⁰. Cross argued that both he and his predecessor regarded contracts of five years duration with grave misgivings for they raised the value of the labourer to the planter and consequently "greatly increased the temptation to malpractices on the part of the recruiter"¹⁸¹. The abandonment of this and other measures for reform was highly satisfactory to the Indian Tea Association¹⁸² which represented the interests of tea growers in North India. This development assisted northern tea producers in drastically reducing their production costs. Only by reducing costs did the tea industry of North-East India survive the downturn in the international tea market¹⁸³. For the Government of India it

180. I.O.L.R., Letter No. 13, Secretary of State, Cross, to Viceroy, 11th Feb., 1892, Reprinted in U.P.A.S.I., Annual Proceedings, 1893, pp 104-107, Para. 9.

181. Ibid.

182. Renford, op. cit.

183. Griffiths, op. cit., p 128.

was an unusual reversal of an official policy which had been aimed at producing a plantation labour market free of government regulation. This reversal signified the ascendancy of economic considerations over humanitarian concerns in the government's regulation of tea plantations during the recession of the 1890s.

Additionally, the overall condition of British-Indian finances in the mid-1890s may well have influenced the Government of India to pursue policies which were favoured by tea producers. By 1894 the Government of India's deficit stood at Rs.3 crore and 50 lakhs ¹⁸⁴. Under Elgin, import duties and excise taxes were temporarily imposed to raise much needed revenue. In such adverse economic circumstances the value of the Indian tea industry, and the value of the sterling exchange which tea exports generated, was heightened. As Kling has noted, the willingness of the authorities in Bengal to intervene on behalf of indigo producing ryots in their contractual relationship with planters, was inversely related to the government's dependence of indigo remittances ¹⁸⁵. Similarly, in the 1890s as export earnings from tea became more valuable to the British administration in India, the government

184. S. Gopal, British Policy in India 1858-1905, Cambridge, 1965, p 210.

185. Blair B. Kling, The Blue Mutiny, The Indigo Disturbances in Bengal 1859-1862, Philadelphia, 1966, pp 25-26.

demonstrated greater reluctance to enhance the legal protection it had afforded to labour. In the case of Indian tea, government policy was not complicated by consideration for home production as it had been with the cotton cloth industry. Rather, the interests of the Government of India in 1895 coincided with the interests of British consumers, for strict labour laws in India would assist the supply of a cheap staple foodstuff to the mass of the British working classes. The appeal of southern planters was clearly timely.

In requesting an enquiry south Indian planters hoped not only to acquaint the Government of India with the difficulties of recruiting plantation labour, but also to dissociate their activities from those of planters in Assam. In an address to the U.P.A.S.I. annual conference of 1895 the Planting Member of the Madras legislature, George Romilly opined that,

"the Government of India does not understand our labour arrangements at all. They think we are governed by the same customs as prevail in Assam. The whole situation is absolutely different, and the sooner we make the Government of India understand that, the better it will be for us" 186.

Southern planters could reap substantial benefit from establishing that their recruitment practices were radically different from

186. U.P.A.S.I., Annual Proceedings, 1895, p 18.

those of the northern tea regions. In the case of north India, the authorities in Calcutta had adopted a protective role towards migratory plantation labour in the face of their persistent mistreatment by planters and recruiting agents alike. In south India, where desertion of the estate was relatively easy, no such outrages had come to public notice. Similarly, there was virtually no official record of prevailing conditions of labour and no official mortality statistics, as the Government of Madras had never assumed the right to inspect or regulate plantations. In the absence of any defamatory evidence, planters might hope to wring increased legal control over labour without bearing reciprocal obligations to their workers. By the mid-1890s changes in official attitudes in Calcutta and Madras had given encouragement to planters. Although the Government of India had proved less receptive to southern planters' pleas than its counterpart in Madras, Calcutta had already demonstrated that it was prepared to abandon proposed reforms favouring plantation labour in Assam since it was convinced that these threatened the economic viability of the tea industry. The appointment of the Mackworth-Young committee in 1896 provided planters with an ideal opportunity to demonstrate the immediate utility of legal reform in south India. That reform would ultimately represent a reversal of labour law policies which the Government of India had maintained for over thirty years.

CHAPTER 4

ENQUIRY, ENACTMENT AND NATIONALIST RESPONSE

The findings of the South of India Planters' Enquiry Committee in 1896 triggered two major political battles in Madras Presidency. Contention between the Government of Madras and its superiors in Calcutta arose chiefly over the degree of protection to be afforded to workers in the new plantation labour law. As its reference point the Government of Madras adopted wholeheartedly the findings of the Committee which, from the outset, had been narrow in scope and prejudicial to the cause of labour. In contrast the Government of India considered the Committee's recommendations in the light of its experience with the tea planters of north-east India. A political compromise allowed for the eventual enactment of the Madras Planters' Labour Law (Act I) in 1903, but the Madras administration, unlike its counterpart in Calcutta, never accepted an obligation to protect plantation labour from misuse. As a result, clauses designed to shield labour were considerably weakened at the last moment, and these continued to be regarded in Madras as concessions benevolently bestowed from above rather than an integral part of balanced legislation.

At the same time the new plantation labour code hardened Indian nationalist opposition to British colonial rule. In both the

country-wide press and the Madras legislature, nationalists protested that the new Act would confer considerable economic benefits on colonial enterprise at the expense of the Indian labourer. Ironically, the humanitarian arguments employed by the nationalists to condemn both the provincial and central governments of British India, largely mirrored those which had been previously used by the Government of India in its attempts to temper the legislative fervour of the Madras administration. By 1903 nationalists had succeeded the Government of India as the chief defendant of plantation labour in Madras.

By investing planters with the legal authority of the colonial state, the operation of the new plantation labour code in the major planting districts of southern India was to increase considerably controls over plantation labour. The passage of the Madras Planters' Labour Law ultimately resulted in plantation labour practices which were amongst the harshest of those prevailing in British India.

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The composition, guidelines and investigative methods of the South of India Planters' Enquiry Committee provided planters with a favourable opportunity to impress upon government the necessity of

legal reform. In March, 1896 the Government of India appointed a Committee composed of only three members. The Chairman assigned to the Committee was W. Mackworth Young, then British Resident in Mysore and Chief Commissioner of Coorg¹. While the opinions which Mackworth Young held about the system of plantation labour recruitment prior to the establishment of the enquiry are unknown, as Resident in Mysore he must have been well acquainted with many of the difficulties encountered by planters who drew labour from that state. From 1874 planters in the Nilgiri hills and Wynaad plateau had clamorously sought the assistance of the Madras administration in facilitating extradition from Mysore State for breach of contract offences². Although the planters' demands were constantly rejected by the Government of India, the issue generated considerable correspondence between the authorities in Calcutta, Madras and Mysore city, and this set out plainly the disadvantages suffered by planters in British India who employed Mysorean labour. The second member of the Committee was nominated by the U.P.A.S.I. from amongst its own ranks, while the third member was an officer of the Madras Government which had already expressed its sympathy

1. Report of the South of India Planters' Enquiry Committee, op. cit., p 1.

2. See for example I.O.L.R., Madras Judicial Proceedings, 1875, Nos.31-36; Ibid., 1878, No.1072; Ibid., 1881, Nos.89 and 2424; Ibid., 1887, No.194; Ibid., 1895, No.1309.

for the planters' case. On balance, the composition of the Committee appeared partial to the planters' cause.

Similarly, the guidelines governing the Committee's investigation were seemingly tailored to the planters' interests. Aside from its concern with the problem of coffee stealing³, the Committee was instructed to enquire into the nature of the current system of advances, "the necessity for its continuance, ... the difficulties experienced in its operation, ... (and) the best method of removing them"⁴. The Committee's frame of reference constrained in advance the recommendations it might make. It could only conclude that official policy should be to allow the current system either to continue unchanged or to function in an amended form. Precluded from examining alternative methods of labour recruitment, the Committee also lacked a broad experience of labour relations which may well have highlighted the fundamental flaws and abuses of the advance system.

Ultimately, the planters' campaign was probably most highly assisted by the Committee's methods of data collection. The

3. Theft of both unharvested and harvested coffee was widespread in south India. Although the Coffee Stealing Prevention Act has been passed in 1878 to combat the problem, it could only be applied to plantation employees in possession of green-gathered coffee. Planters sought to have the Act amended to protect their coffee crops in all stages of production and whilst in transit.

4. I.O.L.R., Madras Judicial Proceedings, 1896, Nos.664-666, Viceroy's reply to U.P.A.S.I. memorial, 4th April, 1896.

fourteen different district planting associations which were united under the U.P.A.S.I. umbrella, and all of their 466 individual members, were requested to supply written answers to the Committee's questionnaire. In all, the Committee received 165 replies from individual planters, but in contrast it approached only 32 planters who were outside the planting associations⁵. While the Committee took evidence from 14 maistris, at no stage did they visit plantations nor did they interview a single estate labourer⁶. The predominant weight of evidence gathered by the Committee therefore originated with those who had the most to gain from the official shoring up of the advance system.

It was therefore hardly surprising that the Committee found that the advance system was essential to the operation of plantations in Madras Presidency⁷. The Committee's summation reflected the planters' view that their most substantial legal difficulty was "the absence of any provision by which specific performance of contracts can be ultimately enforced under Act XIII of 1859"⁸. Furthermore, the Committee implied that the Madras

5. Report of the South of India Planters' Enquiry Committee, op. cit., p 3.

6. Ibid.

7. Ibid., p 13.

8. Ibid., p 54.

Government had not fulfilled a commitment it had made in 1877 "when all assistance to planters was promised"⁹. However, it failed to indicate that the Madras administration had originally qualified its response by indicating that the labourers' interests, and the legal status of the planters' proposals for legislative reform, had also to be taken into account¹⁰. By ignoring these provisos the Committee inaccurately recounted the past actions of the Madras administration so that they were now consistent with its own conclusions some two decades later. Finally, the Committee's Report recommended that the Government of India should relieve the planters' situation by amending Madras Act V of 1866 to form a plantation labour law akin to the Ceylon Labour Ordinance or Bengal Act I of 1882¹¹. Clearly the Committee believed that the magnitude of the planters' problems warranted greater government regulation of the plantation labour market in Madras Presidency.

Of the two laws cited by the Planters' Enquiry Commission as possible models for future legislation in Madras Presidency, that is the Ceylon Labour Ordinance and Bengal Act I of 1882, the

9. Ibid., p 41-42.

10. I.O.L.R., Madras Judicial Proceedings, 1877, No. 1692, G.O. No. 1692, 19th July, 1877.

11. Report of the South of India Planters' Enquiry Committee, op. cit., p 59.

Calcutta administration favoured the latter. This legislation was itself an enactment of the Government of India, and embodied the principle that both the planter and the labourer should receive protection from abuse. Under Bengal Act I labour was protected by the reintroduction of a minimum daily wage, subject to the completion of set tasks. In cases where illness prevented the labourer from working, the planter was obliged to pay subsistence wages. The government reserved for itself the power to inspect working conditions on plantations, the power to reduce the size of daily tasks if they were considered excessive, and the right to withhold benefits, which accrued to planters under the Act, from unhealthy gardens.

Planters welcomed the Committee's recommendation that a labour law be framed for southern India along the lines of Bengal Act I of 1882. At the U.P.A.S.I. Annual Conference in 1897 delegates from the Shevaroy Planters' Association voiced the opinion that penal provisions for fraudulent breach of contract, such as those embodied in Act I of 1882, were essential to solve the plantation labour difficulties experienced in Madras Presidency ¹². However, the conference overall gave little consideration to the implication that planters might be

12. U.P.A.S.I., Annual Proceedings, 1897, Supplement, p 14.

reciprocally bound by clauses which safeguarded labour's welfare. Rather, they believed that "the testimony of the Committee, as to the kind treatment they (labourers) receive scarcely warrants such a supposition"¹³. As the Committee had not unearthed any widespread abuse of labour, such as had motivated the Government of India to legislate in defence of labour in Assam, southern planters conceived that any future plantation labour law in Madras Presidency would operate purely in their own interests.

The Government of Madras gave every indication that its conception of future labour law was as partisan as that held by planters. Having first ascertained that the Committee's recommendations were acceptable to U.P.A.S.I. members, the Government of Madras notified the Calcutta authorities that "no remedy for the difficulties under which the planting community at present labours is to be found in the existing laws", and that "what is required is a penal law of contracts ... which should provide for enforcing specific performance"¹⁴. These opinions echoed those expressed by the Secretary of the U.P.A.S.I., George Romilly, in his communication to the Madrasi authorities some six

13. Ibid.

14. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1895, No. 287, G.O. No. 168, T. S. Arundel, Chief Secretary to Government of Fort St George, to Secretary to Government of India, 28th Jan., 1898.

months earlier. Romilly had informed the Madras Government that a law which would successfully enforce labour contracts was of far greater value than one which merely punished defaulting labourers¹⁵. Moreover, the Government of Madras in its correspondence with Calcutta emphasised two of the Committee's proposals which Romilly considered crucial to southern planters. Firstly, the Government of Madras argued that the framing of fresh legislation should not automatically lead to Act XIII being declared inapplicable to plantation labour cases. Rather, it believed that the two acts might be allowed to run concurrently¹⁶. This, it was argued, would greatly assist planters in prosecuting defaulting labour which had been locally contracted. As local workers did not migrate to the estates, the planter was unlikely to be granted any legal redress against local defaulters through the revamping of Act V of 1866. Secondly, the Government of Madras stressed the necessity of obtaining extradition rights over defaulting labour from the native states of

15. Ibid., Annual Departmental Papers, 1899, No. 287, G.O. No. 167, George Romilly, Secretary to U.P.A.S.I., to Chief Secretary to Government of Madras, 13th Aug., 1897.

16. Ibid., Annual Departmental Papers, 1899, No. 287, G.O. No.168, T. S. Arundel, Chief Secretary to Government of Fort St George, to Secretary to Government of India, 28th Jan., 1898.

Mysore, Travancore and Cochin¹⁷. The position adopted by the Madras administration on this issue went beyond the recommendations made by the 1896 Committee of Enquiry¹⁸. In effect the Government of Madras was restating an argument which planters had previously advanced, and which had been previously rejected by former administrations both in Calcutta and Madras at the time of Mysore's rendition to Indian rule¹⁹.

While the Government of Madras was prepared to depart radically from the policy of its predecessors, the Government of India was not. The new Viceroy, Lord Curzon, informed the Secretary of State that although he was convinced that the Committee's Report contained sufficient evidence to warrant legislation, it was essential to secure "in return for the penal contract, adequate advantages and protection for the labourer"²⁰. Curzon's

17. Ibid.

18. U.P.A.S.I., Annual Proceedings, 1897, Supplement, pp 17-18.

19. I.O.L.R., Madras Judicial Proceedings, 1887, No.194, H. E. Stokes, Acting Chief Secretary to Government of Madras, to the Resident in Mysore, 31st Jan., 1884. Ibid., 1892, No. 1458, Chief Secretary to Government of Fort St George, to Secretary to Government of India, Revenue and Agriculture Department, 10th Aug., 1892. Ibid., 1893, No. 1238, E. C. Buck, Secretary to Government of India (Revenue and Agriculture Department, Emigration) to Chief Secretary to Government of Madras, 19th May, 1893.

20. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1899, No. 287, Viceroy in Council, to Secretary of State, Emigration Letter No.6, 26th Jan., (continued over)

philosophical stance faithfully reflected the principle which had guided all previous national administrations in framing plantation labour laws in Assam.

Curzon's point of view was reinforced by his own careful assessment of the evidence contained in the Report of the South of India Planters' Enquiry Committee. He noted that the Committee could not explain adequately the circumstances in which over a thousand estate labourers in Coorg had been "found dead or dying on the roads" some years before, and expressed regret that the previous administration in Calcutta had not requested the Coorgi authorities to furnish a full explanation ²¹. This instance smacked of the abuses committed against labour in Assam, and Curzon was cautious to reserve his opinion on the desirability of penal contract legislation in Madras Presidency until after the Madras Government could formulate more precisely the form that the enactment would take ²².

At the same time, there can be little doubt that Lord Curzon was also intent on curbing the administrative independence displayed by provincial administrations. In May, 1899 Curzon

1899.

21. Ibid. These deaths occurred during the famine of 1876-1877.

22. Ibid.

complained to the Secretary of State that;

"Decentralization is all very well, but it appears to me that in the case of Bombay and Madras to have been carried to a point in which the supreme Government is nowhere, and in which the petty kings in these dominions are even unconscious that responsibility attaches to anyone but themselves" ²³.

Curzon proposed that the status of Madras and Bombay Presidencies be reduced, that their Governorships be abolished, and the administration of the both regions be entrusted to Lieutenant-Governors as was already the case in other large provinces. Curzon preferred authority to reside in senior I.C.S. men rather than in political appointees from home, whose ignorance of India, he felt, made them "prisoners of their secretariats" ²⁴. Additionally, Curzon argued that the provincial administrations had failed to keep Calcutta sufficiently informed of both their own actions, and events within their territories. Curzon considered the Madras government under Sir Arthur Havelock to be particularly remiss. Some five months after taking up his appointment as Viceroy he informed the Secretary of State that;

"Sir A. Havelock for the first time since I arrived in India broke silence a few days ago with a short letter to inform me that someone had tarred the Queen's statue

23. Curzon to Hamilton, 7th June, 1899, in Michael Edwardes, High Noon of Empire, India Under Curzon, London, 1965, p 78.

24. David Dilks, Curzon in India, London, 1969, Vol.I, p 77.

at Madras. Meanwhile a rather serious succession of outbreaks is taking place in the Tinnevely district, and about this we get no information from his Government and have to trust to the newspapers to tell us what is going on" ²⁵.

Plainly, Curzon placed little confidence in the Government of Madras to report voluntarily in a full and open manner. This, coupled with Curzon's predilection for the centralization of colonial power in Calcutta, provided an additional incentive for bringing the proposed planting legislation of Madras Presidency into line with previous enactments of the Government of India.

As a result, the Government of Madras was informed that the Viceroy's Council had no objection to the drafting of legislation subject to the inclusion of a number of provisions designed to protect labour. According to Calcutta, labour had to be permitted to rescind a contract at any time if the advance had been returned and forfeit money paid ²⁶. Similarly, a magistrate's enforcement of a contract was to be "strictly conditional" on the labourer having been fairly treated on the estate ²⁷. Madras was advised that even though many of the restrictions placed on planters in the

25. Michael Edwardes, op. cit., p 79.

26. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1899, No. 287, Resolution of Revenue and Agriculture (Emigration) Department, 21st Jan., 1899.

27. Ibid.

Assam Act could be dispensed with in the south because the evidence indicated that labourers were "generally well-cared for", it would still be necessary for the Madras Government to take upon itself "the power to inspect plantations and to enforce sanitary regulations"²⁸. Although the Secretary of State, George Hamilton, was to later note in his correspondence with Curzon that the absence of mortality figures hampered any assessment of the degree to which labour required legal protection in south India²⁹, it was apparent that the Government of India preferred to safeguard labour in the light of its experiences with the northern tea industry.

Additionally, the prudence of the Government of India was also displayed in its flat refusal to recast the Breach of Contract Act (Act XIII). Although the Government of India now accepted that southern planters' grievances were legitimate, it vetoed the Madras Government's suggestion that the Breach of Contract Act could provide a suitable basis for new legislation. Calcutta damned Act XIII as "unfair and one-sided in its provisions", and "liable to be

28. Ibid.

29. Ibid., Annual Departmental Papers, 1899, No. 287, Secretary of State to Viceroy in Council, 9th March, 1899.

misunderstood and misused" ³⁰. Furthermore, Act XIII applied throughout British India, and both the Government of India and the home administration were already committed to a policy of rescinding laws of penal contract ³¹. Although the Government of India was not prepared to abandon that policy, the findings of the 1896 Committee had demonstrated that a law of penal contract for plantation labour was as warranted in south India as it was in the north. The Government of India was therefore obliged to find some other remedy while keeping Act XIII in place.

Reluctantly, the Government of India conceded that Madras Act V of 1866, which regulated the recruitment of Madrasi labour for service outside the Presidency, might be adapted to meet the planters' needs ³². Madras Act V was widely acknowledged as a dead letter ³³, but its attraction for Calcutta lay in the fact that it was an enactment of the Madras legislature, and thus only applied within Madras Presidency. The Government of India was

30. Ibid., Annual Departmental Papers, 1899, No. 287, Resolution of Revenue and Agriculture (Emigration) Department, 21st Jan., 1899.

31. Secretary of State, Cross, to Viceroy Lansdowne, 11th Feb., 1892, Letter No.13, reprinted in U.P.A.S.I., Annual Proceedings, 1893, p 104, Para.2.

32. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1899, No. 287, Resolution of Revenue and Agriculture (Emigration) Department, 21st Jan., 1899.

33. Ibid.

"constrained to agree" with the Government of Madras that what was required was "a labour law of special application to Southern India" ³⁴, but it was not prepared to tolerate any India-wide measure which countered its objective of reducing government regulation of labour recruitment.

Proposals for reform of plantation labour law in south India had evoked widely different responses from the governments of Madras and Calcutta. In Madras Presidency official reaction was influenced by the relative proximity of the planting enterprise and the constant lobbying of planters' representatives. The continuing downturn in the tea and coffee industries; the increase in labour emigration, particularly to Malaya ³⁵; high interest rates and the relatively high value of the rupee ³⁶, all gave added impetus to the planters' campaign for legal reform. In 1899 H. P. Hodgson, the Planting Member in the Madras legislature, argued before the Governor of Madras that the economic circumstances of planting were

34. Ibid.

35. Kernial Singh Sandhu, Indians in Malaya, Some Aspects of their Immigration and Settlement (1786-1957), op. cit., pp 81-84, 87, 304-305.

36. In 1898 the annual interest rate on bank loans taken out by planters to fund their advances to labour were reported to have risen from the usual rate of 12% to around 18%. The Planting Member in the Governor's Council of Fort St George attributed the rise to the Government of India's monetary policies. (Proceedings of the Council of the Governor of Fort St. George, 4th April, 1898, p 32.)

now so grave that it was debatable whether a new labour law would eventuate before the current generation of planters was crushed by irrecoverable advances³⁷. The great geographic distances which separated Calcutta from the southern planting districts insulated the Government of India from the vociferous lobbying of southern planters, and encouraged that administration to assess planters' grievances in the light of official experience with the tea planters of north-east India. Calcutta, unlike Madras, was both conversant with the prevailing conditions of labour on plantations, and experienced in drafting labour codes. Despite the fact that the findings of the 1896 Committee of Enquiry effectively legitimized the planters' campaign for legislative reform, the Government of India in 1899 appeared committed to equalizing the legal protection afforded to planters and labourers, and to minimizing government intervention in plantation labour recruitment practices. The contrasting attitudes of the governments of India and Madras marked all attempts to successfully draft a plantation labour statute for Madras Presidency.

Between 1899 and 1902 the Madras Government's endeavours to compose penal contract legislation for southern plantations met with constant rejection in Calcutta. Where the Government of Madras

37. Proceedings of the Council of the Governor of Fort St George, 7th April, 1899, p 114.

saw itself as legislating largely to redress the local planters' hardships, the Government of India did not. Overall, Calcutta's objections reflected a heightened desire to protect labour, and to limit the application of the law to circumstances which it considered exceptional. In 1901 the Government of India found unacceptable Madras' intention to make the new law accessible to all estates greater than twenty acres irrespective of whether they produced coffee, tea, pepper, cardamoms or cinchona³⁸. Calcutta adopted the case of Assam plantations as its reference point, and indicated that in south India an enhanced labour law was also only warranted where labour was imported over long distances and at considerable expense to the employer³⁹. The Government of India similarly opposed Madras' proposal that any estate made subject to the new Act should retain its access to Act XIII of 1859⁴⁰. At the same time Calcutta considered that the draft clauses which provided for the punishment of maistris who failed to supply labourers were unacceptable, "as they throw the burden of proof on

38. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1902, No. 2545, T. W. Holderness, Secretary to Government of India (Department of Revenue and Agriculture-Emigration) to Chief Secretary to Government of Madras, 5th Jan., 1901, Para. 2.

39. Ibid.

40. Ibid.

the maistry and impose severe penalties" ⁴¹. Madras was instructed to use the Assam Labour Law as its guide, and to subject maistris and labourers to penalties which were not in excess of those contained in that Law for similar offences ⁴². Nor were offences by planters to be treated more lightly than in north-east India ⁴³. Additionally, the Government of India sought to bolster the protection afforded to the labourer by suggesting that contract forms should be required to state wage rates, the size of advances, the nature of employment, the length of the working day, and the number of working days per month ⁴⁴. With the same object in view, Calcutta opposed the application of criminal penalties to cases of drunkenness and disobedience, and recommended that the circumstances in which a magistrate was empowered to release a labourer from a contract should be widened ⁴⁵.

41. Ibid., Para. 5.

42. Ibid.

43. Ibid.

44. Ibid., Para.6.

45. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1902, No. 2545, J. B. Fuller, Secretary to the Government of India, Department of Revenue and Agriculture (Emigration), to the Chief Secretary to the Government of Madras, 4th April, 1902.

The Government of Madras displayed considerable resistance to recasting the bill to comply with the Government of India's recommendations. In particular, the Madras administration strove to retain Act XIII alongside the new estate labour law. This provision had been incorporated into the 1900 draft bill, and was strenuously rejected by Calcutta in both the initial and subsequent versions of the new Act ⁴⁶. Despite this opposition, the Government of Madras attempted to evade compliance with Calcutta's wishes as late as 1902, by arguing that concurrent application would be prevented inasmuch as contracts made under one act could not be enforced under the other ⁴⁷. Not surprisingly, this failed to satisfy the administration in Calcutta.

The Government of Madras' obstinate refusal to comply with Calcutta's directive reflected the deterioration in relations between the two administrations which had occurred during Curzon's term as Viceroy. Both Sir Arthur Havelock as Governor of Madras, and his successor, Baron Ampthill, had complained to the Secretary

46. Ibid.; Ibid., Annual Departmental Papers, 1902, No. 2545, T. W. Holderness, Secretary to Government of India (Department of Revenue and Agriculture-Emigration), to Chief Secretary to Government of Madras. 5th Jan., 1901.

47. Ibid., Annual Departmental Papers, 1902, No. 2545, G. S. Forbes, Agricultural Chief Secretary, Government of Madras, to Secretary to Government of India, Department of Agriculture and Revenue, 7th July, 1902.

of State, George Hamilton, that Curzon was unduly intent on centralizing authority in Calcutta, and that his manner was brusque and overbearing⁴⁸. In 1901 Ampthill, in his correspondence with Hamilton, pointedly accused Curzon of victimising the Madras administration⁴⁹. Hamilton interceded to placate Ampthill, while Curzon adopted a more conciliatory tone in his dealings with the Governor of Madras⁵⁰. By the end of the following year Calcutta had partly succeeded in bringing Madras to heel over the new plantation labour bill. The Madras Planters' Labour Law (Act I of 1903) in its final form prevented the simultaneous operation of Act XIII in any geographic region in which the new law applied⁵¹. Nevertheless, on other points the Government of India was less successful in imposing its will on the Government of Madras. As a result, the new labour law met with vigorous opposition from some Indian members of the Madras legislature, and from Indian owned newspapers throughout India.

The Madras Planters' Labour Law was introduced to the

48. Dilks, op. cit., pp 78-79.

49. Ibid., p 79.

50. Hamilton to Ampthill, 23rd Oct. and 13th Dec., 1901, in Ibid.

51. Madras Planters' Labour Law, (Madras Act I of 1903), Section 2, Reprinted in U.P.A.S.I., Annual Proceedings, 1903, pp 179-192.

Governor's Council in Madras in December, 1902. The contents of the Act were vigorously opposed by two of the five Indians who were permanent members of the Council. K. Perraju Pantulu and Ratnasabhapati Pillai argued that the Act was unnecessary, anachronistic and unjust. They reasoned that in India the abundance of impoverished labourers favoured the planter⁵². This Act would markedly strengthen the power of the planter in dealing with his employees who were ignorant, incapable of collective action and physically isolated on their estates⁵³. While Perraju and Ratnasabhapati criticized the Act because it contradicted the principles of natural justice, they also regarded it as an instrument of imperial oppression. Perraju claimed that it was unreasonable that the law would be applicable only to estates greater than twenty acres which produced tea, coffee or cinchona, and rhetorically challenged the government to explain why producers of cotton or foodstuffs had been excluded⁵⁴. Plainly, Perraju believed that the answer lay in the nationality of the producer, and not in the ultimate destination of the crop, for cotton, like tea and coffee, was produced for export.

52. Proceedings of the Council of the Governor of Fort St George, 15th Dec, 1902, p 213.

53. Ibid.

54. Ibid., p 216.

Following its presentation in the Madras legislature, the Madras Planters' Labour Law was referred to a Select Committee for consideration. The Governor of Madras, Baron Ampthill, failed to appoint either of the two dissenting Indian members to that Committee, and instead chose G. Srinivasa Rao on the grounds that he originated in Madura, a labour recruiting district⁵⁵. The Governor's action was a blatant attempt to avoid political friction, and it attracted attention both at home and within India. In the British House of Commons the Secretary of State's attention was directed to their omission by C. E. Schwann, the Member for Manchester North. Schwann was a committee member of the parliamentary lobby group formed by William Wedderburn in 1893. Although the group was in principle committed only to overseeing just treatment of Indian issues in the House of Commons, in practice it was firmly tied to the British Committee of the Indian National Congress⁵⁶. In addressing the Secretary of State Schwann alleged that the Act would establish a form of "legalized

55. Ibid.

56. Mary Cumpston, "Some Early Indian Nationalists and their Allies in the British Parliament, 1851-1906", English Historical Review, Vol.LXXVI, April, 1961, pp 295-296. Sir William Wedderburn was the first Chairman of the British Committee of the I.N.C. A number of the committee members of the I.N.C in Britain also served as committee members to the parliamentary group. These included W. S. Caine, J. E. Ellis, and W. S. B. McLaren.

slavery" on plantations in British India ⁵⁷. Schwann's question was plainly intended to embarrass the Secretary of State for he quickly followed it with a query concerning the death of an absconding labourer in Cachar at the hands of a plantation manager, the details of the event being conveyed by Schwann in lurid language ⁵⁸. In reply, the Secretary of State declared that the provisions of the Act were akin to labour legislation already operating in India, in other British colonies, and within Great Britain itself ⁵⁹. The composition of the Select Committee was also said to be satisfactory since it included "a native of India" ⁶⁰.

In Madras the largest Tamil daily, the Swadesamitran, was less than satisfied with Srinivasa Rao's appointment, and expressed its regret that as an Indian he had not differed from his European colleagues in recommending that the protection afforded to the labourer by the Act should be further reduced ⁶¹. The Act itself

57. Hansard Parliamentary Debates, 1903, Vol. CXVIII, 26th Feb, 1903, Question No.925.

58. Ibid., Question No.926.

59. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1903, No. 39.

60. Ibid.

61. Madras Native Newspaper Reports, 1903, Report No. 6, p 81, Swadesamitran, 5th Feb., 1903.

was described by the Swadesamitran as evidence that the Madras Government "which does not evince sufficient interest in the advancement of the agricultural classes", was prepared to attend to "all the complaints of the Anglo-Indian planters and support their cause"⁶². The Madras Planters' Labour Law was plainly regarded by the nationalist elements in Madras as an instrument of imperial exploitation, and this perception added a novel and dynamic dimension to the questions of judicial equity which arose during the Act's troubled passage through the Governor's Council.

In its final form the Madras Planters' Labour Law tilted the judicial scales decidedly in the planters' favour. This was evident in many of the Act's provisions including Section 10 which effectively prevented plantation labourers from breaking their contracts without giving three months' written notice. Similarly, where a contracted labourer was convicted for deserting his estate, Section 32 provided that the period of his imprisonment would be added to the term of his labour contract. Imprisonment no longer released the labourer from his obligation to complete his contract, as had been the case under Act XIII. However, under Act I a labourer facing trial could avoid imprisonment by agreeing to

62. Ibid., 1903, Report No.4, p 58, Swadesamitran, 21st Jan., 1903.

return to work. The labourer's return to his estate was made more certain by Section 33 of Act I which permitted magistrates to place a labourer in the physical custody of his employer. In short, it was now work, rather than prison, that had become unavoidable for plantation labourers facing prosecution. These new provisions faithfully reflected the planters' primary concern that the law assist them in retaining their labour.

The presentation of the Madras Planters' Labour Law (Act I) before the Governor's Council in Madras in February, 1903 provoked a racial and political division within the legislature. Of the eight Indian members, four voiced their strong objection to the Act while no European member joined them. The attack on the government was led by the same members who had initially opposed the bill in the previous December, and they were now joined by L. A. Govindaraghava Aiyar and C. Sankaran Nair⁶³. Sankaran Nair's entry into the debate was particularly significant for although he had served the I.N.C. by presiding over its annual session in 1897, his support for Congress' campaigns to date had often been half-hearted⁶⁴. On the other hand, the provisions of Act I were most

63. Proceedings of the Council of the Governor of Fort St George, 27th Feb., 1903, pp 9-83; 3rd March, 1903, pp 87-97.

64. John R. McLane, Indian Nationalism and the Early Congress, Princeton, 1977, p 104.

strenuously defended by G. Stokes, former Chief Secretary to the Government of Madras and mover of the bill; by G. Acworth, the Planting Member, and by Sir G. Arbuthnot, the Mercantile Member, both of whom had personal interests in tea and coffee estates. •

The aim of the Indian members' attack on the Madras Planters' Labour Law was to publicly expose the inequitable treatment of the labourer under the Act, for they were well aware from the outset they could not command the necessary numbers to amend the law ⁶⁵. They recognized that it was "against the spirit of modern legislation to convert breaches of civil contract into penal offences" ⁶⁶; and moved that in the new plantation labour law the nature of imprisonment should be changed from rigorous to simple ⁶⁷, and that the provision permitting a labourer to be doubly punished for the same offence be abandoned ⁶⁸. Similarly, they argued that it was unjust that the fine imposed on a planter who willfully and maliciously brought about the wrongful arrest of a labourer was at the magistrate's discretion, and in any case

65. G. Subramania Iyer, Some Economic Aspects of British Rule in India, Madras, 1903, p 185.

66. Proceedings of the Council of the Governor of Fort St George, 27th Feb., 1903, p 23.

67. Ibid.

68. Ibid., p 78.

could not exceed Rs.50. ⁶⁹. By comparison, in Assam such a fine was mandatory rather than optional. Most importantly, they objected to the impediments which Act I placed in the path of a labourer who wished to rescind his contract. Under the Act a labourer who failed to give his employer three months' notice of his intention to leave could only be legally released from his contract if he could convince a magistrate that he had "reasonable grounds" for breaking the agreement, had repaid any advance he had received, and had forfeited to his employer 3 annas for every working day remaining in the unexpired term of his contract ⁷⁰. An amendment moved by the Indian members of the Council to reduce the penalties imposed on the labourer for breaking his contract was lost, as was every other amendment which they proposed to reduce the labourer's obligations under the Act. Although the Madras Planters' Labour Law had been loosely based on the plantation labour code of Assam, it was readily apparent that in southern India the labourer would be more tightly bound and more harshly punished than his northern counterpart.

Opponents of Act I noted correctly that while the Government of Madras was content to emulate those provisions of the Assam

69. Ibid., p 80.

70. Madras Planters' Labour Law, (Act I of 1903), op. cit., Section 10.

Labour Act which assisted planters, they ignored those which protected the labourer ⁷¹. Planters in Madras Presidency, unlike their counterparts in Assam, were not legally obliged under the new Act to pay a minimum monthly wage to their labourers, or to limit the working day to eight hours. Nor were they required to compensate labourers who were injured on their estates. In part, the Government was unwilling to regulate work practices because this would require the establishment of substantial administrative machinery ⁷². In a similar fashion, the inspection of plantation water supplies, housing, sanitation and medical aid which the planter was legally bound to provide for resident labourers ⁷³, was left to the discretion of district officials ⁷⁴. Nor did the Government of Madras establish guidelines to which they could refer. As a result, the final form of the Madras Planters' Labour Law largely relieved the Government of Madras of the responsibility of ensuring minimum standards of plantation labour conditions.

It was readily apparent to the Indian opponents of Act I that

71. Government of Madras, Proceedings of the Council of the Governor of Fort St George, 3rd March, 1903, p 97.

72. Ibid., 27th Feb., 1903, pp 46, 67.

73. The Madras Planters' Labour Law (Act I of 1903), op. cit., Section 15.

74. Ibid., Section 42.

the new law was out of accord with the Government of India's guidelines for legislation of this kind. By requiring a labourer to demonstrate before a magistrate that he had reasonable grounds for rescinding a contract, members contended that the Government of Madras was acting against Calcutta's expressed desire that the labourer be free to end his contract at any time given that the advance had been repaid and forfeit money paid⁷⁵. Critics of Act I argued that the labourer's fear and ignorance of authority would effectively preclude him from legally severing his tie to the planter⁷⁶. In response the Advocate-General, J. E. P. Wallis, informed critics of the Government of Madras that they had "lost sight of the fact that these sections were an indulgence to the labourer"⁷⁷. Where the protection of labour was regarded as a concession, it was evident that the Madras administration, despite directives from Calcutta, did not accept an obligation to protect labour and capital equally in industrial labour law. At the same time, the weakness of those measures designed to safeguard labour welfare made a mockery of Calcutta's directive that magistrates should enforce labour contracts only where they were convinced that

75. Proceedings of the Council of the Governor of Fort St George, 3rd March, 1903, p 94.

76. Ibid., 27th Feb., 1903, p 58.

77. Ibid., 3rd March, 1903, p 53.

labour had been fairly treated⁷⁸. Where conditions of labour were neither regulated nor inspected, no impartial assessment of the work place could be available to the courts.

The Government of India had attempted to impose its views on the Madras administration but having met with considerable resistance, Calcutta was plainly prepared to accept a political compromise in 1903. Although this may well reflect Calcutta's limited capacity to curb the autonomy of a provincial administration, it is important to note that recession in the tea industry had already prompted the Government of India under Curzon to make important concessions to tea producers in north-east India in the Assam Labour and Emigration Act (Act VI of 1901). Despite the combined opposition of the Assam Chief Commissioner, Sir Henry Cotton, and several Indian Members of the Indian Legislative Council, Curzon's administration capitulated to pressure exerted by the Indian Tea Association to both reduce and delay the implementation of higher minimum wage rates in Assam tea gardens⁷⁹. Although these concessions were of an economic rather than a judicial nature, they opened a gap between the Government of India's professed position and the reality of plantation labour

78. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1899, No. 287, Resolution of Revenue and Agriculture (Emigration) Department, 21st Jan., 1899.

79. Renford, op. cit., pp 71-73.

law. So too, the final form of The Madras Planters' Labour Law led K. Perraju to conclude in the Governor's Council that, opinions "enunciated by the Government of India on the subject of extending penal servitude to breaches of civil contract are more liberal than those that resulted in the present Bill" ⁸⁰.

None of the criticisms voiced by Indian Members of the Madras legislature appeared to sway proponents of the Act. The Government of Madras led by Amphill was intent upon passing legislation which would be an effective means of countering fraud committed by labourers and maistris which it described "as an evil of great magnitude, demoralising to the labourer and crippling to the planter and one which it is the duty of the state to correct" ⁸¹. These economic and moral imperatives had led it to enact legislation which was decidedly one-sided.

At the same time as the Government of Madras was redressing the planters' labour difficulties it was confronted with a similar request from the landowners of Tanjore. In Tanjore District the growing recruitment of depressed class workers for the sugar and nascent rubber estates of the Malay peninsula contributed greatly to an increasing shortage of agricultural labour. At its height,

80. Proceedings of the Council of the Governor of Fort St George, 3rd March, 1903, p 94.

81. Ibid., 15th Dec., 1902, p 208.

emigration removed up to 30 per cent of the able-bodied male work force ⁸², and this fact has led Kathleen Gough to describe Tanjore as the Madrasi district "most intensively exploited" as a human "service station for British plantations" ⁸³. A peak in emigration to Malaya in 1900 ⁸⁴ was soon followed by the presentation of a memorial from the Tanjore Mahajana Sabha requesting that government desist from aiding emigration abroad, and instead lend its support to Indian mirasdars in enforcing labour agreements ⁸⁵.

The presentation of the Tanjore mirasdars' memorial undermined the nationalists' attack on Act I in the Madras Legislative Council. The Planting Member, Acworth, rebuffed Indian Members' criticism of the new plantation labour law by pointing out that some of their compatriots also looked to the colonial state to enact legislation which would alleviate their labour problems ⁸⁶.

82. Kathleen Gough, "Colonial Economics in Southeast India", Economic and Political Weekly, 26th March, 1977, p 549.

83. Ibid.

84. Sandhu, op.cit., pp 304-305.

85. Proceedings of the Council of the Governor of Fort St George, 3rd March, 1903, p 92. See also Madras Native Newspaper Reports, 1903, Report No.8, p 101, Swadesamitran, 21st Feb., 1903.

86. Proceedings of the Council of the Governor of Fort St George, 1903, 3rd March, 1903, p 92.

Acworth's argument was both timely and effective for both the I.N.C. and its members within the Madras legislature were currently divided over the issue of landlord support of the nationalist movement. Many I.N.C. members recognized the Indian landlord class as an integral part of the Indian economic system, and one which could provide substantial financial assistance to the nationalist cause. In Madras the link between the elected Indian members of the Madras legislature and landholding was more intimate than in other provinces, chiefly because investment in land was "much in favour with the professional classes"⁸⁷. Between 1893 and 1898 many Madras Congressmen retained their seats on the Council largely because they had defended the economic interests of substantial landholders⁸⁸. However, by the turn of the century the I.N.C. contained a growing number who believed that the Congress' association with large landowners was a political liability since it allowed the colonial regime to pose as the protector of the poor⁸⁹. In 1903 the Madras legislature included nationalists from both camps. Members such as P. Ratnasabhapati, who had opposed the Madras government's attempt to increase the occupancy rights of

87. McLane, op. cit., p 239 and note 85.

88. Ibid., p 239.

89. Ibid., p 230.

tenants at the expense of their landlords in 1898⁹⁰, stood alongside C. Sankaran Nair and K. Perraju, who believed that landlords had "not done anything socially or politically to merit state aid or protection"⁹¹. Although Sankaran Nair himself owned rent collecting rights in his native Malabar⁹², he was also a dedicated social reformer⁹³ committed to the legal enhancement of tenants' rights⁹⁴. The inhospitable treatment inflicted upon Sankaran Nair by Tamil Brahmans within the Madras Congress⁹⁵, and the philosophy of Non-Brahmanism, may well have been additional catalysts behind his anti-mirasdar stance⁹⁶; especially as grievances against Brahman hegemony had already been politically

90. Ibid., p 238.

91. K. Perraju, "Impartial Estates in India", Hindustan Review and Kavastha Samachar, Vol.VII, No. 5, May, 1903, p 424, quoted in McLane, op. cit., p 231.

92. Ibid., p 206.

93. K. P. S. Menon, C. Sankaran Nair, Delhi, 1967, pp 28-31.

94. McLane, op. cit., p 231.

95. Ibid., p 102.

96. Ibid., p 231. McLane cites biographical data from the Statesman, 6th Jan., 1901, which indicated that Sankaran Nair took up the issue of tenant rights as an expression of Nair anti-Brahmanism.

well aired by Malayali emigrants to Madras city in the 1890s⁹⁷.

In this particular instance, Sankaran Nair's defence of the Tanjore tenantry could only be won at the expense of their predominantly Brahman landlords⁹⁸.

Despite the fact that all three men were vocal in their criticism of Act I, their failure to uniformly disassociate the nationalist cause from the economic self-interest of Tanjore mirasdars seriously weakened their portrayal of Act I as the action of a partisan, imperial administration shamelessly bolstering colonial enterprise. Moreover, as mirasdar tenure was commonly associated with severe exploitation of the agricultural labourer, proponents of Act I were left free to argue that the Act would safeguard the rural worker's route to emancipation by ensuring that alternative employment on plantations would continue to be available⁹⁹. Although nationalists had found it simple to oppose bills which fostered British capital, their position on legislation

97. Robin Jeffrey, "A Note on the Malayali Origins of Anti-Brahmanism in South India", Indian Economic and Social History Review, 1977, Vol. XIV, No.2, pp 255-268.

98. David Washbrook, "Political Change in a Stable Society: Tanjore District 1880 to 1920", in C. J. Baker and D. A. Washbrook (Ed.), South India: Political Institutions and Political Change 1880-1940, Delhi, 1975, p 24. Washbrook claims that a high percentage of the wealthiest mirasdars in Tanjore District were Brahman.

99. Proceedings of the Council of the Governor of Fort St George, 3rd March, 1903, pp 95-96.

which afforded protection to Indian landlords had proved more elusive. In the past, the tie between Indian capitalists and Congress had similarly led nationalists in other regions to adopt positions on mining and factory legislation which were incompatible with their stance against European enterprise in India. In the Madras legislature the Planting Member had successfully employed the Tanjore landholders' memorial to drive a wedge through the opposition's ranks.

While the Government of Madras had experienced no difficulty in overriding the objections of Indian councillors to Act I, it had yet to face the wider and more biting criticism of the Indian press. The passage of the Madras Planters' Labour Law attracted widespread censure in Indian newspapers. Most commonly the Indian press concentrated its criticism on the inequity of the Act, while its more politicised elements were prompted to launch a bitter nationalist and racialist attack upon the administration of British India. In Madras the Swadesamitran, under the editorial leadership of the nationalist G. Subramania Iyer, played the protagonist's role. In March, 1903 it declared the planters' assertion that labourers were well treated and well paid on estates "not believable"¹⁰⁰. It argued that exceptional legislation, such as

100. Madras Native Newspaper Reports, 1903, Report No.10, p 116, Swadesamitran, 4th March, 1903.

Act I, could only be required because plantation labour conditions were unsatisfactory ¹⁰¹, and that the new law would lead to a system of legalized slavery ¹⁰². The passage of Act I also drew scornful ire from the Hindu. It labelled the Planting Member's description of plantations as an "earthly paradise....(where) the coolie ... has all the advantages which a community requires short of cricket and lawn tennis" as "twaddle" ¹⁰³. In the opinion of the Hindu, Act I would generate a new system of agricultural slavery far harsher than that which had existed in the Indian countryside some fifty years beforehand ¹⁰⁴. Similar sentiments were expressed in the Hindu Nesan, the Sasilekha, the Prapanchatharaki and the Prapanchamitran in Madras ¹⁰⁵, the Dakshana Deepam in Salem ¹⁰⁶, the Manorama and Kerala Pratika in

101. Ibid.

102. Ibid., 1903, Report No.11, p 124, Swadesamitran, 13th March, 1903.

103. Hindu, 4th March, 1903, p 4.

104. Ibid.

105. Madras Native Newspaper Reports, 1903, Report No. 10, pp 116-117, Hindu Nesan, 4th March, 1903; Sasilekha, 3rd March, 1903; Prapanchatharaki, 6th March, 1903; Prapanchamitran, 6th March, 1903.

106. Ibid., p 117, Dakshana Deepam, 7th March, 1903.

Calicut ¹⁰⁷. In Bombay the Kaiser-i-Hind, a leading Anglo-Gujurati weekly, was fired by the conflict taking place in Madras and promptly printed an article by Subramania Iyer which damned the Madras administration for acquiescing to the demands "of a most selfish class ...(to) enslave a voiceless and helpless people" ¹⁰⁸. Reaction was equally unfavourable in the national capital. There the Bengalee and the Bengal Times claimed that the "slave Bill of Madras" would reproduce the shameful treatment of labour which had marked the development of the Assam tea gardens ¹⁰⁹. The Bengalee noted the wider economic ends that the legislation would serve; "It will be enforcing, among other things, a legalized system of slavery that foreign capital is to be attracted to this country, or already having come into this country, is to be induced to stay on" ¹¹⁰. The enactment of Act I was plainly seen as the action of an alien administration compliantly fostering the imperialist exploitation of the Indian

107. Ibid., 1903, Report No.11, p 117, Kerala Pratika, 28th Feb., 1903; Ibid., 1903, Report No. 11, p 125, Manorama, 9th March, 1903.

108. Report on the Native Newspapers of Bombay Presidency, 1903, Report No.11, Kaiser-i-Hind, 8th March, 1903.

109. Bengalee, 15th Feb., 1903, p 4.
Bengal Times, 18th Feb., 1903, p 6.

110. Bengalee, op. cit.

worker.

However, the most direct and strident political attack on the structure of British colonial government took place in Madras, rather than in the acknowledged centres of nationalist agitation. In Madras the Swadesamitran, the Hindu and the Hindu Nesan all argued that the undue influence which planters had exerted in the Governor's Council made Indian participation in the legislative process farcical. "It would be better if there was nothing like a Legislative Council at all", opined the Swadesamitran, "for then the Governor and his Councillors alone would sit for legislating and use their own discretion; but not under the pretext of allowing the natives to take part in the Legislative Council" ¹¹¹. In a similar vein the Hindu Nesan claimed the Madras Government's ability to enact "laws and regulations favourable to the Anglo Indians and in defiance of public opinion", contributed to rising dissatisfaction among the Indian population ¹¹². At the same time, the Hindu asserted that the passage of Act I demonstrated that "the interests of handful of European planters are more important to those who are appointed to rule over us than the

111. Madras Native Newspaper Reports, 1903, *op. cit.*, Report No.10, p 116, Swadesamitran, 4th March, 1903.

112. *Ibid.*, Report No.10, pp 116-117, Hindu Nesan, 4th March, 1903.

goodwill of the 40 millions who contribute to their maintenance" 113. The Hindu Nesan ended its commentary with a clear appeal to nationalist unity, "But we, the people of this country, are ourselves the cause of our misfortune. We have no union among us, and so we have no privileges to enjoy and no voice to speak" 114.

There can be no doubt that the enactment of the Madras Planters' Labour Law increased the disaffection of the Indian National Congress in Madras for their British rulers. G. Subramania Iyer who had helped found the I.N.C. in Madras, and whose political views were far from extreme, soundly condemned the Madras administration for acting in defiance of educated, Indian opinion. Following the passage of Act I he wrote;

"The reformed Legislative Council so far as the influence of public opinion on Government is concerned, is worse than a failure. Indian members under the old regime, were able to exercise some real and effective influence on Government. Then there was a sincere desire on the part of Government to know Indian opinion and give effect to it as far as possible. There was a time when Bills, before they were introduced into the Legislative Councils, used to be sent to public bodies and select individuals for their opinions. But, now, the only public bodies consulted are the Chambers of Commerce ... No individual Indians nor Indian public bodies were consulted. Official (Council) members are bound to vote on the side of Government whether they vote according to or against their conscience.

113. Hindu, 4th March, 1903.

114. Madras Native Newspaper Reports, 1903, Report No.10, pp 116-117, Hindu Nesan, 4th March, 1903.

Never was a system of legislation a more solemn farce than the Indian system is at present; and never did the Legislative Council of Madras show less fairness or dignity than it did in carrying through this hateful measure in March, 1903" ¹¹⁵.

The passing of Act I not only hardened Indian opinion against British political domination but it is highly probable that it contributed to the recasting of the I.N.C. in a less elitist mould after 1903. The passing of Act I signified the triumph of economic concerns over a number of non-economic forces which had acted to restrain the Government of Madras between 1896 and 1903: Curzon's centralism, the Government of India's humanitarian impulse and the overtly politicised humanitarianism of the Indian press and the I.N.C.. However, debate in the Madras legislature had also demonstrated that the I.N.C. could no longer afford to ignore those issues, such as tenants' rights, which had divided its membership since its foundation ¹¹⁶. Moreover, the alignment of the Indian press throughout British India alongside, and even ahead of, the leading nationalist opponents of Act I may also have hastened the growing rift between the I.N.C. and landlords in Madras Presidency and further afield. In order both to tap the groundswell of popular nationalist sentiment evident in the Indian press and to restrain

115. Iyer, op. cit., pp 183-185.

116. McLane, op. cit., pp 95, 212, 227, 230-242.

the Government of Madras through its humanitarian appeals on behalf of labour, the I.N.C. itself had to be above political reproach. At the same time, Act I also ensured that the planting sector would remain a target of nationalist attack. By according planters preferential treatment under the law, Act I not only made future conflict between planters and nationalists more likely but it helped to define the lines along which that conflict would run.

In 1904 the Madras Planters Labour Law came into operation in Nilgiri District and the Wynaad taluk of Malabar. These were the leading planting regions of Madras Presidency employing approximately 45,000 annually migrating workers between them ¹¹⁷. In the lesser planting districts of Salem, Madura and Tinnevelly, many planters preferred that Act XIII be retained ¹¹⁸. As these planters drew largely on local labour supplies their losses from unrecovered advances were low and they had little need for the tighter contractual arrangements laid down in Act I.

117. No accurate record of plantation labour numbers is available. The figure given here has been estimated from acreage statistics, and from the results of the Indian Census of Nilgiri District in 1901 and in 1911. (Plantation acreage data was drawn from: Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras, and in Ceylon, op. cit., p 9; Francis, op. cit., pp 172, 177; Griffiths, op. cit., p 163. Local labour has been excluded from the estimate. See Report of the South of India Planters' Enquiry Committee, op. cit., pp 10, 94.)

118. U.P.A.S.I., Annual Proceedings, 1903, pp 31-47.

In the Nilgiri hills and the Wynaad the operation of the Madras Planters' Labour Law wrought enormous changes in the relationship between labour and capital on plantations. The formal legal power with which planters had been invested by the colonial state was coupled to the informal control which they already derived from the maistri system of recruitment. As a result, planters were able to effectively wield their enhanced authority to prevent labour's permanent desertion of estates. Under Act I the existing system of labour contracting became more binding. The pre-colonial mechanism of debt bonding was now enhanced by the creation of a modern agro-industrial labour market in which the worker's freedom was legally and severely constrained. Additionally, the operation of the Act confirmed and compounded the maistri's role as planter's agent. For a quarter of a century the application of the Madras Planters' Labour Law ensured that plantation labour relations in the Nilgiri hills would be chiefly characterised by the planter's coercion of his employee.

CHAPTER 5

COERCION AND COMPETITION IN THE PLANTATION LABOUR MARKET •

Between December, 1904 and November, 1927, the Madras Planters' Labour Law governed all plantation labour contracts between migrating workers and estates in both Nilgiri District and the Wynaad taluk of Malabar. The new Act enhanced the coercive power which planters had derived from its predecessor, Act XIII of 1859, through provisions which compelled workers to complete their labour contracts and placed defaulting workers who had been brought to trial in the physical custody of their employers. By exploiting these provisions planters hoped to combat an increasing shortfall in plantation labour supply. As a result, cases against labour not only increased dramatically throughout the period but also made up a growing proportion of all cases instituted under Act I. Rapid increases in the number of cases initiated against labour can be directly correlated with periods of inadequate labour supply. These developments were most pronounced in the Gudalur taluk of Nilgiri District and in the Wynaad taluk of Malabar where inferior conditions of labour encouraged labour's desertion of estates. In these regions the growth of corporate ownership provided an

additional spur to prosecution of labour since companies proved to be more litigious than individual proprietors. The emergent pattern of labour cases throughout the Nilgiri hills faithfully reflected the planters' intention to secure an economic advantage by restricting the interplay of market forces for plantation labour.

Nevertheless, Nilgiri planters were never able to exercise full control over the plantation labour market in south India. Their efforts were thwarted initially by their inability to compel maistris to supply labour under Act I and also by the widespread non-service of warrants issued under the Act. Although these difficulties were largely overcome, competition for plantation labour in south India increased after 1908 due both to the rapid growth of rubber estates, particularly in Ceylon and Malaya, and the expansion of planting corporations in the Nilgiri hills. In these circumstances Act I provided planters with a relatively effective means of coercing their contracted labour but it could not deliver complete authority over the burgeoning labour market into their hands.

* * * * *

The application of Act I to plantation labour cases in the Nilgiri hills provided planters with a relatively inexpensive and

simple means of holding contracted plantation labour against its will. The report of the Acting Magistrate of Malabar in 1913, C. A. Innes, provides a rare view of the courts' usual procedure in a breach of contract case;

"on the day of the trial the Magistrate begins by asking the accused if he contracted with the maistry. If he denies having done so or alleges that he received no advance, the case is tried on its merits. But if he admits the contract, before his statement is formally recorded, the maistry is permitted to interview him in the dock. Very often the cooly gives some excuse for his failure to appear for work and professes his willingness to go to work. And in that case the maistry is permitted to withdraw his complaint and the cooly goes off with him" ¹.

In granting physical custody of the labourer to the planter or maistri, Act I of 1903 conferred an enormous advantage on the side of capital which had been notably absent in Act XIII of 1859. Under the Breach of Contract Act (Act XIII of 1859) labourers could be ordered by magistrates to complete their contracts, but since they were not handed over to their employers, many labourers chose to abscond again rather than return to their estates. Employers were frequently forced to bring an absconding worker to court on two separate occasions in order to win legal restitution. The

1. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1914, G.O. No.589, C. A. Innes, Acting Magistrate of Malabar, to Chief Secretary to Government, 16th Feb., 1914. Note that all reports refer to the preceding year.

advantages of the new plantation labour law for employers of labour were manifold: the deserting labourer need only be prosecuted once, the labourer's return to the estate could be secured before his trial formally began and was guaranteed by placing the labourer in his employer's hands, the labourer's continued presence on the plantation could be assured by greater vigilance. In short, for the small cost of issuing a warrant, Act I granted planters and maistris a simple mechanism by which absconders could be returned to estates. The popularity of this measure in planting circles is reflected in the high rates of acquittal of cases brought against labour for desertion under Section 30 of the Act. These rates are displayed in Table 6.

TABLE 6 AVERAGE RATES OF ACQUITTAL IN CASES INSTITUTED
AGAINST PLANTATION LABOUR UNDER SECTION 30 OF
ACT I, 1910-1927. ²

Average % of Cases Acquitted in Nilgiri District	Average % of Cases Acquitted in Wynaad taluk, Malabar District	Average % of Total Cases Acquitted in Nilgiri and Malabar Districts
94%	56%	82%

While the ratio of acquittals to convictions in cases against plantation labourers was high throughout the whole of the planting region, the lower average proportion of acquittals obtained in Malabar may have been partly due to workers' reluctance to return to plantations in the Wynaad where conditions of labour were less satisfactory. Nevertheless, between 1918 and 1927 the proportion of acquittals in Malabar climbed steadily, and by 1927 stood at 82% of labour cases instituted ³.

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2. Ibid., 1911-1928. In Nilgiri District the vast majority of cases were dismissed under Clause 248 of the Code of Criminal Procedure (1898). In Malabar acquittals under this Clause approximated the number secured under Section 40 of Act I whereby offences could be compounded. Section 40 allowed an employer to seek a compensation payment of 4 annas per day for each day on which the labourer was absent from work and the repayment of outstanding advances in addition to a penal sentence for desertion. Note that cases transferred, cases pending, and cases in which the accused escaped or died have been excluded from calculations.
 3. Ibid., 1928, G.O. No.704L, H. R. Pate, District Magistrate of Malabar, to Secretary to Government, Public Works and Labour Department, 8th Feb., 1928.

The rates of acquittal displayed in Table 6 should be regarded as minimum rates, for Act I also allowed planters to gain custody of labourers who had already been convicted. Section 35 of the Act prevented defaulting labourers from being released from the terms of a labour contract through conviction ⁴. As a result, employers were entitled to apply to a magistrate for custody of convicted labourers so that the terms of their labour contracts might be completed ⁵. In instances where a labourer refused to be made over prior to conviction, the planter had merely to wait until the expiry of a labourer's sentence to gain custody of his employee ⁶. Moreover, Act I ensured that convicted labourers could be made to serve out the full term for which they had originally been contracted. At the employer's request, periods of absence and imprisonment were added to the remaining term of a contract when the labourer was returned to his estate ⁷. This provision greatly disadvantaged labour since it permitted double punishment (through imprisonment and forced labour) for the same offence, and prevented workers from exiting the plantation labour market freely. On the

4. The Madras Planters' Labour Law (Act I of 1903), op. cit., Section 35.

5. Ibid., Section 33.

6. Ibid., Section 35.

7. Ibid., Section 32.

other hand, Act I allowed planters to secure labourers on very favourable terms either before or after their conviction.

The legal rights bestowed on labour contractors by Act I were further strengthened by malpractices associated with the service of hand warrants. Unlike a common warrant which was dispatched to a police constable for service, custody of a hand warrant was given to the complainant. The complainant, usually the maistri, could then facilitate service of the warrant by identifying the defaulting labourer to the local police in his home village⁸. Although hand warrants were issued with the intention of increasing the efficiency of legal processes under Act I, it soon became apparent that they were widely misused by maistris in their dealings with contracted labour. Maistris commonly took out hand warrants against labourers who remained resident on estates, but "who evinced any disposition to give trouble or bolt"⁹. The hand warrant, and the threat of further legal proceedings which it embodied, became a powerful weapon by which the maistri fostered compliance and docility in recalcitrant workers. Widespread misuse of hand warrants led to their temporary suspension in Nilgiri District in 1911, but in the Wynaad taluk of Malabar they continued

8. U.P.A.S.I., Annual Proceedings, 1911, p 97.

9. Ibid., 1912, p 79.

to be issued freely ¹⁰.

As the Madras Planters' Labour Law allowed employers in the Nilgiri hills enhanced legal and quasi-legal authority over their employees, it is hardly surprising that plantation labour became more frequently subject to prosecution for desertion and other breach of contract offences. Initially planters made only moderate use of the new Act. In 1906 a total of only 768 cases was filed ¹¹. However, from 1908 dramatic increases in case numbers began to occur, and by 1919 a record total of 5,878 cases was recorded. Although plantation agriculture was expanding in the region, the rate of increase in plantation labour cases far outstripped the growth of the plantation work force. Whereas in 1906 two breach of contract cases were instituted for every one hundred plantation workers; the equivalent ratio in 1927 was in the

10. Ibid., 1911, pp 96-97. Although the U.P.A.S.I. believed that the decision to suspend hand warrants had been taken by the District Magistrate, it is highly probable that the initiative lay with C. Sankaran Nair who was at this time a judge of the Madras High Court. Sankaran Nair called upon the District Magistrate to account for the fact that over two thousand warrants in Nilgiri District remained unexecuted. Sankaran Nair was unconvinced by the Magistrate's reply and ordered all warrants to be cancelled. (Menon, op. cit., p 51.)

11. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1907, G.O. No.418, A. R. Knapp, Acting District Magistrate, Malabar, to Chief Secretary to Government, 7th Feb., 1907; L. E. Buckley, District Magistrate, Nilgiris, to Chief Secretary to Government, 8th Feb., 1907.

order of five cases for each one hundred labourers ¹². Moreover, the prosecution rate in 1927 was by no means exceptional, and in all probability had been well exceeded in some intervening years, such as 1919, when the number of labour cases had jumped sharply higher. Under Act I of 1903 employers resorted to legal action for breach of contract offences with increasing frequency.

Overall increases in the numbers of plantation labour cases were not only dramatic in themselves, but they also represented a significant rise over the rate of prosecutions registered under Act I's predecessor, Act XIII of 1859. In Nilgiri District the number of cases brought annually under Act XIII had averaged 538 between 1891 and 1895 ¹³. By 1915 the number of cases instituted in the same region under Act I had almost tripled ¹⁴. Five years later cases against plantation employees were being filed at more than five times the rate at which they had been instigated under

12. The figures are calculated with reference to estimates of the size of the plantation labour force contained in Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 9, and in Report of the Royal Commission on Labour in India, in Sessional Papers of the British House of Commons, 1930-31 Session, Vol.xi, pp 949-953. Where estimates were unavailable, they have calculated from acreage figures.

13. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1897, No.637, p 92.

14. I.O.L.R., Annual Workings of the Madras Planters' Labour Law of 1903, 1916, G.O. No.728, M. Young, District Magistrate, Nilgiris, to Secretary to Government, 15th Feb., 1916.

Act XIII at the end of the nineteenth century ¹⁵. The prodigious growth in the prosecution of plantation labour led C. A. Innes, who served in Malabar as a judicial officer for five years, to complain to his superiors in Madras that "the increasing use made of the Act is becoming decidedly embarrassing" ¹⁶.

The burden of rising prosecution rates fell most heavily upon common field workers. In 1908 almost 80% of all cases filed under Act I were directed against labourers, but by 1914 this had climbed to 84%. A decade later the proportion of total cases initiated against labourers in the two districts averaged 93% ¹⁷. Labourers were therefore increasingly the subject of prosecution not only because of the dramatic increase in the total number of cases, but also because a greater proportion of those cases were directed against them, rather than against higher ranking employees such as maistris and cole-maistris.

The increase in plantation labour cases was regionalized, rather than evenly spread over the area in which Act I was applicable. While courts in the Wynaad taluk of Malabar recorded a

15. Ibid., 1921, G.O. No.585, G. W. Wells, Acting Collector, Nilgiris, to Secretary to Government, Home (Misc.) Department, 15th March, 1921.

16. Ibid., 1914, G.O. No.589, C. A. Innes, Acting Magistrate of Malabar, to Chief Secretary to Government, 16th Feb., 1914.

17. Ibid., 1909-1925.

six-fold increase in cases in the decennial period 1906-1915¹⁸, in Nilgiri District the increase in plantation cases during the same period was only half as great¹⁹. However, the border which separated the two districts disguised the true geographic division between one region characterised by a prodigious increase in litigation against plantation labour, and another area where the growth of litigation was comparatively moderate. An analysis of plantation case figures by taluk reveals that an overwhelming majority of cases instigated under Act I in Nilgiri District were filed in the western taluk of Gudalur (See Map 4).

Gudalur taluk adjoined the Wynaad taluk of Malabar, and together they formed a plateau, commonly called the Wynaad, which was distinct from the more highly elevated Nilgiri hills proper (See Map 3). From 1907 to 1918 approximately two thirds to four fifths of all cases instituted under Act I within Nilgiri District originated in Gudalur²⁰. The division between the Wynaad plateau

18. Ibid., 1907, G.O. No.418, A. R. Knapp, Acting District Magistrate, Malabar, to Chief Secretary to Government, 7th Feb., 1907; Ibid., 1916, G.O. No.728, F. B. Evans, District Magistrate, Malabar, to Chief Secretary to Government, 4th March, 1916.

19. Ibid., 1907, G.O. No.418, L. E. Buckley, District Magistrate, Nilgiris, to Chief Secretary to Government, 8th Feb., 1907; Ibid., 1916, G.O. No.728, M. Young, District Magistrate, Nilgiris to Chief Secretary to Government, 15th Feb., 1916.

20. Ibid., 1908-1919.

and the higher Nilgiri hills formed the true boundary of an area distinguished by its exceptional rate of litigation against plantation labour. This boundary lay eastward of the Malabar-Nilgiri border, and approximated the dividing line between Gudalur and Ootacamund taluks (See Map 4).

It is plainly apparent that planters took legal action against their employees more frequently in the Wynaad plateau, than in the higher regions of Nilgiri District. In 1908 when the size of the plantation labour force engaged over the whole of the Wynaad plateau was approximately equal to that employed in the remaining area of Nilgiri District ²¹, it is estimated that a plantation employee in the Wynaad was about five times more likely to be prosecuted for a breach of contract offence as his counterpart in the Nilgiri hills ²². This phenomenon is best explained by an

21. Estimates of the size of the plantation work force in each area are based on Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 9. One fifth of the work force employed in Nilgiri District has been calculated as being engaged on plantations in Gudalur. This calculation is in accord with the figures given for the distribution of the district's rural population in the 1901 census, and the census of 1921. (Census of India, 1901, Vol.XV-B, op. cit., Part III, Provincial Tables, p 7; Census of India, 1921, Vol.XIII, op. cit., Part II, Imperial and Provincial Tables, p 341.)

22. Of the 767 cases instituted in Nilgiri District in 1908, 586 cases originated in Gudalur. At the same time 431 cases were instituted in Malabar. The total number of cases for the Wynaad therefore equalled 1017. The remaining area of Nilgiri District produced only 201 cases. (I.O.L.R. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1909, G.O. No.1063, F. C. Parsons, District Magistrate, Malabar, to Chief Secretary to Government, 4th March, 1909; Ibid., (continued over) \

analysis of the changing nature of plantation ownership in the Wynaad, and by an examination of the prevailing conditions of labour.

The extraordinary increase in plantation labour cases in the Wynaad was largely due to the rapid acquisition of plantations by corporations. At the turn of the century, estates in the Nilgiri hills were mainly in the hands of individual proprietors. However, in the twentieth century individual ownership frequently gave way to corporate control as the capital required for the mechanisation of tea processing proved beyond the means of many small growers. This development was most marked in the south and south-east Wynaad which witnessed the entry of companies such as the East India Tea and Produce Company in 1907, the Meppadi-Wynaad Tea Company in 1910, and the Panora Tea and Produce Company in 1911²³. In 1912 C. A. Innes informed the Madras government that "In the last few years the private estate has practically gone out, and now the majority of the tea estates in South Wynaad belong to two big companies"²⁴. Although a few small Indian companies and Ceylon-

W. Francis, District Magistrate, Nilgiris, to Chief Secretary to Government, 1st April, 1909.)

23. Arnold Wright (Ed.), Southern India-Its History, People, Commerce and Industrial Resources, London, n.d., p 263.

24. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1912, G.O. No.610, C. A. Innes, Acting Deputy Magistrate of Malabar, to Chief Secretary to Government, 20th Feb., 1912.

based British firms took up estates in the Wynaad ²⁵, it was the larger British corporations, such as Harrisons and Crosfield (trading as Malayalam Plantations Ltd.) and the English and Scottish Co-operative Wholesale Societies, which grew to dominate tea production in the region. By 1924, corporations controlled almost 20,000 acres or about 50% of the acreage devoted to planting in the Nilgiri-Wynaad ²⁶, and by 1927 this had increased to 27,555 acres or 67% ²⁷. The higher regions of Nilgiri District were by no means immune to an increase in corporate ownership, but company acquisition of these areas was more moderate. In 1924 and 1927 companies had acquired only 29% ²⁸ and 34% ²⁹ respectively of all land devoted to planting in the higher reaches of the hills.

The impact of increasing corporate control of plantations was

25. U.P.A.S.I., Planting Directory of Southern India, 1924, Madras, pp 54-77; U.P.A.S.I., Planting Directory of Southern India, 1927, Madras, pp 62-86. Ceylon based firms which acquired interests in the Wynaad included the Ceylon Land and Produce Co. Ltd., and Lewis Brown and Co., Ltd, Colombo.

26. Ibid., 1924, pp 70-77.

27. Ibid., 1927, pp 80-86.

28. Ibid., 1924, pp 54-69. This figure, and the following figure, refer to estates situated in Ootacamund and Coonoor taluks.

29. Ibid., 1927, pp 62-79.

evident in the Wynaad courts. The Acting Deputy Magistrate of Malabar attributed a rapid increase in breach of contract cases in the South Wynaad in 1911 to the fact that company estates,

"are run on strictly business lines; they are inspected periodically by visiting agents; Superintendents who do not give satisfaction, are got rid of; and naturally therefore they are apt to make much use of the Act not so much with the object of getting their maistries and labourers punished as to put pressure on them to complete their contracts"³⁰.

The demands made by companies upon their estate managers not only led directly to an increase in plantation labour cases, but simultaneously encouraged higher rates of desertion. Companies which ordered cultivation to be extended or intensified without regard to difficulties experienced in obtaining labour, were in effect encouraging their estate managers to crimp labour from other planters. This was particularly the case where the company could afford to raise advances above the normal market rate. The Nilgiris' delegate to the 1909 U.P.A.S.I. annual meeting, Fairless Barber, recognized that, "if a man was bidden to get labour at all costs, he would do so in the only way that was open to him unless

30. I.O.L.R., Annual Reports of the Workings of the Madras Planters' Labour Law of 1903, 1912, G.O. No.610, C. A. Innes, Acting Deputy Magistrate of Malabar, to Chief Secretary to Government, 20th Feb., 1912.

he was prepared to lose his billet" ³¹. By obtaining labour in this way a manager might quickly satisfy the demands of shareholders at home, but as other companies followed suit, the capacity of all planters to retain their labour was undermined. In the South Wynaad, where company control was concentrated, a high litigation rate reflected both the readiness of corporations to prosecute their absconding employees, and the impetus given to desertion by corporate management practices.

High rates of desertion in the Wynaad were also probably fostered by working conditions which were often unsatisfactory. Many estates in the Wynaad had been established in the mid-nineteenth century and had been primarily devoted to coffee culture. From around 1880 hard times in the coffee industry had left individual producers with scanty resources and little incentive to upgrade workers' living quarters, or to improve standards of medical assistance, sanitation, water reticulation or preventative health care. Under Act I of 1903 local government officials could set and enforce minimum standards for plantation working conditions, but there is no evidence to suggest that government officers in the Wynaad took more than a passing interest in plantation labour's welfare.

31. U.P.A.S.I., Annual Proceedings, 1909, p 38.

Initially, local officials in the Wynaad did not exercise their right under Act I to frame rules governing labourers' living conditions on plantations. When the Wynaad Planters' Association applied for copies of the regulations they were instructed that, "they might frame their own rules and send them for the approval of the District Magistrate"³². Moreover, the great majority of District Magistrates appointed to Malabar between 1904 and 1927 adopted the stance that all must be well on Wynaad plantations since no official complaints had been lodged by labourers. District Magistrates ignored, or were blind to, the barriers of distance, expense, ignorance and official practice, which deterred labourers from appealing to government. The location of estates in a relatively remote part of the district, and the inaccessibility of many plantations meant that government inspection occurred rarely, if at all. It is interesting to note that the sole instance in which a District Magistrate brought to the Madras authorities' attention "a total lack of proper accommodation and of sanitary and medical arrangements in a few estates" in the Wynaad, arose as the result of an inspection conducted by a Factory Inspector and not by the District Magistrate himself³³. Although there is no direct

32. Ibid., p 45.

33. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1927, G.O.417, H. R. Pate, District Magistrate, Malabar, to Secretary to Government, Public Works and Labour Department, 9th
(continued over) |

evidence of collusion between district officers and British planters with regard to working conditions on estates, it is probable that planters enjoyed a tacit understanding with local officials and police. Planters in the Wynaad were known to socialise with their local police force, which included few Indians even in its subordinate ranks; and in both Nilgiri District and the Wynaad a disproportionately heavy police presence was stationed to combat coffee stealing and to enforce the labour law ³⁴. In any case, the official failure to regulate and inspect plantations in the Wynaad allowed for the existence of antiquated and unsatisfactory conditions of labour. These conditions coupled with an unpleasant climate, and the prevalence of malaria, promoted desertion among the work force and, in turn, contributed to an extraordinary growth in plantation labour cases.

The increasing frequency with which planters in the Nilgiri hills resorted to legal action against their employees can also be partly attributed to the planters' growing familiarity with the new law, and to the increase in tea cultivation throughout the

Feb., 1927. The majority of estates in the Wynaad did not have processing factories employing sufficient numbers of workers to warrant inspection under the Factories Act.

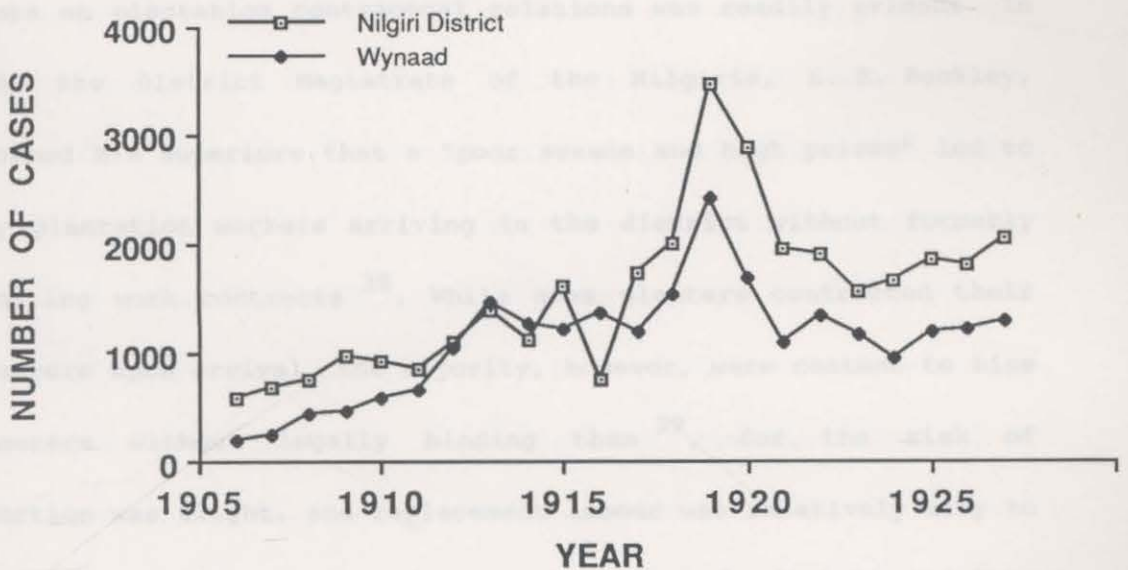
34. David Arnold, Police Power and Colonial Rule, Madras 1859-1947, Delhi, 1986, pp 156-157.

region ³⁵. However, these factors alone fail to explain the irregular pattern of rising prosecutions.

While the number of plantation labour cases instituted under Act I rose between 1904 and 1927, the rate at which they increased was neither steady nor consistent. Rather, it was marked by periods of rapid increase followed by years in which the total number of prosecutions declined, though to a lesser degree. These irregular oscillations are apparent in Table 7 and mirror the impact of forces, external to Nilgiri District, which affected the plantation labour market. These factors brought about two extended periods of dire labour shortages. The first of these commenced in 1907 and eased in 1914. The second was shorter in duration, running between 1918 and 1920.

35. In 1927 U.P.A.S.I. tabulated 19,869 acres under tea in the two areas. This figure excludes land taken up, but unplanted. (U.P.A.S.I., Planting Directory of Southern India, 1927, op. cit., pp 78, 86.) By comparison, the total acreage of tea estates in Nilgiri District in 1908 was reliably estimated at 8,000. (Francis, op. cit., p 177.)

TABLE 7 NUMBER OF CASES INSTITUTED UNDER ACT I OF 1903,

1906-1927.³⁶

Act I was initially applied in the Nilgiri hills at a time when plantation labour was relatively abundant. Although planters still experienced some difficulties in locating and obtaining sufficient numbers of workers, they were assisted by a series of

36. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1907-1928.

poor grain harvests, particularly in 1906, which released vast numbers of agricultural workers in the plains. While the supply of plantation labour increased, the demand for that labour was simultaneously dampened as coffee crops were again afflicted by disease and depressed by low world prices³⁷. The impact of these events on plantation contractual relations was readily evident. In 1906, the District Magistrate of the Nilgiris, L. E. Buckley, informed his superiors that a "poor season and high prices" led to many plantation workers arriving in the district without formerly executing work contracts³⁸. While some planters contracted their labourers upon arrival, the majority, however, were content to hire labourers without legally binding them³⁹, for the risk of desertion was slight, and replacement labour was relatively easy to obtain. Most importantly, the annual tally of plantation labour cases in this period was still roughly commensurate with the number of cases formerly lodged under Act XIII each year.

However, the return to rural prosperity in 1907 combined with the expansion of tea and rubber planting in Travancore, Cochin,

37. U.P.A.S.I., Annual Proceedings, 1906, pp 9-10.

38. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1907, G.O. No.418, L. E. Buckley, District Magistrate, Nilgiris, to Chief Secretary to Government, 8th Feb., 1907.

39. Ibid.

Ceylon, and the Federated Malay States, quickly ushered in a period of acute labour shortage for plantations in Madras Presidency. A plentiful harvest in Mysore and in the plains to the south of the Nilgiri hills increased competition to obtain available labour, exerted upward pressure on wage rates, and encouraged labour's desertion of estates. In the Nilgiris the District Magistrate was quick to note that the advent of "a good season leads to the evasion of contracts"⁴⁰. Later officials explained more fully the connection between keen competition for labour and high desertion rates. In 1913 C. A. Innes surmised that in an undersupplied labour market "coolies have greater temptations than before to abscond, that maistries are advanced with less circumspection and they crimp one another's coolies more than they were wont to"⁴¹. Innes' subsequent report implied that maistries were not alone in crimping labour, for he included a "lack of co-operation among the planters themselves" as a factor which promoted widespread abscondence⁴². In Nilgiri District, Innes'

40. Ibid., 1908, G.O. No. 353, L. E. Buckley, District Magistrate, Nilgiris, to Chief Secretary to Government, 12th Feb., 1908.

41. Ibid., 1913, G.O. No.1622, C. A. Innes, Acting Magistrate of Malabar, to Chief Secretary to Government, 25th Feb., 1913.

42. Ibid., 1914, G.O. No.589, C. A. Innes, Acting Magistrate of Malabar, to Chief Secretary to Government, 16th Feb., 1914.

counterpart, M. Young, noted in 1913 that even though no plantations had been newly opened in the previous year, planters were seeking labour more keenly than before⁴³. Both Young and Innes cited the recent development of tea and rubber gardens in Cochin and Travancore as contributing to the labour shortfall in the region and to high desertion rates. Young argued that the absence of extradition arrangements between British India and Travancore and Cochin also added to the planters' difficulties, as labourers were "fast becoming aware" that they could "effectively evade arrest by their former employers" in these native states⁴⁴. As well, planters perceived the rising tide of emigration as a major threat to the prosperity of plantations in Madras Presidency.

In particular, southern planters identified emigration to rubber estates abroad as undermining their capacity to obtain sufficient numbers of suitable workers. Surging world prices for rubber created two booms; firstly from 1905 to 1908, and again between 1910 and the outbreak of the First World War⁴⁵. High

43. Ibid., 1913, G.O. No. 1622, M. Young, District Magistrate of Nilgiris, to Chief Secretary to Government, 15th February, 1913.

44. Ibid.

45. S. Rajaratnam, "The Growth of Plantation Agriculture in Ceylon, 1886-1931", op. cit., p 10.

returns on rubber production encouraged rapid growth of the industry in the Malay peninsula, and to a lesser extent in Ceylon where expansion was largely confined to the initial boom years⁴⁶. Nevertheless, the overall increase in rubber cultivation in both countries was remarkable. In Ceylon only 25,000 acres had been under rubber in 1904 when Act I first came into force, but by 1913 220,000 acres had been planted with rubber trees⁴⁷. In Malaya, commercial plantings of rubber began only in 1905, and by 1913 stood at 433,000 acres⁴⁸. At the same time the international coffee market remained depressed, while tea experienced only moderate gains. The growth of foreign rubber fields was immediately mirrored in migration statistics, particularly in those relating to Malaya. Whereas approximately 22,000 Indian labourers entered Malaya in 1904, a staggering 108,000 of their compatriots, largely from south India⁴⁹, were landed in 1913⁵⁰. Malayan labour recruitment, in comparison with that of the Nilgiri hills, was centralized, well organized, and

46. Ibid., pp 10-11.

47. Ibid., p 11.

48. Ibid.

49. Sandhu, op. cit., p 56.

50. Ibid., Appendix I, p 305.

roughly commensurate with demand. After 1900, emigration to Malaya, unlike migration to the Nilgiri hills, was partly determined by the pull of plantation employment and not solely by the push of adverse conditions in India.

The rapid rise in south Indian emigration to Malaya, and to a lesser extent Ceylon, wrought severe consequences for southern planters. Emigrant labourers to Malaya were mainly drawn from the same geographic and depressed caste labour pools that south Indian planters had been wont to exploit. This was partly due to the fact that British planters in Malaya had largely originated in Ceylon and as a consequence preferred the "class of cooly they were accustomed to and whose language they understood" ⁵¹. Additionally, it proved far simpler, and therefore cheaper, for professional recruiters of emigrant Indian labour to tap existing labour sources in Tanjore, Trichinopoly, Madras, Salem and Coimbatore ⁵², the Arcots, Ramnad, Madura and Malabar districts, Bangalore and Vellore ⁵³, than to locate and develop previously unexploited regions.

51. U.P.A.S.I., Annual Proceedings, 1908, p 7. See also: John Ferguson, Ceylon in 1884, op. cit., p 100; Sandhu, op.cit., pp 56-57.

52. Sandhu, op. cit., p 82.

53. U.P.A.S.I., Annual Proceedings, 1910, p 122.

The exceptional profitability of rubber estates frequently financed large advances and high wage rates for estate labour. Recruiting agents often induced south Indian labour to emigrate by proffering substantial monetary advances⁵⁴. Whereas planters in Madras Presidency had customarily advanced Rs. 10 or less per worker, foreign estates were often prepared to offer far larger amounts. In 1910 delegates to the U.P.A.S.I. annual conference were informed by Aylmer Martin, a Kannan Devan planter of note, that;

"The rate paid by individual European recruiters varies immensely; for instance, a Straits planter got together about 250 coolies, making Erode his headquarters from January to May-and the amount he paid local depots and recruiters averaged Rs.7 per head. Another planter at the same time, from the Straits, gave no less than 150 rupees for two men and one woman, and was influenced in doing so by the fact that the woman of the party was loaded with jewels. Imagine his disgust on seeing the depot-keeper, after pocketing the rupees, calmly proceed to unscrew the nose and ear ornaments off her face! That planter, quickly realising that Erode was no place for him, took himself elsewhere."⁵⁵

Similarly, high recruitment costs were paid by Ceylon planters as the experience of D. G. Bremner, of Kew Estate, Norwood, Ceylon indicates;

"On the 30th April I went off to the Agency to recruit

54. Ibid., 1908, p 59.

55. Ibid., 1910, p 123.

coolies, while my friend recruited bugs in the wretched dak bungalow. The Ceylon Labour Agent's method of producing coolies is to introduce you to a Tulican (Muslim labour contractor) more or less covered with massive gold cable chains and gold watches, for all the world like one of the old African slave dealers. The Tulican at once proceeds to business by asking how much you are prepared to give. "How much do you want", said I? "Rs.40 a head", said the Tulican. I gave a shiver. With Rs.12 to Rs.14 to land the coolies on the estate, this means Rs.52 to Rs.54 per head for a coast cooly. Out of this the cooly receives Rs.3-12. I arranged to give the Tulican Rs.33 per head, and 11 coolies were produced on my giving my word that I would say nothing about what I had paid the Tulican to the coolies. ... The Tulicans, who have the whole business in their hands, simply pit one Ceylon kangany against another; the coolies are rounded up and kept hidden until the bargain is struck; and the highest bidder, generally a rubber estate gets them." ⁵⁶

Despite the increase in fraudulent practices among labour suppliers, by 1913 many plantation workers bound for Malaya and Ceylon were being offered the equivalent of three years' wages in cash before they departed India ⁵⁷. In addition, estate wages overseas were frequently higher: in 1911 daily wage rates for plantation labourers in Madras Presidency averaged 4 annas per day, while in the Straits and Ceylon daily remuneration rates ranged between 12 and 14 annas ⁵⁸. Southern planters also recognized that

56. Ibid., 1911, pp 77-78.

57. Ibid., 1913, p 41.

58. Ibid., 1911, p 85. In the Straits, as in Ceylon (Supra., pp 81-82), high wages disguised higher prices for staple food stuffs. Sandhu estimates that the cost of living on Malayan plantations was approximately 2 and 1/2 times that of south Indian estates in the early decades of the twentieth century. However, such information was probably inaccessible to raw recruits bound for
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that within south India labourers found Travancore plantations an attractive destination since "they got 6 annas a day for picking tea and bathing, while in Mysore they wanted them to work with a mamootie (an agricultural tool) for 4 annas a day"⁵⁹. Large advances coupled with higher wages, and possibly superior conditions of labour⁶⁰, combined to draw labour away from employment in the Nilgiri hills, and other planting regions in the Shevaroy, Anamalai and Mysore state. For Nilgiri planters, the widespread infiltration of Coimbatore District by recruiting agents from Ceylon from about 1908⁶¹, whittled away what had previously been a reliable labour source on which they had become increasingly dependent. Furthermore, foreign recruitment frequently imposed substantial financial burdens on Nilgiri planters and their maistris, as emigrant workers were in many instances already under advance to planters in south India⁶². Although U.P.A.S.I. members attempted to avert the growing crisis by identifying and developing alternative sources of plantation labour, their

plantations overseas. (Sandhu, op. cit., p 101).

59. Ibid., pp 84-85.

60. Ibid., 1913, p 7.

61. Ibid., 1908, p 60.

62. Ibid., p 42.

enquiries, had by 1911, convinced them that "there is no fresh source of supply in those districts of the Madras Presidency where the languages Tamil, Malayalam, Canarese and Tulu are spoken" ⁶³.

By 1913 the shortage of plantation labour for estates in Madras Presidency was dire. Aylmer Martin, in his capacity as Chairman of the U.P.A.S.I. summed up the position of many southern planters, including those located in the Nilgiri hills, before the Association's annual gathering in 1913;

"in some districts things may be said to be approaching a crisis. Rates of pay have been raised, and still coolies are short. Maistries, on whom we have depended for years, have either failed us, or have come in with less than half their gangs" ⁶⁴.

Moreover, Martin believed that future plantation labour supplies in south India were likely to contract even further. Martin reasoned that as rubber estates abroad matured, their labour requirements would rise. In the Malay peninsula alone, Martin predicted that within three years an additional 230,000 workers would be needed even if no further planting of rubber took place ⁶⁵.

Planters were not alone in feeling the shortage of

63. Ibid., 1911, p 90.

64. Ibid., 1913, p 9.

65. Ibid., p 123.

agricultural labour which emigration had exacerbated. As early as 1909 delegates to the U.P.A.S.I. annual conference were informed that tracts of land in the plains were now lying fallow for want of labour ⁶⁶. In Tanjore District landlords were often unable to cultivate their holdings as emigration, particularly to the Straits, deprived them of their customary labourers while the less able-bodied remained at home ⁶⁷. Despite the fact that labourers generally only worked overseas on a temporary basis, many "returned to their homes as small capitalists" ⁶⁸ and not as field workers, and so were permanently lost to their former landlords. By 1912 Tanjorean landholders had resorted to lobbying the Madras Government to stem the efflux of labour overseas ⁶⁹.

The southern planters' campaign to restrict emigration was, like that of Tanjorean landlords, strongly motivated by economic self-interest. Initially, the U.P.A.S.I. instructed the Planting Member of the Madras legislature, H. P. Hodgson, to seek directly "measures for the protection of the interests of planters in South

66. Ibid., 1909, p 70.

67. Ibid., 1910, pp 129-130.

68. Ibid., p 130.

69. David Washbrook, "Political Change in a Stable Society: Tanjore District 1880-1920", op. cit., p 49.

India" from the provincial government ⁷⁰. However, the U.P.A.S.I. quickly realized that its requests could be readily tailored to suit the current groundswell of Indian nationalist opposition to indentured emigration. Although the Government of India under Lord Minto continued to assert that India generally benefited from the employment of its nationals abroad ⁷¹, the combined opposition of the I.N.C. and Indian capitalists, coupled with overwhelming evidence of the maltreatment of indentured Indians in Natal, had already resulted in the curtailment of labour emigration to southern Africa ⁷². Accordingly, the U.P.A.S.I. altered its tack. It recast its proposals to limit emigration as measures designed to protect the labourer against the deceptive practices of foreign recruiters ⁷³. The U.P.A.S.I. requested the Government of Madras to set in place legislation which would require the registration of all labourers and labour contractors connected with emigration, as well as the compulsory appearance of all labourers before a Protector of Emigrants whose duty would be "to satisfy himself that the coolies understand the true conditions under which they have

70. U.P.A.S.I., Annual Proceedings, 1907, p 62.

71. Ibid., 1910, pp 124-125.

72. Tinker, op. cit., pp 304-317.

73. Ibid., p 124.

been asked to emigrate" ⁷⁴. Although the U.P.A.S.I. argued that the latter measure would merely raise the level of legal protection afforded to emigrant labour to that which already existed within Madras Presidency for migrating labour under Act I, there can be no doubt that the U.P.A.S.I.'s intention was to impede the flow of labour abroad. Other proposals advanced by the U.P.A.S.I. were specifically directed against its major foreign competitors for plantation labour in southern India. By 1913 the U.P.A.S.I. was campaigning to have the professional recruiter of labour outlawed on the grounds that, unlike the maistris employed by southern planters, the professional recruiter "collects coolies and sells them at any centre, and afterwards ceases to have any further interest in their well-being, future or whereabouts" ⁷⁵. The U.P.A.S.I.'s newfound concern for labour's welfare was a transparent mantle which did not disguise its intention to undermine the means by which planters in Ceylon and Malaya secured their Indian workers. The U.P.A.S.I. recognized that unrestricted competition for plantation labour in south India could easily lead to "a war of advances" in which foreign planters would probably

74. U.P.A.S.I., Annual Proceedings, 1910, pp 125-134.

75. Ibid., 1913, p 34.

emerge victorious ⁷⁶.

The desire of southern planters to hobble the recruiting campaigns of their chief rivals in the plantation labour market led their representative in the Madras legislature, Fairless Barber, into a peculiar and brief alliance with Indian members who opposed the government's policy on the export of Indian labour. In April, 1916 in the Governor's Council in Madras, P. Kesava Pillai called for the formation of committees of non-official Indians solely to inspect emigrants at depots prior to their departure overseas ⁷⁷. Kesava's motion reflected current and widespread concern within the I.N.C. for the plight of Indian labour recruited for overseas service. Although the Government of India had already been forced by the pressure of Indian political opinion and public opposition to announce its intention to abolish indentured emigration ⁷⁸, no firm programme had yet been set by which the system would be dismantled. Many Congressmen continued to pressure the government for its speedy end, and for more intensive supervision of all recruitment mechanisms used to procure unskilled Indian labour for foreign destinations. Their cause was made more difficult by the

76. Ibid., 1910, p 127.

77.. Proceedings of the Council of the Governor of Fort St George, 5th April, 1916, p 727.

78. Tinker, op. cit., pp 343-344.

departure of a sympathetic Viceroy in Lord Hardinge. Hardinge's successor, Chelmsford, did not command the confidence of Indian nationalists, who feared that indenture would be replaced by an alternative but equally repugnant system⁷⁹. Kesava's action in the Madras legislature was timely, for it followed on the heels of Hardinge's departure and Chelmsford's accession. Notably, the Planting Member in the Madras Council lent his support to Kesava's motion by asserting that whereas monetary advances made by south Indian planters to their labourers were legitimate, larger advances made by foreign recruiters amounted to bribery⁸⁰. Barber's attempt to draw a moral distinction between domestic and foreign recruitment mechanisms on the basis of the size of the advance was clearly motivated by economic self-interest, and it provoked an unsympathetic response. Sir Francis Spring, a retired government engineer, bluntly advised Barber and his counterparts to,

"pay your labourers and they will stop in the country. You have got to compete against countries which pay them very much better If you want to keep the wages of a cooly to 3 or 4 annas on the land or on estates, you will not succeed. If a recruiter is willing to pay 12 annas or a rupee he will get the labour."⁸¹

79. Ibid., p 345.

80. Proceedings of the Council of the Governor of Fort St George, 5th April, 1916, p 729.

81. Ibid., p 739.

Although the U.P.A.S.I. was strongly motivated in 1916 to exploit mounting opposition to indentured emigration, its association with the nationalists' campaign could, by necessity, be nothing more than a fleeting dalliance. The political, economic and moral grounds on which many nationalists opposed indentured emigration could be turned with equal force against indentured and contracted recruitment within India itself, particularly as the system was frequently made use of by colonial enterprises. The Viceroy's Council had already witnessed Gokhale's spirited call to end indenture both abroad and at home ⁸². Within Madras Presidency, Act I had been the subject of nationalist debate at the Coimbatore District Conference of 1915 ⁸³, and in the Governor's Council Kesava harried the government over "the hardships suffered by maistries and coolies working in the plantations" under Act I ⁸⁴. Clearly, the long term political objectives of many Madrasi Congressmen ran counter to the economic interests of southern planters.

In a broader sense the U.P.A.S.I.'s proposals to restrict labour emigration were an attempt to thwart the expansion of the

82. Tinker, op. cit., p 320.

83. Proceedings of the Council of the Governor of Fort St George, 23rd Nov., 1915, p 32.

84. Ibid.

south Indian labour market. This development had been fostered by the growth of planting abroad, and by the concomitant development of industry and public works at home, and it marked the market's transition from a pre-colonial mode⁸⁵ toward a colonial, capitalist form. In model, fully fledged, capitalist labour markets the lack of extra-market mechanisms for labour recruitment generally compels employers to compete for workers by implementing measures such as higher wages, reduced hours of work, or improved conditions of labour. However, in the developing but imperfect labour market of southern India the tacit co-operation of the colonial administration in enacting and executing Act I made Nilgiri planters less reliant on such measures to attract and retain labour. Rather, Nilgiri planters came to depend heavily on the Act as their major mechanism for combatting labour shortages. As a result, planters attached immense importance to the new labour

85. The term pre-colonial is used here primarily to denote non-market mechanisms for obtaining and retaining agricultural labour in South India prior to the development of colonial plantations. In general, historians have preferred to use the term feudal to describe the nature of economies prior to the rise of capitalism. However, the cultural mores and geographic specificity of European feudalism preclude its use here. Unfortunately, nomenclature remains a problem wherever any term is used to span a wide range of production systems, cultures or time spans, and where capitalism alone has been carefully defined. In these instances the term feudalism (or its substitute) becomes, as Eric Hobsbawm has indicated, a residual category which encompasses everything that capitalism is not. For further discussion see, Jay R. Mandle, "The Plantation Economy: An Essay in Definition", Science and Society, 1972, Vol XXXVI, pp 49-62.

law and this was reflected in their constant attempts to improve the efficiency of its application. Recurring labour shortfalls between 1908 and 1914 prompted planters to call upon government to amend procedures used in the execution of warrants, and to bolster simultaneously the legal rights of employers under Act I.

The non-service of warrants issued against defaulting labourers and maistris was a particularly vexing problem which plagued planters for the duration of Act I's operation. As prosecution of defaulters under Act I became time-barred two years after a contract's commencement date ⁸⁶, employees were often strongly motivated to evade warrants issued against them during this period. Evasion might be effected by accepting employment on another estate where the labourer was unknown, by constant journeying, or most effectively by migration to a planting district in a native state ⁸⁷, or overseas. Defaulting maistris, who generally possessed superior financial resources, could influence low ranking officials to ensure that warrants for their arrest remained unexecuted. In addition, planters claimed that the problem of unserved warrants was exacerbated by a lack of diligence among

86. The Madras Planters' Labour Law (Act I of 1903), op. cit., Section 35.

87. In most native states no extradition agreement existed with British India for breach of contract offences. In theory, extradition proceedings could be instituted in Mysore, but these were notoriously difficult to execute.

police officers. Their claim is lent credence by the opinion of the Acting Deputy Magistrate of Malabar in 1911 who reported that, "the police are, as the planters say, slack and indifferent in executing warrants" ⁸⁸. Planters asserted that in many instances a police constable,

"knowing there was no extradition to Native States, and to save himself the trouble or to cover his reasons for not serving the warrant, simply endorsed the warrant "gone to Cochin", "gone to Travancore", &c., because the constable knew that no further action could be taken ... the number returned with such endorsements was extraordinary, whereas they knew that in Cochin there was no Tamil pariah labour working at all." ⁸⁹

Rankled by practices such as these which rendered a great number of warrants powerless ⁹⁰, the planters' confederation, the U.P.A.S.I., requested that the Government of Madras adopt a number

88. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1912, G.O. No. 610, C. A. Innes, Acting Deputy Magistrate, Malabar, to Chief Secretary to Government, 20th Feb., 1912.

89. U.P.A.S.I., Annual Proceedings, 1910, p 139.

90. It is impossible to accurately calculate the number of warrants which remained unserved in any year because of the official practice of assigning some of these to a special register where they were included among other cases which had been disposed of satisfactorily. Cases which had been assigned to the special register could only be resurrected in the unlikely event of the defaulter being arrested. Magistrates employed this administrative practice to lower artificially the number of cases pending. A large file of pending cases invited official scrutiny. Nevertheless, it is possible that in some areas up to two thirds of all warrants remained unserved. (U.P.A.S.I., Annual Proceedings, 1911, p 96.)

of administrative reforms to combat non-service of warrants. These reforms included provisions requiring warrants and summons to be endorsed with the number of the constable to whom they had been entrusted for service ⁹¹, the maintenance of special registers to record the fate of every warrant ⁹², and the expansion of the police force in districts such as Coimbatore where non-service was rife ⁹³.

Within Mysore state, the failure of officials to execute the provisions of Act I bordered on passive resistance. A large proportion of warrants, taken out by planters in British India against their Mysorean employees, remained unserved. In 1916, when the plantation labour market was only moderately undersupplied, this proportion amounted to more than half of the total number of warrants ⁹⁴. Moreover, it was common practice in Mysore for magistrates to treat non-bailable warrants as bailable, and this frequently resulted in the escape of the accused ⁹⁵. As the two warrant forms were of different colours, planters identified this

91. U.P.A.S.I., Annual Proceedings, 1907, p 54.

92. Ibid., 1911, p 95.

93. Ibid., 1910, p 139.

94. Ibid., 1922, p 40.

95. Ibid., 1913, pp 45-46.

practice as a deliberate attempt to contravene a recognized procedure⁹⁶. Additionally, planters frequently met with delays and difficulties in having new labour contracts attested by officials in Mysore. In 1910 W. C. Deane, a Nilgiri Planters' Association delegate to the U.P.A.S.I.'s annual conference, related the experience of one hills' planter to demonstrate the problems commonly encountered by estates which attempted to recruit Mysorean labour under Act I.

"One of my Head Maistries has just come back from his village and has told me that it is utterly impossible to get any official in the Mysore State to attest cooly agreements. Even the Sub-Postmasters of villages refuse to do it Some little time ago, this very Maistry went to an official called a Taluq Shakidar, who holds the same position as a Revenue Inspector in British Government, and asked him to attest a cooly agreement. This man, too, told him he would not do it, and requested the Maistry to go to the Amildar. When he did so, the Amildar in his turn kept putting him off by telling him to come to-morrow, the day after, and so forth, till he finally refused to attest the agreement"⁹⁷.

Although sympathy for the plight of Mysorean plantation labour under Act I probably existed among petty officials in Mysore⁹⁸, the attitudes of local administrators also reflected the prejudices of the Mysore Durbar. Inter-state arrangements which

96. Ibid.

97. Ibid., 1910, p 142.

98. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1911, G.O. No.560, S. P. Rice, District Magistrate, Nilgiris, to Chief Secretary to Government, 10th Feb., 1911.

granted warrants originating in British India full validity in Mysore, but which prevented Mysorean courts from enjoying equivalent reciprocal rights in British India, affronted the Mysore court ⁹⁹.

Despite these developments, the Government of Madras did not respond favourably to the U.P.A.S.I.'s requests for reform of warrant serving practices. In 1909 the government declared itself satisfied with existing regulations covering police procedures, and indicated that the evidence of maladministration which had been laid before it by the U.P.A.S.I. was insufficient to justify the adoption of any new and special measure ¹⁰⁰. Similarly, the Government of Madras refused to take up the planters' case against officials in Mysore, and informed the U.P.A.S.I. that the matter could be pursued only if planters were prepared to approach the Mysore authorities directly themselves ¹⁰¹. At the same time, Madras made clear to the U.P.A.S.I. that the current expansion of the Coimbatore police force was the result of a general

99. U.P.A.S.I., Annual Proceedings, 1913, pp 44-45.

100. Government of Madras, Judicial Department, W.S. Meyer, Chief Secretary to the Government of Madras, Judicial Department, to the Secretary, U.P.A.S.I., 8th Dec., 1909, in Ibid., 1910, pp 168-169.

101. Government of Madras, Judicial Department, Chief Secretary to the Government of Madras, to the Secretary, U.P.A.S.I., 22nd Oct., 1910, in Ibid., 1911, pp 127-128.

reorganization scheme rather than a consequence of the planters' petition ¹⁰².

While the Government of Madras had proved less than sympathetic to the planters' cause, planters reacted to the official rebuttal of their attempts to improve warrant service by floating a number of producer-operated schemes designed to curtail labour's free exit from the labour market. Such schemes were particularly prevalent at times when suitable labour was extremely scarce, as in the period preceding the First World War when proposals were made by U.P.A.S.I. delegates to geographically limit the recruiting ground of each planting district ¹⁰³, and to record the fingerprints and employment history of every maistri and labourer engaged by the association's members in an attempt to combat fraud and desertion ¹⁰⁴. Such schemes were intended to supplement the legal power which planters already derived from Act I. However, these proposals, unlike litigation under Act I, generally required a high degree of co-operation amongst planters both inside and outside the U.P.A.S.I. confederation; a highly organized and complicated administrative structure; or further

102. Ibid.

103. Ibid., 1909, p 43.

104. Ibid., pp 48-73;
Ibid., 1912, p 70.

government legislation¹⁰⁵. In comparison, the execution of procedures under Act I was relatively simple, well established and affordable. Moreover, the operation of the Act created little dissention within planting circles. In short, prosecution of defaulting labour remained the Nilgiri planters' most effective means of maintaining plantation labour supply. As a result, Nilgiri planters were concerned to strengthen their legal position under Act I.

The planters' drive to amend Act I was chiefly concerned with removing those provisions of the bill which directly hampered the flow of plantation labour. In January, 1906, the Wynaad Planters' Association complained to the Government of Madras about recent judgements delivered in cases conducted against defaulting maistris in the Wynaad. The Sub-Magistrate in Vayittiri, V. P. Krishna Menon, had made clear that a defaulting maistri could be ordered to return any outstanding advance to a planter by whom he had been engaged to recruit labour, but no maistri could be forced to supply

105. The plan proposed by C. H. Brock, an experienced and well known planter, to the 1909 U.P.A.S.I. annual conference amply demonstrates the difficulties associated with comprehensive schemes to control labour. Brock's scheme required the establishment of a central government record office, the keeping of a record office number book, a fingerprint file, village and local register files, as well as additional legislation to penalise fraudulent registration, crimping of labour, employment of unregistered labourers, and bribery. (Ibid., 1909, pp 53-58.)

workers to an estate ¹⁰⁶. The Wynaad planters' protest was soon followed by the U.P.A.S.I.'s request that the government amend Act I so that labour contracts no longer need be executed in the presence of a village magistrate or similar official ¹⁰⁷. These restrictions governing the attestation of labour contracts and limiting the maistri's legal responsibility to supply labour, were considered by Nilgiri planters to seriously impede them in recruiting satisfactory numbers of labourers.

Both the Government of Madras and the Government of India expressed serious objections to the planters' requests. The Madras authorities informed the U.P.A.S.I. that no maistri could be held penally liable for his failure to supply labour, and that planters were adequately compensated by the repayment of outstanding advances. The U.P.A.S.I.'s suggestion that a maistri should be subject to imprisonment if he failed to prosecute his absconding labourers was considered a harsh provision by Madras, and one which might "be worked with great injustice" against the maistri ¹⁰⁸.

106. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1906, No. 1164, C. E. Abbott, Honorary Secretary to Wynaad Planters' Association, 9th Jan., 1906.

107. Ibid., G.O. No.558, H. P. Hodgson, Chairman, U.P.A.S.I., to Government of Madras.

108. Ibid., H. Bradley, Agricultural Chief Secretary to Secretary, U.P.A.S.I. 28th March, 1906.

Nor was the proposal to alter the attestation requirements of Act I well received in Calcutta or in the India Office. London asserted that the proposed change in the law was "of doubtful expediency" ¹⁰⁹, while the Government of India noted that it undercut the "only safeguard which the law has provided for the protection of the coolie from unscrupulous recruiting agents" ¹¹⁰. As a result, the Government of India indicated to Madras that it would entertain amending attestation procedures only on condition that labourers remained free to choose one of two witnesses to their contracts, and retained the option of having their contracts executed before a magistrate ¹¹¹. The U.P.A.S.I. viewed this proposal with alarm, and argued that labourers would be able to evade their obligation to work by claiming that they had executed a contract without knowing that they had the right to appoint a witness, or that neither witness was of their choosing ¹¹². The U.P.A.S.I.'s dissatisfaction with governmental

109. Ibid., Comments of J. W. Holderness, Revenue Secretary, 25th April, 1906.

110. Ibid., W. L. Harvey, Secretary to Government of India, to Chief Secretary to Government of Madras, Judicial Department, 10th Aug., 1906.

111. Government of India, Acting Chief Secretary to Government of Madras, 10th Aug., 1907, in United Planters' Association of Southern India, Annual Proceedings, 1907, p 92.

112. Ibid., 1908, p 40.

responses to its proposals eventually led the planters' confederation to abandon its efforts to strengthen its control over plantation labour through reform of Act I.

Despite their failure to secure either legislative or administrative reform, Act I remained the Nilgiri planters' most effective weapon against mounting labour shortfalls. As a result, planters were motivated to develop strategies which would improve the efficiency of the law without further assistance from government. The most notable initiatives were made after 1914 through the newly established Labour Department of the U.P.A.S.I.

The proposal to establish a Labour Department within the U.P.A.S.I. was first moved by Fairless Barber in 1913¹¹³. Barber initially envisaged that the Labour Department would serve as an agency to "look after the interests of the maistries ... and of the coolies recruited, and further would exploit and recommend new recruiting grounds and advise, on the position of maistries, in such districts"¹¹⁴. Southern planters who were faced with severe labour shortages, a seemingly finite supply of labour, and government rejection of their overtures for legislative reform, regarded Barber's scheme as a means of competing with the plethora

113. Ibid., 1913, p 10.

114. Ibid., p 27.

of outside agencies then actively recruiting plantation workers in Madras Presidency. Moreover, the Labour Department aimed at increasing planters' control over labour by facilitating the attestation of labour contracts, the execution of warrants and the recovery of outstanding advances ¹¹⁵. These objectives proved to be a sufficient inducement for its establishment, despite the fact that finance had to be provided by a system of self-imposed levies upon subscribers ¹¹⁶. The Labour Department commenced its operations in July, 1914 ¹¹⁷.

The activities of the U.P.A.S.I.'s Labour Department considerably increased the impact of Act I upon plantation labour in southern India. A large proportion of the Department's energies were expended in expediting the arrival of lagging workers on estates, in recovering outstanding advances, and in executing warrants. These tasks were facilitated after January, 1916, when the Government of Madras permitted warrants to be served directly through the Labour Department ¹¹⁸. This measure considerably assisted the Department in successfully resolving disputes between

115. Ibid., p 71.

116. Ibid., 1914, p 18.

117. Ibid., p 2.

118. Ibid., 1917, p 22.

contracted labourers and their employers. In recruitment districts such as South Canara the proportion of warrant cases settled to the satisfaction of Labour Department subscribers rose from 45% in 1916, to 80% in 1922¹¹⁹. Similarly, in Coimbatore District, which supplied much of the labour for plantations in the Nilgiri hills, labour case resolution rates remained well above 80% in every year between 1917 and 1921¹²⁰. The operations of the Labour Department made labour's evasion of its contractual obligations more difficult.

The Labour Department's extraordinary success in resolving labour cases may be partly attributed to its employment of methods which were generally unavailable to individual planters. Prior to the establishment of the Labour Department, a Nilgiri planter who sought the return of his absconded labourers possessed no practical alternative to prosecution under Act I. Plantation agriculture required constant supervision, and it was both impractical and uneconomic for a planter to leave his estate in order to pursue former workers some distance away. Moreover, as most planters had little direct contact with their field labourers, successful identification of former employees in their home villages was a

119. Ibid., 1922, p 40.

120. Ibid., 1921, p 46.

difficult task. However, the Labour Department was not beset by many of these difficulties. The Department was not restrained by the economics of a particular case: until 1922 the Department's policy was to persevere indefinitely in its attempts to recover debts as meagre as Rs. 2 ¹²¹. Additionally, the Department's task of tracing defaulting labourers was assisted by the dispersal of its agents throughout the recruitment districts. As a result, Labour Department agents were frequently able to enter villages where they pressurised recalcitrant workers through "moral suasion" and the formation of impromptu panchayats ¹²². Since the department's agents were often in possession of warrants, their attempts to persuade defaulting workers to return to their estates frequently rested on the threat of imprisonment ¹²³ as well as traditional village influence. In these instances the colonial law of penal contract was clearly supplemented by the planters' use of a traditional mechanism to force absconders to return to their estates. The arrival of an agent who held advances in one hand and warrants in the other may have done little to promote plantation

121. Ibid., 1922, p 42.

122. Ibid., 1917, p 21.

123. Ibid., p 41.

employment ¹²⁴, but it did allow many planters to retrieve defaulting labourers without recourse to the law courts. In 1917 these methods were responsible for the recovery of outstanding advances valued at approximately Rs 24,000 ¹²⁵. In comparison only half that amount was recovered by the Department through court action ¹²⁶. As well, employers were able to "to use the department as a threat to their defaulters" ¹²⁷, for the activities of the Labour Department demonstrated "to all the world that defaulters have no easy time" ¹²⁸. The litigious activities of the U.P.A.S.I.'s Labour Department and those of individual planters maximised the impact of Act I upon plantation labour in the Nilgiri hills.

For southern planters the crisis in labour supply was relieved by the outbreak of the First World War. The enlistment of southern planters and planting superintendents often curtailed expansion and reduced the intensity of cultivation on established

124. Ibid., 1922, p 37.

125. Ibid., 1917, p 21.

126. Ibid.

127. Ibid., 1918, p 32.

128. Ibid., p 12.

estates ¹²⁹. After 1915, higher freight charges, a shortage of shipping, a contraction of the British tea market, and also the American rubber market after 1917, all dampened the rate at which the demand for plantation field workers grew ¹³⁰. Many of these factors applied equally to plantation agriculture abroad, and as a result the export of Indian plantation labour overseas was reduced. In Malaya surplus capital was scarce, and the flow of immigrant labour was restricted by the Government of India ¹³¹. In 1915 south Indian labour emigration to Malaya had fallen to approximately 60 per cent of the migrant flow recorded in 1913, and for the duration of the war it remained below pre-war levels ¹³². While planters in the Nilgiri hills continued to find the supply of labour inadequate (chiefly because of the extension of plantation agriculture in Travancore and Malabar ¹³³), their difficulty was less severe than that which

129. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1915, C. A. Innes, Acting District Magistrate of Malabar, to Chief Secretary to Government, 15th Feb., 1915.

130. S. Rajaratnam, "The Growth of Plantation Agriculture in Ceylon, 1886-1931", op. cit., pp 11-13.

131. Sinnappah Arasaratnam, Indians in Malaya and Singapore, London, 1970, p 29.

132. Sandhu, op. cit., Appendix 1, p 305.

133. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law, 1916, G.O. No.728, M. Young, District Magistrate, Nilgiris, to Chief Secretary to
(continued over)

had prevailed between 1908 and 1913. However, the war years provided southern planters with only a partial and temporary respite from their long standing labour problem: by 1918 the plantation labour market had reverted to a position of acute undersupply.

Severe labour shortfalls recurred in 1918. Initially the growth of village groundnut cultivation and the extension of commercial cotton cropping in south India were perceived as important local factors which reduced the availability of plantation labourers¹³⁴. In 1918 Aylmer Martin, now acting as Director of the recently created Labour Department of the U.P.A.S.I., argued that agricultural workers had little incentive to seek employment outside their home areas because, "With the prices ruling for cotton, cultivators of that crop has been able to afford wages to coolies in or near villages quite equal to those paid by ourselves"¹³⁵. However, it was the outbreak of pandemic influenza in 1918 which was to the greatest impact on plantation

Government, 15th Feb., 1916; *Ibid.*, 1917, G.O. No.450, C. F. Brackenbury, Joint Magistrate in charge of the Nilgiris, to Government, 16th Feb., 1917; F. B. Evans, District Magistrate, Malabar, to Secretary to Government (Home Department), 6th March, 1917.

134. U.P.A.S.I., Annual Proceedings, 1918, p 36.

135. Ibid.

labour supply in the immediate post-war period.

The influenza epidemic was regarded by the District Magistrates of Nilgiri and Malabar Districts as the major cause of the rapid rise in prosecutions instituted under Act I in 1918 and 1919¹³⁶. The effects of the epidemic were probably most intense in the Wynaad¹³⁷ where extremes of climate, the prevalence of malaria, and unsatisfactory conditions of labour had already contributed to the enfeeblement of the plantation work force. In addition to death and debility, the outbreak caused further dissipation of the work force as labourers deserted estates because of fear of infection¹³⁸. Many left "only to find that it existed in the plains as well as in the hills"¹³⁹. Others, who

136. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1919, G.O. No.586, A. R. Cummings, District Magistrate, Nilgiris, to Secretary to Government, Home (Misc.) Department, 11th Feb., 1919; J. F. Hall, District Magistrate, Malabar, to Chief Secretary to Government, Home (Judicial) Department, 21st Feb., 1919; Ibid., 1920, G.O. No.554, E. F. Thomas, District Magistrate, Malabar, to Secretary to Government, Home (Misc.) Department, 19th Feb., 1920; J. F. Bryant, District Magistrate, Nilgiris, to Secretary to Government, Home (Misc.) Department, 5th March, 1920.

137. Ibid., 1920, G. O. No.554, E. F. Thomas, District Magistrate, Malabar, to Secretary to Government, Home (Misc.) Department, 19th Feb., 1920.

138. Ibid.

139. Ibid., 1919, G.O. No.586, J. F. Hall, District Magistrate, Malabar, to Secretary to Government, Home (Judicial) Department, 21st Feb., 1919.

were granted temporary leave by their employers to go to their villages, did not return to their estates after the epidemic had waned ¹⁴⁰. In addition, the failure of some planters to raise wages in line with increases in the prices of basic foodstuffs was reported as contributing to labour's inclination to abscond, and hence of a greater number of prosecutions ¹⁴¹. It was these events which were primarily responsible for a doubling of the number of plantation labour cases instituted between 1917 and 1919 ¹⁴².

The dire shortage of labour abated only on the outbreak of the Mappila rebellion in 1921 as those labourers who had been drawn from rebel areas proved content to remain on their estates ¹⁴³.

140. Ibid., A. R. Cummings, District Magistrate, Nilgiris, to Secretary to Government, Home (Misc.) Department, 11th Feb., 1920.

141. Ibid., 1920, G.O. No.554, E. F. Thomas, District Magistrate, Malabar, to Secretary to Government, Home (Misc.) Department, 19th Feb., 1920; J. F. Bryant, District Magistrate, Nilgiris, to Secretary to Government, Home (Misc.) Department, 5th March, 1920.

142. Supra., Table 7, p 230.

143. I.O.L.R., Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1922, G.O. No.719, R. H. Ellis, Deputy Magistrate, Malabar, to Secretary to Government, Law (General) Department, 15th Feb., 1922; Ibid., 1923, G.O. No. 786, J. A. Thorne, District Magistrate of Malabar, to Secretary to Government, Law (General) Department, 14th Feb., 1923. This explanation of an easing in labour supply is consistent with the origins of Cheruman plantation labour in the interior of southern Malabar, (Supra, p 55), particularly as Mappila outbreaks were largely confined to the rural areas of Ernad and Walluvanad taluks (Stephen Frederic Dale, Islamic Society on the South Asian Frontier, The
(continued over)

Yet for planters relief was short-lived. The return to peace in Malabar brought a resurgence of large labour shortfalls, particularly in 1925. However, these labour shortages never attained the proportions of those which had been experienced already in the period between 1908 and 1913, and in the immediate post-war years.

The link between labour shortages and a growing degree of legal coercion of plantation labour in the Nilgiri hills is clear cut and irrefutable. The institution of Act I augmented the legal authority which planters had previously possessed over labour under Act XIII of 1859, chiefly by granting employers the right to extract the specific performance of labour contracts from their defaulting workers. Although dissatisfied labourers continued to desert their plantations, the ability of planters to obtain physical custody of absconding employees, and the fact that incarceration provided no release from the terms of a labour contract, ensured that many plantation labourers were returned to their estates against their will. Moreover, confinement on Nilgiri tea estates also deprived workers of the freedom to sell their labour power to higher bidders in the plantation labour market. Economic exploitation in this sense was therefore implicit in the

coercion of labour under Act I.

Although the legal coercion of plantation labour was dependent on the existence of an underdeveloped wage-labour market, it is both important and ironic that the various coercive recruitment systems prevailing in the British dominions of south and south-east Asia were brought into fierce competition in south India from around 1908. The increasing regularity with which Nilgiri planters instituted legal proceedings against their workers was directly related to the expansion of the southern plantation labour market. The intensified efforts of overseas recruitment agencies, particularly from Ceylon and Malaya, provided migrating labourers with alternative destinations. Greater competition for plantation labour and the profitability of rubber cropping abroad exerted upward pressure on advances and wage rates, which could not be matched by Nilgiri planters. In an effort to retain their labour supply, Nilgiri planters resorted to the more rigorous and widespread enforcement of Act I. While the intensive application of Act I produced substantial benefits for Nilgiri planters, it is evident that the law provided only a partial solution to their labour supply problems. Even in the period following the establishment of U.P.A.S.I.'s Labour Department, Nilgiri planters continued to suffer a want of labour, and relief was largely afforded by the impact of external forces beyond the planters'

control. In spite of the efforts expended by the various planting regions to coerce labour and to control the plantation labour market, a degree of competition prevailed as the planters' increased demand for labour was over-exercised in the game depressed class labour pools of south India. These conditions encouraged Nilgiri planters to find additional means of retaining those workers they had already contracted.

CHAPTER 6

ACT I AND PLANTATION RELATIONS •

The legalised coercion of tea plantation labour in the Nilgiri hills was highly dependent on the social and contractual relations existing between labourers and their employers. The institution of the Madras Planters' Labour Law (Act I of 1903) dramatically altered the nature and balance of these relationships, as the redistribution of legal power contained in Act I fostered a complementary transformation of the plantation's social order. In particular, the rising status, authority and wealth of maistris assisted the legal coercion and economic subjugation of common field labourers. On Nilgiri tea plantations the coupling of social and legal change sharpened the divide between capital and labour, and resulted ultimately in an increasingly rigid social stratification based largely on economic class.

* * * * *

The pre-eminent social change engendered by the implementation of Act I was the fundamental alteration of the plantation maistri's role and status. Under Act I the maistri's

position as an employer of plantation labour was officially recognized ¹, and was buttressed by the enhancement of his legal authority over his contracted workers. As the new plantation labour law drew no legal distinction between the various classes of plantation employers, maistris were entitled to secure their defaulting labourers through the courts in exactly the same manner as plantation owners and managers ². The maistri's right to instigate legal proceedings, and his ability to win physical custody of recalcitrant workers considerably enhanced his authority and status on the plantation.

At the same time, the scant legal protection afforded by Act I to employers of fraudulent and defaulting maistris encouraged planters to draw maistris into closer working relationships. Most importantly, planters possessed no legal means of compelling a maistri to fulfil his contract to supply labour; nor could the maistri be forced to take legal action against workers who had been advanced, but who had failed to complete the terms of their contracts. Planters drew little comfort from their right to recover monetary advances from a defaulting maistri, as the production losses which resulted from the failure of a labour supplier

1. The Madras Planters' Labour Law, (Act I of 1903), op. cit., Section 3, parts (a) and (f).

2. Ibid., Sections 30, 31, 33, 35.

generally far outstripped the actual cash advanced³. Compensation for production losses through the criminal courts was denied to planters under Act I: restitution for damages suffered from breach of contract offences could be extracted only through tardy civil proceedings. The impediments encountered by planters who proceeded against their maistris were outlined by a Wynaad planter, H. Waddington, in a letter to his local planting association⁴. Although Waddington's maistri had failed both to supply labourers and to return his advances in line with a court directive, Waddington complained that he was unable to extract specific performance of the contract. Neither could the maistri be charged with contempt of court as had previously been the case under Act XIII. As a last resort Waddington had instigated a distraint order against the maistri's moveable property, but as he pointed out, "the accused, being a Curumber, you will understand he has no property of value"⁵. Clearly, the conditions of the new plantation labour law left Nilgiri planters financially vulnerable to the misdeeds of their maistris.

3. U.P.A.S.I., Annual Proceedings, 1906, p 86.

4. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1906, No. 1164, H. Waddington to Secretary Wynaad Planters Association, 9th Nov., 1905.

5. Ibid. Curumbers were one of the hill tribes occupying the Nilgiri hills prior to British settlement. (Supra., p 2) Kurumba is a more common spelling.

In order to remedy their position planters once more trod the familiar, and previously fruitful path of the political lobbyist. In 1906 complaints brought forward by the Wynaad Planters' Association led the U.P.A.S.I. to appeal to the Government of Madras to amend Act I so that maistris would become criminally liable if they did not prosecute their recalcitrant workers ⁶. Madras rejected the planters' request arguing that "such a power might, moreover, be worked with great injustice" against the maistri ⁷, but in the following year the Madras administration obtained Calcutta's acquiescence to concede that planters might be permitted to proceed directly against a maistri's defaulting labourers ⁸. However, both the India Office and the Government of India were ever mindful of the malpractices in labour recruitment which had occurred in northern India and equally desirous of

6. U.P.A.S.I., Annual Proceedings, 1906, pp 85, 91.

7. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1906, No. 1164, G.O. No. 558, H. Bradley, Agriculture Chief Secretary to Government of Madras to U.P.A.S.I., 28th March, 1906.

8. Ibid., Annual Departmental Papers, 1906, No. 1164, Viceroy to India Office, 6th July, 1906. Ibid., W. L. Harvey, Secretary to Government of India, to Government of Madras, Acting Chief Secretary to the Government of Fort St. George, to the Secretary of U.P.A.S.I., 22nd March, 1907, in U.P.A.S.I., Annual Proceedings, 1907, pp 91-92.

maintaining a balance of rights within the Act ⁹. They therefore directed Madras to indicate to planters that such an enhancement of their legal powers must be countered by reciprocal concessions to labour. Accordingly, the Government of Madras informed the U.P.A.S.I. that if planters were to be permitted to prosecute their workers for desertion, "it is but reasonable" that labourers be entitled to leave their estates without loss of wages to prefer complaints against a planter, and to prosecute their maistris for wages wrongfully withheld ¹⁰.

These proposals excited the U.P.A.S.I.'s long standing opposition to labour concessions and the association promptly damned them as neither reciprocal nor practical. The Planting Member in the Madras Legislative Council, H. P. Hodgson, argued at the association's annual conference in 1907 ¹¹ that "no sane planter" would ever accept the amendments formulated by the

9. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1906, No. 1164, J. W. Holderness, Revenue Secretary, India Office, 25th April, 1906, comments on proposals submitted by Government of Madras in Letter No.3, Judicial, 24th April, 1906. Ibid., Telegram from Viceroy to India Office, 6th July, 1906.

10. Acting Chief Secretary to the Government of Madras, to the Secretary of U.P.A.S.I., 22nd March, 1907, in U.P.A.S.I., Annual Proceedings, 1907, pp 91-92.

11. Under U.P.A.S.I.'s rules the Planting Member was able to participate in U.P.A.S.I.'s Annual Conference as a Committee member.

authorities in Madras¹². Hodgson asserted that the proposed alterations to the Act would place a "premium on dishonesty ... (by) simply suggesting to the cooly and the maistry to combine together to defraud the planter"¹³. The Wynaad Planters' Association delegate, C. E. Abbott, labelled the Government's suggestion that planters prosecute their own defaulting workmen as "utterly futile"¹⁴, and proceeded to dramatically outline the practical difficulties which would impede planters:

"You would have to take perhaps 100 contracts to Court, have petitions written out on stamped paper and get warrants issued; then you would have to go to Court day after day when the coolies were brought in one by one. But even if any planter had time to do all this, I maintain that nobody but the maistry who has actually handed out the money dare take out warrants for his coolies: there is a special penalty of Rs.50 in the Act for arresting the wrong man; and even if the right man is arrested and says he is not the Chinnappen of Erode that was advanced, how is the planter who has never seen him to say he is? The bulk of the defaulting coolies might be working on the next estate, a fact of which your neighbour as well as yourself would be quite ignorant"¹⁵.

Abbott recognized that in plantation labour cases the maistri's intimate knowledge of his employees was indispensable to the

12. U.P.A.S.I., Annual Proceedings, 1907, p 39.

13. Ibid.

14. Ibid., 1906, p 85.

15. Ibid.

planter's cause. Under Act I the maistri had clearly emerged as a key figure in plantation labour control.

Closer affiliation between planters and their maistris was further encouraged by developments in the plantation labour market. As plantation labour became increasingly scarce in the period after 1908, southern planters were forced to increase the value of advances in order to attract labour. At the same time the growth of large, corporate holdings promoted rapid increases in the size of each maistri's labour force. Maistris who wished to maximise their profits by retaining as many workers as possible, but who were no longer able to personally supervise all their gangs, became increasingly reliant on cole-maistris who acted as overseers. Cole-maistris were invariably financed by the maistri out of the planters' original advance. While the maistri was legally accountable under Act I for the advances which he received, his cole-maistris were free from any similar liability. Consequently, a maistri whose subordinate overseers had defaulted frequently chose to abscond also rather than face prosecution by the planter¹⁶. The prevalence of this occurrence motivated the Wynaad Planters' Association to petition the Government of Madras to bring contracts between a maistri and his labour suppliers within the jurisdiction

16. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part II, p 342.

of Act I¹⁷. Their request, which itself was evidence of the closer financial bond between planters and maistris, was referred to the Government of India for comment.

Taking the Report of the South of India Planters' Enquiry Committee as its reference point, the administration in Calcutta denied the planters' plea on the grounds that cole-maistris had not been mentioned in the Committee's report of 1896¹⁸. Moreover, the Government of India was wary of legitimizing recruitment procedures which it regarded as dubious. Consequently, Madras was informed that "a system which interposes a lengthening chain of intermediaries between the principal parties is open to obvious objection"¹⁹. While Calcutta's opinion was in keeping with its commitment to counter-balancing the legal protection afforded to capital and labour, its decision denied the evolution of contractual relationships which had already taken place over the previous decade on plantations in Madras Presidency. The planters' failure to extract amendments which would have reflected these changes, and the constantly inadequate nature of plantation labour

17. U.P.A.S.I., Annual Proceedings, 1905, pp 18-19.

18. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1905, No. 1164, W.L. Harvey, Secretary to Government of India, to Judicial Department, Madras, 10th Aug., 1906.

19. Ibid.

supply, encouraged planters to increasingly regard the maistri as a useful agent of labour coercion rather than a mere procurer of field workers.

The development of an economic and contractual alliance between planters and their maistris is reflected in the increase in cases brought against plantation labourers²⁰, and in the concomitant decline in prosecutions mounted by planters against their maistris under Act I. Table 8 illustrates this latter development in Wynaad taluk of Malabar.

20. Supra., pp 218-220.

**TABLE 8 ANALYSIS OF CASES INSTITUTED UNDER SECTIONS 24 AND 30 OF
ACT I OF 1903 IN WYNAAD TALUK OF MALABAR DISTRICT,
1906-1924.** ²¹

YEAR	TOTAL NUMBER OF CASES	% OF CASES AGAINST LABOUR (under Section 30)	% OF CASES BROUGHT AGAINST MAISTRIS (under Section 24)
1906	191	35%	65%
1907	241	52%	48%
1908	431	60%	40%
1909	439	52%	48%
1910	582	51%	49%
1911	663	62%	38%
1912	1039	64%	36%
1913	1452	77%	23%
1914	1259	76%	24%
1915	1209	82%	18%
1916	1370	81%	19%
1917	1196	82%	18%
1918	1531	81%	19%
1919	Not Available		
1920	1672	86%	14%
1921	Not Available		
1922	1341	83%	17%
1923	1180	81%	19%
1924	957	92%	8%

Under Act I planters almost invariably proceeded against their defaulting maistris by utilizing the provisions of Section 24 which imposed a maximum penalty of three months imprisonment or a fine of Rs 500 upon a maistri who had failed to account for the advances he had received, or had failed either to present himself

21. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1907-1925. Sections 24 and 30 were the prime sections of Act I under which the vast majority of cases against maistris and labourers were instituted respectively. The annual totals of cases cited here do not correspond exactly with those given in Table 7 since a few cases were instituted under other sections.

on an estate or to remain there for his contracted term²². It can be readily seen in Table 8 that whereas cases against maistris comprised approximately two thirds of all proceedings instituted under Act I in 1906 in Malabar, this proportion had fallen in 1924 to about one tenth of all cases. In addition, a dramatic decline in the actual number of cases brought against maistris is reported in magisterial records over the same period. While 125 cases had been initiated against maistris in 1906²³, their counterparts in 1924 had been the subject of only 72 separate actions²⁴. This development appears more significant when viewed against the quintupling of total case numbers which took place in the Wynaad between 1906 and 1924²⁵ as a result of the redevelopment of moribund coffee estates, the general expansion of plantation agriculture, and the subsequent increases in both the plantation work force and the rate of labour litigation.

Significantly, an identical analysis of plantation labour

22. The Madras Planters' Labour Law, (Act I of 1903), op. cit., Section 24.

23. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1907, G.O. No. 418, A. R. Knapp, Acting District Magistrate, Malabar, to Chief Secretary to Government, 7th Feb., 1907.

24. Ibid., 1925, G.O. No. 934, J. A Thorne, District Magistrate, Malabar, to the Secretary to Government, Law (General) Department, 13th Feb., 1925.

25. Ibid., 1907-1925.

cases brought within Nilgiri District reveals that no parallel development took place outside the Wynaad. Although a marginal decrease in the proportion of cases instituted against maistris between 1908 and 1927 is evident in Table 9, it is more important to note that such cases constituted only a very small proportion of total case numbers from the outset in Nilgiri District.

TABLE 9 ANALYSIS OF CASES INSTITUTED UNDER SECTIONS 24 AND 30 OF ACT 1 OF 1903 IN NILGIRI DISTRICT, 1908-1927. ²⁶

YEAR	TOTAL NUMBER OF CASES	% OF CASES AGAINST LABOUR (under Section 30)	% OF CASES BROUGHT AGAINST MAISTRIS (under Section 24)
1908	766	91%	9%
1909	Not Available		
1910	900	92%	8%
1911	854	90%	10%
1912	1088	94%	6%
1913	Not Available		
1914	1115	93%	7%
1915	1600	95%	5%
1916	Not Available		
1917	Not Available		
1918	Not Available		
1919	Not Available		
1920	Not Available		
1921	1958	93%	7%
1922	1881	90%	10%
1923	1550	93%	7%
1924	2403	93%	7%
1925	1983	95%	5%
1926	2013	96%	4%
1927	2936	97%	3%

Tables 8 and 9 demonstrate the contrasting methods by which Wynaad and Nilgiri planters utilized Act I against their employees. Within Nilgiri District litigation against maistris was rare initially, and remained so throughout the period in which Act I operated. In the Wynaad taluk of Malabar planters gradually abandoned the practice of prosecuting maistris for breach of contract offences and it became commonplace for maistris to

26. Ibid., 1908-1928.

As in Table 8, the total number of cases cited here for each year does not correspond exactly with the number of cases quoted in Table 7 as a small number of cases were instituted under sections other than 24 and 30.

prosecute their defaulting workers directly. Despite the rapid escalation in labour litigation between 1907 and 1917, maistris continued to file in excess of 89% of all cases instituted against workers ²⁷. By 1924 this development had proceeded to the point where Wynaad planters were using Act I in a manner akin to that of their Nilgiri neighbours. Although Act I was universally employed to combat the incidence of broken labour contracts, it was no accident that Wynaad and Nilgiri District planters differed in the manner in which they had initially brought the law into play. Rather, their contrasting methods were the direct result of the historical development of plantation agriculture within the region.

In the Nilgiri hills the "old" style maistri system was most slowly supplanted on the Wynaad plateau where planting had originally concentrated. "Old" maistris, who had not been completely converted to the side of capital, were more likely to face prosecution at the hands of the planter than "new" maistris whose economic interests on the plantation were identical to those of their employers. Throughout the Nilgiri hills the transformation of the maistri's role to that of a planter's agent was completed under Act I, but this process was a protracted one. It was marked by a prolonged intermediate stage in which "old" and "new" maistris

27. Ibid., 1908-1918.

co-existed, and individual maistris commonly combined characteristic functions of both roles. This process was retarded in the Wynaad largely because planters preserved their ties to nearby Mysorean labour and a generation of "old" maistris. In 1906 the Wynaad Planters' Association estimated that Mysore state continued to supply a little over 35% of the migrating labour force employed in the Wynaad ²⁸.

In contrast, the highly elevated central and eastern regions of Nilgiri District were more readily accessible, (and the conditions more agreeable ²⁹) to the Tamil speaking plains' peoples. As large scale planting subsequently spread to these regions in a period marked by the declining availability of Mysorean labour, it is highly probable that these planters came to rely on Tamil labour prior to their counterparts in the Wynaad ³⁰. As these second generation planters had few if any

28. Planters' Chronicle, Nov., 1906, p 42.

29. Supra.; pp 83-84; pp 222-226

30. Supra., pp 39-41.

The lack of Tamil labour in the Wynaad was evident as late as 1943 when a U.P.A.S.I. Census of plantation labour revealed that Coimbatore, the Tamil district most commonly exploited by Nilgiri planters, supplied 35% of all workers labouring on estates belonging to subscribers of the Nilgiri Planters' Association, but only 6% of labourers on estates belonging to members of the Nilgiri-Wynaad Planters' Association. (U.P.A.S.I. Labour Census, cited in Report on An Enquiry into Conditions of Labour in Plantations in India, op. cit., Table 89, p 128.)

bonds to established plantation maistris they possessed considerable latitude in establishing the terms of recruitment, as well as the opportunity to speedily elevate loyal and reliable workers to the rank of maistri. The "new" maistri who had been chosen and financed by the planter, and whose loyalty to his employer had already been demonstrated, was unlikely to be prosecuted by his employer. In Nilgiri District the predominance of "new" maistris throughout the quarter century in which Act I operated was evident in the fact that estate owners always preferred their maistris to proceed against labour directly in breach of contract cases.

Both planters and maistris reaped benefits from their more intimate alliance. Dependable maistris proved most valuable to tea planters when field workers were scarce, as in the period 1908-1913. In part, this was because an undersupplied labour market frequently nursed fraudulent labour contractors³¹ who extracted advances from planters but failed to deliver workers to estates. Additionally, a critical undersupply of labour on estates during a heavy flush of tea could result in inadequate harvesting. Since plantation profits could more easily be reduced by a poor harvest

31. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1914, G.O. No. 589, C. A. Innes, Acting Magistrate of Malabar, to Chief Secretary to Government, 16th Feb., 1914.

than by lost advances, it was in the planters' economic interests to retain reliable and honest maistris. Farsighted planters were therefore often prepared to shoulder the "new" maistri's immediate losses whenever his workers absconded in search of higher wages or more congenial conditions of employment. This practice also released established maistris from the fear of prosecution and relieved them of losses which they would otherwise have borne when labour absconded. Closer contractual affinity between maistris and planters secured the "new" maistri in a permanent and profitable trade, while the perquisites of stable employment were often considerable, sometimes extending to sizeable personal loans which were interest free³². Clearly, the contractual relationship between "new" maistris and their employers was economically advantageous to both parties.

The emergence of the maistri as a subject of political criticism reflects not only the growth of nationalist interest in the plight of Indian labour under British planters, but is further evidence of the proliferation of "new" maistris throughout south India. Significantly, it is the maistri's immoral recruiting practices which came under attack early in the twentieth century, rather than his role as a collaborative agent in the British

32. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part II, p 317.

planting enterprise. In 1903 the Kerala Pratika directed its attention to the fate of Cheruman plantation labour in the Nilgiri hills and concluded that,

"As a rule the recruiting agents fill the ears of the coolies with all sorts of lies and do not faithfully represent to them the consequences which will follow if they infringe any of the terms of the contract" ³³.

In the same year, G. Subramania Iyer, in a commentary directed against the introduction of Act I, portrayed a typical maistri as a man who commonly,

"goes about the country with a bag of money, ... pries into the secret quarrels and differences of families, and, by plenty of false promises, allures the discontented male or female member away from the village" ³⁴.

In Iyer's more detailed account each worker is deceived into working on an estate where he "has no idea of the nature of his work, of the wages he will receive, of his treatment from the planter, from the manager or the magistrate" ³⁵. These accounts

33. Madras Native Newspaper Reports, 1903, Report No. 31, p 293, Kerala Pratika, 25th July, 1903.

34. Iyer, op. cit., p 183.

35. Ibid.

resemble strongly the description of the maistri's recruitment practices presented to the Royal Commission on Labour almost thirty years later by Ramaswamy Ayyanger. As President of the Coimbatore Labour Union, Ayyanger was chiefly concerned with the conditions under which cotton mill workers were employed, but he also took a particular and personal interest in tea estate labour in the Animalai and Nilgiri hills. Ayyanger reported that;

"The kanganny or maistry goes about village fairs (shandys) and festive places and paints a rosy picture of life and wages on the hills. The outcasts, the immoral women, the oppressed coolies of the village, men and women who quarrel with their kith and kin, disappointed people and such sort are easily prevailed upon and they respond to the call of the kangannies ³⁶".

All three extracts depict the maistri as a deceitful character. His relative sophistication and the advances which he tenders add to his importance and allow him to prey on the ignorance and discontent of simple villagers. Additionally, Iyer's maistri is a malevolent agent of social destruction, whose recruitment practices undermine the labourer's familial and village inter-relationships.

In the 1920s and 1930s similarly damning descriptions of the maistri and his activities surfaced in the Madras Legislative Council. Throughout 1925 J. A. Saldanha, President of the Malabar

36. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part I, p 250.

Allied Nationalist Conference and Swaraj Party member ³⁷, harried the government over conditions of labour on plantations. In a series of questions directed at the Home Minister, Saldanha made clear his belief that plantation labourers drawn from South Canara were frequently enticed,

"by labour agents with hopes of high wages and comforts of life ... which are falsified in the actualities of life and that a considerable number of ³⁸ them return broken down in health and extreme poverty".

In addition, Saldanha later maintained that it was common practice amongst maistris to insert workers' thumbprints on labour contracts prior to the inclusion of details relating to their employment. This practice allowed maistris to "enforce contracts which never took place", as did the alleged practice of forcibly detaining the close relatives of recalcitrant workers on the estate ³⁹. Such misuse of labour was made possible by labours' ignorance and fear of the law.

It cannot be claimed that Saldanha's allegations contrast

37. For an exposition of Saldanha's political views in 1925 see; J. A. Saldanha, The Malabar Allied Nationalists Conference, Calicut, Presidential Address, Calicut, 1925.

38. Government of Madras, Proceedings of the Legislative Council of the Governor of Madras, 20th Aug., 1925, pp 326-327.

39. Ibid., 26th Aug., 1925, p 760.

starkly with the experiences of plantation labour prior to 1903, as coercion of plantation labour had previously taken place under Act XIII of 1859. "Exaggerated descriptions and false promises" have been "the characteristic tools" of the professional recruiter's trade here and in other migrant labour streams⁴⁰. However, coercion can be present in varying degrees. Coercion of tea estate labour became more intense and widespread in the Nilgiris as maistris came to act almost exclusively on behalf of capital in the twentieth century. Abuse of labour was clearly dependent on an effective labour law and the maistri's increasing invulnerability to prosecution under the same law.

Coercion and abuse of labour had been less severe in the "old" maistri system. Prior to 1850 in the Wynaad and in Mysore state, pioneering planters had engaged only "old" style maistris whose status was attained amidst their own communities prior to their arrival on estates⁴¹. Originally, the maistri probably bound his workers by oral agreements rather than by formal written contracts⁴². Moreover, early written contracts were often of

40. J. Norman Parmer, Colonial Labour Policy and Administration: A History of Labour in the Rubber Plantation Industry in Malaya c.1910-1941, New York, 1960, p 17.

41. Moore, op. cit., p 217.

42. Ibid., pp 204-206.

dubious value even after the passage of Act XIII in 1859, since defrauded maistris found legal restitution difficult to effect ⁴³, particularly where Mysorean labour had been engaged ⁴⁴. Amongst Mysorean labour, plantation employment was widely regarded as secondary to village agricultural production. In both the wet and dry regions of the Mysore plains the tasks of ploughing, sowing and harvesting grain took precedence over temporary employment on coffee estates in Mysore state and in the Wynaad ⁴⁵. In any case, the highest seasonal demand for coffee workers corresponded with the quietest period of the agricultural cycle in Mysore, and casual estate work could be neatly dovetailed between the planting and reaping of ragi and cholum. The influx of cash wages into the plains' villages of Mysore sustained many familial plots of land in an increasingly monetized economy ⁴⁶. Plantation employment was sufficiently remunerative to weaken the tie between the bonded, landless, Mysorean labourer and his landlord in the mid-nineteenth century, and to aid the casual

43. Supra., pp 97-98, 108-109.

44. Supra., pp 124-125.

45. Moore, op. cit., pp 204-208.

46. Ibid., pp 204-206, 212.

plantation labourer in preserving his hold over his village land ⁴⁷. More importantly, the payment of monthly emoluments ⁴⁸, rather than commissions, to maistris precluded a major form of exploitation which was to become universal in the "new" maistri system. The workers' ability to enter and exit the plantation labour market in response to their own economic circumstances, and to permanently quit plantation employment when agrarian conditions improved dramatically, as they did in Mysore after the great famine ⁴⁹, indicate that coercion was milder in the "old" maistri system.

The most detailed evidence of the abuses which became inherent in the "new" maistri system of labour recruitment are contained in Dr P. H. Daniel's Red Tea ⁵⁰. Although Daniel has chosen to present his account of tea plantation life in the Anamalai as fiction, it is closely based on interviews conducted by the author with labourers who had been engaged on estates in the

47. Ibid., pp 224-234.

48. Planting Opinion, April 1, 1899, p 240. In the 1870s monthly payments to maistris ranged between Rs 30 and Rs 80.

49. Supra., pp 31-33.

50. P. H. Daniel, Red Tea, 2nd Ed., Coimbatore, 1984.

region prior to 1930⁵¹. Further, Daniel gained extensive personal experience of plantation labour conditions through twenty five years service as a medical practitioner on tea estates in the region⁵². In Daniel's narrative a naive and impoverished outcaste labourer, Karupan, is seduced into plantation service by a wealthy and worldly-wise maistri, Sankarapandian. In his attempt to engage Karupan, Sankarapandian presents a highly coloured description of British tea planters and plantation life which is cleverly calculated to appeal to the downtrodden rustic:

"The estates are owned by white doraies (European masters). They are a blessed lot, I tell you. Here the Naickers and Thevars own the land. They are a wicked lot. Look at the way they treat us. We are not allowed even to go near their houses. They will not allow us to take water from their wells, even when we die of thirst. You have been working all these years for your land lords (sic.) and see, they have let you starve now. But the white doraies are very kind. That is why God has blessed them and their business. Here, Naickers and Thevars threat us worse than their cattle. So God is angry and their is no rain. But the white doraies deal with us like their equals. They eat beef like us. Our caste people cook their food. Because they are kind, God is kind to them, and in the estates there is rain throughout the year. The land is fertile and therefore we get work on all the days of the year There are a few high caste coolies. The white doraies treat them exactly like us. To tell you the truth, I have in my gang a few high caste coolies. I treat them exactly like the rest of my coolies who are our caste people. They have also to live with us in the same padee (barracks) and drink the same water"⁵³.

51. Ibid., Introduction.

52. Interview with Dr. P. H. Daniel conducted in Coimbatore, 11th Feb., 1987.

53. P. H. Daniel, Red Tea, op. cit., pp 10-11.

For Karupan, the opportunity to escape oppression which is based on his low ritual status is made more attractive by the promise of new found wealth. His impression that plantation employment would provide him with social and economic advancement is reinforced both by the maistri's personal tale of his own promotion from common field worker to labour recruiter⁵⁴, and by the ease with which the maistri convinces the plantation labour agent to provide Karupan with an exceptionally large advance⁵⁵. Karupan is awed by the economic standing and the apparent authority of these men. Before the labour agent Karupan is presented as "a perfect picture of abject submission"⁵⁶, while he addresses the maistri in a filial fashion: "You are my father. We are in your hands. Look after us as your own children and God will reward you"⁵⁷. However, Karupan and his fellow labourers are cruelly mistreated after their arrival on the tea estate. Karupan discovers that he is bonded both by the maistri's advance, and by his labour contract which Sankarapandian had previously described to him as merely, "a

54. Ibid., p 9.

55. Ibid., p 27

56. Ibid., p 27.

57. Ibid., p 15.

paper signifying your willingness to go the estate for work" ⁵⁸.

In order to maximise his commission the maistri drives Karupan to work in foul weather and when he is debilitated by malaria. The ignorant and illiterate Karupan has neither the opportunity nor the means to check his mounting debt burden with his maistri and the estate shopkeepers. Daniel uses one of Karupan's companions as a mouthpiece to explain the trap:

"once a worker enters an estate, it is very difficult to get out of the clutches of the maistries and their masters, the white doraies. The advance which a man gets in the beginning will be his shackles ... The maistries will see to it that you are not able to clear the debt and thereby your services will be secured for another year In another two months the fever season will start. Most of the coolies will suffer two or three attacks of the fever ... you will be forced to borrow either from the maistry or get provisions on credit from Kali Chettiar. At the end of the year they will produce an account, which will surprise you you have ⁵⁹ no alternative except to borrow or starve" .

The economic interdependence of planters and "new" maistris underlay the system of debt-bonding, and Daniel notes that the maistris have become "the tools of the doraies", while "the doraies will do all that they can to keep up the authority of the

58. Ibid., p 25.

59. Ibid., p 82.

maistris" ⁶⁰. By converting the maistri to the side of capital, the planter hoped to secure a regular labour supply and protection from fraud. No maistri could afford to ignore his employer's demands, for the maistri's dismissal also involved settlement of his whole gang. This deprived the maistri not only of a profitable business but also of the opportunity to recoup the advances which he had already made to his workers. Throughout Red Tea the maistri's mistreatment and exploitation of Karupan progressively acquire a broader meaning; ultimately, Sankarapandian develops as the archetypal maistri and Karupan's experiences on Kumarimalai estate come to symbolise the subjugation of all plantation labour in south India under the yoke of the "new" maistri system.

By the 1920's it is evident that plantation maistris had become so utterly distinct from the workers whom they had originally represented that they began to comprise a new and distinct social category. It is clear that the maistris' newly elevated status evolved in the economically orientated world of plantation production, and was derived from their increased importance in plantation contractual relations, their new found wealth, their possession of legal authority coupled with their relative immunity from prosecution. However, it is also apparent

60. Ibid., p 85.

that some "new" maistris chose to express their rising socio-economic status through very traditional mechanisms. To distinguish themselves from their labourers, who were frequently their own caste people, they began attaching the term maistri to their names in the manner of a conventional caste honorific. In 1924 a U.P.A.S.I. compilation of plantation proprietors within the domain of the Nilgiri Planters' Association included Jogi Maistry, Savannah Maistry and Vellaja Maistry as owners of tea and coffee estates of modest proportions ⁶¹. In 1948 the five Indian planters who had incorporated the title maistri into their names were all located in the Kil-kunda area on the southern tip of the Nilgiris, adjacent to the Tamil speaking plains of Coimbatore ⁶². It is significant that this development has been recorded within the region where "new" maistris first dominated plantation recruitment. No similar entries appear within the Wynaad planting associations' territory, either in 1924 ⁶³, 1927 ⁶⁴, 1932 ⁶⁵,

61. U.P.A.S.I., Planting Directory of Southern India, 1924, op. cit., pp 54-68.

62. Ibid., pp 85-96.

63. Ibid., pp 70-77.

64. Ibid., 1927, pp 80-86.

65. U.P.A.S.I., Planting Directory of Southern India, Madras, 1932, pp 94-103.

or 1948⁶⁶.

The maistris' adoption of a novel nomenclature resembles in some respects the assumption of the suffix "chetty" by non-Chetty caste traders in the seventeenth century. In his study of the early Indo-European trade in southeastern India, Sinnappah Arasaratnam has noted that oil-pressers, Paravas, and a number of fisher castes who took up mercantile pursuits, were known to have attached the title "chetty" to their names as "a symbol of their shedding previous traditional occupations"⁶⁷. Like plantation maistris, the newly established merchants altered their formal names to indicate their new vocation and to distinguish themselves from their fellow caste members. However, while the suffix "chetty" connoted an established, though widely variable, socio-economic and religious status; the title "maistri" had no traditional implication of rank. The connotations of the title "maistri" as a caste honorific could only be drawn from the increasingly favourable economic circumstances of the maistris' employment. In the rapidly evolving plantation class structure maistris were distinctly superior to their fellow caste men who laboured as

66. U.P.A.S.I., Planting Directory of Southern India, Coonoor, 1948, pp 97-101.

67. S. Arasaratnam, "Indian Commercial Groups and European Traders, 1600-1800: Changing Relationships in Southeastern India", op. cit., p 42.

common field workers. The maistris' desire to append their names was a bald attempt to exploit a conventional mechanism whereby their rising economic status would be legitimised and transported beyond the boundaries of their estates. •

It is probable that the trade of the plantation maistri also became an hereditary occupation, akin to a conventional caste's practice of a particular vocation. Although the available evidence is meagre, it is clear that not all labourers were equally eligible for promotion from the labour ranks to the position of estate maistri. Aside from their individual qualities as employees, planters were particularly interested in those workers who already had established labour connections. In 1930 the manager of Paehamalai Estate in the Anamalai informed the Royal Commission on Labour that his policy was "to promote men ... who have proven to be good coolies and possibly have family connections and who we think may be able to bring coolies" ⁶⁸. One "new" maistri who had never worked as a field labourer, but whose father was also a plantation maistri, explained to the Commission that he was initially employed on Nonsuch Estate in the Nilgiris because, "my relations in my village wrote to me that there were some workers who were in difficulty in the village and who wanted to go to the

68. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part II, p 355.

garden" ⁶⁹. A maistri's son, irrespective of whether he was already labouring on the estate or not, had a distinct advantage in providing labour connections. Additionally, the fact that plantations owned by maistris in Nilgiri District were often registered in the names of both the father and his sons ⁷⁰ is a further indication that employment as a maistri became a familial occupation.

The social advancement of plantation maistris was made possible by the rising rates at which they were remunerated on Nilgiri estates. As labour supply grew increasingly inadequate, planters became more dependent on familiar labour contractors, more tolerant of the negligent among them, and more generous towards them in order to secure their permanent engagement. In the twentieth century a maistri's earnings were frequently substantial, and were derived from two main sources: a monthly wage and a commission based on his labourers' earnings. Head maistris, who often commanded up to 250 workers, were paid a flat wage in the vicinity of Rs 70 per month in 1930, while the monthly payment made to a cole-maistri who supplied only 25 estate workers was

69. Ibid., p 309.

70. U.P.A.S.I., Planting Directory of Southern India, 1932, op. cit., p 86; Ibid., 1948, pp 89-91.

approximately Rs 12 per month ⁷¹. While wages generally represented only a small proportion of a maistri's total income, a large maistri's rate of pay was high by comparison with his labourers whose daily wage, prior to deductions made for advances received and the cost of sustenance, was 7 annas in 1930 ⁷². Maistris usually derived the greater part of their total income from their commissions. Commissions ranged between 10 and 15 per cent of their labourers' earnings. In 1930 the Royal Commission on Labour accepted evidence that substantial maistris received commissions ranging between Rs 250 and Rs 60 each month ⁷³. In total, the earnings of a head maistri on a large estate could amount to as much as Rs 3,000 annually. These earnings allowed many maistris to accumulate a considerable capital base which could then be used to purchase income producing assets.

The maistri's newly acquired wealth was frequently channelled into land acquisition. In the Nilgiris in the 1920s "new" maistris had acquired plantations ranging in size from 14 to 34 acres ⁷⁴.

71. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part 2, p 314.

72. Report of the Royal Commission on Labour in India, op. cit., p 998.

73. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part 2, pp 384, 394.

74. U.P.A.S.I., Planting Directory of Southern India, 1924, op. cit., pp 54-68; Ibid., 1927, pp 62-79.

Although these estates were small scale operations by comparison with other privately owned British plantations which could extend over two and three hundred acres ⁷⁵, they were physically distinct from the mass of small holdings ⁷⁶ which were largely owned and cultivated by Badaga families ⁷⁷. Purchase of even a small estate required a considerable capital outlay; and if the tea fields were newly established, then a cash reserve or substantial cash flow would have also been required to maintain the estate until returns accrued from the first harvest. By 1948 maistris' estates in the Nilgiris had increased in size with the largest holding standing at a little more than two hundred acres ⁷⁸.

It is probable that the maistri's wealth was also directed at land purchase in labour catchment zones. In Red Tea the maistri,

75. Ibid., 1924, pp 54-69.

76. Although the planting directories compiled by U.P.A.S.I. classify small holdings as estates of ten acres or less, many of these were little more than garden plots. As the small amount of leaf produced on these holdings did not warrant the cost of constructing a tea factory, small holders sold their plucked leaf to large estates where it underwent processing along with the crop produced on the larger estate.

77. Interview conducted with Mr R. Menon, Chairman of Tea Estates India Ltd. (a division of Brooke-Bond) at Coonoor, 18th Feb., 1987.

78. U.P.A.S.I., Planting Directory of Southern India, 1948, op.cit., p 90.

Sankarapandian, invests his earnings in village land;

"As a maistry with hundred (sic) coolies in his gang, he received every year, about a thousand rupees as commission. First he rebuilt his house and bought a pair of bulls. Then he bought some land for cultivation. Every year he added to it. His father cultivated the land in the beginning. As more land was acquired, he hired men to work along with him. At last the holding increased to such an extent that the father found it very difficult to look after the cultivation of the land as well as attend to the cattle and sheep that he had recently bought"⁷⁹.

The influx of the maistri's capital into the rural recruiting grounds depicted in Red Tea heightens the existing economic inequalities in the village, as the description of Vyramuthu, an elderly retired maistri, illustrates:

"Vyramuthu was the rich man of the village and lived in a tiled house. He owned about five acres of land ... He had his own pair of bulls for ploughing. He owned the solitary bullock cart in the village which was harnessed once in a week, on market day ... The villagers who had any produce to sell paid a small sum to Vyramuthu and rode in his cart to the market. He also lent money on interest ... (when) Vyramuthu had come to the village on retirement it was rumoured that he had⁸⁰ brought with him nearly five thousand rupees".

The maistris' acquisition of village lands and tea estates transported the gross differential in the estate earnings of

79. P. H. Daniel, Red Tea, op. cit., pp 29-30.

80. Ibid., p 4.

maistris and labourers further afield. As the flow of estate earnings was concentrated by maistris on the purchase of income producing assets such as agricultural land, the growth of colonial plantation agriculture and the influx of cash earnings which it generated probably produced little economic relief for the majority of depressed class labourers in their home villages. However, it is interesting to note that the maistri's new found status was not always readily accepted by those who previously had been his social superiors at home. In 1895 a Wynaad planter recounted that;

"One of my men rose by means of industry to possess some property, part of which he invested in a gold ring, the caste men of his village resented this and accused him of having stolen the ring with the result that the matter was compromised by his handing the ring over to the Village Magistrate. The next step was to burn his house down, and eventually the man⁸¹ had to leave his village and seek shelter elsewhere".

The conflict between this rich, outcaste maistri and the caste men of his village exemplifies the collision of two opposing systems of social stratification: the pre-colonial caste structure based on ascribed status and the capitalist framework of economic class based on attained status.

On Nilgiri tea estates the maistri's rising status contributed directly to the economic exploitation of plantation

81. U.P.A.S.I., Annual Proceedings, 1895, p 36.

labour. The revolution in plantation contractual relations under Act I allowed the development of an ever widening economic gulf between maistris and their labourers since planters proved adept at harnessing the maistris' enhanced authority to the interests of capital. As a result, the earnings of plantation labour between 1904 and 1929 bore little relation to the state of the international tea market, an individual estate's capacity to pay or to the value of the work completed. Rather, the gradual impoverishment of estate labour was an accurate reflection of the maistris' burgeoning coercive authority over field workers. An examination of the economic condition of common plantation labourers reveals a dramatic decline in labour's standard of living throughout the period of Act I's application. This decline is amply illustrated in Table 10 which details the falling purchasing power of plantation wages in real terms.

TABLE 10 INDEX OF PURCHASING POWER OF PLANTATION WAGES IN COMMON

GRAINS, 1904-1929. 82.

YEAR	(a) RAGI	(B) RICE (Second Sort)
1904	100 points	100 points
1905	86 "	95 "
1906	64 "	82 "
1907	60 "	76 "
1908	66 "	72 "
1909	56 "	65 "
1910	61 "	73 "
1911	67 "	81 "
1912	63 "	74 "
1913	56 "	66 "
1914-1916	Not Available	Not Available
1917	64 points	69 points
1918	55 "	64 "
1919	38 "	53 "
1920	34 "	50 "
1921	45 "	45 "
1922	47 "	56 "
1923	45 "	58 "
1924	43 "	57 "
1925	39 "	53 "
1926	41 "	56 "
1927	42 "	58 "
1928	42 "	59 "
1929	43 "	61 "

Labour's declining standard of living on plantations was the result of continual increases in grain prices between 1904 and 1920 which were not compensated for by any increase in plantation wages. As a result, a male worker in 1920 who expended his total earnings

82. The index is based on the prevailing daily male wage rate. Wage rates were obtained from: Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 12; Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1920, E. F. Thomas, District Magistrate Malabar to Secretary to Home (Misc.) Department, 19th Feb., 1920; U.P.A.S.I., Annual Proceedings, 1921, p 102. Grain prices are annual district averages taken from: Madras District Gazetteers, Statistical Appendix for the Nilgiri District, 1905, op. cit., p 15; Ibid., 1915, p 20; Ibid., 1928, pp 26-27; Ibid., 1933, p 23.

on grain would have received only one third the quantity of ragi or one half the quantity of rice he could have purchased in 1904. Some relief was provided by a rise of 20% in plantation wages in 1921, but the inadequacy of this increase is indicated by the fact that at no point after 1921 was the purchasing power of plantation wages restored to its 1904 level. From 1921 to 1929 plantation wages in the Nilgiri provided, at best, two thirds the quantity of grain which had been available to workers in 1904.

The declining purchasing power of plantation wages was evident for consumers both of ragi and rice. By 1920 the prevailing daily male wage in the Nilgiri provided the worker with only 1.56 seers of rice per day ⁸³. At this price, rice was probably already too expensive to serve as the common staple food of most workers. A rice eating worker might obtain some relief from his straightened circumstances by switching to the cheaper ragi. However, ragi eating workers were further disadvantaged by the more rapid escalation of ragi prices in comparison to rice, particularly

83. The standard government seer of 2.057 lbs has been employed throughout the text. In the imperial system of weights 1.4 seers is equal to 2lbs 14oz, and to 1.3 kilos in the metric system. It is important to note that female wages were approximately two thirds that of their male counterparts both in money terms and in grain purchasing power. In the Nilgiri adult female labour was at least as common as adult male labour. (Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 115.) Since the earnings of young children were negligible on estates, a woman who had dependents but no adult male to contribute to the support of her family was most vulnerable to any decline in real wages.

in the decade 1919-1929. Although the prices of rice and raqi tended to move together, the overall attrition of labour's purchasing power was, by 1929, more evident in raqi than in rice.

Although coercive labour practices on plantations cushioned the impact of the decline in real plantation wages upon estate labour supply, planters in south India were never able to exert complete control over the plantation labour market. As a result, Nilgiri planters remained partly exposed to the vicissitudes of the labour marketplace. While planters frequently utilised legal and quasi-legal methods of preventing contracted labour from permanently deserting their employment, the rapid increase in the number of plantation labour cases instituted in 1919 was attributed by the Acting Collector of Nilgiri District solely to the fact that "some estate authorities were slow in increasing the wages of the coolies in proportion to the rise in foodstuffs"⁸⁴. Similarly, the recruitment of fresh workers was made more difficult by the steady erosion of real wages on estates. There can be little doubt that in the years 1908 and 1919, which heralded the onset of severe labour shortages in the Nilgiri⁸⁵, the dramatic drop in the

84. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1921, G.O. No. 585, G. W. Wells, Acting Collector of the Nilgiris, to Secretary to Government, Home (Miscellaneous) Department, 15th March, 1921.

85. Supra., pp 229ff.

purchasing power of estate wages contributed to the planters' difficulties in obtaining labour. Although the real value of plantation pay was to decline even further, labourers experienced immediate cuts to their raqi purchasing capacity of 15% in 1908 and 31% in 1919. The latter cut was by far the largest experienced in the period.

It is also probable that the decline in real plantation wages between 1904 and the early 1920s brought the standard of living of plantation workers below that experienced by agricultural day labourers in their home villages. While Dharma Kumar has noted the overall tendency of agricultural wages to increase in south India between 1906 and 1920⁸⁶, tea plantation wages did not rise over the period. In both 1906 and in 1920 the prevailing daily male wage rate on Nilgiri tea estates was 5 annas per day⁸⁷, and it is also probable that in the intervening years Nilgiri planters were able to reduce wages to 4 annas 6 pies, as their counterparts in

86. Dharma Kumar, "Agrarian Relations, South India" op. cit., pp 238-239.

87. Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit., p 12; Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1920, G.O. No. 554, E. F. Thomas, District Magistrate of Malabar, to Secretary to Government, Home (Misc.) Department, 19th Feb., 1920.

the Anamalai had done in 1907⁸⁸. Although a comparison of plantation and agricultural wages is hampered by a want of reliable statistical data and complicated by a multiplicity of payment modes, evidence suggests that stated plantation wage rates were approximately equivalent to the monetary payments made to agricultural day labourers in recruitment areas. The Tinnevely District Gazetteer of 1917 recorded the daily remuneration of field labourers as commonly ranging between 4 and 6 annas⁸⁹. In Mysore state⁹⁰ and in Malabar District similar wage rates have been reported⁹¹. However, it is important to note that the real earnings of tea estate workers frequently fell below stated daily wage rates because of the practice of docking wages for small misdemeanors⁹², under-employment, and the introduction of fine

88. Planters' Chronicle, Jan., 1907, p 95. The reduction was effected in response to a poor tea crop and low prices for tea exports. Note that Table 10 is based on the assumption that wages did not fall below 5 annas per day.

89. H. R. Pate, Tinnevely, Madras, 1917, p 193.

90. Prices and Wages in India, Calcutta, 1923, pp 160-161.

91. R. Gopinath, "Aspects of Demographic Change and the Malabar Agrarian Economy, 1871-1921", Economic and Political Weekly, Jan., 1897, PE 35. Note that Gopinath has relied on oral evidence to establish agricultural wage rates between 1914 and 1916.

92. The practice of giving "half-name", and by implication a half-day's pay, as punishment for the worker's lack of diligence or late arrival at roll call, was a common practice on South Indian plantations. (Report on an (continued over)

plucking⁹³. Fine plucking also invariably reduced pluckers' earnings since these were always calculated on the weight of the plucked leaf and the practice allowed the removal of only the smallest tips from the tea bush. Furthermore, the isolated location of many tea estates and the nature of plantation employment generally prevented plantation workers from supplementing their income through the home production of vegetables⁹⁴ or from exploiting subsidiary sources of income, such as cottage industries, which were sometimes open to village agricultural

Enquiry into Conditions of Labour in Plantations in India, op. cit., p 133; P. H. Daniel, Red Tea, op. cit., pp 99-101.) Examination of Tamil language primers indicates that these practices, and variations on them, were probably transposed from Ceylon where they were widespread on tea estates. (W. G. B. Wells, Cooly Tamil as Understood by Labourers on Tea and Rubber Estates, 3rd Ed., Colombo, 1921, pp 29, 35, 50, 54, 56, 59.)

93. The practice was generally made use of when overproduction was thought to be the cause of low tea prices. As finely plucked tea brought higher prices than coarsely plucked leaf, producers hoped to simultaneously maximise estate earnings and to reduce the total quantity of tea available in the market. The economic impact of fine plucking upon production is discussed in, Bhubanes Misra, "Quality, Investment and International Competitiveness, Indian Tea Industry, 1880-1910", Economic and Political Weekly, Vol. XXII, No.6, 7th Feb., 1987, pp 235-236.
94. Unlike their counterparts in north India, southern tea workers were rarely allocated land for vegetable production. Moreover, plantation land was frequently unsuitable for vegetable cultivation. Nor did field workers keep cattle on tea estates. (Report of an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 144.)

labour⁹⁵. The daily wage rates cited for plantation employment were unlike agricultural pay rates in that they represented a clear ceiling on potential earnings.

Between 1910 and 1920 south Indian planters recognized that the diminishing real value of plantation wages adversely affected not only the quantity, but also the quality of the labour recruited. Aside from recurring labour shortages, some planters argued that low wages on plantations brought about an increasingly low caste and inexperienced work force. In 1910 the Wynaad delegate to the U.P.A.S.I. Annual Conference, Mr Mead, informed his colleagues that "in certain districts they were only getting the lowest class of coolies to work in the plantations, because others would not move out of their villages for a wage of 4 annas"⁹⁶. Mead related that his superintendent had informed him that there was now not a single Vellala labouring on Wynaad estates, because planters were paying such low wages that "they got only scum labour"⁹⁷. Moreover, as declining real wages proved insufficient

95. The prevalence of multiple sources of income among village labourers can be gauged by the fact that it proved necessary to instruct officials conducting the 1881 census to record a worker's occupation as the one from which he derived his chief source of income. (Imperial Census of 1881- Operations and Results in the Presidency of Madras, Vol.II, op. cit., p 211.)

96. U.P.A.S.I., Annual Proceedings, 1910, p 129.

97. Ibid.

inducement to migration among customary labour pools, planters were tempted to tap unsuitable, peripheral sources of depressed class workers. In 1920 the U.P.A.S.I.'s Labour Department investigated the prospect of obtaining labour from the reform schools of Tanjore⁹⁸; while in 1916 Anamalai tea planters employed a thousand Lombardy labourers⁹⁹ who had been mobilised under the Criminal Tribes Act by the Government of Madras in a measure designed for their rehabilitation¹⁰⁰. That these latter workers were engaged despite the fact that they were regarded as less than ideal recruits is indicated in the planters' declaration that, "What they were really striving for was the next generation. Then they would have people who were accustomed to Estate work and life from childhood"¹⁰¹. Although planters in the Anamalai hoped to breed a resident labour force on their estates, tangential labour sources such as these were too limited to alleviate the overall labour shortfall on southern plantations. Nor was their engagement

98. Ibid., 1920, p 5.

99. Ibid., 1916, p 7.

100. Proceedings of the Council of the Governor of Fort St George, 5th April, 1916, p 727. A further 5,000 Piramalai Kallar labourers were sent to Anamalai estates in the 1920s under the Act. (David Arnold, Police Power and Colonial Rule, Madras 1859-1947, op. cit., p 153.)

101. U.P.A.S.I., Annual Proceedings, 1916, p 7.

necessarily a sound economic proposition since it frequently involved the hidden cost of tempering workers unaccustomed to both agricultural labour and plantation life. The mass exodus of tribal recruits from the Anamalai after only a single season's employment ¹⁰², the U.P.A.S.I.'s failure to extract labour from the Telugu speaking districts ¹⁰³ in years marked by the restoration of Malayan emigration to its pre-war levels ¹⁰⁴, and the continued acute undersupply of plantation labour in the immediate post-war years, all served to convince many tea planters that plantation employment had to be made more remunerative.

The attractiveness of plantation employment might have been immediately restored through higher wages. However, the post-war downturn in international tea prices ¹⁰⁵ was not conducive to wage increases. At the same time, Nilgiri tea planters were confronted by a rapid escalation in the number of absconding labourers, as sudden increases in all grain prices in 1918 further

102. Ibid., 1917, p 83.

103. Ibid., 1920, p 6.

104. Sandhu, op. cit., Appendix 1, p 305.

105. V. D. Wickizer, Tea under International Regulation, California, 1944, pp 58-62.

reduced the purchasing power of plantation earnings¹⁰⁶. In the following year the advent of severe grain shortages threatened to disrupt the supply of grain to tea plantations. This development served as the immediate catalyst to the widespread adoption of concessionary grain sales on estates¹⁰⁷. Nevertheless, plantation labour supply remained in a parlous state¹⁰⁸ partly as a result of the influenza outbreak. Despite the general downturn in the tea industry¹⁰⁹, planters were forced to concede a general increase of one anna in the daily male wage rate during the 1920-1921 season to augment existing grain concessions¹¹⁰. However, concessionary grain schemes soon proved to be an effective vehicle for the coercion of labour, and this ensured their continuation beyond the period of serious grain shortages.

Initially, concessionary grain sales were viewed by planters

106. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1921, G.O. No. 585, G. W. Wells, Acting Collector of the Nilgiris, to Secretary to Government, Home (Miscellaneous) Department, 15th March, 1921.

107. Planters' Chronicle, 14th Feb., 1920, pp 117-120.

108. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1920, G.O. No.554, E. F. Thomas, District Magistrate, Malabar, to Secretary to Government, Home (Misc.) Department, 19th Feb., 1920.

109. V. D. Wickizer, op. cit., pp 58-62.

110. U.P.A.S.I., Annual Proceedings, 1921, p 102.

as a flexible means of alleviating what they believed to be a passing crisis in plantation labour supply. The official U.P.A.S.I. organ, the Planters' Chronicle, declared in October, 1920, that, "It is, in fact, economically unsound to raise wages to meet a temporary emergency"¹¹¹. It informed its readership that similar reasoning had already led planters in the Federated Malay States to reject an overall increase in wages in favour of a small increase coupled with rice concessions, since the latter was "removable as circumstances admit"¹¹². As labour supply improved, planters also reasoned that it would be easier to retain workers if grain concessions were abolished than if wages were reduced.

At the same time, concessionary grain sales were simpler to institute than higher wage rates. By 1921 the U.P.A.S.I. had already moved to prevent its members from further raising the pay of labourers without giving six months advance notice to the U.P.A.S.I.'s Labour Department¹¹³. Although the notice period was subsequently reduced to two months¹¹⁴, many planters

111. Planters' Chronicle, 2nd Oct., 1920, p 664.

112. Ibid.

113. U.P.A.S.I., Annual Proceedings, 1921, Appendix entitled "Labour Rules", Rule X.

114. U.P.A.S.I., Annual Proceedings, 1926, p 118, Rule XIII.

considered the process of raising wages in order to attract labour an ungentlemanly act since some producers, notably corporations, possessed clear financial advantages in a war of wage rates. Furthermore, an increase in wage rates was frequently cast as damaging the profitability of the whole industry since all planters would be forced to follow suit. Any individual attempt to raise wages was clearly impolitic given the U.P.A.S.I.'s frequent attempts to exert control over the plantation labour market by establishing maximum rates of pay in the various planting districts ¹¹⁵. In reality, the U.P.A.S.I.'s members only raised wages by common consent.

Above all, concessionary grain sales embellished the coercive power of an already intricate system of wage payment on Nilgiri tea estates. Although subsidised grain sales were commonly regarded by planters as a concession to labour, they were in reality a part of the labourers' earnings. They had been instituted initially in lieu of sizeable wage increases which would otherwise have been required if planters were to retain their workers. On most estates it is probable that cheap grain was available only to working employees, and not to either their non-working counterparts or to their

115. Ibid., 1920, "Labour Department Report", p 5; Ibid., 1921, p 19; Ibid., 1922, pp 81-84.

dependents. This alone was a strong inducement for labourers to perform their tasks. As the wages of migrating labour were generally only settled annually¹¹⁶, maistris were usually allotted the task of distributing weekly sustenance payments (selavu) from estate funds to their workers. Selavu payments, which often took the form of a token, were then debited against the labourer's outstanding pay. With this token the labourer obtained his weekly provisions from the estate bazaar. These arrangements were open to abuse, either by the maistri acting alone or in collusion with estate grain dealers. The relatively isolated location of most plantations protected estate storekeepers from outside competition, and once the post-war crisis in grain supplies had receded, estate merchants were free to import grain and to set its price in the bazaar. On some plantations arrangements were made by maistris for estate bazaar keepers to issue grain concessions directly to labour¹¹⁷, thereby providing merchants with the opportunity to defraud labour by issuing inferior quality or short weighted grain. When selavu payments proved insufficient to meet

116. Report of the Royal Commission on Labour in India, op. cit., p 998. Annual settlement remained common in the Nilgiris until at least 1946. Although local labour had traditionally been paid on a weekly basis, this was rare amongst migrating workers. (Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., pp 149-151.)

117. Report of the Royal Commission on Labour in India, op. cit., p 999.

the labourer's needs he had no alternative but to borrow, either from the maistri directly, or from the storekeeper in the form of credited supplies. As a worker became more indebted, his bond to his maistri grew stronger, his term of employment lengthened, and he became increasingly subject to the maistri's daily whims. Grain concession schemes were a form of payment-in-kind, and when combined with a system of annual wage settlement and borrowings, provided maistris and estate merchants with greater opportunity to defraud plantation labour.

Concessionary grain schemes resulted in numerous disputes over the quality and price of the grain supplied ¹¹⁸. However, the fact that disputes between labour and management were largely confined to grain sales reflects the inability of labour to challenge other aspects of the wage paying system, and particularly the maistri's command over it. On tea estates the amount paid to any labourer for a working season equalled his annual earnings less the value of selavu cash, original advances and any subsequent loans made to him by his maistri. In effect, the labourer kept running accounts with both his maistri and the planter, but he possessed no means of checking their accuracy. On many estates workers were simply assembled once a month and their current

118. Report of an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 140.

balance of earnings were announced to all present ¹¹⁹. Although annual wage payments were increasingly made over by estate managers in person ¹²⁰, this practice afforded labour little protection since opportunities for defraudment were present throughout the year. Even where a labourer had the right to inspect his wages account, his inferior status and lack of schooling undermined his attempts. In the opinion of the 1930 Royal Commission on Labour, "there is and can be little or no effective check on the part of the worker" ¹²¹. Although the U.P.A.S.I.'s representatives informed the Commission that labourers were free to report their complaints directly to the planter ¹²², it was the universal custom to channel all communication between labour and management through the maistri ¹²³. This practice effectively barred labour from obtaining recourse from exploitation, and in the opinion of some outside observers, was a blatant flaw in the administrative structure of plantations. In 1924 the District Magistrate of

119. Royal Commission on Labour in India, Evidence, Vol.VII, op. cit., Part II, p 333.

120. Ibid., p 196.

121. Report of the Royal Commission on Labour in India, op. cit., p 998.

122. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part II, p 196.

123. Ibid., pp 376, 383.

Malabar, J. A. Thorne, informed his superiors in Madras that "It is a defect of the maistri system that managers of estates are not directly in touch with their labour" ¹²⁴. Thorne's counterpart in Nilgiri District, M. Young attributed the high rate of abscondence among labourers largely to monetary disputes between maistris and their contracted labourers.

"Most of these maistries are illiterate men and cannot keep accounts. Consequently they frequently overestimate in their own favour the amount of the balance of advance still due to them by the coolies. The coolies are naturally apt to underestimate such balance. The consequence is that the coolies have little faith in their maistries and they frequently abscond" ¹²⁵.

As maistris increasingly acted as planters' agents and subsequently exercised their enhanced authority to independently exploit labour on their own financial interests, labourers became heavily yoked to maistris with whom they shared no common economic ground and for whom they had little personal regard. At the same time, it is readily apparent that by the 1920s labourers could effect desertion

124. Annual Reports on the Workings of the Madras Planters' Labour Law of 1903, 1924, G.O. No. 793, Law (General) Department, J. A. Thorne, District Magistrate, Malabar to Secretary to Government, Law Department, 13th Feb., 1924.

125. Ibid., 1914, G.O. No. 589, M. Young, District Magistrate, Nilgiris, to Chief Secretary to Government, 14th Feb., 1914.

more easily than they could obtain justice.

There is every indication that planters gave tacit approval to the maistris' coercion of his workers. Planters designated maistris a key role in concessionary grain payments after 1918,¹²⁶ and maintained annual wage settlements despite the Royal Commission on Labour's recommendation that they be abandoned in 1930¹²⁶. Similarly, planters made almost no attempt to control or combat the maistri's role as an estate moneylender. In 1930 the U.P.A.S.I.'s representatives could recount only four instances in which southern planters had attempted to establish labour co-operatives designed to provide low-interest loans in order to circumvent the power maistris commanded through the provision of advances¹²⁷. On the contrary, planters began to provide maistris with financial incentives in the 1920s to supply advances to labour personally, rather than from estate funds¹²⁸. This measure transferred the responsibility for raising recruitment costs and for recovering outstanding advances from the planter to the maistri. Since maistris could no longer evade their financial obligations by

126. Report of the Royal Commission on Labour in India, op. cit., Recommendations.

127. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part 2, p 206.

128. Ibid., pp 215, 318.

absconding, the widespread acceptance of this practice reflects not only the growing wealth of maistris, but also their ability to efficiently recover loans made to labourers. Similarly, it became commonplace in the late 1920's for planters to increase the commission rates of those maistris who could reliably muster a high outturn of estate workers at morning roll call ¹²⁹. While planters and maistris alike reaped economic gains from a diligent and residual labour force, the increasing willingness of planters to reward maistris who efficiently fulfilled tasks which had previously been regarded as obligations, suggests that by the late 1920's maistris held the upper hand in their new economic alliance with planters.

Under Act I the position of the plantation maistri had been transformed. In a period notable for recurrent labour shortages, planters failed to secure legal authority over their maistris on whom they had grown more reliant, and who possessed the means of prosecuting, incarcerating and retrieving defaulting workers with greater ease than themselves. As a result, maistris emerged as truly independent figures capable of supplying, organizing and controlling much needed labour without the planters' assistance. This development was also in part the result of the wage payment

129. Ibid., p 371.

system utilised in the Nilgiri. On tea estates the lack of regular cash wages encouraged borrowing and dependence amongst labourers, while concessionary grain payments deprived them of the freedom to expend their earnings as they chose. Moreover, the maistri's position as intermediary between capital and labour allowed him not only to exploit his contracted workers, but to reorient the focus of labour's contractual bond away from a particular estate towards himself. In the period between 1904 and 1929 the maistri had rapidly supplanted the planter as the immediate source of authority over tea plantation labour.

By 1929 the relative status of plantation maistris and labourers had polarised. As a result of their estate employment, maistris frequently acquired considerable wealth and an elevated social status which belied their commonplace origins among the depressed classes. In contrast, their workers were increasingly impoverished by plantation employment, increasingly subjected to prosecution and the harsh penal provisions of the plantation labour law, and, above all, increasingly coerced within the daily routine of plantation operations. While these extraordinary social and economic changes had been promoted by the enactment of the Madras Planters' Labour Law of 1903, they could not be simply reversed by the Act's repeal. The rapid entrenchment of new plantation practices and new social rankings ensured their survival despite

legislative reform.

CHAPTER 7

REPEAL OF ACT I: PLANTATION RELATIONS PRESERVED. •

The repeal of Act I of 1903 and its counterpart, Act XIII of 1859, was largely the result of rising Indian nationalist interest in the conditions of indentured emigrant labour. By 1917 the I.N.C.'s implacable opposition to the efflux of indentured Indian labour abroad had spilt over into concerted criticism of the conditions under which plantation labour was contracted within India. The repeal of Act XIII of 1859 and Act I of 1903 soon followed the abolition of penal provisions governing emigrant Indian labour in Malaya and Ceylon, and the enactment of the Indian Emigration Bill whose provisions were intended to afford considerable protection to Indian labour overseas. However, in the Nilgiri hills the repeal of Act I in August, 1927 was not followed by the implementation of legislation which could effectively protect plantation labour. In the absence of legislative initiative, and for reasons which will be explored in this chapter, the social and contractual relations which had evolved on tea estates under Act I remained fundamentally unaltered. Maistris continued to exercise a resolute hold over the plantation labour

market until independence.

* * * * *

The nationalist campaign to abolish the legal framework which supported the recruitment of indentured migrating labour within India began in February, 1917 when Pandit Madan Mohan Malaviya notified the Indian Legislative Council of his intention to introduce a Bill repealing the Workman's Breach of Contract Act (Act XIII of 1859) ¹. Mohan Malaviya's action followed the success of his resolution calling for the abolition of indentured emigration which he had placed before the house in the previous March ², and was indicative of the focal point which the issue of indentured labour had come to occupy within Indian nationalist politics. However, with the public exposure of abuses inherent in labour emigration to Fiji by C. F. Andrews and W. W. Pearson, the success of Gandhi's anti-indenture campaign of 1915 ³ and the growth of local associations opposed to indenture in Madras and

1. Proceedings of the Indian Legislative Council, 17th Sept., 1919, in I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1924, No. 1142.

2. Tinker, op. cit., p 343.

3. Ibid., pp 335-342.

Bengal ⁴, the I.N.C.'s battle to end indentured labour emigration was largely won by 1917. Although the timetable by which indentured emigration was to be finally abolished was still open to negotiation ⁵, some nationalists began to direct their attention to the legal framework binding Indian labour at home. It was natural that their scrutiny fell upon Act XIII of 1859 which, unlike the Madras Planters' Labour Law (Act I of 1903), applied throughout British India. Act XIII also attracted notice because it continued to be applied to large numbers of workers in a wide variety of occupations. In contrast, Act I was provincial legislation which could only be applied to migrating plantation labour in the Nilgiri hills. The central legislature had already proved itself a useful venue for the exertion of nationalist political pressure upon both the Government of India and the India Office to end indentured emigration. Nevertheless, if the Government of India was to maintain a consistent legal structure throughout its domain, the fate of Act I was interwoven with that of Act XIII.

Nationalist opposition to Act XIII prompted the Government of India to investigate the operation of the statute. In conventional

4. Ibid., pp 335, 347.

5. Ibid., pp 354-360.

fashion the central administration called upon the various provincial governments to indicate whether or not the Act stood in need of reform ⁶. Within Madras Presidency the U.P.A.S.I. expressed its considerable opposition to the "question of amending Act XIII being brought up at this time, when owing to the War, the Planting Industry is already handicapped", and it promptly informed Madras that the Act provided essential protection against loss of advances in planting districts where Act I of 1903 did not apply ⁷. While the U.P.A.S.I. maintained that it knew of no misuse of the Act by estate managers, it was prepared to accept legal amendments "to avoid abuse of its provisions by petty landholders and others" ⁸. Having cast aspersions upon the legalistic habits of Indian landholders, the U.P.A.S.I. proceeded to suggest amendments, such as limiting the recognition of written contracts to those of less than a year's duration ⁹, which required no concessions from its membership since tea plantation labour was generally contracted for ten months. As a result of the advice it

6. I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1924, No. 1142, Viceroy to India Office, 15th July, 1919.

7. U.P.A.S.I., Annual Proceedings, 1917, p 79.

8. Ibid.

9. Ibid.

had solicited, the Government of India concluded that Act XIII should be retained but in a modified form¹⁰. In particular, it proposed that the Act's use be restricted to cases where the outstanding advance was less than Rs 300 and where default had taken place within the previous three months. By the close of 1919 the Workman's Breach of Contract Act (Amendment) Bill was before the India Office in London.

Although the Government of India had clearly attempted to undermine Act XIII's use as an instrument of labour coercion, the India Office suspected it had not gone far enough. The Government's proposed amendments were therefore subject to severe scrutiny in London. B. S. Basu, a member of the Judicial and Public Committee, advised the Secretary of State, E. S. Montagu, in December, 1919 that;

"It is better that these old statutes be allowed to drop into disuse rather than that they be revived in a somewhat modified form. It is wrong to condemn a man to criminal imprisonment for refusing to work This is reminiscent of slavery Laws, like these, must necessarily be oppressive because one of the parties is generally ignorant, and needy. We are lending the weight of the criminal law to capital, as against labour, of an ignorant and needy labour It is a question of principle, slavery versus free labour ... "

10. I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1924, No. 1124, Viceroy to India Office 15th July, 1919.

11. Ibid., Comments of the Judicial and Public Committee.

The Committee's sentiments were shared by Montagu. Despite the amendments proposed by the Government of India, Montagu wrote "I still cordially dislike this Bill", and indicated that he would "not be prepared to assent to it if there was any chance of it being insisted on"¹². However, with the Bill's successful passage through the Indian Legislative Council in 1920, Montagu was advised by G. H. Silver, a Resident Clerk in the India Office, that, "There is no precedent for the Secretary of State recommending to H. M. (His Majesty) to withhold his assent to an Act passed by the Indian Legislature"¹³. Silver also informed Montagu that if the amending Bill were disallowed, greater injustice would prevail since Act XIII would continue to be applied in its original form¹⁴. Montagu relented and Act XII of 1920 came into force. The Secretary of State could draw some consolation from the Government of India's action in advising its provincial administrations that the Act should be enforced with the greatest leniency¹⁵, and from Silver's observation that it was "generally recognized that the retention of the Act on the Statute Book is

12. Ibid.

13. Ibid., Note by G. H. Silver, 7th July, 1920.

14. Ibid.

15. Ibid.

only a matter of time" ¹⁶.

Between 1920 and 1923 two major factors worked to convince the Government of India that Act XIII should be repealed. In 1922 the Assam Labour Enquiry Committee, which had been appointed by the Government of India, reported that many large company owned plantations in Assam were simply ignoring those new provisions attached to Act XIII which had been drafted to protect the labourer ¹⁷. The Committee cast Act XIII as an anachronistic statute whose major effect was "to make the coolie accept a lower wage than he would if labour was entirely free" ¹⁸. Repeal of the Act was favoured by a majority of the Committee's members ¹⁹. At the same time the Government of India came under increasing pressure to abolish the Act from Indian members of the central legislature. In September, 1921, N. M. Joshi, founder of the All India Trade Union Council and India's official delegate to the International Labour Office's inaugural conference in Washington, attacked Act XIII as an example of legislation which was both

16. Ibid.

17. Report of the Assam Labour Enquiry Committee, Shillong, 1922, p 91.

18. Ibid., p 87.

19. Ibid., p 91.

prejudicial to the poor and imbued with racist ramifications²⁰. Joshi reasoned that the Government had granted magistrates greater discretionary powers under the Act in 1920 to deny a rising number of Indian employers the full authority of the law²¹. The continuance of Act XIII was, Joshi argued, inconsistent with the Government's concerted drive to abolish penal laws governing Indian immigrant labour abroad²². The objections of Joshi and other Indian politicians, the findings of the Assam Labour Enquiry Committee and the attitude of the India Office under Montagu all prompted the Government of India to inform its provincial administrations in April, 1923 of its intention to repeal the Workman's Breach of Contract Act (Act XIII of 1859) in 1926²³.

The Government of India's revived commitment to free labour contracting bore far reaching consequences for planters in Madras Presidency. In the Anamalai, Shevaroy, and other planting regions of the Presidency where the Madras Planters' Labour Law (Act I of

20. I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1924, No.1142, extract from Indian Legislative Assembly Debates, 10th Sept., 1921, pp 227-230.

21. Ibid., p 227.

22. Ibid., p 230.

23. I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1924, No. 1142, Letter No.168-22 Judicial, U. C. Stuart, Assistant Secretary to Government of India, to Secretaries of Local Governments, 12th April, 1923.

rude manners, and with no proper education" ²⁵. While the planters' "atrocities know no bounds" continued the Swadesamitran, "the Government has framed a law known as the Planters Labour Act (Act I of 1903), whereby the coolies are held in the clutches of the planters" ²⁶. Similarly, in 1914 the Madras Standard in reporting the case of a plantation cartman killed by his employer in Coorg, directed its readers' attention along clear racial lines in asserting that it was not unusual for European planters to take delight in physically abusing Indians ²⁷.

Although south Indian newspapers had, from the turn of the century, characterised both Act I and its predecessor Act XIII as inequitable, in the years immediately preceding the war they took an increasing interest in the local administration of plantation labour law. The rapid rise in cases brought against estate labour under Act I in 1913 and 1914 attracted the attention of the West Coast Reformer in Calicut ²⁸, as well as the Indian Patriot ²⁹

25. Madras Native Newspaper Reports, 1905, Report No. 37, Swadesamitran, 8th Aug., 1905.

26. Ibid.

27. Ibid., 1914, Report No. 12, Madras Standard, 18th March, 1914.

28. Ibid., 1913, Report No. 36, West Coast Reformer, 18th Sept., 1913.

29. Ibid., 1913, Report No.36, Indian Patriot, 6th Sept., 1913.

and the Andhrapatrika in Madras³⁰. All three were skeptical of the local magistrate's "hypothetical statement" that "the management of estates is said to be good"³¹, while the West Coast Reformer directed the government to investigate working conditions on estates so as to establish whether poor wages, ill-health, or cruel treatment was primarily responsible for driving "a peaceful and law-abiding people to break the law and brave prosecution"³².

Bitter political criticism of the privileged position occupied by European planters and British planting corporations flowed into the Madras Legislative Council with the institution of dyarchy in 1919. This development is amply illustrated in the political controversy which arose over the distribution of compensation in the planting regions of Malabar following the Moplah uprising of 1921. During the uprising many rubber estates had suffered considerable damage which included the burning of

30. Ibid., 1914, Report No. 12, Andhrapatrika, 4th April, 1914.

31. Ibid., 1913, Report No. 36, West Coast Reformer, 18th Sept., 1913.

32. Ibid., 1913, Report No. 36, Indian Patriot, 6th Sept., 1913.

rubber stocks, rubber factories and planters' bungalows ³³.

Although the Government of Madras did not accept any legal or moral responsibility for the rebellion, it did attempt to alleviate distress on rubber estates by providing loans to producers which attracted little or no interest ³⁴. Compensation was also paid by the Government of Madras directly to a number of families whose breadwinners had been victims of the revolt. The prevailing political climate forced the Madras officials to treat the case of Mrs S. P. Eaton, whose husband had been the only European planter killed by the rebels, with extreme delicacy. In 1922 the Government of Madras informed the Under-Secretary of State that "it is quite out of the question to make an advance payment to any particular individual and especially to a European it would be most undesirable to discriminate in principle between her and the other survivors" ³⁵. Mrs Eaton was, according to the administration in Madras, to be compensated "in precisely the same way as the

33. I.O.L.R., Public and Judicial Department, Annual Departmental Papers, 1921, No. 6201; Letter from Kerala Calicut Estates Ltd to the Secretary South Indian Association in London, 28th Oct., 1921; Report from Pullangode Rubber Estate Ltd to Collector's Office, Melanpuram, 25th Oct, 1921.

34. Ibid., Letter No. 3461-2, Chief Secretary to Government of Madras to Secretary to Government of India, Home Department, Simla, 23rd June, 1922.

35. Ibid., R. A. Graham, Chief Secretary to the Government of Madras, to Under-Secretary of State for India (Public Department) 18th Oct., 1922.

Hindus" ³⁶. However, the fact that victims received grants from a charitable fund at the Governor's disposal, rather than from fines levied on the rebels as the Government had originally envisaged ³⁷, allowed the Government of Madras to provide Mrs Eaton with a benefit of Rs 30,000 ³⁸ which was far in excess of those received by her Indian counterparts ³⁹. Nevertheless, the Madras administration's statements and its use of semi-official rather than official funds, are indicative of its concern that it should appear to dispense equivalent treatment to Indian and British victims of the rebellion. The Madras administration's caution was justified in the light of the attitudes displayed by a number of Indian members of the Madras Legislative Council towards the European planting enterprise within the Presidency. The government's decision in 1925 to write off some of the loans it had provided to planters in Malabar provoked a number of Indian representatives including M. Krishnan Nayar, a prominent Justice, to accuse the government of favouring sterling companies at the

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid.

expense of Indian owned concerns ⁴⁰. The institution of dyarchy had plainly exposed the Madras administration's relations with the British planting industry to close and critical examination.

Between 1922 and 1926 the Government of Madras was gradually convinced of the need to abolish penal contract legislation within the Presidency. Initially, the impending repeal of Act XIII by the central government moved the Madras administration to invite the U.P.A.S.I., as well as the Madras Chamber of Commerce and the Madras Trades Association, to suggest whatever means they considered reasonable for regulating contractual relations between workers and their employers ⁴¹. The U.P.A.S.I. responded by declaring that legislation to protect large employers of labour was essential ⁴², and proceeded to spearhead the formation of a sub-committee whose duty was to transpose the planters' legal requirements into draft legislation for presentation to government ⁴³. However, the Committee's belief that the Government of Madras was open to new legislation which incorporated penal provisions was out of touch with the atmosphere prevailing in

40. Ibid., extract from Official Reports of Madras Legislative Council Debates, 31st March, 1925, p 993.

41. U.P.A.S.I., Annual Proceedings, 1923, pp 40-41.

42. Ibid., p 41.

43. Ibid., 1924, p 6.

the Madras Legislative Council. Within the Council, the Home Member, Sir Arthur Knapp, and his successor in 1925, Mohamed Usman, were subjected to regular questioning regarding the nature of labouring conditions on estates. The most notable critics of government policy towards plantations arose from within the Swaraj Party's ranks. They included S. Satyamurti, the Member for Madras University and a prominent figure within the Party; J. A. Saldanha the Member for the West Coast Christian community who took a particular interest in the treatment afforded to South Canarese plantation labour; and Saldanha's close ally, C. V. Ayyanger who represented Coimbatore, an important recruitment District for southern planters. Probing enquiries also arose from R. Veerian, the nominated representative for Adi-Dravidas and from P. Kesava Pillai, a Justice whose adherence to the non-Brahman cause had led him to abandon his earlier adherence to the I.N.C.. Throughout 1924 and 1925 these Members constantly exploited question time in the house to formulate enquiries which were commonly calculated to embarrass the government rather than to solicit information, and which were also clearly intended to expose the maltreatment of depressed class estate labour, the abuses arising from the operation of the Madras Planters' Labour Law, and from the government's failure to inspect and regulate conditions of labour

on plantations ⁴⁴. By 1925 the strength of their political opposition led the U.P.A.S.I. to excise all penal provisions from its proposals ⁴⁵. More importantly, by the close of 1925 the Government of Madras had announced that it would appoint a committee to examine the question of amending Act I of 1903 ⁴⁶.

The political climate in which the Parliamentary Committee was to report its findings in 1927 was, with the electoral trouncing of the Justice Party in the previous year, markedly different from that which had existed at the time of its appointment. Within the Madras Legislative Council itself, the 1926 election had resulted in the return of a Swaraj Party majority. Although the Swarajist majority was swollen by a number of former Justicites ⁴⁷ whose embrace of a more radical political philosophy was as timely as it was suspect, the chamber more accurately reflected the mounting strength of the nationalist cause

44. Proceedings of the Legislative Council of the Governor of Madras, 22nd Aug., 1924, p 769; 22nd Oct., 1924, pp 792-794; 4th and 5th March, 1925, pp 716-717, 808; 27th March, 1925, pp 779-783; 20th, 21st and 26th Aug., 1925, pp 326-329, 478, 760.

45. U.P.A.S.I., Annual Proceedings, 1925, p 29.

46. Proceedings of the Legislative Council of the Governor of Madras, 17th Dec., 1925, p 381.

47. David Arnold, The Congress in Tamilnad, Nationalist Politics in South India, 1919-1937, New Delhi, 1977, p 89.

than it had previously done. Outside the Madras Legislative Council politicised opinion swung against the planters' cause. Planters failed to find any effective means of countering the numerous allegations of plantation malpractice and of abuse of estate labour which appeared throughout 1926 in both the Hindu and the Madras Mail. The U.P.A.S.I. considered this publicity so adverse that it toyed with the idea of requesting a full governmental enquiry into estate labour conditions in the belief that "the very fact of our asking for one will show that we are not afraid" ⁴⁸. In North India the All India Trade Union Bulletin discovered that Act I cases could be numbered in their thousands, and accused the Government of India of previously misleading N. M. Joshi when he had called for the Act's repeal by informing him that the Act was but rarely applied ⁴⁹. The Bulletin concluded that Act I was "essentially undemocratic. The sooner it is removed from the statute book, the better" ⁵⁰.

At the same time external political pressure to repeal Act I increased. In the latter half of 1926 the Madras Planters' Labour

48. U.P.A.S.I., Annual Proceedings, 1926, p 56.

49. I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1926, File No. 4425, extract from All India Trade Union Bulletin, July, 1926.

50. Ibid.

Law was the subject of a number of questions directed at the Under-Secretary of State in the British House of Commons. The Secretary of State was asked by the Opposition to outline the frequency with which the Act was applied⁵¹, and to indicate whether the Government of Madras would take steps to repeal the penal provisions of the Act in view of the Government of India's repeal of the Workman's Breach of Contract Act⁵². While the Secretary of State, the Earl of Birkenhead, acknowledged the right of local governments in India to frame laws which protected employers against lost advances, he also recognized that in Madras Presidency a legal anomaly had existed since the repeal of Act XIII in the central legislature⁵³. Furthermore, Birkenhead declared that it had been his "constant endeavour to show that Indian legislation in regard to industrial matters and the protection of labour, is progressively, though slowly, advancing towards European standards"⁵⁴. Clearly, Birkenhead had little sympathy for the

51. I.O.L.R., Economic and Overseas Department, Annual Departmental Papers, 1926, File No. 4425, Question dated 2nd Aug., 1926.

52. Ibid., Question dated 19th July, 1926.

53. Ibid., Secretary of State to Secretary to Government of India, Department of Industry and Labour, 26th July, 1926.

54. Ibid.

preservation of legal privileges enjoyed by employers in Madras, and he directed that the Government of Madras outline what practical benefits, if any, were gained from the operation of Act I ⁵⁵.

In January, 1927 the Committee appointed to review Act I in Madras reported its findings to the provincial legislature. While the Committee recommended that Act I be repealed, it concluded that such repeal should be conditional on the government undertaking to introduce alternative legislation "applicable to all industries in the Presidency where labour is employed on a system of advances" ⁵⁶. The proviso attached to the Committee's recommendation was evidence of the strong influence exerted by the three planting representatives within the nine-member panel ⁵⁷. However, the Government of Madras had no appetite for such a compromise. While it immediately accepted the Committee's finding that Act I should be repealed, it reserved its opinion on the need for further legislation ⁵⁸. Within two months a Bill had been

55. Ibid.

56. Proceedings of the Legislative Council of the Governor of Madras, 24th Jan., 1927, p 49.

57. Planting representatives appointed to the Committee were R. Fowke, Chairman of U.P.A.S.I.; H. Waddington, Secretary to U.P.A.S.I.; and E. Windle, Planting M.L.C.

58. Proceedings of the Legislative Council of the Governor of Madras, 24th Jan., 1927, p 49.

drafted to repeal Act I, and the comments of the Home Member, Mohamed Usman, in introducing Bill XII to the Madras Council plainly quashed any hopes nursed by planters to extract fresh legislation to replace Act I. Usman argued that, "It has been found that modern public opinion regards with disapproval the existence of such penal laws. Even in the colonies where Indian labour is employed there are no such provisions"⁵⁹. The abolition of Act XIII by the Government of India in 1926 had, Usman argued, made it impossible for Madras "to justify the retention of the Madras Planters' Labour Act on the Statute Book"⁶⁰. Penal punishment of defaulting workmen was plainly regarded, even by conservative politicians, as an unacceptable anachronism. The Madras Planters' Labour Law was subsequently repealed in August 1927⁶¹.

While the legalistic framework supporting plantation contractual relations had been fundamentally altered by the repeal of Act XIII and Act I, their abolition was of no immediate benefit to common field labourers on south Indian estates. Initially, many labourers remained ignorant of the legislative changes that had

59. Ibid., 1st March, 1927, p 110.

60. Ibid.

61. Ibid., 26th Aug., 1927, p 296. Contracts framed under Act I remained valid until 1929.

taken place as no attempt was made either by planters, or by government officials, to inform them that penal punishment had been abolished. Although the U.P.A.S.I.'s representatives informed the Royal Commission on Labour in India in 1930 that estate labour had been made aware of changes in the law ⁶², evidence taken from labourers in the planting districts of the Nilgiris and Animalai reveals that workers were frequently ignorant of these developments. Thangami, a female worker on Pachamalai Estate in the Animalai, informed the Commission that;

"I do not know that there is a change now and the policeman cannot come any longer whether there is an agreement or no agreement. I never heard anyone talking in the bazaar about the change, nor did I hear the sahibs telling us about the change" ⁶³.

Thangami's evidence was supported by the testimony of other plantation labourers interviewed by the Commission ⁶⁴, and by information gathered from the District Collector and Magistrate of Coimbatore, E. F. Thomas. Thomas, who had served in Coimbatore in 1929 when Act I became inapplicable, testified that no publicity

62. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part II, p 216.

63. Ibid., p 334.

64. Ibid., pp 335, 376, 378.

had been devoted to the Act's repeal⁶⁵. The Commission considered the point worthy of pursuit and pressed Thomas to explain how these workers could have otherwise become aware of the Act's repeal⁶⁶. "I presume", Thomas replied, "they discover that the Act does not work as far as they are concerned"⁶⁷. However, such a discovery was not easily effected by labour; especially as many planters continued to use the same contract forms throughout 1929 and 1930 as they had previously employed under Act I and Act XIII. These forms required only minor changes in wording to be valid under the Indian Civil Contract Act⁶⁸. However, there can be little doubt that this was a deliberate attempt by planters and maistris to deceive their illiterate and ill-informed workers, who were confronted with recruitment agreements which were identical in appearance to those which had previously been executed under penal plantation law. The government's failure to propagate news of Act I's repeal was, in view of the large number of plantation labourers who migrated annually to southern estates, a serious fault: it prolonged unduly the maistri's hold over labour and

65. Ibid., p 415.

66. Ibid., p 418.

67. Ibid.

68. Ibid., p 195.

granted employers both time and opportunity to devise an alternative, though equally effective, system of control.

The abolition of penal provisions governing plantation labour contracts prompted many tea planters to abandon eventually the use of written contracts between themselves and their employees ⁶⁹. Alternatively, they sought to protect themselves against defraudment by reducing the amount they outlaid in pre-employment advances. Although this development had been instigated by the rescission of Act XIII and Act I, it was only made possible by the imposition of rapidly changing international economic forces upon the south Indian plantation labour market. From 1929 falling world prices and falling demand for plantation produce reduced the call for Indian labour abroad. Malaya, which had long been a popular destination for south Indian workers, witnessed a net loss of some sixty thousand Indians annually in 1930, 1931 and 1932 ⁷⁰. As a result, plantation labour became more readily available to south Indian tea planters. The subsequent collapse of the international rubber market in 1933 and the closure of rubber estates abroad, and in Malabar and Travancore, compounded the effect ⁷¹, as did the

69. Ibid., pp 196, 198.

70. Sandhu, op. cit., Appendix 4.

71. Windle, op. cit., p 19.

institution of a series of International Tea Agreements aimed at restricting world tea production in the face of falling prices ⁷². In Coimbatore mill owners were able to expand production while simultaneously reducing wages because of the ready availability of "a mass of poor agriculturalists, landless labourers, small traders, village servants" and others left unemployed or insolvent in the wake of rural depression ⁷³. In the early 1930s E. G. Windle, a prominent Nilgiri planter and former Planting Member in the Madras legislature, believed that labour was both plentiful in south India and available "on reasonable terms" ⁷⁴. While Windle reported that planters' advances in 1933 were sometimes as low as Rs 5 per worker ⁷⁵, the U.P.A.S.I. calculated that, on average, advances had fallen from Rs 35 to Rs 10 between 1922 and 1935 ⁷⁶. In the 1930s low advances became the standard among southern planters.

Advances could not, however, be entirely dispensed with. In order to take up plantation employment most labourers required

72. Wickizer, op. cit., pp 60-84.

73. Murphy, op. cit., pp 27-29.

74. Windle, op. cit., p 19.

75. Ibid.

76. U.P.A.S.I., Annual Proceedings, 1934, p 8.

funds sufficient to disperse their village debts, to cover their travelling expenses, and to provide for the upkeep of dependent relatives left at home. In order to meet these expenses plantation labourers in 1930 commonly required sums ranging between Rs 15 and Rs 60 in the form of pre-employment advances⁷⁷. Clearly, planters' advances fell short of the labourers' needs. In the period after 1929 this financial gap was increasingly bridged by the plantation maistri in the form of a personal loan to his workers⁷⁸.

The planters' decision to minimise estate advances in the face of the labourer's continuing need was a deliberate attempt to shift the financial burden of labour recruitment onto plantation maistris. The planters' policy was only made possible by the maistri's emergence under Act I as an authoritative and increasingly independent figure in plantation relations. While the maistri's growing wealth allowed for the provision of advances which frequently amounted to Rs 50 per head⁷⁹, maistris, like their employers, required legal protection for the monies they

77. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part 2, pp 308, 310, 311, 335, 336, 342, 374.

78. Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 123.

79. Ibid., p 125.

outlaid. As labour contracts fell into disuse, maistris utilised promissory notes in their place ⁸⁰. Promissory notes, or pro-notes as they were more commonly known, were easily executed as they did not require official attestation ⁸¹, and they provided maistris with a degree of legal protection against both desertion and defraudment by recording the labourer's obligation to repay monies advanced to him at the beginning of a working season.

The institution and popularity of pro-notes owed little to their legal efficacy. Rather, the extra-legal benefits which they conferred on maistris best accounts for their widespread use. Maistris were plainly advantaged by the fact that pro-notes required illiterate workers to affix their thumbprints in exactly the same manner as had previously been required on written contracts under Act I. In the opinion of E. F. Thomas, whose domain as Collector of Coimbatore included the tea planting region of the Animalai, a plantation labourer did not know the difference between placing his mark on a pro-note and marking a labour contract in the same manner ⁸². Planters were keenly aware that this procedure blurred the clear legal distinctions between pro-notes and

80. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part II, pp 196, 198.

81. Ibid., p 126.

82. Ibid., p 415.

contracts to labour. They informed the 1930 Royal Commission on Labour that even where a worker was aware that he no longer had to appear before an attesting officer, and "has been told by the maistri and by everybody in the village" that penal clauses have been abolished, he might still look upon the pro-note as binding him to work ⁸³. In spite of this observation, planters expressed no reservations about the use of pro-notes. On the contrary, the fact that the U.P.A.S.I.'s Labour Department pursued those labourers who stood in default of their pro-notes ⁸⁴, indicates that planters actively bolstered the use of promissory notes by maistris. The association of pro-notes with labour contracts partly explains labour's widespread belief in the continuance of penal punishment. It also ensured that maistris could continue to extract labour's compliance by wielding labour's fear of imprisonment and the coercive power of debt as determining factors in plantation relations.

The maistri's hold over his indebted workers was further enhanced by his right to charge interest on sums advanced against pro-notes. Annual interest rates on pro-notes could be as high as

83. Ibid., p 198.

84. Ibid.

24 per cent ⁸⁵. While this rate cannot be considered usurious by the standards prevailing in south Indian villages ⁸⁶, the overt extraction of interest on advances was a novel practice on plantations which encumbered any labourer's attempt to leave estate employment. Moreover, even in cases where the maistri had no intention of charging interest, he frequently inserted an interest rate in the pro-note so that it could be invoked if the labourer absconded ⁸⁷. Although maistris regarded accumulated interest as justifiable compensation in cases of desertion ⁸⁸, this practice heightened the maistri's hold over his workers who remained ignorant of the extent of their outstanding debts until the conclusion of their working season ⁸⁹.

As a result, labour remained sedentary on estates. Aside from the hold exercised over labour through the pro-note system, it remained common practice for estates to refuse employment to labourers who were not in possession of a discharge note from their

85. Ibid. p 322.

86. Gilbert Slater (Ed.), Some South Indian Villages, London, 1918, Vol. I, pp 9, 40, 157-158, 176-177, 195.

87. Royal Commission on Labour in India, Evidence, Vol. VII, op. cit., Part 2, p 214.

88. Ibid.

89. Ibid., p 322.

previous employers, even in the mid-1940s⁹⁰. This measure deprived workers of the freedom to sell their labour to the highest bidder. At the same time, this practice indicates that planters were prepared to forego potential recruits in order to prevent workers escaping the shackles of a maistri's debt-bond. Despite the abolition of Act I and Act XIII, the planters' economic interests continued to lie in supporting the maistri's authority over plantation labour.

There is little, if any, evidence to suggest that the repeal of Act I and Act XIII wrought any significant change in the working experiences of south Indian plantation labour. Although written contracts fell into disuse, maistris continued to exercise a financial hold over their workers through their widespread adoption of the pro-note system. Neither did the reduction in planters' advances serve to release the labourer from the grip of debt-bonding, It is likely that maistris rarely resorted to prosecution of their employees for outstanding debts since the maistri's role as employer, creditor and, in many cases, overseer, provided protection against default.

The maistris' position as patron to his client workers continued to be reinforced by work practices on tea estates in the

90. Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 127.

period between 1929 and 1947. The system of annual or monthly wage settlements continued to provide maistris with opportunities to strengthen their hold over their workers. Aside from advances offered at the time of engagement, most labourers were forced periodically to borrow additional funds from their maistris during their term of employment; primarily because selavu (daily sustenance payments) remained inadequate. Selavu payments of 6 annas for males and 4 annas for females were insufficient to meet labour's simple daily expenses⁹¹. The only resorts open to labour were either to borrow from the maistri or to secure provisions on credit from an estate shopkeeper. As maistris were frequently in league with estate storekeepers, and were responsible for the distribution of selavu⁹², it is hardly surprising that in 1946 the Rege Committee concluded that most workers acquired debts which equalled or exceeded their accumulated earnings at the end of a working season⁹³.

Selavu payments were made essential only by the wage settlement systems employed by planters. Despite the recommendation of the 1930 Royal Commission on Labour that the system of annual

91. Ibid., p 149.

92. Ibid., pp 149-152.

93. Ibid., p 152.

settlement be abandoned ⁹⁴, and despite the traditional payment of weekly wages to local and casual labour ⁹⁵, annual settlement of migrating field labour remained commonplace in the 1940s ⁹⁶. This was particularly the case in the Wynaad, where seven of the nine estates surveyed by the Rege Committee in 1944 paid wages annually ⁹⁷. In the Nilgiri hills proper, monthly settlements were more common ⁹⁸. In either case, estate owners and managers were reluctant to provide workers with credit against their accumulated wages ⁹⁹, and this drove labourers further into debt with their maistris. Although planters were keen to defend the system of annual settlement on the grounds that it encouraged thrift amongst labourers ¹⁰⁰, planters were the real beneficiaries since workers' earnings remained at their disposal until the end of the working season.

94. Report of the Royal Commission on Labour in India, op. cit., Recommendations.

95. Report of an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 150.

96. Ibid., p 151.

97. Ibid.

98. Ibid.

99. Ibid., p 150.

100. Ibid., p 151.

The maistri's continuing authority over his labour allowed for the maintenance of antiquated industrial practices which severely disadvantaged labour. On tea estates the working hours of field labourers were unregulated and were frequently extended beyond their mandatory eight or nine hours. It was not uncommon for field workers who had started work at 7.30am to quit the fields at 7pm ¹⁰¹, or for pluckers to carry their harvest one or two miles to the tea factory after the end of their working day ¹⁰². Although planters claimed that workers were permitted a lunch break of one hour, the fact that workers were forbidden to return to their lines implies that lunch time was frequently cut short ¹⁰³. At the same time, no minimum rate of pay could be said to have applied on tea estates. Although the earnings of all workers except pluckers appeared to be calculated according to time-rates, the Rege Committee reported that "even the time-rates are governed by a rough idea of task" ¹⁰⁴. On some estates wages were withheld if the labourer's work was considered inadequate, while on others the cost of production was kept stable by

101. Ibid., p 155.

102. Ibid., p 135.

103. Ibid., p 156.

104. Ibid., p 129.

increasing the size of the task to match wage rises ¹⁰⁵. Deductions from wages were also prevalent. The most common of these was the reduction of pluckers' earnings according to the amount of moisture thought to be on the plucked leaf. In the Nilgiris and Wynaad dampness deductions commonly ranged between 15% and 25% ¹⁰⁶. During the rainy season deductions of 30% to 50% were not unknown ¹⁰⁷. This practice had long since been abandoned in North India ¹⁰⁸, but it remained a universal, though unpopular, penalty imposed upon the unorganized estate labourers of south India. Other deductions from wages included heavy penalties for failure to remove stalks and coarse leaf from plucked tea prior to weighing ¹⁰⁹, and the loss of a whole day's pay for late arrival at work or for lack of diligence ¹¹⁰. That field workers were absolutely ignorant of the latter practice illustrates labour's inability to impose any check on wage calculations.

The ongoing strength of the maistri system also continued to

105. Ibid., p 132.

106. Ibid., p 135.

107. Ibid.

108. Ibid.

109. Ibid., p 134.

110. Ibid.

ensure that labour's standard of living would remain low. While workers probably had benefitted from falling grain prices in the Depression years, the onset of rapid inflation during the second World War quickly eroded the value of plantation earnings. On many estates partial compensation was provided by the payment of a dear provisions allowance from October, 1942 and by the institution of a war outturn bonus for regular workers at the end of 1943. However, as Table 11 illustrates, these additional payments were both late and inadequate.

TABLE 11 COMPARISON OF INCREASES IN COST OF LIVING AND
PLANTATION WAGES FOR NILGIRI DISTRICT AND WYNAAD
TALUK OF MALABAR, 1939-1944.

YEAR	COST OF LIVING INDEX ¹¹¹ (Coimbatore)	PLANTATION ¹¹² WAGE INDEX
1939	100	100
1940	-	100
1941	105	100
1942	116	100 - 111
1943	174	100 - 132
1944	209	117 - 149

While the declining purchasing power of stated plantation wages is illustrated in Table 11, average earnings are probably a more accurate guide to the economic position of the majority of plantation labourers. On the basis of material collected by the Rege Committee, it is possible to calculate average daily male

111. Ibid., p 142. The index base has been recalculated to begin in 1939.

112. Ibid., pp 130-132, 140-143. The index is based on the prevailing daily male wage. The minimum figures given for 1942, 1943 and 1944 indicate the basic wage paid. The maximum figures given for the same years indicate the value of the basic rate plus a dear provisions allowance and a full war outturn bonus. No account is taken of the effect of selling grain at concessionary rates. As workers were on average only able to purchase up to 2.5 seers of subsidised rice per week (Ibid., p 142), the economic value of concessionary grain sales to workers was small. Furthermore, workers who did not labour for six days per week usually had their quota of cheap grain reduced, while the quantity of subsidised grain available to female labourers was less than that of their male counterparts (Ibid.). In 1943 the price recommended by U.P.A.S.I. for subsidised grain was approximately 30% below market cost. (Planters' Chronicle, 1944, pp 108, 148, 167, 188, 228, 274, 322, 355.)

earnings in Nilgiri District in 1944 at 11a 5p¹¹³. In comparison, remuneration for casual agricultural plains labour in the same year ranged between Rs 1 and Rs 1.5 per day¹¹⁴. Even where plantation labour had access to subsidised grain, compensation was incomplete, as Table 12 illustrates. In 1944, only those estates which generously supplied their male workers with 1.5 seers of subsidised grain every day could restore the purchasing power of average male earnings to a level higher than that which could have been attained by plantation wages in 1904¹¹⁵.

113. Ibid., pp 147-148. The calculation is based on 20 days labour per month for 10 months of the year.

114. Ibid., p 146.

115. Supra., Table 10, p 304.

TABLE 12 COMPARISON OF THE PURCHASING POWER OF PLANTATION WORKERS AND CASUAL AGRICULTURAL LABOURERS IN 1944.

	Male Plantation Worker	Casual Male Agricultural Labourer
AVERAGE EARNINGS PER DAY (in annas and pies)	11a 5p	16a - 24a
EARNINGS IN SEERS OF RICE (no subsidy) ¹¹⁶	3.2	4.5 - 6.7
EARNINGS IN SEERS OF RICE (with subsidy) ¹¹⁷	3.7	Not Applicable

The poverty of plantation labour is also clearly reflected in the observations recorded by the Rege Committee. They noted that the workers' lines contained few possessions, their cooking utensils were of the cheapest kind of earthenware, their clothing was minimal, and the women's jewellery was made of glass ¹¹⁸. Milk, sugar and ghee were completely absent from their diets which

116. Quantities given are calculated on a price of Rs 17-9-6 per 164lb bag which is equal to 3.5 annas per seer. This price has been calculated from average monthly rice prices throughout 1944 in the rice markets most commonly utilized by southern planters, namely Cocanada, Madura and Trichinopoly. (Planters' Chronicle, 1944, pp 108, 148, 167, 188, 228, 274, 322, 355.) As the cost of transporting rice to Nilgiri estates varied widely, no freight charges have been added.

117. It is assumed that the worker is able to purchase 1.5 seers of rice per day at a subsidised price of 2.35 annas per seer. The remainder is purchased at the average market price of 3.5 annas per seer.

118. Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 154.

consisted almost entirely of rice with a little dahl, vegetables and, occasionally, meat ¹¹⁹. The Committee concluded that "the workers are forced to keep body and soul together" ¹²⁰. This description bears comparison with Francis Buchanan's remarks concerning annual agricultural servants in Coimbatore at the beginning of the nineteenth century. Buchanan reported they lived mainly on "rough rice...a little salt and vegetable", found milk too expensive and "procure a little animal food" only once or twice a month ¹²¹. Despite a century of plantation development the standard of living of common agricultural labourers appears unchanged.

The poverty of plantation workers was often matched by unhealthy living conditions. Although the Rege Committee noted that substantial improvements had been made since 1930 to housing, medical facilities, water supply and sanitation on some estates, it also observed that such progress had been very uneven ¹²². On Nilgiri tea estates, even the most recently constructed labour lines were condemned by the Committee as very inferior to the more

119. Ibid., p 155.

120. Ibid., p 142.

121. Buchanan (Hamilton), op. cit., Vol.II, p 315.

122. Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 172.

progressive style of lines used in the Animalai and Kannan Devan hills ¹²³. In the Wynaad, old buildings characterised by small windows and doors, low plinths, and rooms partitioned by wooden planks and corrugated iron sheeting, were still in use ¹²⁴. The use of partitioning is indicative of the worst feature of estate housing -overcrowding. Two rooms comprising approximately 220 square feet accommodated, on average, four or five workers as well as their dependents. Where a separate kitchen was provided, it inevitably was used to house an additional family ¹²⁵. Neither was clean, piped water available on all estates ¹²⁶, and the lack of field toilets was held by the Committee to be primarily responsible for widespread infestation of estate populations with hookworm ¹²⁷. A subsequent enquiry into the health of industrial workers in India in 1947 conducted under the guidance of Dr. E. Lloyd Jones, concluded that such infestations commonly resulted in anaemia amongst south Indian plantation

123. Ibid., p 157.

124. Ibid.

125. Ibid., pp 1156-159.

126. Ibid. p 161.

127. Ibid., p 161-162.

labourers¹²⁸. Jones, who was the current Deputy Director General of Health Services in the central administration, was well satisfied with the medical care offered by the larger company owned estates in the Animalai. In these large garden hospitals Jones observed, "healthy well nourished and happy mothers, with chubby babies weighing six or seven pounds"¹²⁹. However, on the smaller individually owned estates of the type that still predominated in Nilgiri District, few if any medical facilities were offered. The planters' strategy of dispatching ill labourers to over-taxed and antiquated government hospitals was employed because it reduced the estate's expenses, and not because the medical service provided was adequate¹³⁰.

The poor living and working conditions of migrating estate labour in south India reflected the government's tardiness in enacting industrial legislation to regulate plantation production. While the inaugural conference of the International Labour Office (I.L.O.) in 1919 had spurred the Government of India to exert stricter controls over female and juvenile factory labour, planters

128. Standards of Medical Care for Tea Plantations in India, A Report by E. Lloyd Jones, Ministry of Labour, 1947,
p 12.

129. Ibid., p 12.

130. Ibid., p 14.

continued to win exemptions for tea and coffee processing works from the provisions of the Indian Factories Act. Originally, exemption had been granted on the grounds that tea and coffee processing was not carried out in confined premises.¹³¹ However, in the 1920s, planters in Madras Presidency, unlike other factory proprietors, remained free to set the hours of labour and rest intervals in their factories at will, primarily because government was convinced that these regulations would seriously disrupt efficient processing of plantation produce. The sympathy of the Madras administration for planters who, in 1923 were faced with imminent regulation of their processing plants, is amply demonstrated in the Acting Labour Commissioner's address to the U.P.A.S.I.'s annual gathering. Mr H. Tyler informed the meeting that;

"The Act was passed chiefly to suit the conditions of factories on the plains, and it is perfectly obvious that there are a good many conditions in tea factories, and factories on the hills which are not similar to those of factories on the plains. you do not know when your leaf is going to flush, you do not know how long your leaf is going to take to wither, and you do not know when your coolies are going to turn up As far as I am concerned I shall certainly back up the recommendation that tea factories should be exemptedThe result of that will be that it will not be necessary for you to fix before hand the rest interval and you could employ any people on Sundays and when there is a pressure of work you can employ them more

131. U.P.A.S.I., Annual Proceedings, 1920, p 80.

than 11 hours a day, or 60 hours a week ..."¹³².

Lobbying by the U.P.A.S.I. and its more powerful northern counterpart, the Indian Tea Association, led to the successful passage of the Indian Factories (Amendment) Act in 1926. This Act effectively released planters from all industrial regulations which they regarded as a burden on production.

The government's failure to regulate the working environment of plantation field labour was a more serious shortcoming since field labourers made up the vast bulk on every estate's working population. Despite the conventions passed at the 1921 I.L.O. Conference governing the working hours of female and juvenile agricultural labour; and each participating government's responsibility to secure regulated living conditions, systems of insurance against old age, sickness and invalidity, and accident compensation¹³³; the Government of India demonstrated little resolve for intervention in the plantation sphere. Although additional impetus to government action was provided in 1931 by the revelations of the Royal Commission on Labour in India, the Workman's Compensation Act (Amendment) Bill of 1934 proved the only

132. Ibid., 1923, p 36.

133. Ibid., 1922, p 13.

concrete result. Moreover, this Bill which required employers to provide monetary compensation to workers sustaining injuries whilst at work, was of little value to plantation workers since field accidents were rare ¹³⁴.

The reasons underlying the government's failure to protect plantation labour are clearly evident in its attempts to extend the Payment of Wages Bill of 1936 to southern estates. This Bill was by far the most serious challenge to existing contractual relations on plantations in southern India. In its original form the Bill was designed not only to force the prompt settlement of wages, but also to limit legal deductions from wages and to prevent agents from making claims on behalf of employees ¹³⁵. In requiring a formal record of pre-employment advances, and by imposing strict limitations on both the size of recoverable advances and the rate at which they could be recouped, the Bill struck hard at the maistri system. As planters remained heavily reliant upon maistris, both as recruiters and overseers, their economic interests lay in opposing the Bill's extension to plantation agriculture. In 1933 the Commissioner of Labour in Madras, D. N. Strathie, approached the U.P.A.S.I. with the proposal that the Bill be implemented on

134. Planters' Chronicle, 8th Oct., 1932, p 539.

135. U.P.A.S.I., Annual Proceedings, 1934, p 7.

estates since it provided an effective means for achieving the 1930 Labour Commission's recommendation that pre-employment advances be made irrecoverable ¹³⁶. As planters' advances had already declined as a result of both the repeal of penal labour contracts and the Great Depression (which made agricultural labour more readily available), the U.P.A.S.I. was able to provide an effective counter to the government's objective. While the U.P.A.S.I. concurred that a reduction in advances was desirable, it also claimed that legislation was no longer required since planters' advances had already fallen over the last decade to around Rs 10 per worker ¹³⁷. The U.P.A.S.I.'s reply disguised the simultaneous rise in advances which were personally supplied by maistris, and as the Payment of Wages Bill was not instituted, planters were free to increase future advances when labour supply contracted. In the 1930s the U.P.A.S.I. frequently recommended that its members act in advance of government demands for improved working and living conditions so as to stave off industrial legislation. This ploy maintained its members latitude to vary future conditions as circumstances required and accorded well with planters' distaste for what they regarded as government

136. Ibid., p 8.

137. Ibid.

intervention in the personal relations between employees and their masters. However, it must be remembered that U.P.A.S.I. had no authority to force its membership to adopt its recommendations, and at the same time a considerable body of tea planters remained outside the U.P.A.S.I. confederation.

In 1937 and 1938 the Congress Ministry in Madras took a renewed interest in plantation labour conditions and in the Payment of Wages Bill. Under the Bill each provincial government was entitled to frame specific regulations to govern the law's local operation. By 1938 the Government of Madras had drafted the Madras Rules and presented these to the U.P.A.S.I. for comment ¹³⁸. These rules represented a significant concession to planting interests since their framing acknowledged the U.P.A.S.I.'s long standing claim that plantation production should not be subject to the same regulations as industry. While planters would be required to formally record all monies advanced to labour, the Madras Rules allowed for the recovery of all pre-employment advances in full ¹³⁹. These regulations in no way challenged the existing arrangements on plantations, and their proposed imposition elicited

138. Ibid., 1938, p 51.

139. Ibid.

no critical comments from the U.P.A.S.I. ¹⁴⁰.

The moderate nature of the Madras Rules was in accord with the line taken by the Madras Congress government in its other dealings with southern planters in the pre-war period. Between 1937 and 1939 a number of leading Congress ministers toured southern planting districts. In October, 1937 the Minister for Agriculture and Rural Development, V. I. Muniswami Pillai, received a memorandum of complaints compiled by labourers in the Animalai which detailed their poor living and housing conditions ¹⁴¹. Muniswami's parliamentary secretary, N. S. Varadachari, responded by informing a public gathering of labourers in Valparai that they should not only present their grievances in an organized fashion, but that they should "be true, honest and God fearing and do their duty to God and to their masters" ¹⁴². A few days later, Varadachari's sentiments were repeated by the Minister himself in an address before plantation labourers in Valparai. Muniswami urged the assembled labourers "to be true and honest" and assured them that their grievances would "be redressed in time" ¹⁴³.

140. Ibid.

141. Madras Mail, 26th Oct., 1937, p 4.

142. Ibid.

143. Ibid., 28 Oct., 1937, p 5.

Similarly, at the Mudis Gymkhana Club Muniswami reminded a group of disgruntled estate administrators of their duty to provide a satisfactory link between labourers and employers ¹⁴⁴.

Muniswami's words reflected the Madras Congress Government's commitment to a conciliatory public stance on labour issues. By October, 1937 the Madras administration had already formulated a comprehensive industrial policy ¹⁴⁵. The rising tide of industrial unrest which followed the Congress Party's electoral victory in 1937 made such a policy essential as labour looked to its new rulers to remedy long-standing complaints. Rising tensions between labour and management on a number of Animalai tea plantations in 1937 and 1938, and in the Wynaad and Nilgiris in 1938, were symptomatic of the wider industrial mood. Provincial administrations in Madras and throughout India aimed to settle such disputes through the development of arbitration channels. Strike action, other than as a last resort, was condemned ¹⁴⁶.

Nevertheless, the Madras Congress Government's aim in the planting sphere was to advance the cause of labour, primarily through greater government regulation of the work place. The

144. Ibid., 29 Oct., 1937, p 12.

145. V. V. Giri, My Life and Times, Delhi, 1976, pp 122-124.

146. Ibid., p 122.

government's objectives were made plain in a communique issued by the Development Department in January, 1939 on the heels of another ministerial tour of the Animalai planting district. Government advised planters of their continuing obligation to upgrade labour's estate housing; of the necessity of removing abuses in the systems employed in making cash advances, annual wage payments and in weighing leaf; and of labour's right to buy grain on the open market. Furthermore, the Madras Government indicated that those wage cuts made during the Depression should now be restored with the effect that adult male and female wage rates be raised to 8 annas and 6 annas per day respectively ¹⁴⁷.

Planters were quick to realise that the Madras Government had no power to enforce its recommendations. Although Madras had made its wishes clear in the form of a Government Order, no legislation existed to empower that Order. Moreover, the U.P.A.S.I. surmised correctly that the Government was not currently prepared to undertake legislation which would enforce planters' compliance ¹⁴⁸. Although the Animallais Planting Association

147. I.O.L.R., International Tea Association Papers, No. 2055, Development Department, G.O. No.108, 12th Jan., 1939.

148. Ibid., Secretary U.P.A.S.I. to Secretary, South Indian Association, London, 9th Feb., 1939.

submitted a detailed response to Government Order 108¹⁴⁹, planters clearly resented the Government's action. At the U.P.A.S.I. Annual General Meeting of 1939 the Society's President, R. C. Morris, informed an audience which included V. V. Giri, Minister for Industry and Labour; V. I. Muniswami Pillai, Minister for Agriculture and Rural Development; and the Governor of Madras, Lord Erskine, that "if the Government have any recommendations to make with regard to conditions on Estates, they should be communicated to the U.P.A.S.I. for comment and consultation, and not publicly issued in the form of a Government Order"¹⁵⁰.

While the threat of impending legislation might have spurred planters on to upgrade labour's terms of employment on estates, there is no available evidence to suggest that this was the case. As plantation workers were readily available at low wage rates in the late 1930s¹⁵¹, planters had no economic incentive to improve labour's working conditions. Neither did the threat of greater government intervention in plantation production ever become imminent enough to push planters to reform existing

149. Ibid., No. 2056, A. S. Acaster, Secretary, U.P.A.S.I., to Secretary, Government of Madras, Development Department.

150. U.P.A.S.I., Year Book of the United Planters' Association of Southern India, 1939, Madras, U.P.A.S.I., p 16.

151. Ibid., p 17.

circumstances in advance of legislation. Between 1937 and 1939 planters successfully staved off the application of the Madras Maternity Benefits Bill ¹⁵² and the Madras Factory Rules ¹⁵³, as well as proposals for paid sick and holiday leave. •

The Madras Congress Government's failure to implement these regulations was due to the brevity of its term in office, to its desire to appear as a moderate, responsible administration, to Rajagopalachary's sympathy for Gandhi's style of harmonious industrial relations ¹⁵⁴, and to the All India Congress Committee's emphasis on the establishment of nation-wide mechanisms for the fixing of wages, the conducting of enquiries, the collection of statistics, the recognition of trade unions and the settlement of disputes ¹⁵⁵. Such mechanisms as Tripartite Conferences engaging planters, labour and federal politicians, and wage fixing boards modelled on the British example ¹⁵⁶, were to prove effective in the post-war period. However, the I.N.C.'s

152. Ibid., p 50.

153. Ibid., p 51.

154. Murphy, op. cit., p 151.

155. Giri, op. cit., p 123.

156. I.O.L.R., International Tea Association Papers, No.2056, Conference between the Minister for Labour, Dr. Ambedkar, and representatives of U.P.A.S.I. and the Indian Tea Association, New Delhi, Jan., 1943.

commitment to long term structural reform of industrial relations at the national level bore no immediate advantage for south Indian plantation workers. The net result was that labour remained as unprotected by legislation at the end of 1939 as it had been in 1936.

While the Rege Committee of Enquiry reported in 1946 that plantation living conditions had improved, (though very unevenly), since 1930¹⁵⁷, working conditions showed little variation over the same period. The different rates of progress on living and working conditions may be attributable to the direct economic benefits which planters derived from a healthy work force. Where disease and contagion could be minimised through the supply of clean water, better sanitation, improved housing and medical facilities, a greater outturn of labour could be expected each day. Additionally, planters could expect that healthy labourers would be more productive than unhealthy ones, and that less would be spent on recruiting new workers to replace those who had become infirm. Overall, the cost of improving labour's living conditions might well be outweighed by lower costs of production. In contrast, maternity benefits, paid sick leave, paid holidays, higher wages, and restrictions on the operating hours of tea factories, were a

157. Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 172.

significant cost to employers and did nothing directly to increase labour's efficiency.

In the absence of effective government regulation of plantation employment, labour might have won improved working conditions for itself through trade union activity. However, the development of trade unions among plantation workers in south India was extremely slow. Trade unions, where they did exist on estates before 1947, were short-lived organizations which were often confined to a single plantation. Similarly, labour disputes were spontaneous affairs which did not spread beyond the boundaries of an individual estate. The dispute which began on Nonsuch tea estate in Nilgiri District in March, 1939 clearly illustrates this. Although the Hindu some three months later reported that the conflict was "threatening to assume serious proportions", only the original 19 workers who had been dismissed for insubordination and lack of diligence had ever participated in satyagraha in the estate shandy ¹⁵⁸. In the opinion of the Rege Enquiry Committee in 1946 there was,

"no organization of any kind worth the name among the large mass of plantation workers. If the workers in the plantations are left to their own devices in the matter of organization, not for another fifty years can

158. Hindu, 22nd June, 1939.

we see a trade union coming up" ¹⁵⁹.

Plantation employment in the hills lacked those features which allowed for the rapid spread of strikes in the textile mills of nearby Coimbatore, namely labour mobility between various places of employment and co-habitation of workers from a number of different establishments in the same village or area ¹⁶⁰. Significantly, Murphy has reported that in Coimbatore "a paternalistic employer whose employees worked and lived on his estate could easily keep the union out of his mill" ¹⁶¹. This statement could be applied with equal force to almost all tea estates in the Nilgiri hills prior to independence.

Prior to 1947, the only trade union of any substance in southern planting districts was the Estates Staffs' Union of South India (E.S.U.S.I.). E.S.U.S.I. was the direct descendent of the Estates Staffs' Association of South India (E.S.A.S.I.), a welfare society inaugurated in 1928 for the benefit of Indian administrative staff employed on plantations ¹⁶². Initially, the

159. Report on an Enquiry into Conditions of Labour in Plantations in India, op. cit., p 174.

160. Murphy, op. cit., pp 199-200.

161. Ibid., p 207.

162. E.S.A.S.I., Estates Staffs' Association of South India Bulletin, Vol. 1, 1932, p 1. The term "staffs"
(continued over)

society's aims were modest, its membership small, and its methods conciliatory. In 1929 the society's objectives included the establishment of a benevolent fund for aged employees, the raising of work efficiency levels on estates, the rendering of assistance to the Planters' Association, and the attainment of U.P.A.S.I. membership¹⁶³. The Association invited a series of prominent European planters to preside over it until 1940¹⁶⁴, while its premises were leased from the U.P.A.S.I. and located within the U.P.A.S.I compound at Glenview, Coonoor until January, 1947¹⁶⁵. However, the late 1930s and early 1940s witnessed increasing support for a more independent, radical stance within E.S.A.S.I.'s ranks. Whereas the Association had seen fit in 1935 to publish a letter advocating that all estate staff replace the ubiquitous term "master" with "Sir" when addressing a superior¹⁶⁶, by 1941 it was arguing that "a fundamental change in the relationship between the employer and the employee is necessary; the complex sense of

encompassed all office and check-roll clerks, factory staff such as tea and rubber makers, estate doctors, and all field conductors and writers. It did not include maistris.

163. Ibid.

164. Ibid., July, 1940, p 1.

165. Ibid., Aug., 1947, p 12.

166. Ibid., Nov., 1935, p 36.

master and servant must go" ¹⁶⁷. By 1944 the Association's bulletin included a series of articles in which one of its leading and more outspoken members, V. I. Chacko, espoused the Hobson-Leninist view of colonial capitalism with the clear intention of mobilising Indian workers whose "fawning hospitality, incredible gullibility and ...childlike passivity" made exploitation possible ¹⁶⁸. Encouraged by the successful transformation of the Ceylon Staffs' Association, the E.S.A.S.I. formally applied for registration as a trade union in 1946 ¹⁶⁹.

The obstacles encountered by those who canvassed estate staff on behalf of the E.S.A.S.I. are indicative of some of the broader influences which inhibited the growth of trade unionism amongst plantation field labour in south India prior to 1947. The active opposition of estate owners and managers is foremost amongst these factors. In 1940 the E.S.A.S.I. Bulletin paid tribute to those early planters whose support was enlisted for the Association in spite of "all the displeasures and criticisms of their less foresighted colleagues" ¹⁷⁰. For employed staff the consequences

167. Ibid., Feb., 1941, p 1.

168. Ibid., Dec., 1944, pp 18-19.

169. Ibid., March, 1946, p 27.

170. Ibid., Feb., 1940, p 53.

of joining the Association were often more dire. Later, the prospect of instant dismissal from an estate post was seen by the Estates Staffs' Union as a major threat which undermined its attempts to increase its membership¹⁷¹. As a result, initial members were often enrolled clandestinely, and each new member was deliberately not informed of the identity of other staff who had also joined¹⁷². In addition, some planters attempted to keep their staff ignorant of industrial and political developments outside of plantations by forcing their staff to notify management in advance of any visitors they intended to receive in their quarters¹⁷³. In an attempt to prevent trade unionism spreading from the estate staff to the labourers whom they supervised, a number of planters executed a basic policy of segregating estate staff from the field labour force. Although there were clearly many practical difficulties inherent in such a policy, the Animallais Branch of E.S.A.S.I. claimed in 1946 that "if any staff is found to take any interest in the welfare of the labour, he is classed as an

171. Ibid.

172. P. H. Daniel, Plantation Panorama, Madras, 1975, p 25.

173. E.S.A.S.I., Estates Staffs' Association of South India Bulletin, op. cit., Feb., 1947, p 7, Memorandum of the Estate Staffs' Union of South India (Animallais) and the Estate Staffs' Association of South India (Animallais) to the Minister for Information and Harijan Uplift, Sri V. Kurmayya, Valparai, 15th Dec., 1946.

undesirable or a Communist, and he is removed from the scene" ¹⁷⁴. A related tactic was to assert that trade unions were only suitable for common labourers, and that it was "unbecoming of staff who were under the arm of Management to become members of a labour Union " ¹⁷⁵. With the emergence of the Estates Staffs' Union of South India in 1946, a number of the larger company concerns; such as the Kannan Devan Hills Produce Company operated by James Findlay, and Messrs. Tea Estates India, Ltd. a subsidiary of Brooke Bond, adopted the more practical policy of establishing their own staff associations while simultaneously banning the formation of E.S.A.S.I. and E.S.U.S.I. branch associations on their holdings ¹⁷⁶. Company associations such as these were ersatz organizations which held little prospect of producing improved conditions for estate staff. As the E.S.A.S.I. indicated, it is more probable that an organization of staff confined to one employer "encourages bribery, blackmailing, tale-bearing, crowcatching, favouritism and all the meaner vices" ¹⁷⁷. Nevertheless, in the short term, corporate sponsored

174. Ibid.

175. P. H. Daniel, Plantation Panorama, op. cit., p 27.

176. E.S.A.S.I., Estates Staffs' Association of South India Bulletin, op. cit., August, 1947, pp 12-13.

177. Ibid.

associations hampered the growth of the E.S.U.S.I..

Representatives of the nascent unions of field labour also encountered the active opposition of plantation managers. In 1946 the newly emerged Nilgiri District Plantation Workers' Union attempted to increase its membership among tea plantation workers in the Nilgiri hills proper. A number of the Union's workers, who secretly entered estates to meet with workers, were known to have guard dogs deliberately set upon them by outraged supervisors, while at Parkside Estate they were threatened by the gun-bearing manager ¹⁷⁸. Union officials were commonly regarded by management as outside agitators and trouble makers ¹⁷⁹, and in some instances workers were promptly dismissed if they were discovered communicating with union representatives ¹⁸⁰. On most estates union canvassers found their attempts to publicise the trade union cause severely impeded by the planters' policy of restricting the movements of both workers leaving the estate, and of outsiders entering its gates. While this policy restricted the

178. Interview with P. L. Perumal, General Secretary, Nilgiri District Estate Workers' Union, at Coonoor, 19th Feb., 1987. The Nilgiri District Plantation Workers' Union was founded in 1946 under the stewardship of Raman Nair, a Congress Party politician and Member of the Madras Legislative Council.

179. See for example: Planters' Chronicle, 1st Jan., 1947, p 1; 1st Oct., 1947, p 430.

180. Interview with P. L. Perumal, Nilgiri District Estate Workers' Union, op. cit.

workers' knowledge of wider industrial and political developments, it was not new. Rather, planters had traditionally imposed travelling and visiting restrictions on their indebted labourers so that absconding workers could be readily identified. Aside from Sundays when workers were generally allowed to visit local shandys, a lone labourer wandering the roads was a conspicuous and unusual sight. In the 1940s this policy served two additional purposes: it prevented contact between workers on various estates, and it simultaneously excluded the entry of peripatetic unionists. The planters' prejudice against outside organizers was, as the Royal Commission on Labour noted, often an attempt to ensure that labour's case would be put forward by less assertive and less effective representatives ¹⁸¹.

The isolated and insular nature of estate employment also inhibited the growth of trade unionism on estates. While geographic isolation has often been cited as a factor inhibiting the growth of unions on plantations ¹⁸², it is landform rather than distance that insulated plantations in the Nilgiri hills from trade union developments in Madras Presidency. In the 1930s the cotton mills of

181. Report of the Royal Commission on Labour in India,
op. cit., p 325.

182. P. K. Kurian, "Industrial Relations in Plantations
-A Management Perspective", in International Labour
Office, Management in Tea Plantations, Geneva, 1984,
p 97.

Coimbatore, less than fifty miles from Coonoor, became a stormy centre of trade union activity¹⁸³. Nevertheless, this wave of industrial unrest failed to spread onto the plantations in adjoining Nilgiri District despite the interest shown in plantation conditions by Ramaswamy Ayyanger, the President of the Coimbatore Labour Union¹⁸⁴. The landform of the hills was in part responsible. Since many slopes were simply too steep to cultivate, plantations were scattered throughout the hills, and remained separated by tracts of virgin jungle even in the 1940s. More importantly, the mill workers of Coimbatore were more committed to employment in the new workplace than plantation workers. While the early mill workers had sandwiched temporary factory work between seasonal agricultural tasks and had maintained family plots of land, these practices had been gradually abandoned by the 1920s¹⁸⁵. In contrast, the typical tea estate worker retained his village tie and, if possible, his village plot. He was less likely to regard his new employment as permanent, and this

183. Chamanlal Revri, The Indian Trade Union Movement, New Delhi, 1972, p 218.

184. Supra., p 286. Ayyanger's death shortly after his preparation of evidence for the Royal Commission on Labour removed a key agitator for trade unionism from the region.

185. Murphy, op. cit., p 33.

militated against the growth of trade unions in the Nilgiris.

It is also probable that the heterogeneous origins of the plantation labour force in the Nilgiris made unionisation a difficult task. Whereas the clerical ranks on plantations were dominated by mission educated, Tamil Christians from Tinnevely and Ramnad Districts ¹⁸⁶, the origins of field labourers were more diverse. In the Nilgiri hills, Tamil, Telugu, and Malayali speakers from Madras Presidency as well as Kannada speakers from both South Canara and Mysore state were employed ¹⁸⁷. Furthermore, it is probable that on the smaller individually owned estates of the type that predominated in the Nilgiris, members of a labour gang were housed together rather than mixed indiscriminately with the members of other gangs ¹⁸⁸. Gang members continued to be supervised on all estates by the maistris or cole-maistris who had recruited them, and to whom they were personally known and frequently indebted. In short, these features of estate life operated to

186. P. H. Daniel, A Short Note on Estate Staff, 1987, Unpublished manuscript. Kooiman has noted that mission educated, Christian employees were highly regarded by European planters in Travancore since they could be expected to be sober, honest and obedient. (Dick Kooiman, Conversion and Social Equality in India, op. cit., pp 107, 142-143.)

187. Supra., pp 34-36, 38-39.

188. On some large company-owned estates evidence suggests that labour was housed together without respect for caste.

cement ties between gang members, and between the gang and its cole-maistri, but not between the various gangs. The development of class consciousness amongst labour was also seriously handicapped by ethnic and linguistic differences.

Neither did the common origin of the vast majority of field labour in the depressed classes appear to serve as the basis of a common economic identity. In 1947 the Planters' Chronicle commented on "the tendency in some areas to organize plantation labour along communal lines" in south India ¹⁸⁹. This development had already taken place in Ceylon, where unions of plantation labour were well established and factional disputes between caste based unions were known to occur ¹⁹⁰. The transfer of caste loyalties to the realm of trade union development in south India was the direct result of the planting sector's reliance on the traditional agricultural sphere to support the reproduction of the plantation labour force. Individual workers retained their village ties out of economic necessity and became annually migrating labourers rather than permanent settlers in the hills. The translocation of caste loyalties from labour's points of origin to its new industrial work place was a natural consequence of this economic structure.

189. Planters' Chronicle, 1st Oct., 1947, p 430.

190. Ibid., 1946, p 53.

Illiteracy, combined with geographic isolation and an artificial insularity enforced by planters, all operated to keep labour ignorant of the wider political and industrial changes which took place in India in the immediate pre-independence period. While there is sufficient evidence to indicate that the majority of estate staffs were well informed about India-wide political developments in the period¹⁹¹, the same cannot be said for plantation field labour. In the opinion of P. L. Perumal, an early trade union official in the Nilgiris,

"the workers' understanding of the nationalist movement was minimal - they knew the names of one or two of the main figures, understood that Congress' aim was to evict the British, and had photographs of Gandhi in their homes beside pictures of the Hindu Gods"¹⁹².

Only in the late 1940s is there evidence that field labour in south India had become politicized to any degree. The first serious outbreak of plantation labour unrest occurred in 1946 in the Wynaad. Initial discontent was centred on the allotment of inadequate food rations, but quickly grew to encompass wider

191. E.S.A.S.I., Estates Staffs' Association of South India Bulletin, op. cit., July, 1937, p 2.

192. Interview with P. L. Perumal, op. cit.

demands for improved industrial conditions¹⁹³. It is significant that labour's leadership was provided by communist sympathisers from outside the industry, rather than by the recently unionized estate staffs¹⁹⁴. Despite planters' fears that staff employees should, by virtue of their particular place in plantation relations, prove a natural conduit for the transfer of pro-union sentiments to common labourers¹⁹⁵, no such trickle-down occurred. While some staff leaders foresaw, as the Indian National Trade Union Congress subsequently did in Assam¹⁹⁶, that the staffs' "intimate knowledge of labour" placed them in "a particularly advantageous position to serve the labourers"¹⁹⁷, E.S.U.S.I. failed to seize the opportunity before it. Faced with difficulties in securing official registration as a trade union, and engulfed by planters' attempts to undermine its membership, E.S.U.S.I. was engrossed in ensuring its own survival. Moreover, it

193. Planters' Chronicle, 1st Jan., 1947, p 1.

194. E.S.A.S.I., Estates Staffs' Association of South India Bulletin, op. cit., August, 1947, p 10.

195. Planters' Chronicle, 15th Oct., 1946, p 391.

196. Amalendu Guha, Planter-Raj to Swaraj, Freedom Struggle and Electoral Politics in Assam 1826-1947, New Delhi, 1977, p 296.

197. E.S.A.S.I., Estates Staffs' Association of South India Bulletin, op. cit., Sept., 1946, p 16.

is questionable whether estate staff were best suited to represent labour's industrial interests for E.S.A.S.I. continued to profess its "sense of responsibility to the Industry", and the capacity of its members to serve capital as well as labour ¹⁹⁸. However, in 1946, concessions for plantation labour could only be won at capital's expense. E.S.A.S.I.'s failure to acknowledge this was largely the product of estate staffs' interpositional role in plantation relations. The Association's assumption that labour was incapable of organizing itself led it to believe that estate staff- educated, politicised and accustomed to supervising labour- could best fill the void in labour leadership.

The tardy development of trade unionism amongst common field labourers left government regulation as the only vehicle capable of improving working conditions on plantations. While the Madras Congress government had largely failed to implement any significant reforms before the war, its counterpart fared better in 1946 and 1947. In particular, the application in March, 1947 of the Payment of Wages Act (Central Act IV of 1936) to all plantations employing more than 25 workers struck a critical blow at the plantation maistri system. The Act required employers to fix wage periods at one month or less, made labour's travel costs irrecoverable,

198. Ibid.

limited the recovery of pre-employment advances to the first wage period, imposed restrictions on the rate of recovery of all subsequent advances, and limited the proportion subject to recovery by deduction at either one third of total wages, or one quarter where total wages fell below Rs.20 per month. Moreover, planters were required to keep accurate registers detailing all advances made ¹⁹⁹.

The U.P.A.S.I. had objected strongly to the application of the Act to plantation employment on the grounds that it would severely handicap labour recruitment by planters within Madras Presidency since both agricultural labour, and plantations in the princely states of Cochin, Travancore, Coorg and Mysore, would be outside the Act ²⁰⁰. While there is no evidence to suggest that the U.P.A.S.I.'s fears were realized, the Act provided a clear incentive for all contractors of labour to limit cash advances to workers. Despite the Act's provisions for recovery of advances, planters and maistris who suffered an exodus of indebted labour at any time were now forced to rely on their common rights as civil creditors in order to extract repayment ²⁰¹. Over time planters

199. Planters' Chronicle, 15th Sept., 1946, pp 361-362.

200. Ibid., 1945, p 150.

201. Ibid., 15th May, 1947, p 223.

had discovered that this was scant protection indeed, as civil proceedings proved slow and cumbersome. In addition, the Act undermined the long standing practice of persuading defaulting workers to return to estates to work off their outstanding debts. In 1947 the U.P.A.S.I.'s Labour Department predicted that this practice was likely to fall into disuse, since the Act outlawed the recovery of costs incurred in transporting workers back to estates 202.

It is probable that the application of the Payment of Wages Act considerably weakened the maistri's hold over plantation labour. Whereas the repeal of both the Madras Planters' Labour Law and the Breach of Contract Act in the 1920s had merely removed the legal props supporting debt-bonding on plantations, the Payment of Wages Act actively discouraged the advance system, by providing penalties for non-compliance with its provisions and by making labour contracting illegal outside of the Act.

The institution of the Payment of Wages Act was indicative of the increased capacity of both provincial and central administrations to regulate and standardise the conditions of work and terms of employment on all plantations throughout India. With the federal government's institution of an effective infrastructure

202. Ibid.

for industrial relations, and with the question of the transfer of power firmly settled, the new Congress administrations were free to pursue those industrial policies which had been formulated, but rarely implemented, by the All India Congress Committee in 1937. Moreover, the revelations and recommendations provided by the Rege Committee of Enquiry in 1946, by Lloyd Jones' Report on Standards of Medical Care for Tea Plantations in India in 1947, and by Deshpande's Report of an Enquiry into the Cost and Standard of Living of Plantation Workers in South India in the following year, all added impetus to the Government of India's legislative impulse. At the same time, these Reports (and in particular the Rege Committee's), with their detailed descriptions of an impoverished and frequently mistreated plantation labour force in south India, undercut many of the U.P.A.S.I.'s claims, including its long standing plea that special conditions in the south warranted labour practices different from those prevailing in North India. Similarly, planters' claims that plantations should remain exempt from regulations governing industry because plantation production was of an agricultural rather than an industrial nature, were undermined by the Rege Committee's exposition of plantation work practices, such as piece rate payments and the levying of fines on wages²⁰³, which were akin to those prevailing in sweated

203. Report of an Enquiry into Conditions of Labour in
(continued over) |

workshops. These findings added to the government's resolve that plantations should be brought within the scope of ordinary factory legislation and that conditions of labour and terms of employment on estates should be standardised as far as possible throughout India. Since the U.P.A.S.I.'s attempts at self-regulation of the planting industry, (such as its formulation of standards of labour welfare in 1944 ²⁰⁴) had failed to prevent abuses, henceforth plantations would be regulated by law.

The impact of other legislative initiatives in the post-independence period which provided, among other things, for minimum wages on estates, the payment of sickness and maternity benefits, the compulsory recognition of estate trade unions by employers, and, most importantly, the abolition of the maistri system of labour contracting in the Plantation Labour Bill of 1951, lie outside the parameters of this study. Nevertheless, it is obvious that these measures taken after independence were the long term result of the industrial legislative goals formulated by the newly-elected Congress Party in 1937.

Plantations in India, op. cit., pp 132-140.

204. U.P.A.S.I., U.P.A.S.I. Standards in Respect to the Welfare of Labour in South India, Madras, 1944.

CONCLUSION

This localised study of an annually migrating labour force in the Nilgiri hills of southern India supplements the recent growth of a body of historical literature detailing the development of specific colonial industries in British India. Along with case studies of cotton milling in Bombay ¹ and south India ², jute production in Bengal ³, and coal extraction in eastern India ⁴, this case study of the Nilgiri tea industry contributes to an empirical, historical base against which the broader issues relating to colonial economic development and the colonial labour market should be tested and assessed. In particular, the experience of migrating labour to Nilgiri tea plantations demonstrates that

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1. Dick Kooiman, "Rural Labour in the Bombay Textile Industry and the Articulation of Modes of Production", in Peter Robb (Ed.), Rural South Asia, London, 1983; Dick Kooiman, "Jobbers and the Emergence of Trade Unions in Bombay City", International Review of Social History, Vol. XXII, 1977, pp 313-328; Morris David Morris, The Emergence of an Industrial Labour Force in India: A Study of the Bombay Cotton Mills, 1854-1947, Berkeley, 1965; Richard Newman, Workers and Unions in Bombay, 1918-1929, Canberra, 1981.
 2. Murphy, op. cit.
 3. Dipesh Chakrabarty, Rethinking Working Class History, Bengal 1890-1940, New Delhi, 1989; Ranajit Das Gupta, "Factory Labour in Eastern India: Sources of Supply, 1855-1946, Some Preliminary Findings", op. cit.
 4. C. P. Simmons, "Recruiting and Organizing an Industrial Labour Force in Colonial India: The Case of the Coal Mining Industry", Indian Economic and Social History Review, Vol. XIII, No.4, 1976, pp 469-483.

coercive plantation labour practices stemmed not only from the legislative actions of the established capitalist, colonial state but also from the realm of pre-capitalist, agrarian relations. These twin forces acted in a complementary fashion, and are clearly mirrored in the experience of Indian labour in other regions of plantation agriculture in South and South East Asia. The abiding importance of labour's underlying cultural norms in determining the means and the conditions under which plains labour was contracted and retained on Nilgiri estates puts paid to the idea that plantation agriculture was a universally homogeneous production system purely Western in form. In truth, contractual relations on Nilgiri tea plantations were also customised to their specific cultural setting by the planters' adoption and adaption of constraints governing agrarian labour, particularly Tamil labour, and by the subsequent regularised application of these constraints to all plantation labour. This finding indicates that colonial labour laws cannot be viewed as the sole, or even overriding, source of coercive labour practices in the Nilgiri hills. Moreover, the intensity with which contracted labour was coerced in the Nilgiris further undermines the distinction between recruitment systems based on indenture, contract or kanqanni suppliers. Migrating plantation labour on Nilgiri tea estates, whether contracted or not, was invariably less than free both to sell its

labour to the highest bidder, and to quit plantation employment.

The establishment of plantation agriculture as the predominant mode of production in the Nilgiri hills plainly took place with the active assistance of successive colonial administrations. While the Madras government under Sir Charles Trevelyan in 1859 proved unwilling to aid the planting enterprise lest this undermine the virtue of an economic community founded on the principles of laissez-faire, subsequent administrations provided both direct and indirect assistance to planters. Planters' attempts to acquire suitable land from the mid-nineteenth century were assisted by the Madras government's actions in allowing land to become a freely alienable commodity, in permitting the sale of prized forest land under the Waste Land Rules of 1863, in reducing land revenue taxes in 1869, and in conducting an accurate land revenue settlement of the District in 1880 since this prevented indigenous cultivators from utilizing lands on which they did not pay tax.

While the Government of Madras had favoured planters in acquiring land, it was less amenable to the enactment of labour laws which would assist the retention of estate labour. The provincial administration's reluctance to present the planters' case to its superiors in Calcutta in 1879, the unfavourable interpretations placed on the Breach of Contract Act by the Madras

High Court in 1880, 1883 and 1884, as well as its outright rejection of the planters' memorial of 1892 all indicate that official opinion in Madras was, at least until 1894, usually unsympathetic to any such legislation. •

By comparison, the Government of India's opposition to the enactment of a specific labour code for southern plantations was even more ardent than that exhibited by the Government of Madras. Whereas the Madras administration in 1877 had initially expressed concern for the planters' economic plight⁵, no such concern was forthcoming from Calcutta. In part, this was because the southern planters' quest for greater legal control over a dwindling labour supply coincided with the Government of India's increased desire to rid the plantation labour market of all legal restrictions. In the 1880s the Government of India repealed a number of laws of penal contract pertaining to labour in north-east India and it was further contemplating the eventual abolition of all labour laws containing penal provisions⁶. Moreover, the Government of India had little knowledge or experience of the planting industry in south India. As its contact with southern planters was limited

5. I.O.L.R., Madras Judicial Proceedings, 1877, No.1692, G.O.1692, 19th July, 1877.

6. Revenue and Agriculture Department, (Emigration), Letter No. 77, Viceroy Lansdowne to Secretary of State, Cross, 5th Oct., 1891, Para. 2, reprinted in U.P.A.S.I., Annual Proceedings, 1893, pp 76.

largely to the receipt of memorials requesting greater legal protection of their economic interests, it tended to view these demands in the light of its disturbing experience of the tea planters of Assam. In Mysore state, which adjoined the Nilgiris, the Government of India remained "deeply suspicious of the British planter community" following the state's rendition to princely rule in 1881. It feared that the new Maharajah "could not control the aggressive and ruthless planters ...(who) often sought advantages and privileges at the expense of native Mysoreans"⁷. The Government of India's concern for "native Mysoreans", for other Indian cultivators and plantation labourers also reflected the constant influence of the Home authorities upon Calcutta. The correspondence emanating from the India Office in London in the early 1890s was marked by the view that laws of penal contract were anachronistic regulations which were antithetical to labour's interests, incompatible with the government's obligation to protect industrial labour, and worthy only of repeal. The impact of the India Office's humanitarian opinions was simply more keenly felt in Calcutta than in Madras.

Nevertheless, southern planters' appeals for an enhanced labour law were clearly at variance with both the central and

7. Moore, *op. cit.*, p 14.

provincial governments' records on labour legislation. Both the Government of Madras, in enacting Act V of 1866, and the Government of India, in enacting the first Inland Emigration Act for Assam in 1863 did so in the light of documented abuse of contracted plantation labour. Both Acts sought to balance the benefits which planters would derive from the regularised mobilisation of labour with clauses designed to afford legal protection to the worker. Not until 1879 did southern planters half-heartedly concede that their actions too might be made subject to legal punishment. At no stage did they conceive of labour laws as counterbalancing the rights of employees and employers. The demands of southern planters for a penal labour law were clearly at odds with the legislative record of both administrations.

What is most surprising about the planters' campaign, is not that they failed to extract penal legislation from Calcutta in the nineteenth century, but that they managed to win it at all. This development is best explained by the advent of a prolonged depression in world markets for both tea and coffee in the 1890s and by the simultaneous development of a prolonged crisis in the Government of India's financial situation. While the influential Indian Tea Association in north India favoured a further decline in the silver standard to alleviate planters' economic distress, this measure was completely unacceptable to the Government of India

since it would also increase the real cost of Home Charges to the government for it was obliged to pay these in sterling. As Tomlinson has indicated, there was no broad-scale fiscal means open to the Government of India which would have compensated it for a further fall in the rupee's value. The imperial state could neither raise taxes, since high taxes were thought to be incompatible with peaceful imperial rule, nor impose permanent import duties, since these would offend British exporters⁸. However, Indian tea could be made more competitive on world markets, and the tea industry's profitability restored, by lowering the cost of production through the enactment of enhanced penal contract legislation. Moreover, laws of penal contract were economically specific in their effect: they bore no unpalatable financial consequences for either the government or for other British residents in India and this made their imposition all the more acceptable to government. Since British India was widely regarded in official circles as being relatively prosperous in the late nineteenth century⁹, it was no doubt felt that the country could afford to subsidise the recovery of the tea industry.

8. B. R. Tomlinson, The Political Economy of the Raj 1914-1947: The Economics of Decolonization in India, London, 1979, pp 27-28.

9. Bipan Chandra, Rise and Growth of Economic Nationalism in India: Economic Policies of Indian National Leadership, 1880-1905, New Delhi, 1966, p 14.

The granting of an enquiry into plantation labour supply in south India and the postponement of the proposed reform of Bengal Act I of 1882, fit neatly with the views held by a number of modern economic historians about the nature of Indian political economy in this period. B. R. Tomlinson has argued that laissez-faire was a dogma which was frequently at variance with the facts since the government had, by the end of the nineteenth century, established "a broad range of public sector industries including engineering workshops, railway workshops, and coal mines"¹⁰. Sabyasachi Bhattacharya has further described the government's policy as one of "discriminatory interventionism"¹¹, and both Tomlinson and Bhattacharya have argued that the Government of India often played an active part in developing India's economy along capitalist lines.

However, it would be wrong to argue that the Government of India was prepared to abandon readily the non-interventionist line that it had adopted with regard to the planting enterprise in south India. The emergence of a united planting community in 1894, its newly won voice in the Madras legislature and its persistent political lobbying were factors which, in addition to the

10. Tomlinson, op. cit., pp 14-15.

11. Bhattacharya, op. cit., p 15.

pronounced downturn in the tea industry, had all worked to convince the Viceroy, Lord Elgin, that southern planters' grievances should be examined. More importantly, while the Government of India was prepared to temporarily forego pending reforms in Assam, it did not intend to abrogate the principle which had governed all laws of penal contract since the 1860s. As a result, the enactment of the Madras Planters' Labour Law was long delayed by the Government of India's attempts to make this fresh legislation conform with the pre-existing body of plantation labour law. Even under Curzon, whom Bipan Chandra has cast as a "vigorous advocate" of colonial capitalists¹², the Government of India's legislative impulse in labour matters was guided by an established philosophical framework.

These developments must seriously undermine any general claim that the Government of India was intent on enacting labour legislation in the nineteenth century primarily to foster colonial enterprise. Initially, labour legislation governing the migration of tea plantation workers to the tea fields of north-east India had been undertaken by both the Government of India and the Government of Madras to prevent abuse of contracted labour. It is undeniable that such legislation assisted planters by establishing regularised

12. Chandra, op. cit., p 112.

procedures under which migrant labour could be obtained and a healthy and diligent work force maintained at minimum cost. However, the Government of India, guided by the policies of the India Office, clearly saw itself as acting as much, if not more, on the labourer's behalf than on the planter's. Throughout the latter part of the nineteenth century this balance of interests, which had guided the Government of India in composing legislation pertaining to plantations, was tilted decidedly in favour of the labourer. By 1888, the Government of India, encouraged by the India Office, had abolished special legislation incorporating penal punishment for breach of civil contract in regions such as Chittagong and the Hill Tracts where labour supply appeared to be assured. Moreover, the government had already formulated its long term objective of abolishing all such special legislation. Where special protection of the planters' interests remained as in Bengal Act I of 1882, this was regarded more as an inducement to encourage planters to accept reciprocal obligations towards their labourers than as a worthy policy in its own right. Clearly, by the beginning of the 1890s the Government of India's ideal labour market was one that was unfettered by special legislation of any kind.

Given this scenario it is impossible to accept the contention advanced by the early Indian nationalist leadership that the Government of India regarded penal legislation as a vehicle for

fostering the growth of the tea industry at the end of the nineteenth century¹³. Nor was the Government of India prepared to investigate planters' grievances simply because the grave economic circumstances of the early 1890s prevented the planter from taking his profit, for Calcutta had paid little attention to the same argument when it had been presented by southern growers in 1877¹⁴. What distinguished the two crises was not so much the greater severity of the economic downturn of the 1890s and hence producers' heightened need for government intervention to support their enterprise. Rather, it was the fact that the Government of India itself had already exacerbated the planters' plight by pegging the value of the rupee at an artificially high level. In these circumstances, the Government of India decision to consider planters' demands for a more stringent labour law in south India, and the postponement of scheduled wage increases for labour in north India, reflects the government's willingness to compensate growers for the specific ill-effects of its own intervention in the market place. While the enactment of Act I demonstrated the triumph of economic concerns over the non-economic forces of constraint, it

13. Ibid., pp 365-376.

14. I.O.L.R., Madras Judicial Proceedings, 1879, No.3193, C. Bernard, Officiating Secretary to the Government of India, (Home, Revenue and Agriculture), to Acting Chief Secretary to Government, 21st Nov., 1879.

did not indicate that the Government of India "had shown itself susceptible to non-official British pressure" ¹⁵.

However, the final form of the Madras Planters' Labour Law of 1903 indicates that the Government of Madras was less than fully committed to the principles which had guided the Government of India's plantation labour legislation. The Madras Government's failure to emulate those provisions of Bengal Act I of 1882 (or its successor the Assam Labour and Emigration Act of 1901) which served to protect tea labour in north India, its failure to exercise its right to inspect plantations, and its failure to formulate local regulations which would have established minimum standards in working conditions on plantations, all permitted widespread and intensive abuse of labour in Madras under Act I of 1903. Furthermore, these omissions marked Act I as a piece of anachronistic legislation which failed to incorporate that balance of interests between labour and capital which the Government of India had sought from as early as 1863. In addition, the barriers which Act I placed in the path of a labourer who wished to terminate his contract, the double punishment which the Act inflicted on those workers who stood in default of their contracts, the conversion of "unlawful absence" from work into a criminal

15. Renford, op. cit., p 73.

offence for which the labourer could be both fined and imprisoned, and the annual settlement of wages which the new Act permitted, were conditions more characteristic of the older system of indenture than of contracted labour¹⁶. These provisions of the Madras Planters' Labour Law support Ranajit Das Gupta's view that the development of colonial enterprise in India encouraged the adaptation "of the migrant labour policy for the colonies....into an inland migrant labour policy"¹⁷, but it is also important to note that the model to which the Madras government turned was rapidly becoming antiquated. Indenture to Malaya, for example, was abolished only seven years after the passage of Act I of 1903 and, in any case, was being rapidly eclipsed in practice by the increasingly popular kanqanni recruitment system¹⁸.

In drafting Act I the Madras government had not only failed to protect plantation labour but it had also enhanced the protection afforded to the planter to a degree that was not replicated in any other law of penal contract then current within British India. These developments bear comparison with Dipesh

16. Tinker, op. cit., pp 185-194.

17. Ranajit Das Gupta, "Structure of the Labour Market in Colonial India", Economic and Political Weekly, (Special No.) 16(44-46), Nov., 1981, p 1795.

18. Ravinda K. Jain, South Indians on the Plantation Frontier in Malaya, New Haven, 1970, p 205.

Chakrabarty's explanation for the Bengal Government's failure to investigate and ameliorate labour conditions in Calcutta's jute mills. Chakrabarty has noted that the Government of India's determination to uncover the real conditions prevailing in jute factories constantly ran aground at the provincial level because the "government of Bengal lacked the political will necessary to distance itself from employers in the jute industry"¹⁹. Chakrabarty has seen this alliance of state and capital as "part of the existing political culture"²⁰ of the province prior to independence. So too in Madras Presidency the local administration resisted Calcutta's attempts to frame Act I according to the principles upheld by the Government of India in its dealings with plantation labour in Assam. Within the Presidency the affiliation between government and planters was close. Planters were represented in the legislature and had ready access to government officials, particularly as the government's summer station was located in Ootacamund in the Nilgiri hills. Planters presented a united and vociferous front to government after the formation of the U.P.A.S.I. in 1894 and were in contact with other vocal minority interests such as the Madras business community. Finally,

19. Chakrabarty, op. cit., p 80.

20. Ibid.

the government itself had little independent knowledge of labour conditions in planting districts since plantations were unregulated and therefore not subject to periodic scrutiny by local officials. This liaison between planters and provincial administrators was an important factor which assisted planters in winning a specific plantation labour law since their victory followed on the heels of persuading the Governor of Madras of their cause, his subsequent intercession on their behalf with the Viceroy, and the appointment of one Madras official and one planter to the three member South of India Planters' Enquiry Committee in 1896. The close association between planting interests and the Government of Madras helps to explain the passage of a plantation labour law which was plainly aberrant given the Government of India's more balanced regulation of tea estates in Assam.

Despite the evident liaison between capital and the colonial state, it is important to note that at its lower echelons the Madras government encompassed a broad band of official attitudes toward colonial enterprise. Chakrabarty had found that the union of capitalism and officialdom in Bengal had its "fullest expression in the nineteenth century when the moral order of the day had been unashamedly procapitalist" and that this union incorporated even low-ranking administrators into its fold ²¹. No such general

21. Ibid., pp 76-77.

statement can be applied to those officers who administered the law of penal contract in Madras Presidency. By comparison with the period between 1903 and 1927 in which the Madras Planters' Labour Law operated, the reports of British district officials, and judicial officers in Madras prior to 1903 are frequently critical of the prevailing law of penal contract, Act XIII of 1859, and of the whole system of binding plantation labour through a system of advances. Many believed that higher pay, rather than a more stringent law, would be a superior inducement to labour. At the same time other forces were evident for a number of reports are marked (as much as official language will permit) by an humanitarian concern, even sympathy, for the plight of the plantation labourer. Such concern is rarely evident in the annual reports of district officers who administered the new labour law after 1903. One possible explanation for this change is that European planters and officials drew closer together as Indian nationalism strengthened and its political implications became evident in local boards, councils and finally in the provincial legislature.

By 1903 southern nationalists had emerged as the most important opponents of the Government of Madras' legislative support for the planting sector. Nationalists within the Madras

legislature and in the press were vocal in their opposition to the passage of Act I, primarily on the grounds that it contravened any contemporary notion of judicial equity. At the same time a few leading nationalists such as G. Subramania Iyer recognized, as Bipan Chandra has claimed ²², that the Act was clear evidence that the Government of Madras was prepared to advance colonial capitalism at the expense of the poorest Indian labourer, and ultimately the Indian nation. In their criticism of the Act I, nationalists had employed many of the humanitarian arguments previously voiced by both the Government of India and the India Office. However, these arguments were now turned to a novel political purpose as nationalists sought to undermine the support which colonial legislation lent to British enterprise in India.

Although the nationalist position on Act I was clear cut, the capacity of the I.N.C. to unite all Indians in opposition to British rule was questionable in 1903. The debate which followed Act I's presentation in the Madras legislature demonstrated that Congress' efforts could be undercut by fundamental political divisions within its own ranks. Throughout British India the I.N.C. drew much of its financial and political support from the propertied classes, while in Madras the Congress contained a

22. Chandra, op. cit., pp 375-379.

substantial number of members who were either drawn from the landowning class or were sympathetic to landlords. Nationalist opposition to Act I within the Madras legislature was inconsistent with the support which some Congressmen concurrently lent to the demands of Tanjorean landlords for similar legislation. Although it was the lack of sufficient political representation in the Madras legislature which ultimately prevented Congress from impeding the passage of Act I, the inconsistency of Congress' position exposed it to the ridicule of official representatives in the Governor's Council. More significantly, it was now apparent that the Congress' link with landlords was proving to be a political liability. The I.N.C.'s connection with landlords had permitted British official representatives to weaken Congress' opposition to Act I by dividing the party's ranks. It had also allowed the British to pose as protectors of the poor, since they maintained that under Act I bonded, agrarian labour, such as that commonly employed by large landholders in Tanjore, was ensured of an avenue to emancipation through plantation employment. Moreover, the legislative debate on Act I demonstrated that the I.N.C.'s broader ambition to build a united Indian nation could not be fulfilled wherever Congressmen supported the sectional, economic interests of large landowners. Without resolution of this fundamental dilemma, the I.N.C. could neither win mass support nor advance the interests of those Indians

who were simultaneously politically and economically oppressed.

The link between the enactment of Act I in 1903 and the heightened abuse of plantation labour in Nilgiri District and the Wynaad taluk of Malabar is undeniable. The number of cases instituted against labour for breach of contract offences rose dramatically under the new statute, especially on the Wynaad plateau where labour conditions were the least congenial and where corporate ownership proved more litigious. The new labour law was used extensively to counter periods of acute labour shortage, particularly as plantation earnings in the Nilgiri hills were insufficient to deter plains labour from either emigration abroad or from agricultural employment nearer the home village. Abuse and exploitation of labour was intensified by the Government of Madras' failure to afford tea workers any protection under industrial legislation which could have acted to establish minimum working and living conditions. The provincial government's failure to institute such specific legislation further demonstrates that the affiliation between the planting community and the Madras administration remained close throughout the period in which Act I operated. Planters continued to oppose such legislation not only because the spirit of rugged individualism persisted amongst the plethora of small scale, owner-operated estates in the south, or because a number of bills threatened to undermine the maistri

system that was universally employed in the region. More importantly, in the labour-intensive business of tea production, Nilgiri planters could only remain internationally competitive if the very cheapness of the labour they employed outweighed the significant disadvantages they bore in higher freight charges in relation to Ceylon and Java, and in inferior quality in relation to Assam. Nor could planters turn to advanced technology to lower their costs of production. Further mechanisation of tea production was difficult, and in any case would have favoured the larger corporations rather than the under-capitalised individual planters who comprised the bulk of Nilgiri growers. In short, the U.P.A.S.I.'s consistent opposition to legislative regulation of tea estates was as much a rational economic choice as it was a policy coloured by the political or philosophical outlook of the planters themselves.

Nor did any public scandal propel the Government of Madras to investigate conditions of labour on plantations. If, as Chakrabarty maintains, labour issues only warranted government's investigation when they posed law and order problems or when labour abuse became public knowledge ²³, then there were few events or organizations to draw the Madras government's attention to these issues. Field

23. Chakrabarty, op. cit., p 75.

labour was not unionized and flight was simpler than protest for workers who were given little incentive to commit themselves permanently to estate employment and estate life. Nor did the government require planters to keep even the most basic statistics, such as records of deaths and diseases, which would have revealed health, housing and sanitation problems worth probing. It is noteworthy that on only two occasions were labour conditions on plantations in south India subject to official investigation prior to 1937, and those investigations formed part of broader enquiries conducted by the Government of India ²⁴. As a result, conditions on south Indian tea estates in 1937 remained utterly unregulated by government. This was an extraordinary circumstance which contrasted with the legislative control of colonial factories producing textiles and jute, and even the tea gardens of Assam.

It is significant that the impetus to repeal Act I came largely from outside Madras Presidency. The eventual rescission of Act I was essentially a corollary of the repeal of Act XIII of 1859. In 1920 the latter statute was subject to mounting criticism in the north as the I. N. C., having largely brought about the end of indentured emigration, proceeded to attack laws of penal

24. Report on the Conditions of Tea Garden Labour in the Duars of Bengal, in Madras and in Ceylon, op. cit.; Report of the Royal Commission on Labour in India, op. cit.

contract binding Indian labour at home. The willingness of the India Office to establish a freer labour market also contributed heavily to the repeal of the Breach of Contract Act. It was the Government of India's decision to revoke Act XIII in 1923, rather than any independent assessment of Act I by the Government of Madras, which provided the impetus to repeal the latter statute.

It is worth noting that planters were less vocal in their opposition to the repeal of Act I than they had been clamorous in campaigning for the law's enactment at the end of the nineteenth century. While it might be argued that their relative reticence in the mid-1920s merely signalled their recognition that Act I was out of keeping with the political climate of the decade, other factors were also important. Firstly, in the years following 1921 the supply of plantation labour was more satisfactory to planters than it had been in the immediate post-war period. Additionally, by the mid-1920s labour control on estates was increasingly exercised through plantation maistris whose rising authority, wealth and status made possible alternative extra-legal measures of coercion and discipline. As planters became less reliant on Act I they also became less motivated to defend the statute against repeal.

Despite the Act's repeal and the election to office of a provincial Congress government in 1937, the coercion of migrating plantation labour in the Nilgiri hills was barely mitigated prior

to independence. Eamon Murphy has found the new government's actions in the field of industrial relations were overwhelmingly inimical to the cause of organized labour²⁵. By way of explanation, Murphy argues that the Congress leadership, particularly Rajagopalachary, was more concerned with maintaining industrial law and order than in alleviating labour's conditions of employment in industry²⁶. The experience of tea plantation labour both in the Nilgiri hills and the Anamalai supports the extension of Murphy's views to the planting sector where field labour was rarely unionized. Specifically, Rajagopalachary's administration failed to extend existing legal controls, already applicable in other industries, to plantations. Both Murphy²⁷ and Christopher Baker, in attempting to explain Congress' failure to take up the cause of labour, have stressed its middle-class origins. Baker concludes that the new Congress administration meant less of a political change than might be thought since in the new legislature, "as in the dyarchy legislatures, large landowners, businessmen and lawyers predominated, and there was hardly a

25. Murphy, op. cit., pp 150-158, 187.

26. Ibid., pp 157, 185, 187, 192.

27. Ibid., p 151.

labourer, artisan or common tradesman in sight" ²⁸. Despite these findings, which may well account for the patronizing tone adopted by government Ministers in their contacts with plantation labour, it is also clear that with respect to plantations at least, the installation of the new Congress administration did not simply mean the continuation of previous policies. A significant change of direction was signalled by the government in its attempts to establish a comprehensive, wide-reaching framework to examine industrial issues and to settle disputes. Nevertheless, these measures bore no fruit in the short term. Just as the provincial Congress had failed to deliver immediate benefits to the industrial working class, its most serious failing on plantations was that it did not attempt to break the power of the maistri system, despite the opportunity provided by the possible extension of the Payment of Wages Bill to estates.

Laws of penal contract had plainly permitted coercion and exploitation of the plantation work force in the Nilgiri hills. Act I in particular, had proved an effective instrument whereby employers were simultaneously enabled to combat chronic and acute shortages of labour, and to lower the cost of labour power by curtailing the labourer's freedom to change his employer. However,

28. Christopher Baker, "The Congress at the 1937 Elections in Madras", Modern Asian Studies, Vol.10, No.4, 1976, p 585.

colonial labour laws were not the only the only basis for labour exploitation. As other studies of the colonial labour market have asserted, the pre-capitalist nature of Indian agriculture remained "and influenced the forms of exploitation existing in factory and plantation sectors"²⁹. The pre-existing system of agrarian relations bolstered the impact of laws of penal contract in determining relations between labour and capital on Nilgiri tea estates.

Coercion and exploitation of migrating plantation labour were well established practices in the Nilgiri hills long before the introduction of an efficient labour law in 1903. Unfortunately, the relatively tardy development of the Nilgiri tea industry precludes any observation of the plantation labour market prior to the application of the Breach of Contract Act in 1859 in the region. However, it would be erroneous to cast this early Act as the planters' chief coercive tool prior to 1903. Tea planters were often prevented from utilizing Act XIII in a systematic fashion because of the ease with which labour could evade prosecution by absconding, by judicial interpretations of the Act which periodically prevented planters from using the Act to retain labour and by the difficulties the planters experienced in extracting

29. Gail Omvedt, "Migration in Colonial India; The Articulation of Feudalism and Capitalism by the Colonial State", Journal of Peasant Studies, Jan., 1980, p 203.

specific performance of contracts from defaulting labourers. Rather, planters relied more heavily on the pre-capitalist system of debt-bonding to mobilise, discipline and retain labour.

In the latter half of the nineteenth century it is evident that labour suitable to estate work in the Nilgiris existed in the villages of Mysore state, the Tamil speaking plains and the West coast of Madras Presidency. In these regions and particularly in the Tamil areas, at the beginning of the census period and probably "even before the impact of British rule was felt", there was a sizeable group of agricultural labourers who could not for "economic or social reasons, hold land of their own"³⁰. As local tribal labourers in the Nilgiri proved to be both too few to meet the expanding plantation sector's growing demand for labour, and too intolerant of the conditions of labour and strict regulation of work on Nilgiri estates, planters turned increasingly to the populous lowlands to supply their labour needs. Tea planters specifically sought those landless labourers who ranked lowest in the economic and social hierarchy of the village. As well, planters targeted those groups who ranked marginally higher, but whose economic circumstances were being eroded by poor harvests, by population increase in marginal areas, and by the commercialization

30. Dharma Kumar, Land and Caste in South India, op. cit., pp 189-191.

of land which undermined their retention of small plots of agricultural land. The impact of these forces was particularly felt in Coimbatore District. Circumstances similar to these have already been acknowledged as providing the impetus for labour migration to Bombay's cotton mills ³¹, and for the in-migration of that city's considerable corps of sweepers ³². Amongst the colonial migrant labour streams, whether destined for tea and rubber plantations overseas or for Bombay's textile mills, Calcutta's jute factories or for Nilgiri plantations, there were few higher caste migrants. Migration for unskilled work was a selective process and the "bottom of the industrial hierarchy was formed in the main, by those at the lowest rung of the traditional social order" ³³. On Nilgiri tea plantations, depressed class agricultural workers formed the core of field labour which ranked lowest in the plantation's occupational hierarchy. Field work was both the least skilled and the poorest paid employment on tea estates. In this respect, the existing village social hierarchy was broadly

31. Dick Kooiman, "Rural Labour in the Bombay Textile Industry and the Articulation of Modes of Production", op. cit., p 134.

32. Jim Masselos, "Jobs and Jobbery: The Sweeper in Bombay under the Raj", Indian Economic and Social History Review, Vol.XIX, No.2, pp 108-9.

33. Ranajit Das Gupta, "Factory Labour in Eastern India: Sources of Supply, 1855-1946, Some Preliminary Findings", op. cit., p 326.

replicated in the new workplace despite capitalist transformation of the economy.

While labourers suitable to estate work were available in the plains, they needed both the will and the means to migrate. The willingness of Indians to engage in long-distance work migration is demonstrated both by the large numbers of indentured and contracted emigrant labourers in the nineteenth century, and by historical studies of the colonial labour market ³⁴. On the same point, Chatterji notes that the availability of local labour was never a major consideration in determining the location of factories in the colonial period, since labour was prepared to travel long distances to exploit new economic opportunities ³⁵.

However, it is also apparent that the majority of labourers, including migrating plantation labourers in south India, required financial assistance prior to their departure. Since planters preferred able-bodied labourers who were in the prime of their working lives, provision had to be made for the sustenance of those family members left at home. Additionally, the journey of the new recruit had also to be funded. At the same time, many potential

34. Morris D. Morris, "The Labor Market in India", in Wilbert E. Moore and Arnold S. Feldman, (Eds.), Labor Commitment and Social Change in Developing Areas, New York, 1960, p 199.

35. Rakhahari Chatterji, Working Class and the Nationalist Movement in India, New Delhi, 1984, p 17.

workers were debt-bonded to local moneylenders and village landlords. By providing advances to cover the villager's obligations at home and the costs arising from his migration, the planter freed the labourer for alternative employment, on plantations.

There can be no doubt that advances were essential to mobilise depressed class labour. In Coimbatore, where potential recruits sometimes provided gifts or free services to labour recruiters from the town's textile mills, Murphy has concluded that "perhaps abject poverty inhibited mobility" amongst the very poorest classes ³⁶. In contrast, the system of pre-employment advances used by tea planters amongst the same population gave the poorest the means of accepting alternative employment on tea estates. However, the worker himself was not free. By providing an advance against work to be completed, the planter acquired a traditional hold over labour which was a powerful instrument of coercion. The labourer's debt bound him to both the plantation maistri who had recruited him, and to his new employment. Advances made under contract attracted the added advantage of legal backing, but in the majority of cases it is clear that planters and maistris relied not only on labour's fear of prosecution, but on labour's

36. Murphy, op. cit., p 35.

inability to check methods of debt and earnings calculations, as well as the traditional responsibility which south Indian labourers accepted for clearing their debts. Debt-bonding, whether associated with a written contract or not, enabled planters to extend the labourer's period of employment beyond the agreed term, to retain labour against its will and to reduce the real earnings of estate labourers below stated wage rates by transferring part of the cost of recruitment onto the labourer. Where debt-bonding was associated with annual wage settlements, as on most estates in the region prior to independence, less scrupulous planters also used the vagaries of the debt-bond to cheat labourers of their rightful earnings.

The mechanism of debt-bonding was increasingly exercised by planters through their maistris. Initially, Nilgiri planters, like other colonial employers, used a variety of means to attract labour: professional labour suppliers were used on occasion while estate clerks were sometimes expected to possess a labour connection which could yield field labourers for the plantation. However, the maistri system was already been extensively and routinely utilized by coffee growers in the region and in nearby Mysore State, and it soon became the conventional means by which tea planters obtained the vast majority of their migrating labour.

The origins of the maistri system are unclear. Moore asserts

that the "old" style maistri initially existed as a spokesman for a gang of migrating Mysorean labourers. He was a leader, either elected or simply acknowledged, who led his gang in search of work, saw to their welfare, and mediated in the case of disputes either between gang members or between the gang and the planter. He also negotiated on the gang's behalf with the planter in such matters as the size of the advances paid, the duration of the labourer's stay on the plantation, and the wage rate³⁷. However, the picture drawn by Moore is less than a full and convincing account for a number of reasons. Firstly, the source materials cited by Moore are circumscribed, and they have the additional disadvantage of being composed around a quarter of a century after the "old" maistri was replaced by a system of estate maistris³⁸. In the absence of any conclusive study of the origins of the maistri system and the dearth of information in the early records dealing with the tea industry, some benefit can be gained from looking at modern studies of migrating agrarian labour. Jan Breman's study³⁹ of migrating

37. Moore, op. cit., pp 216-217.

38. Report of 28th Annual General Meeting of North Mysore Planters' Association, 10th March, 1908, reprinted in the Planters' Chronicle, 1908, pp 79-82; "The Labour Question", Prize Essay, Planting Opinion, 1st April, 1899, p 240.

39. Jan Breman, Of Peasants, Migrants and Paupers, Delhi, 1985.

gang labour in Gujarat between the 1950s and the 1970s details exactly the type of system that Moore asserts early coffee growers penetrated in their quest for seasonal labour. This system remained common well into the twentieth century on small coffee and areca nut gardens in Mysore state ⁴⁰, and probably further afield.

Despite the chronological gap which separates Breman's study from the establishment of the coffee industry in Mysore, the modern mukadam (gang leader) has much in common with the early maistri. Amongst the small-scale gangs of related households ⁴¹ which periodically migrated around Bardoli in search of casual agricultural work the mukadam's position had not been professionalised. He worked as a mukadam for part of the season only, and his standing as a "first amongst equals" ⁴² in the village lent credibility to his role as a gang leader. He employed persuasion rather than discipline in intra-gang disputes, worked alongside his labourers in the fields and did not charge a commission for his services. He was also responsible for collecting and distributing all the workers' earnings at the end of the season and he provided the only channel through which the gang and its

40. C. Hayavadana Rao (Ed.), Mysore Gazetteer, Vol.III, Economic, Bangalore, 1929, p 58.

41. Breman, op. cit., p 229.

42. Ibid., p 237.

employer communicated ⁴³. Breman concludes that the mukadam's role "is that of an agent between the parties, when he has won the trust of both sides" ⁴⁴. However, the unequal power of the two sides meant that the mukadam did not always serve labour's interests. Breman notes that although migrants who arrived with a jobber appeared less vulnerable to exploitation, in fact the mukadam sided with the farmer in disputes, and not with the gang, because the employer was the stronger party ⁴⁵. In some instances, as when the mukadam attempted to pass on to labourers the extra cost of advances which he has already pocketed, the question of collusion arose because labourers were unsure of whether it was the farmer or the mukadam who had cheated them ⁴⁶. In other words, the potential for collusion between the mukadam and the farmer was inherent in their relationship because the mukadam served two parties whose power was unequal. Breman's findings indicate that, in the absence of conclusive evidence and despite differences of time and geographic location, considerable caution should be exercised in casting early maistris as selflessly serving

43. Ibid., pp 236-243.

44. Ibid., p 236.

45. Ibid., p 242.

46. Ibid., p 243.

labour's interests alone.

The evolution of the plantation maistri's role in the Nilgiri hills is paralleled by Breman's exposition of the impact of commercialized agriculture upon the role of the seasonal mukadam. In areas of commercial cash-cropping, notably of sugar cane, the mukadam's role became a professional one. In these areas the mukadam's position became a permanent, year-round occupation and he now charged a commission, rather than a flat fee, for his services. Nor did he continue to work beside any of the multiple teams he now controlled for his time was fully occupied with organizational and supervisory tasks ⁴⁷. These changes to the mukadam's role are reminiscent of the changing role of the maistri on Nilgiri tea estates. Maistris, particularly in the twentieth century, received handsome commissions for supplying numerous labour gangs often to a number of different estates, and as their time was increasingly taken up with the supervision of their subordinate cole-maistris, they ceased to work in the tea fields. As the professional mukadam examined by Breman is employed in cash cropping, there is a clear implication here that large-scale, commercialized agriculture - whether of tea, sugar cane, or other crops- encouraged the growth of a professional cadre of middle men specialising in the supply,

47. Ibid., pp 236, 242-243.

supervision and discipline of seasonal agricultural labour. Increasingly, the employer's economic concerns become their own. On tea plantations these concerns were finally supplemented in the immediate pre-independence period by the maistri's independent attempts to exploit labour by methods, such as the manipulation of subsidised grain rations, which did not serve to lower the cost of labour power to the planter. This late development indicates that the tea plantation maistri's role as a planter's agent was finally augmented by his capacity to exploit labour independently for his own financial gain.

It is also important to recognize that the evolution of the maistri's role in the Nilgiri hills was a gradual process which is not sufficiently indicated by Moore's use of the terms "old" maistri and "new" maistri. Significant evolutionary stages are indicated by the payment of a commission in addition to a pre-existing flat fee; by the planters' appointment of loyal, industrious workers as estate maistris in place of labour's selection of its leadership; and finally, by the transfer of many of the planters' traditional responsibilities, such as the financing of advances and travel costs, to the maistri. By the end of the colonial period, the position of the plantation maistri had been utterly transformed in south India. Maistris could no longer be described, as they had been in 1879 by the Secretary of the

Wynaad Planters' Association, as "men of straw with no property but the clothes they stood in" ⁴⁸. Maistris had emerged as men of capital and authority. Their rising status and wealth after the repeal of Act I was the final stage of a longer running process, though the Act itself had forced the pace of change by affording maistris protection as employers of labour while simultaneously barring them from prosecution for failure to supply workers to an estate. These provisions encouraged planters to draw maistris to the side of capital against labour. In the older planting region of the Wynaad plateau these changes proceeded more slowly than in the more recently established planting areas of the Nilgiri hills proper where planters had more freedom to establish novel terms of engagement with their maistris, since new estates lacked a pre-existing notion of conventional industrial practice. If the period in which maistris and other labour-lords existed was a transitional stage in India's capitalist development as Newman has claimed ⁴⁹, then it should also be recognized that labour-lords were capable of adapting to a variety of changing legislative and industrial frameworks.

The rapidity with which plantation relations changed was

48. I.O.L.R., Madras Judicial Proceedings, 1879, No. 1583, G. L. Yonge, Secretary, Wynaad Planters' Association to Acting Chief Secretary to Government, 29th June, 1879.

49. Newman, op. cit., p 5.

probably also heightened by the practice of converting "old" maistris into "new" maistris. This development also took place on the coffee estates in Mysore ⁵⁰, and it bears comparison with Arasaratnam's study of the changing structure of the British textile trade in the Coromandel in the late eighteenth century ⁵¹. The growth of British power in the region enabled the British to bypass the class of independent Indian merchants whom they had formerly encouraged to act as middle-men in the textile trade ⁵². Nevertheless, the British converted a number of these merchants into subordinate, company servants, termed dubashes and gumastahs. Those merchants who were unwilling to accept this new relationship were simply bypassed ⁵³. The dubashes and gumastahs, like "new" maistris in the twentieth century, had previously acted as economic agents of the British ⁵⁴. However, maistris, dubashes and gumastahs all discovered that British enterprise yielded sufficient opportunity to increase their own wealth and power, in

50. Moore, op. cit., pp 218-219.

51. S. Arasaratnam, "Indian Commercial Groups and European Traders, 1600-1800: Changing Relationships in Southeastern India", op. cit.

52. Ibid., pp 47, 49.

53. Ibid., p 52.

54. Ibid., p 49.

part because they wielded the delegated authority of the foreigner, but also because their masters were willing to tolerate corrupt practices which were profitable for master and servant alike⁵⁵. In both the British textile trade of the eighteenth century and on British tea plantations from the late nineteenth century, the exploitation of labour stemmed partly from the collaboration of British entrepreneurs and their Indian subordinates. Similar alliances have been noted in other planting regions⁵⁶ and colonial enterprises⁵⁷.

While the origins of the maistri system are worthy of more intensive investigation it is apparent that, irrespective of the form in which the system was introduced on the earliest coffee plantations in the region, British planters were able to adapt the system to their needs. In doing so the foreign planter had more than the early experience of English industrial practice or sound economics to shape his ideas. In the same fashion that British planters in Malaya brought with them many of the measures employed

55. Ibid., p 53; S. Arasaratnam, "Weavers, Merchants and Company: The Handloom Industry in Southeastern India 1750-1790", Indian Economic and Social History Review, Vol.XVII, No.3, 1980, p 275.

56. Jain, op. cit., p 205.

57. Dick Kooiman, "Rural Labour in the Bombay Textile Industry and the Articulation of Modes of Production", op. cit., p 141; Murphy, op. cit., pp 170, 174.

on the early slave plantations on Demerara and Mauritius⁵⁸, so too the first Nilgiri planters and assistants carried with them from the West Indies, by way of Ceylon⁵⁹, long standing conceptions of plantation structure and organization. Just as the hierarchical structure of Nilgiri tea plantations grew to replicate those of their antecedents in Ceylon, so too Nilgiri planters may well have recognized the potential for adapting the maistri's original role to fit a pre-conceived, but up-dated notion, of the slave driver. As on slave plantations, the labour force on Nilgiri estates was divided into gangs, each under a maistri, whose initial dual responsibilities to labour and capital made him as "Janus-like" as the slave drivers described by Tinker⁶⁰. Unfortunately, pioneering tea planters in the Nilgiris have left no personal accounts which shed light on this issue. It is nevertheless probable that while these ex-Ceylon planters' elevation and modification of a minor, pre-existing Indian system of labour supply was motivated primarily by economics, it was also in keeping with their cultural inheritance which incorporated the legacy of slave plantations.

58. Tinker, op. cit., pp 24-25.

59. Ibid., p 177.

60. Ibid., p 7.

Similarly, evidence suggests that racial factors remained an important element in plantation life. The social order on Nilgiri tea estates was strictly hierarchical and was formed along racial lines. European owners and managers occupied the upper echelons, and were linked to colonial rulers by a commonality of race and culture. Amongst plantation maistris and labourers in south India, European planters and their assistants were commonly referred to as white dorais ⁶¹. The term dorai was the south Indian equivalent of sahib. In the immediate pre-independence period European staff were in short supply, primarily because of war service, and a number of British planters therefore engaged Indian supervisors. However, only two possible instances have been uncovered where European managers accepted employment under Indian plantation owners ⁶². So too the social life of British planters and their subordinates was exclusively European and rotated around their planting clubs, annual conferences and sports contests. Indian estate staffs comprised the middle rung of the plantation hierarchy. Many staffs were mission educated, Tamil Christians and

61. P. H. Daniel, Red Tea, op. cit., passim.

62. J. S. C. Eagan, The Nilgiri Guide and Directory, A Handbook of General Information upon the Nilgiris for Visitors and Residents, Mysore, 1911, Appendix entitled "List of Planters and Estates". Since the only information available on these two managers is their surnames, it is possible that they were Eurasian rather than European.

were probably valued not only for their vocational skills but also for their personal qualities of sobriety and obedience⁶³. On some estates planters prohibited the use of umbrellas and footwear by their Indian staffs because these habits, although symbolic of rising social status amongst estate clerks and writers, were regarded by planters as reserved for Europeans. These developments indicate that not only had European planters successfully cast themselves as white masters on their estates, but that they took care to maintain the racial gap which they had created between themselves and their Indian employees because it assisted them in asserting their authority over labour.

The maistri system of recruitment was the mechanism which, for plantation labour, bridged the gap between familiar employment and an unknown, alien working environment. However, neither this nor the provision of employment for agricultural labourers was the primary function of the modified maistri system. Rather, the system was intended to mobilise, discipline and retain large numbers of labourers in a systematic way on plantations so as to lower labour costs. In order to achieve these objectives, planters relied increasingly on their maistris who employed both pre-capitalist and capitalist means to control workers. The maistri's possession of a

63. Kooiman explores this point in relation to estates in Travancore and Ceylon. (Dick Kooiman, Conversion and Social Equality in India, op. cit., pp 107, 143.)

contract form or a police warrant indicated that he wielded the delegated power of the colonial state. His provision of advances, credit, and grain rations, his assumption of a novel caste honorific and his new found wealth, were all indicative of a newly arrived patron capable of distributing many privileges and commanding much loyalty. Despite the contrasting origins of these instruments, they proved complementary rather than contradictory in compelling docility amongst plantation labour.

The rise of the plantation maistri also exemplifies the broader impact of colonial capitalism upon the pre-capitalist social order of south Indian villages. Although "new" maistris and common field labourers were drawn from the same low ranking castes, the great disparity in their plantation earnings rapidly created a wide economic gulf between them. The maistris' superior economic standing on plantations was readily transported to home villages where maistris channeled their newly acquired wealth into upgraded housing, jewellery and village land. Irrespective of how the maistri spent his money, his purchases were a conspicuous challenge to the traditional social order. This was especially the case in the twentieth century since rising levels of rural distress were most acutely felt by the same lowly castes from which maistris arose. As it had become commonplace for landlords to evict small-scale tenant farmers and for outcaste agrarian labourers to be put

out of work, the maistris' purchases ran counter to the general economic trend and were material evidence of the growing importance of economic class in determining social status. On occasion, members of the higher ranking castes demonstrated their resistance to the maistris' subversion of the established social order but it is notable that these instances appear to have been confined to the West coast where caste distinctions were more keenly felt than in the dry regions of the Tamil speaking plains⁶⁴. In spite of this resistance, by 1947 a number of plantation maistris had converted themselves into a class of independent, petty capitalists by investing their plantation earnings in tea estates of modest proportions. These estates were located in the eastern region of the Nilgiri hills adjacent to Coimbatore district, not only because "new" maistris were more commonly employed in this area, but also because caste was more readily eroded as the basis of social stratification in the inland Tamil villages than in the West coast districts of Malabar and South Canara.

The growth of plantation agriculture in the Nilgiri hills also laid the basis for the later emergence of a modern, agro-industrial working class on tea estates. From the outset, planters

64. Kooiman has noted similar instances of resistance among high caste villagers in Travancore. In this region plantation maistris and conductors were often drawn from the low ranking Shanar caste. (Dick Kooiman, Conversion and Social Equality in India, op. cit., pp 29-31.)

treated field labour as a cost of production and regarded individual labourers as undifferentiated, interchangeable units of labour power. This view was encouraged by the nature of plantation employment since all field work was unskilled, training was experiential and no task contravened caste prohibitions. Nor was the supply of plantation labour ever sufficient to allow for caste clustering in specific occupations as had occurred in some Indian industries ⁶⁵. Just as planters deployed their workers without regard for individual caste distinctions, so too "new" maistris contracted their labourers with scant regard for their familial, ethnic or caste origins. Although the maintenance of pre-capitalist forms of exploitation and bondage impaired labour's capacity to act as a class in the colonial period, these characteristic features of plantation employment operated as a counter-force which diminished the importance of caste in the work place and contributed to the later emergence of class consciousness among common field labourers.

In the pre-independence period the relationship between maistris and their labourers is best described in pre-capitalist terms, despite the role played by colonial labour laws in determining the nature of that relationship, and the agro-

65. Newman, op. cit., pp 54-55.

industrial character of plantation enterprise. On Nilgiri estates the term patron-client can be profitably applied to these relations. Clearly the maistri had patronage to distribute: he could vary the amount advanced to any worker, supply credit, allocate housing and grant other petty favours. By these means the maistri hoped to command the diligence and the loyalty of the labourer because any loss of labour power would reduce the maistri's commission and would require time and expense to replace. As maistris had increasingly to finance advances from their own resources in the twentieth century, their self-interest was at stake in ensuring that workers, and particularly industrious workers, remained in their gangs. However, the two parties in this relationship cannot be considered as equals. The maistri clearly had the lesser obligation in the relationship, and the "unequal interdependence" with which Kooiman has characterised the relationship between jobbers and Bombay mill labour⁶⁶ appears marked on Nilgiri tea estates. Nor did the repeal of Act I produce any mitigating effect on these relations, for this event was followed by the appearance of excess labour as rural depression exacerbated agrarian distress and as international voluntary restriction of tea production reduced the demand for estate labour.

66. Dick Kooiman, "Rural Labour in the Bombay Textile Industry and the Articulation of Modes of Production", op. cit., p 142.

Throughout the period under study, and particularly after 1903, the patron-client relationship between maistris and labourers was largely confined within the boundaries of agrarian debt-bonding. The more intensely the labourer exercised his claims to his maistri's patronage, the more difficult it was for him to sever the relationship. In this way, the labourer's working season was commonly extended beyond the contracted period. Similarly, the maistri's practice of distributing supplementary advances when the labourer was entitled to return to his village could extend indefinitely the period for which the labourer was obliged to work. While the labourer's debt was not heritable and bondage was not transferable to the next generation, there is no evidence that maistris ever attempted to counter these traditional beliefs of which they were the clear beneficiaries. In summary, these measures shaped maistri-labour relations in the hills so that they came to resemble the system of agrarian debt-bondage commonly encountered in the dry Tamil speaking regions of Madras Presidency. However, as in other regions of plantation agriculture in South Asia, colonial labour laws also played a significant role in retaining labour on Nilgiri estates. For these reasons, it is as apt to speak of industrial bondage as agrarian servitude when describing the relationship between maistris and labourers in the Nilgiri hills, or between sardars and labourers in Assam, or wherever coercive

laws of penal servitude have interplayed with traditional practices of debt-bondage upon migrating and migrant unskilled Indian labour ⁶⁷.

At the same time there can be no doubt that work practices on the plantation were more regularised than those pertaining to agricultural employment. Aside from regular hours of work, roll calls were mandatory, lunch breaks were short and timed, field workers were closely supervised by estate conductors and estate managers frequently rode on horseback over their estates to ensure that all workers were diligently engaged. Strict discipline and rigid organization on tea estates owed less to the individual manager's disposition, or to the nature of colonial enterprise, than it did to the economics of tea production. This is exemplified by the setting of excessive tasks, by routinely long hours in the fields, and by strict control of plucking, since all were attempts to lower production costs. The tight control exercised over labour on Nilgiri plantations contrasts markedly with the lax discipline described by Morris in Bombay's cotton mills ⁶⁸. This contrast was largely due to the significant difference in labour costs as a

67. See for example: Guha, op. cit., pp 11, 45; C. Kondapi, Indians Overseas 1838-1949, Bombay, 1951, p 32.

68. Morris D. Morris, The Emergence of an Industrial Labour Force in India, op. cit., pp 112-117.

proportion of the total costs in the two industries. In cotton mills labour costs comprised only a fraction of the overall cost of production, whereas labour was the most significant variable cost on tea plantations. Strict discipline was characteristic of Nilgiri tea plantations because it could significantly boost planters' profits.

On Nilgiri tea plantations, measures designed to lower the costs of production could only be successful at labour's expense. Exploitation of labour, in the sense that non-market forces were used to reduce wages, was made possible not only by colonial laws and the mechanism of debt-bonding, but also by the retention of labour's village ties. Originally, coffee estate workers had regarded seasonal employment on plantations as a valuable source of supplementary income and had retained their village ties by choice. However, as tea replaced coffee as the major crop in the Nilgiris, the payment of annual plantation wages which were insufficient for either familial maintenance or the reproduction of the labour force, created an economic imperative for labourers to retain their links with their ancestral villages. This imperative was most pronounced in the period after 1890 when economic downturn in the international tea trade was followed by the passage of an effective labour law. Particularly in the over-crowded labour market of the 1930s, village ties remained important to those seeking work for

maistris commonly recruited amongst their caste folk at home. At the same time, these fundamental economic reasons for maintaining village connections were supplemented by cultural considerations. On Nilgiri estates the traditional south Indian practice of a woman returning home for the birth of a child was retained even after estates began to provide medical facilities for expectant mothers. As many plantations also paid maternity allowances, it is clear that in this practice at least, cultural considerations outweighed economic concerns.

The widespread retention of village ties has a number of important ramifications in any discussion of the nature of colonial plantation agriculture. Firstly, it provides a further explanation both for the ease with which traditional agrarian features such as debt-bonding and relations of dominance and servitude were transported to tea plantations, and for the preservation of these features despite the legislative repeal of Act I. Similarly, in other industries where laws of penal contract had never been applied, as in the cotton textile and jute industries, the cultural practices and values of migrant labour has meant that "the most feudal system of authority can survive at the heart of the most modern of factories"⁶⁹. In the case of the Nilgiri tea industry,

69. Chakrabarty, op. cit., pp xi, 11, 113-114.

the unfree nature of the agrarian labour market and work place was replicated and embellished in the recruitment and retention of plantation labour.

Additionally, the retention of agrarian ties and mores⁶⁹ across a broad band of colonial industries supports Claude Meillassoux's argument that the notion of a dual economy should be abandoned because the agrarian and industrial sectors were economically integrated and tied together by cyclical migration and the crossing of various migrant streams⁷⁰. While Meillassoux's proposition has proved central to a wider debate focusing on enforced underdevelopment in colonial India⁷¹, it is apparent that the retention of village ties amongst Nilgiri labourers provided for a cultural and contractual continuum as well as economic interdependence between the two sectors.

The sustained link between village and plantation also provides a number of convincing reasons for the absence of a vigorous trade union movement on estates in the pre-independence period. Where plantation labourers were ill-paid and dependent on home villages for familial sustenance it was plainly more difficult

70. Claude Meillassoux, "From Reproduction to Production", Economy and Society, Vol.1, No.1, Feb., 1972, pp 102-103.

71. Chakravarty, op. cit.; Ranajit Das Gupta, "Structure of the Labour Market in Colonial India, op. cit.; Omvedt, op. cit.

for them to develop any strong commitment to permanent employment in the planting sector. The only factors encouraging commitment to permanent employment on Nilgiri estates were the negative inducements offered by high rural unemployment and high levels of rural distress in the 1930s. As a result, plantation labour's industrial behaviour in the Nilgiris is in perfect accord with Morris' description of an uncommitted work force: "If workers were truly uncommitted and retained their fundamental loyalty to rural life, there would be no strikes, but only frequent flight to the countryside" ⁷². In the twentieth century, Nilgiri labourers' "fundamental loyalty to rural life" was reinforced by agrarian wage rates which exceeded those on Nilgiri tea estates, particularly at harvest time; by a more agreeable and healthier climate in the plains, and by the customary payment of harvest earnings in rice rather than in the inferior raji often consumed by Tamil estate labour in the hills. Planters plainly provided little incentive for labour to permanently commit itself to plantation employment and this told against the growth of trade unionism.

It is interesting to note that the only successful union on Nilgiri estates in the colonial period was that of estate staffs who regarded estate employment as a permanent career, did not

72. Morris D. Morris, "The Labor Market in India", op. cit., p 193.

maintain their rural ties to the same degree, and were above the abiding hold of the maistri. While early union organizers of field labour targeted maistris as highly desirable recruits to fledgling unions at the close of the Second World War ⁷³, the growth of trade unionism in the Nilgiris, as in Ceylon, only gathered pace and intensity when the maistri's power began to decline or was strictly limited by law, and when contacts with the home village began to wane ⁷⁴. The abolition of the maistri system in 1951, and the growth of a resident plantation work force in the Nilgiris cleared the way for the rapid unionization of field labour in the post-independence period.

The manner in which Nilgiri planters and maistris were empowered to coerce labour with authority drawn from both the pre-capitalist and capitalist domains is paralleled in other regions of colonial plantation agriculture. In north-east India the components of coercion included the various Assam emigration Acts, the employment of garden gardars as recruitment agents, and the payment of girmit bonus ⁷⁵. Estate labour in Ceylon was subject to the

73. Interview with P. L. Perumal, General Secretary, Nilgiri District Estate Workers' Union, 19th Feb., 1987.

74. V. K. Jayawardena, The Rise of the Labour Movement in Ceylon, Durham, 1972, pp 333-4.

75. The girmit bonus was paid when a new worker arrived on an estate, or when an established worker had completed the term of his contract. Unlike wage payments, the girmit payment was usually accompanied by the taking of thumb

penal provisions of successive Ceylon Labour Ordinances, and the rigours of recruitment by garden kanqannis and the tundu system. Indenture in the Malay peninsula, bolstered by debt-bonding, prevailed until 1910, when it was superseded by the increasingly popular kanqanni based recruitment method. Any similarity in the coercive instruments used across these regions should not be viewed simply as a response to the economic needs of plantation production, but equally as the result of the cultural beliefs and practices common to British planters on the one hand and those shared by Indian labour on the other. Where culture had proved an important determinant of contractual and social relations on plantations, as in the Nilgiri hills, plantation agriculture cannot be considered an homogeneous, world-wide system of agricultural production purely European in design.

The rapid development of tea plantation production in the Nilgiri hills in the mid-nineteenth century provided the sole stimulus for the development of a large, annually migrating and greatly coerced work force in the region. However, the means by which plantation labour on tea estates was coerced were derived

prints which led workers to believe that they had no right to leave the plantation. (Ranajit Das Gupta, "From Peasants and Tribesmen to Plantation Workers: Colonial Capitalism, Reproduction of Labour Power and Proletarianisation in North East India, 1850s to 1947", Economic and Political Weekly, (Supplement), 21 (4), 25th Jan., 1986, p 4.)

from both the legislative actions of a provincial, government sympathetic to colonial enterprise and, also, from the realm of pre-capitalist, agrarian practices. While it has been necessary to separate these twin forces for the purposes of analysis, in daily practice they were heavily intertwined so that the effect of one was compounded by the other. The complementary operation of conventional practice and laws of penal contract created a spiral of coercion which reflected the broader encounter that took place between British and Indian cultures on Nilgiri plantations. The result was a blending of features that created a new cultural field, neither purely Indian nor British, but distinctly colonial. It is within this field that plantation social and contractual relations took shape. The position of tea plantation maistris in the twentieth century clearly exemplifies this. Although maistris derived their newly acquired status purely from the planting sphere, they continued to express that status through traditional channels such as the assumption of a novel caste honorific, the distribution of patronage and the acquisition of village land. These customary expressions of rising social status further increased the maistri's capacity to control and coerce labour. If the needs of colonial capitalism are seen as the sole motivation for the adaption of established institutions and the imposition of novel industrial practices, then the translocation of social

practices which have no economic basis in capitalism will remain inexplicable. The importance of pre-capitalist Indian mores in determining social and contractual relations in colonial enterprise has already been demonstrated in Dipesh Chakrabarty's study of the jute industry ⁷⁶, and acknowledged to a lesser degree by a number of other historians across a broad band of colonial industries ⁷⁷. Not to do so in the case of Nilgiri tea plantations would be ultimately to deprive culture of its flexibility, as it would be to deny the place of continuity within the broader framework of change.

76. Chakrabarty, op. cit., pp 206-219.

77. Ranajit Das Gupta, "Structure of the Labour Market in Colonial India", op. cit., pp 1788-1789; Murphy, op. cit., p 3; Richard Newman, op. cit., p 1; Milton Singer, When A Great Tradition Modernizes An Anthropological Approach to Indian Civilization, London, 1972, p 357-366.

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