

*Monday,
4th March, 1912*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. L

April 1911 - March 1912

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ASSEMBLED FOR THE PURPOSE OF MAKING

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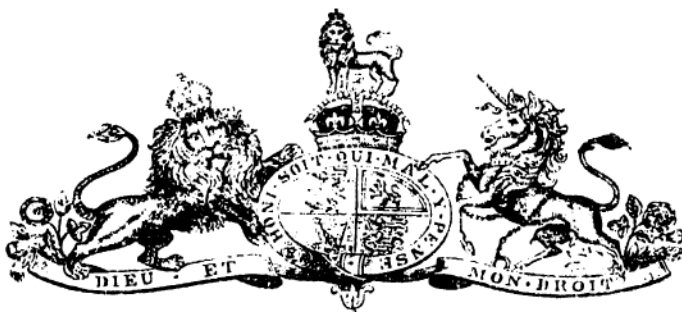


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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO
1909 (24 & 25 VICT., c. 67, 55 & 56 VICT., c. 14, AND 9 EDW. VII, c. 4).

The Council met at Government House, Calcutta, on Monday, the 4th
March 1912.

PRESENT :

The Hon'ble SIR GUY FLEETWOOD WILSON, G.C.I.E., K.C.B., K.C.M.G., Vice-
President, *presiding*, and 55 Members, of whom 49 were Additional Members.

INDENTURED LABOUR.

The Hon'ble Mr. Gokhale: " Sir, I rise to move that this Council recommends to the Governor General in Council that the Government of India should now take the necessary steps to prohibit the recruitment of Indian labourers under contract of indenture, whether for employment at home or in any British Colony.

" Hon'ble Members will remember that two years ago this Council adopted a Resolution recommending that the Governor General should obtain powers to prohibit the recruitment of indentured labour in this country for the Colony of Natal. The Government, who accepted that recommendation, gave effect to it by carrying through this Council the necessary empowering legislation, and the new law was put into operation on the 1st July last against Natal. I respectfully invite the Council today to go a step further and recommend that the system of indentured labour should now be abolished altogether. It is true that the Resolution of two years ago was adopted by this Council principally as a measure of retaliation rendered necessary by the continued indignities and ill-treatment to which our countrymen were subjected in South Africa ; but my own view, expressed even then in this Council, was that apart from the question of retaliation the system should be abolished because it was wrong in itself. I do not think it necessary to describe to this Council at any length what this system really is. Its principal features may roughly be stated to be six in number. Under this system, those who are recruited bind themselves, first, to go to a distant and unknown land, the language, usages and customs of which they do not know, and where they have no friends or relatives. Secondly, they

bind themselves to work there for any employer to whom they may be allotted, whom they do not know and who does not know them, and in whose choice they have no voice. Thirdly, they bind themselves to live there on the estate of the employer, must not go anywhere without a special permit, and must do whatever tasks are assigned to them, no matter how irksome those tasks may be. Fourthly, the binding is for a certain fixed period, usually five years, during which time they cannot voluntarily withdraw from the contract and have no means of escaping from its hardships, however intolerable. Fifthly, they bind themselves to work during the period for a fixed wage, which invariably is lower, and in some cases very much lower, than the wage paid to free labour around them. And sixthly, and lastly, and this to my mind is the worst feature of the system, they are placed under a special law, never explained to them before they left the country, which is in a language which they do not understand, and which imposes on them a criminal liability for the most trivial breaches of the contract, in place of the civil liability which usually attaches to such breaches. Thus they are liable under this law to imprisonment with hard labour, which may extend to two and in some cases to three months, not only for fraud, not only for deception, but for negligence, for carelessness and—will the Council believe it?—for even an impertinent word or gesture to the manager or his overseers. These, Sir, are the principal features of the system, and when it is remembered that the victims of the system—I can call them by no other name—are generally simple, ignorant, illiterate, resourceless people belonging to the poorest classes of this country and that they are induced to enter—or it would be more correct to say are entrapped into entering—into these agreements by the unscrupulous representations of wily professional recruiters, who are paid so much per head for the labour they supply and whose interest in them ceases the moment they are handed to the emigration agents, no fair-minded man will, I think, hesitate to say that the system is a monstrous system, iniquitous in itself, based on fraud and maintained by force, nor will he, I think, demur to the statement that a system so wholly opposed to modern sentiments of justice and humanity is a grave blot on the civilization of any country that tolerates it. Let the Council glance briefly at the origin and the history of the system, and it will at once be struck by three facts which in themselves are a sufficient condemnation of the system. The first is, that this system of indentured labour came into existence to take the place of slave labour after the abolition of slavery. This is a fact admitted by everybody, and Lord Sanderson's Committee, whose report I have before me, put it in the very fore-front of its report. The second fact is that it is a system under which even the negro, only just then emancipated, scorned to come, but under which the free people of this country were placed. And thirdly what strikes one is that the conscience of Government—and by Government I mean both the Government of India and the Imperial Government—has been very uneasy throughout about this question, as may be seen from various inquiries ordered from time to time into the working of the system, its repeated suspension for abuses, and its reluctant resumption under pressure from planters. The first, and in some respects the most important, inquiry that was held was due to the action that the Parliament in England took at the very start in this matter. As I have already mentioned, the system came into existence about the year 1834, after the abolition of slavery. In 1837 the matter attracted the attention of Parliament, and in the debate on the question that followed the system was denounced in strong terms by Lord Brougham and Mr. Buxton, and other great Englishmen of that time. The result was that the system was discontinued at once and an inquiry was ordered into its nature and working. A Committee of four gentlemen was appointed, who sat in Calcutta and considered the whole subject. The Committee, after a very careful investigation, submitted a majority and a minority report. Three members out of four condemned the system altogether, and urged that it should not be allowed to come into existence again. Only one member expressed himself in favour of reviving the system under certain safeguards which he suggested. The matter went back to Parliament; but the Parliament, already exhausted by the great effort that it had made in connexion with the abolition of slavery and wearied by the constant wail of planters in regard

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to the ruin that was threatening them, ultimately followed in this case a somewhat extraordinary procedure and adopted the minority report of one member, as against the majority report of three members. And this was done in a very thin House, only about 150 members being present. As a result of this vote, the system was allowed to be revived in the year 1842. The conscience of the Government, however, has continued troubled, and there have been, since then, numerous other inquiries into the working of the system, resulting in its temporary suspension, followed unfortunately by its resumption again owing to the influence of the planters. I will give the Council a few instances. In Mauritius the system was introduced in 1834, was suspended in 1837 on account of the debate in Parliament, to which I have already referred, and was resumed in 1842, after that vote in the House of Commons. It was, however, suspended again in 1844, was resumed in 1849, and was finally stopped last year; at any rate, there is no more any indentured immigration into Mauritius. In British Guiana, the system was suspended in 1838 under the action of the House of Commons, it was resumed in 1844, was suspended again in 1848, and was resumed in 1858. In Trinidad, where it began in 1844, that is, after the Parliamentary action I have spoken of, it was suspended in 1848 and was resumed in 1851. In Jamaica it began in 1845, was suspended in 1848, resumed in 1860, suspended again in 1863, resumed in 1869, suspended once more in 1876 and was resumed in 1878. I am omitting the later suspensions and resumptions which were due to indentured labour not being temporarily required by the Colony. In Natal, the system began in 1860, it was suspended in 1869 and was resumed in 1872. Even in Assam, where the system was introduced in 1859, there were inquiries held in 1861, 1868, 1881 and 1895. I have not included in this list the last inquiry of 1906, because it was not undertaken to inquire into the abuses of the system. Now, Sir, these facts clearly show that the Government has been torn throughout between two sets of considerations— one, a natural feeling of sympathy for the material interests of the white planters, and the other a regard for the humanitarian standards of administration which characterise all modern Governments.

“I have so far dealt with facts connected with this question that lie on the surface. I will now deal in greater detail with the principal objections to the system, and I will then say a word about the arguments used in its favour by its supporters. The principal objections to the system are roughly five. The first is naturally its utter inequity. Sir, whatever view one may take of the agreements into which these poor people are made to enter under the system, to dignify them by the name of ‘fair contract’ is to misuse the English language. For the stream is poisoned at its very source. It is significant that nobody has a good word to say for the professional recruiters who entrap and entice away these poor people. The recruiters are admittedly men who are generally ignorant and unscrupulous, and who, with the exception of perhaps a very few, have never been to the Colonies for which they recruit, and who, being paid so much per head, try by hook or by crook to get into their meshes as many persons as they can. The Government of India stand aside on the plea that it is a fair contract between the emigrant and his future employer! Sir, how can a contract be called a fair contract, the two parties to which are most unequally matched? How can it be a fair contract when one party to it is absolutely in a state of ignorance and helplessness, and the other party—the powerful party—takes care that it shall not know how much of it is undertaking to abide by. Take, for instance, the penal nature of the contract. The terms that are explained to the emigrants, when they enter into indenture, never include a statement of the penal nature of the law under which they have to live. Here, in volume III of the Sanderson Committee’s report the Council will find the agreements for the different Colonies reproduced. There is not a word here about the penal liabilities thrown on the poor creatures by the special laws under which they must live in the several Colonies. If this single fact is explained to them before they agree to emigrate, namely, that they would be placed in the Colonies not under the ordinary civil law for the enforcement of the contract but under a special penal law rendering them liable to imprisonment with hard labour even for trivial faults, I should like to see how many even of such ignorant, resource-

less people agree to go to these distant places. I say, therefore, that the stream is poisoned at the source ; that it is not a fair contract ; that it is a contract between two parties that are absolutely unequally matched, a contract vitiated by the fact that most important facts in connection with it are kept from the knowledge of one party.

“ In this country, Sir, the Government have from time to time enacted laws for the special protection of the peasantry. In the Bombay Presidency, for instance, we have the Dekkhan Agriculturists' Relief Act. In the Punjab some time ago legislation was passed restricting the right of the agriculturist to alienate land. The theory that underlies such legislation is that persons who are ignorant and resourceless, do not stand on terms of equality with those who are well to do and who possess knowledge, and that a contract between two such parties is not necessarily a fair contract. The State, therefore, has a right to look into such contracts carefully, to go behind them, so to say, for the purpose, and then decide how far they should be enforced. If this is the case where only civil liability attaches to contracts, how how much more should that be the case where penal liability is thrown on one party—and that the weaker party—under the contract ? I therefore say that this system is altogether iniquitous. The apologists of the system, however, urge that there are safeguards provided, to prevent hardship and injustice to the emigrants when they go to their respective colonies ; two such safeguards are specially mentioned ; one is that in every colony there is an officer known as the Protector of Emigrants, specially to look after the interests of indentured immigrants. And secondly, there are the Magistrates to give the protection of the law to the immigrants against any cruelty that may be practised on them by their employers. Sir, these safeguards look all right on paper ; in actual practice, however, both are found to be more or less illusory. These men—the Protectors and the Magistrates—are officers of the Colonial Governments. They belong to the same class to which the planters belong. They are generally one in sympathies and in interests with the planters ; and it is not in ordinary human nature that they should care to displease those with whom they have to live, with whom they have to mix socially,—and all this for granting protection to the poor, ignorant people from a distant land, in whom their interest is purely official. Sir, if the Council has any doubt in the matter, let it turn to the evidence that is contained in the second volume of the Sanderson Committee's Report. I invite the Council to go through the evidence of a Protector named Commander Coombes ; I must also ask you to read the evidence of another witness who had once been a Protector, named Mr. Hill ; and I lastly ask you to go through the evidence of a Magistrate from Mauritius, a gentleman named Mr. Bateson. Commander Coombes was Protector of Immigrants in Trinidad in the West Indies ; Mr. Hill was a Protector in the Straits Settlements, that is, on this side nearer home ; and Mr. Bateson was a Magistrate in Mauritius. Of the three witnesses, Commander Coombes is frankly a friend of the planters ; he makes no secret of the fact that he is there nominally as a Protector of the immigrants, but really to see that they do the work for which they are taken to the colony. It comes out in the cross-examination of this gentleman that he is himself a planter, and one can easily see where his sympathies must be on account of his position as a planter. Of course he takes care to say that he himself does not employ indentured labour, but he is obviously very much alive to the difficulties of the planters in that place. This gentleman uses the word ‘ we ’ when he has occasion to speak of the planters. Thus in explaining how he deals with coolies, who complain that they cannot do the work, he says : ‘ We send for them, and we tell them that they have been brought to this colony for doing their work ; and if they do not choose to do so, they will have to do work for Government for nothing in jail ; and it is left for them to choose either the one or the other ! ’ The whole evidence of this witness shows an attitude of complete identification with the interests of the planters and of hostility to the interests of the immigrants, and it is an irony that he should have the title of Protector of Immigrants. The other Protector I have mentioned, Mr. Hill, is of another type altogether—a very

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rare type, but a type that does honour to the English name. In spite of the fact that socially and in other ways his life was bound up with that of the community in whose midst he was placed, he stood up boldly in defence of the interests of the immigrants and thereby incurred the serious displeasure of the planters. And what was the result? He was removed from his office before his term had expired. He found that the mortality among the indentured population in the Straits Settlements in his time was very high, and he drew the attention of the planters to that and insisted on their carrying out strictly the terms of the ordinances concerning the health of indentured labourers. The answer of the planters was to remove him from his office, and to appoint another in his place, even before the expiry of the time for which his appointment was made. And because he was a strong man, who would not take such treatment lying down, the Colony had to pay him £2,500, being his salary for the unexpired period for which he should have held office. They paid him the full salary for the unexpired period, because they thought that that was a smaller evil to them than his being there to protect the interests of the immigrants. The third witness, to whose evidence I call the attention of the Council, is a Magistrate from Mauritius—Mr. Bateson. I have already told you how these poor creatures are liable to be punished with hard labour for the most trivial faults—even for an impertinent word or for an impertinent gesture. Mr. Bateson speaks out strongly against this. It is impossible for me with the limited time at my disposal to read to the Council any portions of this important evidence, but I must ask Hon'ble Members to mark specially two or three of Mr. Bateson's statements. In one place, he says, 'the system resolved itself into this—that I was merely a machine for sending people to prison.' In another place he says, 'there is absolutely no chance of the coolie being able to produce any evidence in his own favour; the other coolies are afraid to give evidence; they have to work under the very employer against whom they may be called upon to give evidence.' He says that even if a coolie came before him with marks of physical violence on his body, it was practically impossible to convict the person charged with assault for want of corroborative evidence. Then he says, 'it was a most painful sight to him to see people handcuffed and marched to prison in batches for the most trivial faults.' Well, I do not wish to dwell at greater length on this evidence; but those who will go through it will know what value to attach to the statement that the presence of the Magistrate in these Colonies is a safeguard to the coolie against ill-treatment. So much then about the illusory nature of the safeguards. My third objection to this system is the vast and terrible amount of suffering that it has caused during the 75 years that it has been in existence. Sir, it is difficult to speak in terms of due restraint on this point. Even the hardest heart must melt to think of this phase of the question. I will not speak now of the imprisonments with hard labour endured for trivial faults; I will not speak of personal violence which in some cases has been proved and very many cases could not be proved, though alleged. I will not speak of the bitterness engendered in the minds of thousands when they realised that they had been deceived, that they had been entrapped, and that there was no escape for them. I will not speak of the homesick feeling, destroying their interest in life. These are all serious matters that could be charged against the system. But more serious even than these is the heavy mortality that has prevailed in the past in all colonies under the system, a mortality which has been examined from time to time by Commissions of Inquiry and which has been established beyond doubt—a mortality for which indentured emigration was prohibited to Federated Malay States only last year, and which even to-day is admitted to exist in certain districts of Assam amongst the statute labourers. Then the numerous suicides which have resulted from the system—poor, innocent people preferring death with their own hands to life under it—are a ghastly feature of the system. And, Sir, last, but not least, the unutterable tragedy and pathos of men and women, at a distance of thousands of miles from their homes, knowing full well that the vast sea rolled between them and their native country, starting actually to *walk* back to their country, imagining in their simplicity and ignorance that there must be a land route somewhere, and either caught on their way and forcibly taken back to the life from which they were

fleeing or else devoured by wild beasts or perishing of hunger and cold ; all this, Sir, constituted a sum total of human misery which is appalling to contemplate, and which will be a standing witness against the system for all time. It is true that things are somewhat better now, but they cannot be very much better under a system which has inherent characteristics such as those that I have described. Moreover, as Lord Curzon said in this Council in 1901, 'even if such cases have occurred only in a few instances, the very fact that such cases can occur under the system constitutes a severe condemnation of the system.'

"Sir, my fourth objection to the system is the frightful immorality that is inseparable from it. This is a fact which has been admitted by everybody, among others by the Government of India and by the Sanderson Committee. The Committee, who deal with all other phases of the indenture question, carefully avoid making any recommendation as to how the frightful immorality involved in the system may be remedied. Under the law, every hundred male indentured labourers must be accompanied by 40 females. Now very few respectable women can be got to go these long distances; our men themselves do not really care to go, much less do the women. The statutory number, therefore, is made up by the recruiters, and, as admitted by the Government of India in one of their despatches to the Secretary of State, by including in it women of admittedly loose morals, with results in the colonies which one had better leave to the imagination of the Council than describe. Sir, this frightful immorality has characterized the system from the very first. As Mr. Jenkins, who was afterwards first Agent General of Canada, said in 1870, 'the women are not recruited for any special work, and they certainly are not taken there for ornamental purposes.' He also speaks of the immoral relations existing not only between many of these women and the men for whom they are taken from this country, but also between them and some of the planters themselves and their overseers. It is a shocking affair altogether, a considerable part of the population in some of these colonies being practically illegitimate in its origin.

"My last objection to the system is that it is degrading to the people of India from a national point of view. I do not think I need really say much on this aspect of the question. Wherever the system exists, there the Indians are only known as coolies, no matter what their position may be. Now, Sir, there are disabilities enough in all conscience attaching to our position in this country. And I ask, why must this additional brand be put upon our brow before the rest of the civilized world? I am sure, if only the Government will exercise a little imagination and realise our feeling in the matter, it will see the necessity of abolishing the system as soon as possible.

"I will now turn for a moment to the arguments which are usually adduced in favour of this system. Briefly they are three. First of all it is said that without this system of indentured labour, the sugar and other industries in many of the colonies will cease to exist; the second argument is that, under the system of indenture, a certain number of Indians make remittances to this country and thus a certain amount of money is received here; and thirdly, that a number of these men, after completing their indenture, settle down in the colonies, become prosperous and attain a status which they could never attain in this country. Now, Sir, so far as the first argument is concerned, I may brush it aside at once; it does not concern us nor does it concern the Government of India, who are here to promote *our* interests. If the planters cannot carry on their sugar or other industries without a continuance of this pernicious system, the sooner those industries cease to exist, the better. As regards the remittances made, or the amounts brought to this country by returned emigrants, considering that these people have been for five years under indenture, the savings are really very small. The average savings brought to India are about Rs150 per head; in a few cases, the amount may be higher, Rs200 or so, but the average is about Rs150. Now Rs150, saved in five years, means only Rs30 a year or Rs2-8 a month. This is not very much after all. The mill-hands in Bombay, for instance, can save much more than that. Again, what about those who save nothing, are broken down in health and spirits, and either perish in the colonies or else are sent back to this country, mere wrecks of their former selves? Finally as regards

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those who settled down in the Colonies and prosper in the first place, the number of such persons is very small; and secondly, even they have to go through a system with which are associated all the degradation and misery of which I have spoken. When these things are considered, it must be admitted that even if a few persons prosper under that system after the completion of their indenture, the price that has to be paid for such prosperity is far too great.

“Sir, I will now briefly refer to the extent of this evil, as it exists at the present moment. I will not deal with the case of those colonies where indentured labour once flourished but has now been stopped. In four French colonies and one English colony, it has been stopped on account of abuses; in one English colony it has been discontinued for economic reasons, and in another it has been prohibited as a measure of retaliation. But the system still prevails in three British colonies in the West Indies, namely, British Guiana, Trinidad and Jamaica, and in one Dutch colony named Surinam, about which, however, under our rules I am precluded from saying anything. Then it exists in Fiji, a Crown colony in Australasia; there is also a small supply of indentured labour to the Straits Settlements; and last, there are four or five districts in the Upper Valley of Assam where the system is still in force. The annual supply to the different colonies comes to a little less than 2,000 in the case of Fiji; about 600 to Jamaica; and nearly 3,000 to Trinidad; and about 2,200 to British Guiana. In Assam the whole labour force is about 800,000, of which the indentured labourers are now only about 20,000. Now taking Assam first,—and here I would like to express my obligations to the Hon’ble Mr. Clark for his courtesy in having a note on the subject specially drawn up for me in his office, giving me up to date information on the subject—I understand that the Government have decided to stop the system of indenture altogether there from next year. The Hon’ble Sir Charles Bayley stated the other day in one of his speeches in East Bengal that, from July 1st of next year, this system would cease to exist in Assam. Probably the Hon’ble Member in charge of the Department of Commerce and Industry will also make a statement on the subject to-day. As the system will be discontinued from next year in Assam, I do not wish to say anything more about that here. I would, however, like to point out that the Committee, appointed in 1906, recommended the complete stoppage of indentured labour in Assam in the course of five years. They would have liked to stop it earlier, but they did not want to inconvenience the planters, and therefore they suggested an interval of five years. According to that, the system should have been discontinued in 1911. And I should like to know why it has been allowed to go on for two years more. That is, however, comparatively a small matter. But, Sir, if the Government has decided to stop the system in Assam, where its working can be watched under its own eyes, I cannot see why it should be allowed to continue in the case of distant colonies, where there can be no such supervision. The position of those who urge the abolition of the system becomes now all the stronger on account of the Government contemplating its abolition in Assam.

“Then, Sir, there is the question of re-indenture in three colonies—in Natal, to which indentured emigration has now been prohibited, in Mauritius, where it has stopped of itself owing to economic causes, and in Fiji, where it is still allowed to continue. This re-indenture is one of the most vicious parts of the system, because though a man may indenture himself at the start only for five years, by means of repeated re-indenture he could be kept in a state of perpetual servitude. And this has become a most serious question now in Natal. There the Government of the colony imposes an annual £3 tax on all ex-indentured labourers who want to settle there as free persons. All those who have been emancipated since 1901—males about 16, and females above 13—have to pay this £3 tax. Now see how it works in practice. Take a family of husband and wife and four children—two daughters of 13 and 15, and two boys below 13. The family must pay the tax for four persons—father, mother and the two daughters—or £12 a year, that is, £1 a month. The man can earn an average wage of about 25 shillings a month, and the wife and the two girls may earn among them about 15 shillings extra, that is, which means a total

income of 40 shillings or £2 a month for the family. Of this, half or £1 has to be paid as license-tax. Then there are other taxes; and there is house-rent. The Council may judge how much can remain after deducting these expenses for food and clothing for six persons. Is it any wonder that this tax has broken up homes—as has been admitted by prominent Natal men—that it has driven men to crime and women to a life of shame? Sir, there is no doubt whatever that the tax is nothing less than a diabolical device to drive the poor Indians either into re-indenture or else out of the colony. It is, therefore, a matter of the utmost importance that the Government should take the earliest possible steps to bring this miserable system of re-indenture to an end. I may mention that the Sanderson Committee has strongly recommended the stoppage of re-indenture.

“One word more, Sir, and I will bring my remarks to a close. Sir, this is a question which really throws a great responsibility upon the Government. I am aware that the Government of India have from time to time taken up the position that they maintain an attitude of neutrality in this matter, that they do not themselves encourage indentured emigration, but that if people choose to accept certain terms and go, it is not for them to interfere. I would only ask the Council to contrast this attitude with the attitude which the Government have adopted in regard to the peasantry of the country, in legislating on lines to which I have already referred. I do not think that the Government can absolve themselves from their responsibility in this manner. In the first place, the recruiters are granted licenses to recruit by District Magistrates. That, in itself, imposes a responsibility upon the Government, because, by granting licenses to these persons, the Government make themselves to a certain extent responsible for the representations by which these men secure recruits. Then the Magistrates, before whom the poor emigrants are taken and made to enter into agreements, are the servants of Government. The third and last point is that, though the fact about the penal nature of the contract has been carefully kept out of all agreements all these years, the Government have so far taken no steps whatever to remedy this. I would like to know from the Hon'ble Member, when he rises to reply, why this has happened, and how the Government explain their inaction in the matter. If a penal liability is not necessary to the system, I shall gladly withdraw the greater part of my objection to the system. If you are prepared to abolish the penal nature of the contract under which these labourers have to work, the rest would be comparatively a very simple question, and I shall not press this motion to a division; but, as I understand it, penal provisions are the very essence of the system; without them the system cannot be worked. If penal liability is thus indispensable, I ask why the Government have not taken steps all these years to see to it that this nature of the contract is explained to the emigrants before they enter into their agreements? Sir, this is really a most serious question, for whatever the Government may say, as a matter of fact, everybody in the country believes that without the countenance of Government, the system could not have gone on so long. India is the only country which supplies indentured labour at the present moment. Why should India be marked out for this degradation? The conscience of our people, unfortunately asleep too long, is now waking up to the enormity of this question, and I have no doubt that it will not rest till it has asserted itself. And I ask the Government not to make the mistake of ignoring a sentiment that is dear to us, namely, the sentiment of our self-respect. We have no doubt plenty of differences between the Government and the people in regard to the internal administration of this country; but those are matters which stand on a different footing. Outside the country, the Government of India must stand for up for us on every occasion; must stand up for our dignity, for our honour, for our national pride. If they will not do this, to whom else can we turn? I feel, Sir, that though this system has been allowed to exist so long, yet its days are really numbered. It will soon cease in Assam, and then it cannot last very much longer in the case of the colonies. And I am confident that a people who have spent millions upon millions in emancipating slaves, will not

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long permit their own fellow-subjects to be condemned to a life which, if not one of actual slavery, is at any rate not far removed from it. Sir, I beg to move the Resolution which stands in my name."

The Hon'ble Sir Vitthaldas D. Thackersey: "Mr. President, I rise to support the motion moved by my friend the Hon'ble Mr. Gokhale. Only last week the Hon'ble Home Member, in opposing the Bill brought forward by the Hon'ble Mr. Basu, argued that one of the principles on which the Government would act would be that any practice was an outrage upon humanity. I maintain, Sir, that this practice of indentured labour, so graphically described by the Mover, is an outrage upon humanity. Apart from this question, may I ask why this practice is permitted? Would our labourers starve if Government stopped this practice? I say, no. Without being charged with vanity, I may claim to know something about Indian labour. I was a member of the Factory Commission in 1908, and in that capacity I went round along with my colleagues throughout India to see for ourselves at first hand the conditions of labour, their habits, their ideas, and about their home life and their work. We were at work on this special mission practically every day for six or seven hours for seven months; and what did we see? Instead of starving, exhausted, servile workmen, we saw independent, healthy, well-paid workmen. The result of the deliberations of the Factory Commission are recorded in the report issued in 1908, and with your permission, Sir, I will read a few lines from the same. On page 19 the Commission says:—

'The position of the operative has been greatly strengthened by the fact that the supply of factory labour undoubtedly is, and has been, inadequate, and there is, and has been, the keenest competition among employers to secure a full labour supply. These two main causes—the independence of the Indian labourer, owing to the fact that he possesses other and congenial means of earning a livelihood, and the deficient labour supply—govern the whole situation.'

"Then further it goes on to say—

'We have also been impressed with the fact that employers are greatly disposed to concede promptly all reasonable demands made by their workers, and, even where the demands are unreasonable, to treat them as proposals which it is desirable to accede to, if possible. Great nervousness is frequently displayed by employers of labour as to the effect even of trivial changes on the workers; numerous expedients are adopted to conciliate them, and the attitude of the employers throughout appears to be based on the knowledge that the operatives are in fact the masters of the situation.'

"This is the deliberate opinion of the Commission, expressed after due inquiry and seven months of hard work. Well, Sir, this is the position of our Indian labour, and in spite of that the Government of India felt itself justified to interfere, and in this Council brought forward the Bill and carried it through, legalising a maximum of twelve hours for these workmen; and we have to remember that these workmen are free men, free agents, and if the work in the factory was not congenial to them or they find it distasteful, they were quite at liberty to leave the work and go away elsewhere. Then, why should we allow this recruitment, which, according to the description of the Mover, and according to all the facts that we know, is nothing more, nothing less, than practical slavery? It has been said and mentioned also by the Mover of this Resolution that if the penal contract was not allowed, the labourers would not get the work and the colonies would not employ them. My reply is—so much the better for India and for the labourers themselves. India can provide work for all these labourers that are going there, and for more than that. Then he said that they are better paid. They are getting a shilling a day or Rs. 22 a month (Mr. Gokhale tells me the average is Rs. 12 a month). The Factory Commission says on page 22—'That ordinary hands in card and frame departments earn from 7 to 18 rupees, head spinners from Rs. 25 to Rs. 35, mill-hands up to Rs. 16, and weavers from Rs. 18 to Rs. 35 a month'. These are the wages at present paid in India against an average wage of Rs. 12 in the colonies to these indentured labourers. But Sir, even if we grant that these people are slightly better paid, are we to allow people to barter the freedom of our men and women for a few coppers? It has been already said by the Hon'ble Mr. Gokhale that it was the English nation that spent millions and

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millions of pounds sterling to eradicate slavery. Now, India is going to sacrifice about 7 to 10 crores of rupees every year out of the opium-revenue, in order to save a foreign nation, the Chinese, from the harm that the use of opium does them. This amount, if capitalised at only 3½ per cent. per annum, would mean about 300 crores of rupees for us. If India can afford to sacrifice such a large amount for the foreign nation, certainly, if need be, it can provide food for the few that are going to our colonies. Then Mr. Gokhale has also said that it is not only the question of hard work to these labourers, but it is a question of dignity to us. When we find nations all over the world pointing out a finger to India as the only country in the world where this practical slavery of their men is tolerated, it boils our blood, if I may be permitted to use the sentence.

"Sir, I would only mention this in conclusion, that it is an irony of fate that we in this Council should have any occasion to approach the Government of India, and through the Government of India the British nation, to abolish this practical slavery—a nation which has, as I have said, spent millions and millions in the past, and a nation that to-day is willing to risk the prosperity, the great hardship to the poor, and the very defence of the country, rather than interfere with the freedom of the coal miners by legalizing them to work and be reasonable. Sir, I think the time has come when the Government of India might accept this proposition, and do away with the practice."

The Hon'ble Mr. Fremantle:—"Sir, I have been appointed to this Council for a special purpose which, with the passing of the Co-operative Credit Societies Act, has now been fulfilled; so I feel that some justification is due for my intervening in the debate to-day. That justification is that I was a member of the Committee, which sat, less than three years ago now, to consider the case of the subject of emigration to the Crown Colonies and Protectorates. My interest in the subject of over-seas emigration did not begin with the constitution of that Committee, nor did it end with its dissolution. In the year 1905, I was on special duty inquiring into scarcity of labour, and in the course of that inquiry visited a large number of emigration depôts in Bengal and the United Provinces. In subsequent years, during the course of my tours as Registrar of Co-operative Societies, I have seized every opportunity which availed itself of visiting those depôts again, and I have talked to the coolies assembled there both those who were going to the colonies for the first time and those who had been there before. The Hon'ble Mr. Gokhale made a very passing allusion to the Committee which sat in 1909. I think it should be known that that Committee made very careful inquiries into this particular system of indentures. Among its members were Sir James LaTouche, who is well known as being one of the most sympathetic Lieutenant-Governors who has ever ruled an Indian Province, and Sir George Scott Robertson, a Liberal Member of Parliament, who was not the least inclined, when that Committee began its sittings, to regard the system of indentures in a favourable light. The Committee sat for 71 days, and examined 83 witnesses. Every opportunity was given to the opponents of indentured labour to come forward and say what they had to say. Government went so far as to pay the expenses of Mr. Richards, the Chairman of the Workingmen's Association of Trinidad, to go over to England to give evidence on the Committee. The view put forward by these gentlemen was that Indian emigration should be discouraged on the ground of the competition with native West Indian labour. The Hon'ble Mr. C. P. David, a Member of the Legislative Council of Trinidad, and Mr. Summerbell, a Labour Member of the Imperial Parliament, also put forward a similar view. There was also an Association called the People's Association of British Guiana, which put forward the same view. With these exceptions, no voice was raised before the Committee against this system of indentured emigration. On the other hand, there was a very large body of opinion in its favour. I do not mention the planters and employers of labour, who are naturally prejudiced in such questions. There were, however, many Governors of Provinces of established reputation, some of them men who had retired and given the greater part of their subsequent career to writing on public questions, such as Lord Stanmore, formerly Sir Arthur Gordon, and Sir Charles Bruce, and there were also Sir John Anderson, and Sir Sidney Olivier, the present Governor of Jamaica. Besides these gentlemen, there were

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many independent witnesses. The Hon'ble Mr. Gokhale says that the Magistrates who deal with offences against the Immigration Law are prejudiced in the planters' favour. That may be or may not be. Sometimes they are and sometimes they are not. The description certainly does not apply to some of those who appeared before the Committee. One example the Hon'ble Mover has himself given. As regards that example, it is that of Mr. Bateson, a Magistrate from Mauritius: it was discussed I may say by the Committee in paragraph 99 of their report and the Committee were of opinion that he did not take a proper view of his duties, or else he would have been able to do very much more good, as no doubt he wanted to do, to the Indian indentured cooly. Besides these independent witnesses such as Magistrates and doctors, there were also several missionaries who gave evidence, and they could not be considered to be prejudiced. There were also some well-known men. One was Sir Itupert Boyce, who was specially sent out by the Colonial Office to the West Indies to inquire into the prevalence of yellow fever, and he made special inquiries, while there, into the condition of the Indian indentured labourer. There was also a gentleman named Mr. Alleyne Ireland, an American publicist who had spent the greater part of his life in inquiries into political, social and economic questions of that character. All these gentlemen were in favour of the system. The report concerning this says, 'there is a general concurrence of opinion that the system as actually worked, so far from exercising any depressing or debasing influence on the Indian, has in fact encouraged the growth of independence of character;' and it says also that the general effect of the bulk of the evidence was to show the excellence of the arrangements made for the immigrants and the prosperity to which the majority attained after they had become free citizens.

"The Hon'ble Mover has stated that indentured coolies do not get adequate help from the Inspectors of Immigrants, and that the latter were men recruited from the same class as the planters, and in fact in some cases have regarded themselves as planters. Now I think anyone who has studied the subject will admit that in those colonies which have a large number of indentured labourers, such as Trinidad, British Guiana and Fiji—these are the only three which have now a large number—the legal and administrative arrangements made for the benefit of the immigrants are very complete. In each colony there is a Protector of Immigrants, or an Agent-General who is assisted by medical men and also by a staff which consists of 4 Inspectors in British Guiana, 3 in Trinidad and 5 in Fiji, where communications are very difficult. Now it is the sole duty of the Protector and this considerable staff to look after the immigrant population, whether indentured or unindentured; and it is in pursuance of those duties that they are constantly visiting the plantations to see that the immigrants are properly housed and treated and get the wages to which they are entitled. There is also a special provision in the law for a man who wants to leave the estate to make a complaint. Temperaments vary, and some officials are more sympathetic than others when it comes to the point of inquiry into grievances which may be more or less sentimental, but it is quite certain that under the present system no serious abuses can remain unredressed. Sir, no human institution is perfect, and I am not concerned to state that the indenture system is any exception to this rule. No doubt there are defects in it. Several of these defects have in fact been pointed out by the Committee, and they are at present under the consideration of the Colonial Governments concerned. That they are not considered very serious by the people most concerned can perhaps be indicated by the fact which I saw stated in the report of the Protector of Emigrants, Calcutta, that last year no less than 475 coolies who had already been to the colonies re-indentured themselves to serve a further term. The Hon'ble Member drew a picture for us which depicted the artifices of the recruiters and stated that it was not a fair contract because the conditions were not known to the people recruited. Now for that portion of the recruiting district with which I am well acquainted, and which extend from Gonda and

Fyzabad to Basti and Gorakhpur and Benares, I can say that the people there are very well acquainted with the conditions of service in the colonies. As I stated at the beginning of my remarks, I have spoken to a large number of them, and I have never found one who has gone to the colonies without knowing the conditions prevailing there. Each man goes because his own people or relations have been there and knows perfectly well the conditions under which they work."

The Hon'ble Mr. Gokhale: "Including the penal nature of the contract?"

The Hon'ble Mr. Fremantle: "Of course, they know something about the penal nature of the contract: it has not done them any damage."

The Hon'ble Mr. Gokhale: "It is not in the agreement."

The Hon'ble Mr. Fremantle: "They know perfectly well, I maintain, the conditions under which they are going. I do not say that for all the would-be emigrants recruited, but it is true for that very large number of them which comes from the main recruiting districts such as those which I have stated. But surely, as the Committee state in paragraph 100 of their report, the system must, like other systems, be judged by its results, and as to its results, I submit there is very little room for doubt. The statistics we find in the report will prove certain facts, such as that Indians in British Guiana own property averaging £2 per head for each man, woman and child in the community; that in Trinidad in 14 years 70,000 acres of Crown lands have been bought by the Indians; that in Fiji between the years 1898 and 1908 the land held by Indians, whether on leasehold or freehold terms, increased from 6,600 acres to 46,000 acres. 46,000 acres would be 17 acres per head for every man, woman and child in the free community of Fiji. And I think that Indians now in the colonies have some right to be heard on the subject. I do not know how far the Hon'ble Mover has consulted them, but two gentlemen gave evidence before the Committee—two young Indians,—their names were Mr. Francis Edward Muhammad Hussain and Mr. George Fitzpatrick. They were themselves the sons of indentured immigrants who had gone to the colonies under this degrading system which the Hon'ble Mover has painted to us. They were born and educated in the colonies and had come to England at that time for the purpose of being called to the Bar. These two gentlemen, although they pointed out certain defects, as they appeared to them, in the system of indentures, were emphatic in their approval of the continuance of emigration of Indians. Mr. Hussain, for instance, says of the indentured coolie, 'I think they are very well treated,' and when asked whether the mass of the coolies, after having served their indenture, are prosperous, he replied, 'The prosperity of the colony itself is evidence of that.' And Mr. Fitzpatrick, who was specially appointed as the representative of the Indian community to give evidence before the Committee, said clearly that the community he represents are in favour of the continuance of emigration. He further stated in his memorial which he submitted to the Committee as follows: 'The East Indians, after their term of indenture, have proved themselves to be desirable colonists. As agriculturists, they have aided materially in the development of the colonies; they have purchased Crown lands, and have successfully opened up the country; they undertake cane-farming, kitchen-gardening, and on them the colony is largely dependent for vegetables, &c. They become skilled labourers and are employed by the local road boards, municipalities, railways, etc. They and their descendants become proprietors, merchants, shopkeepers, contractors, teachers, etc., all of whom are most loyal and patriotic, thus forming an important factor in the colony.'

"Now, I submit, this hardly fits in with the Hon'ble the Mover's description of the Indian in the colonies as 'always a coolie.' The Hon'ble Sir Vithaldas Thackersey has stated in his remarks that there can be no necessity for helping coolies to go to the colonies when they have such excellent opportunities in the mills and factories. Well, he claimed to be of some authority on the subject of the Indian labour-supply. I think, perhaps, I may claim the same. And if the Hon'ble Member will read the report which I issued in 1905, he will perhaps see some reason why agriculturists do not desire to go and work in those mills

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and factories. On the other hand, they are very glad to get agricultural labour even though it may take them some considerable distance from their homes. The wages of agricultural and non-agricultural labour, as every Member of this Council knows, are very different. I have here the Gazetteer of Gonda in Oudh, which was published in the year 1905, and this is what it says about agricultural wages in that district. I may say that this district and the adjoining district of Basti sent to the colonies last year 3,490 men, that is to say, one-third of the total number that went to the colonies from the port of Calcutta. The Gazetteer says, ' the labourer receives either a cash wage of two and a half rupees a month, though the constant complaint of the landlords is that the rate is rising to two annas per diem, with a blanket in winter and perhaps two local maunds of grain at harvest, or else a grain wage of four or five kachcha seers of coarse grain daily. The system of *sauwak* labour, so common in the adjoining district of Bahraich, is still well known in Gonda. The *sauwak* is a member of the lower castes such as Koris, Chamars or Lunnias, who for a fixed sum of a money, almost invariably required for marriage expenses, binds himself in serfdom to the zamindar until the loan be repaid—a contingency which hardly ever occurs in actual experience. The consideration varies with the necessities of the borrower but rarely exceeds one hundred or is less than twenty rupees. A man in this position receives the ploughman's customary share in the produce, supplemented by contributions from his master, which are converted at the market rate and added to the principal.'

" Only last week I read in the *Statesman* about a class of serf-tenants in the vicinity of Giridih who in return for a loan of from Rs. 20 to Rs. 40 practically sell themselves into perpetual servitude. It is said, indeed, that the position becomes hereditary, the son taking over the burden of his father's debt. Well, that is some indication of the position to which these poor labourers, with their dependants numbering some 46 millions in this Indian Empire, may fall, and I think that a class of men who are exposed to such economic conditions and who are liable to fall into a state of lifelong hopeless servitude will hardly object to a five years' indentureship and to a free life to come ; and I think that they will not thank the Hon'ble Mr. Gokhale for the attempt which he is now making to cut away the ladder to becoming proprietors of land and self-respecting citizens of the Empire."

The Hon'ble Mr. Muhammad Shafi : " Sir, I have listened with the closest attention to the speech which has just been delivered by the Hon'ble Mr. Fremantle, and I confess that, in spite of the close attention which I have been able to give to it, the Hon'ble gentleman has failed to convince me that the position taken up by the Hon'ble Mr. Gokhale is not the correct one. The Hon'ble Mr. Gokhale gave a graphic description of the circumstances under which these contracts of indentured labour are entered into. He described the ignorance of the coolies, on the one hand, and all the tricks played by those who have the task of engaging these coolies, on the other. He pointed out that undue advantage is taken of the ignorance of the coolies, and some of the facts most material to the validity of the contract are kept concealed from them. The Hon'ble Mr. Fremantle did not deny the facts as alleged by Mr. Gokhale. In fact, as I understood him, he admitted that the penal laws under which these coolies have, after their emigration to and settlement in these colonies, to live are actually concealed from them at the time these contracts are entered into. Well, as I have understood Mr. Gokhale's position, the main complaint of the Hon'ble Mover was that in concluding these agreements, this, the most vital portion of the whole affair, was actually concealed from these coolies ; and the Hon'ble Mr. Fremantle has not been able to deny that. Therefore, it seems to me that the most serious portion of the indictment brought forward by the Hon'ble Mr. Gokhale, so far as this aspect of the question is concerned, remains absolutely unanswered. Then the Hon'ble Mr. Gokhale described in detail the results which these coolies have to face upon their arrival in these colonies, the sort of life they live, and the kind of punishments which are meted out to them upon the most trifling defaults, and even for what is said to be impertinent gesture on their part they receive imprisonment in jail. The Hon'ble Mr. Fremantle in his

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reply to the Hon'ble Mr. Gokhale has again left that portion of the indictment absolutely unanswered. The Hon'ble Mr. Gokhale referred to the evidence which had been given by three gentlemen, each one of them representative, as I understand, of the class of persons who had to deal with these coolies in the colonies, and justified his statements upon the authority of the evidence given by these witnesses before the Commission. The Hon'ble Mr. Fremantle did not controvert the facts which were stated by these witnesses, and indulged in what I cannot help regarding as general statements not corroborated by any evidence upon which one could lay one's hands. The Hon'ble Mr. Fremantle pointed out that there were Protectors and Inspectors who looked after the interests of these coolies. Well to my mind, in the first instance, the very necessity of appointing these Protectors shows that there is something against which protection is needed. That is to say, there are causes and circumstances existing in these colonies which necessitated the appointment of these Protectors in order to prevent the coolies who go to the colonies from being maltreated. But the point of the argument of the Hon'ble Mr. Gokhale was that the evidence of one of these Protectors showed that they were Protectors rather of the interests of the planters than of those of the coolies who had to work under these hard circumstances. Well, Sir, the evidence of that Protector, some portions of which were read out by the Hon'ble Mr. Gokhale, remains uncontroverted, and the Hon'ble Mr. Fremantle in his speech has not referred to anything which can take away from the weight of that evidence and render the statements put forward by that witness and by the Hon'ble Mr. Gokhale here to-day as statements not worthy of consideration—aye special consideration—of this Council.

“Sir, when discussing the provisions of the Hon'ble Mr. Basu's Special Marriage Bill, the other day, the Hon'ble the Home Member pointed out that the Government of India does not feel itself justified in undertaking legislation unless two conditions exist—one that there is, on the part of the Indian people in the country, an almost unanimous demand for undertaking that legislation, and the other is that the circumstances resulting from a given state of things constitute an outrage upon humanity. Well, the second argument has already been referred to by the Hon'ble Sir Vithaldas Thackersey. So far as the first condition precedent to undertaking legislation referred to by the Hon'ble the Home Member is concerned, I need only mention that so far as the Indian people in this country are concerned, there is a complete unanimity of opinion in support of the demand which has been made by the Hon'ble Mr. Gokhale in his speech to-day.

“Only yesterday, at the meeting of the All-India Moslem League held in the local Town Hall a Resolution was unanimously adopted urging upon the Government the necessity of stopping indentured labour. So far as the Muhammadan community is concerned, therefore, the fact that the Resolution was unanimously adopted by the League at its anniversary is, in itself, conclusive evidence of the fact that the Muhammadan community demands that the recommendation put forward by the Hon'ble Mr. Gokhale in his Resolution moved to-day should be accepted by Government. And, so far as the Hindu community is concerned, not only has the National Congress adopted this Resolution, but the Hindu representatives present here in Council are, I believe, absolutely unanimous in this demand. Therefore, I submit that the two conditions laid down by the Hon'ble the Home Member in reference to legislation of this kind being there, the Government of India ought to accept the recommendation which has been put forward by the Hon'ble Mr. Gokhale in his Resolution to-day, and I have great pleasure in giving my hearty support to that Resolution.”

The Hon'ble Sir Gangadhar Rao Chitnavis : “I have great pleasure in supporting the Resolution my friend the Hon'ble Mr. Gokhale has moved. It has much to commend it to the acceptance of Hon'ble Members apart from any point which the unsatisfactory condition of Indian settlers and the treatment which they receive in South Africa may give to the appeal. I do not believe in indentured labour; the free workman is a far more productive agent than any one working under contractual conditions. Even from the employer's point of

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view, the present system of indenture is undesirable. It is antiquated, and is not required in a world remarkable for its progressive arrangements for inter-communication. I endorse the opinion expressed by the Hon'ble Sir Vithaldas Thackersey about the increasing dearth of labour and the rise in wages in India. I expressed some such views on the subject at Jabalpur in 1905 when presiding over the Provincial Conference there, and the subsequent labour conditions in India have only confirmed those views."

The Hon'ble Mr. Subha Rao: "I may be permitted to express my surprise at the speech delivered by the Hon'ble Mr. Fremantle and the attitude which he has taken towards this question. He has described in rather glowing colours the conditions under which indentured labourers, specially in Trinidad, live. He says that there is practically no cause of complaint with regard to the way in which labour is recruited and the way in which labourers are treated in the colonies, and he wants us to believe that there is no debasing or degrading influence upon the people concerned, and that there is no complaint coming from the parties who are chiefly subject to this system. I may say at once that he has lost sight of one important consideration in this matter. We may concede all that he has stated ; we may even hold with him that what the Hon'ble Mr. Gokhale has described is not correct. The question still remains: how does this indentured system affect the country at large? Has it a debasing and degrading influence upon India in the estimation of the outside nations? What is the attitude of those people who receive these coolies towards India as a whole? I think the Hon'ble Mr. Fremantle must admit that on account of this system India has fallen in the estimation of the civilised world. Therefore, Sir, the important question that centres around this Resolution is this: whether the present system does not vitally affect our national honour, our national self-respect, in fact, our national existence as an integral part of the British Empire. I submit, Sir, that this is the question which the Council has to take into consideration and the Government has to consider. A speech like that of the Hon'ble Mr. Fremantle's if delivered some ten years ago might have passed unchallenged. Much water has flowed since then under the bridge. There has been rude awakening of our national consciousness. We feel, Sir, that we have taken things lying down. We do not blame any one for this state of things. We have allowed things to go on in this way ; we have not asserted our dignity to be treated like other civilised nations. But times have changed, and we now ask why India, alone among all the countries of the world, should be subjected to this indignity. We urge, Sir, that the system of indentured labour should be abolished at once. We are all familiar, how in Natal, for instance, the best and most cultured of Indians are treated as coolies. Why is that? The simple reason is that South Africa has come into contact with India in the shape of coolie labour, and she only knows India as a vast recruiting ground of menial labour, and therefore whoever goes from India is naturally looked down on as a coolie, and no better than a coolie. Similarly, women who first went to Burma from the East Coast happened to be women of ill-fame, and were called Coringa women from the place whence they came. Even now women of ill-fame, no matter from what part of the East Coast they come, are still called Coringa women. That name has stuck to these people and it has come down to this day. Therefore, Sir, we cannot be too careful as to the way in which we open our relations with other countries. It is a great misfortune to India that this indentured system should ever have been introduced at all and the Emigration Act should have been placed on the Statute-book. Well, there is no use of regrets for what has taken place. We have now to repair a great wrong done to India. Two years ago the Government of India, by accepting the Resolution moved by the Hon'ble Mr. Gokhale regarding the prohibition of immigration to Natal, has earned the thanks of the public. By amending the Emigration Act, they took the first step to repair a great wrong done to India, and I venture to submit that they would be doing the right thing by going a step further, by prohibiting altogether the emigration of indentured labour to different parts of the world. If any other course be adopted in this matter, I

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venture to say, Sir, that the action of the Government would be viewed by the Indian public with deep disappointment. No doubt, as the Hon'ble Mr. Gokhale says, it is a question of time when this system would be abolished. I submit that the Government of India would do well to take time by the forelock, by paying heed to the popular sentiment and by coming forward at once to prohibit this kind of emigration. I don't care to discuss the merits or demerits of the present system. I know several cases where people were inveigled by recruiters to go to a foreign country by describing it as a land flowing with milk and honey. I shall only say this. The system is vicious in itself, stunting the moral growth of the people concerned, and labour should not be prostituted to promote the industries of a few. Leaving all these questions aside, we have got this broad fact, that this question strikes at the root of our national self-respect, our national honour, and national existence. I appeal to the Government of India that in a matter of this kind they should not run counter to the sentiment of the people at large. On this question, Sir, all classes of people are unanimous, and I submit that the Government should be with them in repealing the Emigration Act. I do not wish to say more. I heartily support the Resolution moved by the Hon'ble Mr. Gokhale."

The Hon'ble Mr. Mazharul Haque : "Sir, in 1910, when Lord Minto was presiding over the deliberations of this Council, I had the honour to lay my views about indentured labour. Then I said :

'The whole system of indentured labour is vicious in principle ; it brutalises the employer ; it demoralises the employed. It perpetrates the worst form of slavery in the guise of legal contract ; it is bad in its inception, inhuman in its working and mischievous in its results, and ought to be done away with without any further delay.'

"Two years ago these were my views. I hold these views now and abide by them. Sir, I condemn indentured labour on the higher ground of the freedom of man. God created man free, and this divine right has been taken away by human laws. Labour should be free as man should be free in conscience and in action. My Hon'ble friend, Mr. Shafi, has brought to the notice of this Council the fact that the people of India are unanimous on this subject. He has reminded it that only yesterday the great organisation of the Muhammadans of India, the All-India Moslem League, passed unanimously a Resolution in favour of the Hon'ble Mr. Gokhale's Resolution. I believe my Hindu brethren are also unanimous. Then what is in the way of the Government which prevents them from accepting this Resolution ? Sir, we are helpless in the matter. You, the members of the British Government, are the trustees of our good name, of our dignity and of our honour ; and I appeal to you, all Englishmen in India, to come and help us in this matter and try to save our honour in the eyes of the nations. The people of India feel very keenly about it. They think that they are disgraced in the eyes of other countries inasmuch as India is the only country, as the Hon'ble Mr. Gokhale has reminded this Council, which supplies indentured labour. It is certainly nothing else but a very bad form of slavery. Sir, I invite the Council to help us and accept the Resolution of the Hon'ble Mr. Gokhale."

The Hon'ble Mr. Mudholkar : "Sir, I will speak a few words only to show that the sentiment is general in this country, that the system of the recruitment of indentured labourers in India is degrading and against the principal dictates of humanity. Sir, I do not wish to repeat, after the very graphic description which my friend the Hon'ble Mr. Gokhale has given, the circumstances in which such labour is recruited and the state of things which exists in the countries to which these indentured labourers are sent. I do not wish to say anything on that aspect of the question. We are indeed told by a gentleman—by an Hon'ble Member who occupied a position of authority (because he was a member of the Sanderson Committee of 1908)—that the Committee considered that there was nothing in the system which demanded its removal. Sir, assuming, for the sake of argument, that there were none of the hardships which have been pointed out by witnesses—and in regard to them I might remark parenthetically that no decisive reply has been

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given to the very specific charges which Mr. Gokhale has brought—I say, assuming that in the majority of cases there was no real hardship, still we Indians have a right to protest against India being made a recruiting ground for a system which is not far removed from slavery.

“Sir, the indentured system of labour has been devised for the purpose of supplying labour for places where free labour seems to come or where free labour has not sufficient attractions. If the prospects which are afforded in British Guiana, in Trinidad and elsewhere are so alluring as they are stated to be, where is there any necessity at all of having this system of indentured labour? There is the market open; let them go and recruit their labourers in the open market and take them wherever they like. Why should the authority of Government be utilised for the purpose of supplying these plantations with the labour which they require? And above all why should India be the one unfortunate country where this kind of system is to be allowed? Have we no voice in the matter whatsoever? Are our feelings not to be consulted? Are our sentiments to receive no recognition from Government? This is a matter in which there is a very deep feeling entertained in the country. It may be that at the time when that inquiry was made, this feeling which is now springing up all over the country amongst all classes of the people, amongst Muhammadans and Hindus alike, had not received that articulate form which it has now received; but it is there. And I would implore Government to pay heed to it and not to allow the system to go on, which is justly considered as an outrage upon Indian sentiment and Indian self-respect.”

The Hon'ble Mr. Abdul Majid: “Sir, I beg to give my hearty support to the Resolution moved by the Hon'ble Mr. Gokhale. My reasons are that the general sentiment in this country is that this indentured labour should not be allowed to continue. Only yesterday, as the Hon'ble Mr. Shafi has reminded this Council, an unanimous Resolution was passed at the Annual Session of the All India Moslem League, that this indentured labour system should be abolished in this country altogether.”

The Hon'ble Pandit Madan Mohan Malaviya: “Sir, I beg to support the motion which has been brought forward by the Hon'ble Mr. Gokhale. The criticisms which have been offered by the Hon'ble Mr. Fremantle, tending to favour the system, do not touch the points that have been raised by Mr. Gokhale, and I think that it is desirable that the important aspects to which attention has been drawn by the Hon'ble Member should be borne in mind. I hope that the Government will bear them in mind and decide the question upon them. There are two aspects of the question which deserve consideration. There is the human aspect and there is the national aspect. As regards the human aspect, the inherent evils of the system to which the Hon'ble Mr. Gokhale has drawn attention show that the system is not far removed from slavery; that the contract or agreement into which the emigrant is led to enter is anything but fair. Other considerations apart, the fact that the emigrant is not informed of the special penal laws to which he becomes subject by entering into a contract of indenture, entirely condemns it as an unfair transaction. The Hon'ble Mr. Fremantle said in answer to Mr. Gokhale that the coolies who return from the colonies to India must have told their fellows who were going out for the first time what these penal laws were. There is nothing to show that this is done. And by the very nature of things, such information cannot reach the great bulk of those who are induced to go out. Besides, that is no answer to the charge that the penal clauses have been kept back from the people. I do not agree with the opinion that these clauses have been actively concealed. I think if it was brought to the notice of the Magistrates who registered the emigrants, that it was unfair to the emigrants to keep back such important information from them, they would probably have drawn the attention of the would-be emigrants to those clauses. Probably attention was not drawn to it. But it is undeniable that the penal clauses have not been explained to the persons who have been most vitally

affected by them. And the labourers who indenture under the system have been placed in a very unfortunate position, in a position of pitiable helplessness. The object of the Government in passing the Emigration Act was, as was explained by the Hon'ble Mr. Ilbert in 1883, that those who wished to take Indian labourers outside India to employ them should not be hampered by unnecessary restrictions or impeded by unreasonable prejudices, and to protect the emigrants against being entrapped or deluded into unfair bargains or carelessly or oppressively dealt with after they have left their homes. The first of these objects has been more than fully secured under the Act. Since the system was introduced, it has brought into existence the recruiter. He receives a license from the District Magistrate to go about the country to induce persons to indenture. It is his profession, his business, to get hold of as many persons, men and women, as he can, by fair means or foul, and he gets hold of them oftener by foul means than fair. As the system prevails, once a man is caught hold of by the recruiter, he is taken to the depôt. In that depôt he is kept supplied with food and other necessaries of life until he is taken before the Magistrate in that place. But he is during all the time under the control of the recruiter and his agents. It is extremely difficult for him to get out of that control even when he wishes to do so. I have on more than one occasion tried to rescue some of these unfortunate persons who had been taken to these depôts. Twice in Allahabad, I attempted, either directly or through some of my friends, to render some assistance to the coolies who had been taken to the depôt and who were not able to come out of it when they wanted to do so. I was foiled in the attempt. On one occasion I was nearly charged with having trespassed into the depôt, though I had taken care to have a sub-inspector of police and an Honorary Magistrate with me. On another occasion I had secured a writ from the Joint Magistrate for some persons to go into the depôt; but I was even then baffled in my attempt, because the system is so practised and kept up that it is impossible for a man who is an outsider to find out where the person who is unwilling to go is. Even when you can gain admission into a depôt, you ask for a certain person, and a certain person is brought before you who is said to be that person. You have often no means to find out whether the right person has been brought before you or not. Then there is another reason why persons who are taken to the depôt find it extremely difficult to come out of it. They are given some money by the recruiter to meet their expenses, and if they want to get out they are required to refund the money. They are seldom in a position to do so while they are shut up in the depôt. The other day in Calcutta, a Marwari gentleman having heard that some of those who were going to be shipped to a certain colony were in such an unfortunate plight, offered to pay R10 each for every person who was not willing to go and who wished to purchase his release. But he was not able to get the necessary assistance, and he had to bear the sorrow of seeing, or at least believing, that a number of his brothers and sisters had to go out of their country against their wishes. Further, these recruiters often practise a great deal of fraud. It appears from the *Venkatashwar Samachar* of Bombay of the 9th ultimo that in December last two young ladies of respectable families who went from Lucknow to Cawnpore to see a relation got into a conveyance and asked the driver to take them to a certain place which they named. The driver, who was evidently in the employ of the recruiting agents there, took them about for the whole day and in the evening put them into the emigration depôt, where they were kept in wrongful restraint, subjected to much ill-treatment, and after they had been thus sufficiently prepared to say what they had been tutored they were presented before the Magistrate to be registered as indentured labourers. One of these ladies was made to say that she was a prostitute. Her appearance and demeanour roused the suspicions of the Magistrate, who started an inquiry with the result that the driver and the recruiting agent are under trial and the ladies have been rescued and restored to their freedom. But for one such case in which the fraud is detected there may be, probably are, many in which it is successfully carried out. I submit, therefore, that the

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system is inherently bad. If you let loose a number of recruiters armed with licenses from District Magistrates to get hold of persons by persuasion to go to distant countries and supported with the sections of the Emigration Act which provide a great deal of support to these recruiters, it must in nine cases out of ten be very difficult for those who have been inveigled by them and caught in their hands to get out of their control. It is obvious that the system would not be in existence but for the support of Government. Without such support the recruiter would not be free to get hold of many persons and to put them in the emigration depôt and to constrain their will. For the protection of the emigrant, the Government has no doubt provided that he or she shall not enter into an agreement without being brought before a registering officer, often a Magistrate, and until he or she shall have been asked whether he or she was going out with a knowledge of the nature of the agreement and with a free will or otherwise. But we have seen that this object is not fully secured under the Act. But even if it were, the law does not provide beyond it to ensure that the emigrant shall be fairly dealt with in the colonies. In speaking on the Emigration Bill in 1883, the Hon'ble Mr. Ilbert said:—

'Thus every reasonable precaution is taken which our law can enforce that the emigrant should be properly treated from the time when he leaves the place where he is recruited to the time when he lands in the colony for which he is bound. Further than this our law cannot follow him, and after this point we can only provide indirectly for his welfare by such influence as we can bring to bear on the Government of the country in which he has established himself.'

"It is clear from this that whatever protection is provided by the Government for the emigrants is provided from the time when they start from the place of their recruitment until they land in the country for which they have embarked. After that they are left at the mercy of the special laws which prevail in that country, and my friend the Hon'ble Mover of the Resolution has graphically depicted the conditions to which they are subject under those laws. I submit therefore that the human aspect of the case requires that the contract which is entered into under such conditions—conditions which are intrinsically and inherently bad in the one place in not letting the penal nature of the laws known to those who will be subjected to them under the indenture for labour, and secondly in admitting of such penal clauses to be put in force against any human being—such a system of contract should be put an end to, and as long as these penal clauses exist in the system, no contract which has been entered into under the Indian Emigration Act which subjects any emigrant, man or woman, to these clauses, ought to receive the smallest countenance from the Government of India.

"Then there is the national aspect. I submit, Sir, that it is a matter of the greatest reproach to us all, Europeans as well as Indians, that our fellow-subjects, those whom Lord Morley described as 'our equal fellow-subjects,' should be subjected to such inhuman penal clauses which reduce them to the condition of serfs. It is a matter of deep shame and pain that any one of them, man or woman, should be subjected to those indignities and cruelties which, it has been proved, have been heaped upon Indians in many of these colonies. The honour of the Indian people and of the Indian Government demands that a law which permits or helps such indignities to be heaped on Indians should be at once abolished. Nothing that has been said by the Hon'ble Mr. Fremantle would justify the continuance of such a law for one moment. I will not take up the time of the Council by repeating all the charges that the Hon'ble Mr. Gokhale has brought against the system. These prove that the system cannot, while it lasts, be separated from the evils to which he has drawn attention; and as it cannot be mended, the best thing is that it should be ended, and that without delay.

"The Hon'ble Mr. Fremantle referred to certain advantages which he says have resulted to Indians who have gone to foreign lands. What would the whole world avail the emigrant if he lost his soul by going to those lands? He is subjected to moral degradation; he is subjected to national degradation; he is utterly demoralised, placed under conditions in which he has to live a life of sin and shame; in which he ceases to be a free man and virtually becomes

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a slave—a slave of the worst type? That he can save Rs. 30 a year or so under such a system is not a consideration worth urging in support of it. Let him starve, if he must, in his own country, a free man, but not be subjected to these servile restraints and inhuman indignities to save a petty sum of Rs. 30 a year. India can yet afford employment for all her sons and daughters; they will certainly not starve if they are not induced or inveigled to migrate out of the country. The evil lies in the system being what it is, and the remedy lies in its total abolition. The point of complaint that has been raised is that, without the aid of Government, the system cannot last for one moment. If it was left to Indians—coolies or non-coolies—to contract freely according to their own choice to go to foreign lands, the evil will soon be remedied. The system will fall to pieces to-morrow if the Government withdrew its own aid and assistance, and as it is owing to the Government that it is enabled to exist, it is the duty of the Government to do all that it can to eradicate its evils. But as the evils cannot be eradicated, the best thing is to abolish the system. The Government was pleased to recognise this duty last year in stopping indentured labour to Natal. It has recognised it in deciding to abolish the system of indentured labour in Assam. I hope that the motion which has been brought forward by my Hon'ble friend will commend itself to the Government and receive its whole-hearted support, and that this evil system will be abolished before many days are passed."

The Hon'ble Malik Umar Hayat Khan: "Sir, I only get up as I have to get up to-day. This is a Resolution for a popular cause and it does require sympathetic treatment. To argue at length to make a case and then to argue the same thing or argue for it straight off in the beginning comes to the same thing, and that is why I have not entered into the details. I think that the case has been clearly put by the Hon'ble Mover and others. It is useless to advance another set of arguments. I think there is sufficient field in India for labour and the dearth of it has begun to be felt. Men can get work easily. I think ignorant people go with a wrong idea. The first thing is that when they are told they will get such and such sum for their wages, they do not know the respective value of money in this and that country. Secondly, they do not know the respective value of the cost of living in the two countries. When Government has admitted that indentured labour was undesirable in one colony, why should they not have admitted that it would be wrong in others, as it is the principle of indentured labour which is to be blamed? When the people abroad cannot treat Indians properly, I think there is no use of letting them go there. Sir, there is another thing that I want to say. I think cent. per cent. Indians are all on the side of Mr. Gokhale, and when we are cent. per cent. on one side and it is our Government, our Government must be on our side, because otherwise it will not be our Government. I want to say one thing. You have chosen all of us here. There are certain rules framed that we all should come into the Council in such and such a way. Either that rule that has chosen us is wrong or we are all wrong; and if we are right, and are opposed to it, it means that the one side which opposes it is not perhaps so much in touch with the other, because we are born and die with our people; at any rate we know something about them. And as it is, there is very great difficulty for the ordinary labourer to get his complaint heard by them. I support Mr. Gokhale."

The Hon'ble Mr. Bhupendranath Basu: "Sir, I rise only to associate myself with the Resolution that my friend the Hon'ble Mr. Gokhale has proposed. It is needless for me to go into the history of the legislation which he has brought up for discussion. Even a cursory examination of the ways in which that legislation has been worked will show that without any delay it should be removed from the Statute-book.

"There is only one matter in this connection to which I wish to draw the attention of Government. There was a Committee which sat in 1906 about the Assam Labour Emigration Act and which recommended that in five years' time that Act should be withdrawn from the Assam Valley Districts. That five years, time has now expired and the public is anxious to know when the Government will announce the date on which operation of that Act would cease in the Assam Valley."

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The Hon'ble Mr. Clark : " Sir, the Hon'ble Member who has moved this Resolution has made it abundantly clear that on moral, social and political grounds alike, he objects to indentured emigration in any form for his countrymen, and he has argued his case with a vigour and eloquence which we have learnt to expect from him in this Council. With much that he has said, I am, if not in agreement, at any rate in sympathy, but I think he will admit that he does not approach this question with an unbiassed mind (with which of course I have no quarrel), and also that he has not put it before Council from an entirely unprejudiced point of view. I hope I am not misrepresenting anything he stated, but I am almost sure that he did not think it necessary even to mention the conclusions arrived at by the Committee of 1908. That was a very important Committee, an impartial one, and they found in favour of continuing the system. I must say I think it is curious that the Hon'ble Member should have omitted this point in his strong indictment. I will give one more example of the attitude with which he has approached the subject. He has mentioned three points in the history of indentured emigration on which he considers that this system should be condemned. First, that the system takes the place of slave labour; secondly, that the system was one under which the negro would not work; and, thirdly, that the fact that there had been so many inquiries shows that the conscience of the Imperial and the Indian Governments is uneasy about it. As to the third—I will take them in inverse order—it is the custom of Government to inquire before they take any action, and if the Hon'ble Member chooses to place this interpretation upon their inquiries, it is not of much use my arguing the matter with him. But the second is a very extraordinary statement. Surely every one knows that the reason why Indian labour was required for the Colonies was that as soon as the negro was emancipated, he refused to work at all under any conditions, and therefore to say that he objects to work under the indentured system, which was not then in force, seems to me a most extraordinary piece of logic. What I have said in the second case explains the first. The Indians came to these Colonies to take the place of the negro who would not work. It is true that previously the work had been done by slaves, but what degradation is it to the Indian who has been doing agricultural work in India to do the same kind of work in the colonies? Is it merely because the man who did it before was a slave before the system of slavery was abolished? I fail to see any connection between the two. The other Hon'ble Members who have dealt with this question have spoken with great force, but I venture to think that they have laid too much stress on what for want of a better term I can only describe as the sentimental aspect of the question. I hope Hon'ble Members will not think that I am using that term in any offensive or unsympathetic sense. Nothing could be further from my intentions. We are on common ground in wishing to see the rights of the Indian labourer duly safeguarded and also, I take it, in wishing to see full freedom of opportunity given to him; and the rest should be mainly a question of fact whether or not the system of indenture is such as to fulfil these requirements. I do not mean to say that the other aspect of the case—the undoubted feeling which exists against indentured labour in itself—can be disregarded; but surely the point of prime importance is the practical issue of how the system affects those who are employed under it—what the drawbacks of it are and what advantages it confers; and it is from this practical standpoint especially that I propose now to deal with the question.

"The Resolution falls into two parts, dealing with indentured labour in India and with indentured emigration to the colonies. I think it will be convenient if I dispose of the Indian question first, because that is relatively a small matter. In India the indenture system only survives in four or five districts in Northern Assam, and there, as the Hon'ble Member has told us, it is moribund. It only survives in these districts and is there under sentence of death. It dates back from the early days of the tea industry, when Assam was a little known country and very difficult of access. As the country developed and communications became more easy, it became less and less necessary to use the penal provisions, and in some districts,

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in the Surma Valley, for instance, they had practically fallen into desuetude by 1906. Only two per cent. of the coolies there were recruited under indenture and 98 per cent. were recruited otherwise than under indenture. In the same Resolution in which the Government of India announced their determination to withdraw the labour district provisions of the Act from the Surma Valley, they announced the appointment of a Committee to consider the whole question of recruitment of labour for the tea gardens in Assam. They called attention to the increasing difficulty in securing an adequate supply, and expressed their view that having regard to the importance of the interests involved, the matter required investigation by a strong Committee before further action could be taken. The Committee reported in 1906, and in 1908 the Government of India announced in a Resolution based on the report that, while they did not consider that it would be fair to the industry in the Brahmaputra Valley to withdraw at once the labour district provisions of the Act which had already been withdrawn from the Surma Valley, they proposed to take up the question again in two years, and in the meantime they advised the tea industry to consider how best they could adapt themselves to the changed situation, which would then be created. Various causes contributed to delay the question being dealt with until last year when Government informed the Indian Tea Association that they proposed to withdraw the provisions from the districts of the Brahmaputra Valley as from 1st July 1913. When this withdrawal has been carried into effect, indentured labour will have ceased to exist within the limits of the Indian Empire.

"As the system will so soon have come to an end, it is hardly necessary for me to examine its merits and demerits at any length, but there are one or two points which it is of importance to emphasise in connection with the present Resolution. The marked unpopularity of employment in Assam which led directly to the appointment of the 1906 Committee is undoubted, and it is equally beyond question that the penal clauses were a contributory cause to that unpopularity; but they certainly were not the only or even the main cause. The Committee, to quote their own words, 'placed in the forefront of the reasons for the unpopularity of Assam, the strong resentment which exists among all classes of the people against the malpractices of the *free* emigration system which existed under Act I of 1882.' In a case like this the grounds of unpopularity are no bad index of where abuse really lies. Undoubtedly malpractices in the recruiting districts before the Act of 1901 were very serious. Sir Charles Rivaz in his speech in Council in 1901 stated that the consequence of this system was 'that a horde of unlicensed and uncontrolled labour purveyors and recruiters sprang into existence who, under the guise of assisting *free emigration*, made large illicit gains by inducing, under false pretences, ignorant men and women, chiefly from the backward districts of Bengal and the Central Provinces, to allow themselves to be conveyed to Assam, and by practically selling these people to the planters for the purpose of being placed under labour contracts in that Province.' It is only since the Act of 1901 came into force that the recruiting areas have been restricted and placed under better supervision, with the result that the objection to Assam labour has been gradually, if slowly, dying out. No doubt, as the Committee also say, the penal contract has been a further bar to recruitment. Reports of the compulsory powers vested in the planters before the abolition of the right of private arrest added to the suspicion with which Assam was regarded; but the primary cause was beyond question the malpractices in the recruiting districts. It has to be remembered—a point which I shall have to insist upon later—that there are two sides to the labour contract; it helps the employer by binding down the labourer to work on certain terms, and it protects the labourer by ensuring him regular work at fixed wages and by enforcing on the employer the provision of the necessary safeguards for the labourer's health and material welfare. It is only fair to the planters to say that the Committee found, after touring the districts, that the material condition of the coolie was good and that his welfare was well looked after; that he was provided with good lodgings, good water, and that the conditions of labour were not such as a man of ordinary strength could not well comply with, while they gave him an opportunity at certain times of the year of earning money, without excessive additional labour, over and above his pay.

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“The Government of India, since the Resolution of 1908 was issued, have never wavered in their view that the time has come when the penal contract should go. But what has primarily influenced them in arriving at this decision is that, with the improvement of communications, they consider—and the Committee supported this view—that this portion of the Act is no longer required for the protection of the labourers, and they hold strongly that free labour will eventually benefit the industry. Of one thing I am convinced, and that is that the tea industry will never have done for good with their troubles in regard to the supply of labour, until we have managed to secure free labour and free recruitment. Free recruitment must be a matter of some time, especially as the industry have not yet made up their mind that they can do without the contractor; but at least the first necessary step is the removal of that penal contract, and that is now about to be done. Labour under penal provisions has become an anachronism in districts within the limits of India itself, under the direct control of the Indian Government, and now no more difficult of access than many other outlying parts of the country.

“I turn now to what is in the circumstances the more crucial question, that of the recruitment of Indian labour for employment under indenture in British colonies. First of all, let us be clear as to exactly what the scope of contract emigration to the colonies is. Emigration under a contract of indenture can only take place under the Emigration Act of 1908 to certain specified colonies. These are now Trinidad, Fiji, Jamaica, Mauritius and British Guiana. Ceylon and the Straits Settlements are in different position and are not affected by the Act. From time immemorial, there has been a regular flow of free labour, chiefly from districts from the south of India, to those colonies, and the greater part of that emigration has been free. As the Hon'ble Mr. Gokhale told us, there has been some indentured emigration to the Straits Settlements, and there has been in certain cases regrettable mortality on unhealthy estates. I quite admit that, but I do not attach very much importance to it because the system there is practically dead. The Government of that colony has taken up the question, and although we have not heard definitely that they have put an end to it, it is generally understood that they are very soon going to do so. In the Malay States, where great mortality had occurred, they have actually stopped it altogether. That the coolie even in the Malay States does not feel the weight of his chain very heavily, is shown by the fact that 80 per cent. of the indentured coolies in Perak offered themselves for service under the free contract when they were released.

“Returning to the list of colonies which I have mentioned, recruitment has also stopped for Mauritius, where, owing to the depression through which the colony has been passing, there is no longer any demand for labour, and the Government of India have under consideration the desirability of prohibiting it to that colony altogether. Thus we have only to take into consideration emigration to the four colonies of Trinidad, Fiji, Jamaica and British Guiana. Indentured labour for Natal, I need hardly remind the Hon'ble Member who took so deep an interest in the matter, was put an end to from July of last year.

“I cannot help thinking, Sir, that some of the feeling which has grown up against indentured labour is owing to the nature of the contract not being clearly understood. It is very far from being, as is sometimes supposed, a contract solely in the interests of the employer. The interest of the employer in the matter is, of course, clear. He has brought the coolie a great distance over sea at considerable expense to a country where *ex hypothesi* labour is scarce; and the indentured system guarantees that on his arrival the coolie will have to work and will not be tempted away by the offer of better wages or pleasanter conditions elsewhere. The advantage to the labourer is no less real. The system now in force secures him protection in recruitment; on the voyage; on his arrival in the colony, and during the term of his indenture; it secures him, according to the colony concerned, either his passage home or substantial assistance towards it. But I will avoid generalities, and in order to make the matter clear will put briefly before Council the obligations and rights imposed respectively on the two parties by the contract of

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indenture and by the operation of the Indian Emigration Act of 1908 and the Colonial Immigration Laws; and Hon'ble Members can then judge for themselves. I should explain that there are slight differences in the requirements in the various colonies, but these are not sufficiently substantial to affect my argument. First of all, as to the obligations upon the coolie. The coolie is bound to his employer for a period of five years. He has to reside on the plantation, and if absent without a pass, is liable to arrest, and can be arrested without warrant; he is liable to fine for such absence. If he is absent without leave for a certain number of days, he is considered to be a deserter and may be fined or imprisoned; he is liable to punishment if he refuses to go to hospital when ill and also for refusing to perform his work, or hindering, molesting or persuading any other emigrant from doing his work; and he is also punishable with a fine or imprisonment for offences against discipline. I turn now to what is done for him by the requirements of the contract and of the law. In the first place, his recruitment is hedged in with safeguards. No person is entitled to recruit labour unless he is licensed by the Protector of Emigrants appointed by the Indian Government at each port from which emigration is lawful. The terms which the recruiter is authorised to offer are submitted to the Protector, who countersigns a written or printed copy, and the recruiter is permitted to give only a true copy of this statement to the persons he invites to emigrate. The Hon'ble Mr. Gokhale laid very great stress on the question whether the coolie knows about penal provisions. It is perfectly true there is not a requirement in the Act that the terms of the contract are to contain the fact that if he does not carry out his contract or commits the other offences I have mentioned, then he is to incur imprisonment or fine. That is so; it is not made clear in the contract. It is a point on which I propose to have inquiry made. I think there is a great deal of force in the contention that he ought to know exactly what he is in for, not only the actual requirements of work, and so on, but that he should know the exact terms of the penalties. But there are one or two considerations which I should like to bring before the Council. In the first place, there is good reason to suppose that most of them know perfectly well what is going to happen. Then the coolie, it must be remembered, in India, is generally tied down in some form or another. The coolie going to Ceylon is bound down by a load more or less of debt. He is recruited by a person called the 'kangani,' who advances him money, and when he arrives in the colony he is not really free until he has paid off his debt. The coolie, therefore, when he engages himself to do work, expects, as a rule, that something will happen to him if he does not do it. Then I should like to point out another thing. The assumption is that when a man enters into a contract, he means to carry out the contract. The Hon'ble Mr. Gokhale's assumption is that he does not understand the contract properly, and when he gets to the colonies he will wish to break it, and then it is very hard on him that he should suffer a penalty for breaking it. I do not think that is a fair way of looking at it at all. The coolie has signed a contract of which the terms have been most carefully explained to him, and it is only reasonable to suppose he has understood that he has to work well, and that he means to carry out his contract; and if he refuses, he at any rate is not likely to be surprised at finding himself punished. There are clauses in the Indian Penal Code which provide for something not unsimilar at the present moment.

"Every agreement to emigrate must be executed in the presence of a registering officer. The registering officer is required to examine the intending emigrant apart from the recruiter, in order to ascertain whether he is willing and competent to emigrate and understands the terms of the contract, or whether he has been induced to execute the agreement by any coercion or undue influence or mistake. Before embarkation the emigrants are kept in a dépôt, in which they are examined as to their physical fitness to undertake a voyage. If the Protector finds that any emigrant is physically unfit or that any irregularity has occurred in his recruitment or in his treatment, he may return him to the place of registration at the expense of the recruiter. The next step is the voyage to the colony. The Emigration Act and the rules framed under it make elaborate provision for the safety, comfort and proper treatment of emigrants during the voyage. Emigrant ships have to be equipped and provisioned

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according to the scales laid down in the rules, and every such vessel has to provide a duly qualified medical officer. The ships cannot sail without an examination by Government officials as to their seaworthiness and the quality and quantity of food, medicines, accommodation and equipment. When the emigrant arrives in the colony of his destination, he is provided for by the law in force in that colony for the regulation of indentured immigration, and it should be remembered that emigration is permitted to no country from India, unless the Governor General in Council is satisfied that that country has made such laws and other provisions as are sufficient for the protection of immigrants during their stay therein. For a certain period after arrival rations are supplied on a scale and at a cost prescribed by the law—a cost which does not exceed 4 annas a day in the case of a male adult. Suitable dwellings, medicines, medical attendance, hospital accommodation and proper diet during sickness have all to be provided for the immigrant free of cost. The hours of work are laid down in the immigration laws and do not exceed 7 hours in the field and 10 hours in the factories, which is, I may point out, a very low figure compared with factory labour in this country, and a minimum wage is prescribed. Protectors of immigrants are appointed who are empowered to visit plantations, to require the production of emigrants, to enquire into complaints made by the labourers, and so on. The Protector may cancel the indentures of immigrants if they are ill-used, or for any breach of contract on the part of the employer, or may institute an action in a Court on behalf of any labourer. Inspectors are also appointed to visit the estates at regular intervals to assist the Protector, and Medical Inspectors also go round to inquire into the labourers' state of health, the sanitation of the plantation, etc. Lastly, grants of land are made to emigrants who resign their right to repatriation and wish to settle in the colonies. If they do not wish to settle they receive from British Guiana, Trinidad and Jamaica assistance towards their passage back to India and from Fiji a free return.

“ I think, Sir, that if we are to consider this matter fairly, we ought to set against the penal provisions the advantages conferred by the various provisions which I have just enumerated. Let Council consider for a moment what would happen if there were no contract hedged in as this contract has been with the most meticulous safeguards. The coolie from a district such as the Hon'ble Mr. Fremantle has described to Council is not likely to be a skilful bargainer, and on the other hand may well be tempted without much difficulty from his native land. He would have no security for any proper provision on the voyage. On landing he would find himself in a strange country where he would find difficulty in securing food and dwelling. He would be at the mercy of his employer, and if he were turned off, there would be no alternative for him but to work at any wage, however small, or to starve. It is scarcely possible that he would be able to save money, and his chances, therefore, of ever returning to his native land would be infinitesimal.

“ The critics will no doubt say that these provisions are all very well, but what guarantee have we that they work properly in practice—one of the points which Mr. Gokhale took up and pressed with some vigour? The question is most pertinent, and I fully agree that the justification of the entire system depends upon the answer. Fortunately we have the necessary material ready at our hand, for the whole problem of indentured emigration to British colonies has been recently reviewed by a Committee appointed in England in March of 1909. No one can question the impartiality of the Committee. It was presided over by a distinguished ex-Civilian of the English Service. There were representatives of India in Lord Sandhurst, Sir James LaTouche and the Hon'ble Mr. Fremantle, who has spoken on the subject to-day. The Colonial Office was represented, and there were also on the Committee two Members of Parliament, one of whom, Sir George Scott-Robertson, is a strong Liberal, who, if he had any bias in the matter at all, would certainly not be disposed in favour of indentured labour in any form.”

The Hon'ble Mr. Subba Rao: “ Was there any Indian member ?”

The Hon'ble Mr. Clark: “ There was no Indian member. The report of the Committee was unanimous. The Hon'ble Mr. Fremantle,

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who was a member of it, has, I think, proved to Council how far-reaching were their inquiries and what care was taken to hear every side of the question. Although the Committee did not actually visit the colonies concerned, representatives of different shades of opinion were brought over at Government's expense to give evidence. The considered opinion of the Committee on the main issue is best quoted in their own words. 'It can safely be said,' they write, 'that, notwithstanding some unfortunate occurrences at times now remote, the system has in the past worked to the great benefit not only of the colonies but equally of the main body of emigrants, and this is so still more in the present.' So far did they consider that the majority of emigrants undoubtedly prospered, that they wished steps to be taken by the Government of India to popularise emigration in India, relinquishing to this end the attitude which they have hitherto maintained of a strict neutrality. The Committee rejected unhesitatingly the imputation, which is still at times advanced, that the system of indentured labour, as it affects emigrants to British Colonies, partakes of the nature of slavery. They expressed the opinion, after examining the best and most authoritative evidence that they could obtain, that whatever abuses might have existed in the past, no such charge can be substantiated against the system as it at present exists, and as it has been in practice during the last twenty or thirty years.

"They considered that the restrictions placed on indentured emigrants are not in their practical operation excessive. They noted that the provisions as to arrest if a coolie is found without the passes which he has to use when he leaves the plantation seemed to be excessive and unnecessary, but they said on the whole that in actual practice they found that these provisions were not abused. They point out that outside the terms of the contract, the principal conditions of which have been twice explained to the coolie before he enters into it, he is for all purposes a free man whose rights are carefully watched over and guarded by a special staff of Government officials. Of course much must depend on the efficiency and rectitude of the Government officials, but as the Committee say, the system must in the last resort be judged by its results, and in the evidence before them they found a general concurrence of opinion that so far from exercising any depressing or debasing influence on the emigrant, it in fact encourages in him the growth of an independence of character. There is an impressive passage in the evidence of Sir Charles Bruce, who was Governor of British Guiana, when Surgeon-Major Comins, then Protector of Emigrants in Calcutta, came to visit the colony on a tour of inspection. He quoted the following words which Surgeon-Major Comins had used:—

'No one,' he said, 'who knows the Indian coolie can fail to be struck by the great difference between the coolie in India and his children born in the colony.' * * * What-*ever* be the cause, whether change of climate, better food, easy times, more responsible duties or position, the influence of travel, or freedom from the narrowness of caste prejudice, the result is very apparent. The children born in the colony of Indian parents revert to a higher type of civilization, and in appearance, manner and intelligence are so much superior to their parents that it is difficult to believe they belong to the same family. The boys and young men are stronger and better looking, and are able to turn their hand to anything at a moment's notice, with a smartness and knowledge of the world which would vastly astonish their grandparents in India; while the girls and young women have a beauty and refinement rarely seen in public in India many having all the appearance of good birth and breeding usually associated only with families of the best blood. The daughters of men who do not require them to work, lead a happy life, free from the care and toil which aged their mothers before they had reached their prime.'

"In the same way another witness, the Rev. J. Morton, who lived 41 years in Trinidad—and a missionary I imagine is not a person who would take a biased view in this matter—found that the system worked better and induced a better and more independent type in the labourers that came over. I think in the face of such evidence it cannot be contended that indentured labour has an evil influence either on the physical condition or on the morale of the Indian emigrant. In connection with this question of physical condition, Hon'ble Members will recollect that the Hon'ble Mr. Gokhale referred to the considerable mortality which has taken place on occasions among indentured coolies during the last seventy-five years. He went back a long way, but I think he might have added a little more as to the present state of

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the figures of health. I have here the figures of mortality in this country and in the colonies. In British Guiana the death-rate of Indians on the estates under indenture averaged 26·6 per thousand over the last nine years, in Trinidad during the same period it ranged from 14·5 to nearly 20 per thousand, in Fiji in 1909 it was only 7·43 per thousand, and in Jamaica it is 23 per thousand: that is to say, the highest is 26 per thousand and the lowest is nearly 8 per thousand."

The Hon'ble Mr. Gokhale: "In Jamaica it is higher than British Guiana. In Jamaica it is 33. It is higher than the general population."

The Hon'ble Mr. Clark: "Among the indentured immigrants the death-rate is 23."

The Hon'ble Mr. Gokhale: "In Jamaica the total rate for the Indian population is higher."

The Hon'ble Mr. Clark: "I am not referring to the general population. The comparison I was going to make was between Indians in the colonies and in their native country. My point is that the death-rate is lower among the indentured immigrants than the death-rate in the United Provinces, from which a large number of these coolies are obtained, and where the death-rate was in 1909 37 per thousand and in 1910 52 per thousand. At the same time it is perfectly true that the sound working of the system depends upon a series of safeguards, and there are openings through which abuses can creep in. I will not deny that, and it is not surprising to find that the Hon'ble Mr. Gokhale and other speakers have called attention in the course of the debate to certain points referred to in the evidence before the Committee. The first of these is the question of Protectors and Magistrates. The Hon'ble Mr. Gokhale considers, I think, that these officers do not carry out their duties as efficiently as they ought to. He went a little further and hinted that some of them were inclined to favour the planter rather than the labourer. The most serious complaints contained in the evidence before the Sanderson Committee under this head were in connection with Trinidad. A Member of the Trinidad Legislative Council, the Hon'ble Mr. C. P. David, who gave evidence before the Committee, complained that the Protector was not sympathetic with the Indians; that he lived in the town at some distance from the estates; and that inspection was not as thorough as it should be. Similarly, Mr Fitzpatrick of Trinidad, who attended as a representative of the Indian community, gave evidence somewhat of the same tenor. On the other hand, Mr. Huggins, a Magistrate, who was in the colony for 25 years, gave entirely conflicting evidence, and said that the Protectors were very popular with the Indians, who came to them about any troubles however small. The Committee themselves arrived at the conclusion that while they considered that Mr. Fitzpatrick's views were not justified in the evidence brought forward, it was no doubt a matter which required watching. There was another complaint mentioned by the Hon'ble Mr. Gokhale in connection with a certain Magistrate, Mr. Bateson, in Mauritius. But Mr. Bateson stated that he found difficulty in cases where a coolie brought an action against his master because the coolie could not state his case efficiently in Court, and Mr. Bateson did not feel that he was as Magistrate entitled to assist him in any marked degree. The Committee in their comment on this evidence considered that Mr. Bateson had taken too narrow a view of his duties, and that he might very well have made more efforts to assist the coolies, and I think this is a conclusion with which everybody must agree. These are the only two cases where the evidence points to anything like a shortcoming. I do not think therefore that there is any strong presumption of shortcomings, but at the same time I entirely agree with the conclusions of the Committee that the matter requires careful watching, because a great deal depends upon it.

"A more serious matter in my judgment is the large number of prosecutions that occur under the Act, and it is all the more serious because it can be substantiated by figures. In British Guiana, in 1907-1908, there were 3,835 complaints by employers against immigrants with an indentured population of only 9,784. The percentage of complaints to the indentured population was 39·2

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and of convictions 20·6. In Trinidad, there were 1,869 convictions for offences against the labour law in 1907-1908 for a total indentured population of 11,506, or about 16·5 per cent., and in Fiji there were no less than 291 charges against labourers, of which over 90 per cent. resulted in convictions. In Mauritius, matters are much better; but, even there, at the time when Mr. Muir-Mackenzie visited the colony, there were 4,101 convictions as compared with the total number of indentured labourers employed of 52,247, giving an average of 7·8 per cent., although the average has since fallen to a little more than 3 per cent.

“ Well, I think, there is no denying that these figures are disquieting. I think everybody will be glad that the Committee has recommended that the colonies in question should hold an inquiry into the matter. There are certain contributory causes which account in part for the large number of these convictions. Whatever the precautions taken in the recruiting districts, a certain proportion of men are accepted, who are not fitted for agricultural work, or who are idlers with no intention of working except under compulsion. These men swell the list of prosecutions and often come before the Courts again and again. The limitation of the area of recruiting suggested by the Committee should make for the elimination of this factor. In Trinidad, again, in order to prevent an employer encouraging or permitting his labourers to abscond when work is slack so as to avoid having to pay them their wages, he is compelled to prefer a charge against any deserter within 15 days of the offence; and an absence for three full days without leave constitutes desertion. The Indian labourer is not fond of continuous work, and it is probable that this fact would account for a good many of the prosecutions. But the case for inquiry is strengthened by the general tenor of the evidence which shows that, in the best managed estates, prosecutions are not much resorted to. It is very desirable, I think, that the inquiry should be held, and it is greatly to be hoped that the Colonial Governments will look into the matter and that estate managers will in the future be less ready to adopt this most unsatisfactory means of enforcing their strict claims against the immigrants. The Committee made several other recommendations dealing with defects which they considered to exist either in the laws in the colonies or in the arrangements for recruiting in this country. Those recommendations have been considered by the Government of India and we are now in correspondence on the subject with the Secretary of State. I, therefore, cannot make any definite statement about them, but I think I may say this much, that the Government of India are, generally speaking, in agreement with the great majority of the recommendations made. One of the most important of the matters dealt with is the question of re-indentures to which the Hon'ble Mr. Gokhale referred. Now there is no question that re-indentures stand on an entirely different footing to indentures. The indenture system is necessary in the interests of the employer as ensuring him some return for the cost of the passage of the labourer whom he has imported from a great distance, and is necessary in the interests of the labourer because it ensures him work and proper housing, and so on, when he arrives in a new and strange country. Neither of these arguments can be brought forward in defence of re-indentures. When a coolie has finished his first indenture he has discharged his obligations to the employer in respect of the cost of his passage. On the other hand, he may fairly be expected to have found his feet and no longer to need special protection. This matter, again, is one which is under correspondence with the others with the Secretary of State and I cannot say anything definitely about it; but undoubtedly there is much to be said for the recommendations of the Committee that in all colonies where the system still prevails, the duration of contracts of re-indenture should be limited to twelve months and that measures should be taken to abolish the practice within a reasonable time.

“ I have now referred, Sir, to the principal points on which the Committee suggest improvements. The Colonial Governments, apart from there being no reason whatever for thinking that they would not in any case wish to protect the Indian immigrants to the best of their ability, have a very strong motive for doing so, since the continuance of emigration is of great economic

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importance to the West Indian colonies and the Government of India have powers to prohibit emigration to any colony where they are not satisfied, either with the treatment of the indentured immigrant or of settlers who have completed their indenture and elected to remain in the colony. I think, therefore, that there is very little reason to doubt that, when the Sanderson Committee's report is known to the several Colonial Governments, they will do their best to meet the points which have been raised. Although it is very important that any defects should be remedied, I do not think it can be said that in their sum total these various matters can be held—any more than they were held by the Committee—to constitute a condemnation of the indentured system. Of course I quite agree, as the Hon'ble Mr. Gokhale says, that the Government of India have no special duty to consider the interest of colonies. At the same time the colonies are a part of the same Empire, and we certainly should not wish to do them harm, unless there were very strong grounds shown for doing so because the interests of our own people demanded it. I submit, Sir, that no such grounds have been shown. We have had before us the report of a strong and impartial Committee which recommends the continuance of this system. It is true, as Sir Vithaldas Thackersey says, that the system in so far as it takes away any labour from India effects a reduction in the available labour force of this country. It effects some reduction, but the reduction is so small that very little weight can be attached to the argument. In the last three years the average emigration to the four colonies which were still taking coolies was some nine thousand men, and considering the enormous population of India, that cannot be held to be anything but an infinitesimal proportion.

“The Hon'ble Mr. Gokhale has referred to the difficult question of women in the colonies. It is certainly the case that the question of finding the statutory proportion of women presents difficulties and that the women sent are not always of a desirable class. The evidence shows that trouble has occurred in plantations from time to time both from the number of men being considerably in excess of the women, and from the women not always being of good character; but I am inclined to think that the Hon'ble Member's view has been perhaps too much influenced by a passage in the Government of India's despatch of 1877—that is, a despatch written now 35 years ago. Much greater care has been taken since to improve matters and to procure a better class of women emigrant; and special precautions are prescribed on registration to prevent wives emigrating as a means of leaving their husbands.

“Well, Sir, I have already referred to the evidence which shows that for coolies that go to the colonies emigration has resulted in a growth of independence of spirit and improvement in their physique and morale. They also make considerable profits by going. In 1910, savings brought back by coolies from Trinidad came to £1,600, from Jamaica £2,344, from Mauritius £4,099, and from British Guiana £9,252. Their remittances during the same time were, from Trinidad £3,990; Fiji £3,535; from Jamaica and Mauritius £390 and £690, respectively; and from British Guiana £2,269. It is scarcely possible that they could have done as well if they had stayed at home. Yet if the Hon'ble Member's Resolution were adopted, I do not see how it will be possible for coolies to go from this country to distant colonies. I have explained to the Council the obligations of the contract, and I have shown by contrast what would be expected to happen if the coolies were to go free and unprotected to a distant and to them a foreign country. Only the other day we had a telegraphic report from His Majesty's Consul at Colon telling us that certain coolies had gone out on the chance of getting work on the Panama Canal, and had been stranded there. If we accepted the Hon'ble Member's Resolution, we should have no alternative but so far as in us lies to prevent the overseas emigration of labour. I submit that no case has been made out for so extreme a step, for so harsh an interference with the liberty of the subject, and that we should be far wiser to maintain the attitude of neutrality which the Government of India has taken up in the past towards this question. This policy is well described in a despatch of 1877 from Lord Lytton's

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Government, in reply to a despatch from the late Marquis of Salisbury, then Secretary of State for India, in which he suggested that it might be possible and advisable for the Government of India to afford greater encouragement to emigration, having special regard to the greatness of the Indian population and with the probability that the population would continue to increase. The Government of India held that any material departure from the permissive attitude which had hitherto been observed would be extremely impolitic. They did not base this opinion on the ground that it would be inexpedient to part with any portion of the population of the country, for they hold, and history has amply justified them, that any amount of emigration that would be likely to take place could not have more than an infinitesimal effect upon the population. They objected on the grounds of the effect which a direct and active interposition of Government in such a matter would be likely to have on the minds of the people and on the difficulty and embarrassment in which Government would become involved by undertaking responsibilities towards the colonies on the one hand and towards the emigrants on the other, which it would be practically impossible for it to discharge in a satisfactory manner. They, therefore, proposed to maintain the policy which, as they put it, may best be described as one of seeing fair play between two parties to a commercial transaction and of acting as protector to the weak and ignorant in order to ensure that in the bargain which they have freely made with those who bid for their labour, they will not be molested or imposed upon.

"The Government of India see no reason to depart from that policy. They hold no brief for indentured labour. While explaining to Council their reasons for thinking that the system should not be discontinued, I have endeavoured to weigh the drawbacks and advantages as dispassionately as I can. Nor can they admit that there is any inconsistency in ending indentured labour in Assam and permitting indentured emigration to continue to British colonies. In the one case, the coolie is working at a relatively short distance from his home, under Indian law within the limits of the Indian Empire; in the other, he is being taken from his own country and placed amongst strangers in a distant colony. From the standpoint alike of his own interests and of his employers the situation is entirely different. There remains the sentiment that indentured labour bears the taint of slavery. It is based on a complete misconception, for in essentials the two differ fundamentally. The labourer under indenture has entered of his own free will into a contract the terms of which have been explained to him again and again, while the essence of slavery is that it is involuntary and forcible; and there is no resemblance in fact between the penalties applicable to an indentured coolie who offends against the labour laws, and the position of the slave who is the absolute possession and chattel of his master. I know that the Hon'ble Mr. Gokhale's only motive in bringing forward this Resolution is his belief that the system is not in the true interests of his countrymen, and no one who has listened to his speech could question the absolute sincerity of his convictions. Yet I venture to think that he is mistaken. Hon'ble Members know the sources from which the greater number of these emigrants are drawn. They come largely from localities where the pinch of poverty is acutely felt, even if it is not always so oppressive as in those districts described by the Hon'ble Mr. Fremantle where men sell themselves into perhaps lifelong serfdom for the few rupees required to pay for a marriage festival. To my mind, Sir, there is no bondage so pitiless as the bondage of poverty and lack of opportunity. The indentured system at least affords to the more adventurous spirits their chance to open up a new life in another land; perhaps to settle there, in a condition of prosperity undreamt of in the environment from which they have emerged; or to return to their own country with substantial savings, if they have been thrifty, or at least with a wider outlook and a new store of experience. I would not, Sir, for fear of this unreal phantom of servitude, deprive them of that opportunity.

"Government must oppose this Resolution"

The Hon'ble Mr. Gokhale: "Sir, the Council has heard two speeches against this motion, one from the Hon'ble Mr. Fremantle and the other from the Hon'ble Mr. Clark; and I will first deal with what has fallen from

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Mr. Fremantle. The Hon'ble Member began by complaining—and in that complaint the Hon'ble Mr. Clark joined later on—that I had referred only in passing to the recommendations of the Sanderson Committee. Sir, it is quite true that I made only a very passing reference to the deliberations of that Committee. Shall I tell you why? It was because I was very much disappointed with some of the recommendations of that Committee. I think the whole standpoint from which the Committee approached the question was faulty. But the responsibility for that lay with the terms of reference. The Secretary of State had appointed the Committee, as the terms of his minute show, to consider—

'the general question of emigration from India to the Crown colonies, and the particular colonies in which Indian immigration may be most usefully encouraged' and so on.

“Thus the standpoint from which the members were invited to approach the question was not whether indentured emigration should be permitted from India but how Indian emigration should be encouraged to the Crown colonies. The Secretary of State started with the assumption, and the Committee took up the assumption, that Indian immigration was necessary for the Crown colonies, and the question to be considered was how it was to be encouraged. That being so, whatever was against indentured emigration was more or less lost sight of and whatever went to favour such emigration was prominently brought forward. Even so, there are statements in the report which go to show that if the Committee could have recommended the abolition of indenture, they would have gladly done so. One has only to read between the lines of the report to see that it is so. But being convinced that Indian emigration to the colonies was possible only under contract of indenture, and impressed with the idea that without such emigration the interests of the colonies would be jeopardized, the Committee could not but make the recommendations which it has made. Sir, the Hon'ble Member has told the Council that though the penal provisions of the contract are not stated in the agreements or explained beforehand, after all the coolies who go under the system understand what they are going to in the Colonies. This, coming from my Hon'ble friend, is surprising. Let me appeal in the matter from Mr. Fremantle, Official Member of this Council, speaking against my Resolution, to Mr. Fremantle, member of the Sanderson Committee. The report of the Committee, which the Hon'ble Member has signed, says :—

'We have heard from many colonial witnesses who gave evidence before the Committee that Indian emigrants, when drawn from the agricultural classes, make excellent settlers and that a large proportion do actually settle down either on the sugar and other plantations or on holdings of their own. Yet it seems doubtful whether the majority of the emigrants leaving India fully realise the conditions of the new life before them or start with the deliberate intention of making for themselves a home in a new country. They go because they are uncomfortable at home and welcome any change of circumstances. They have quarrelled with their parents or their caste fellows, or they have left their homes in search of work and have been unable to find it. Many are not recruited in their own villages. The recruiters hang about the bazars and the high roads, where they pick up loiterers and induce them to accompany them to the depôts and agree to emigrate, by relieving their immediate wants and by representations, no doubt often much overdrawn, of the prospects before them. The male emigrant more often than not is unaccompanied by any member of his family, and, indeed, the family is frequently not even aware that he has left the country until (possibly some years afterwards) he re-opens communications. Since, except in times of scarcity or of famine, the supply of casual recruits of this kind is not likely to be large at any one place, the net of the recruiters has to be spread far afield, and we hear of their operations in Delhi, in Rajputana and in Bundelkhand, where there is certainly no congestion of population, but, on the other hand, constant complaints of insufficiency of labour both for agricultural and industrial purposes. The same is the case in Calcutta, where about one thousand emigrants are registered yearly, and still more so in Cawnpore, where the local Chamber of Commerce has on several occasions called attention to the prevailing scarcity of labour and deprecated the encouragement of emigration to the colonies.'

“That shows, Sir, how much these poor people know about the life to which they are going, and how far the contract is a free contract.

“Then, Sir, my Hon'ble friend said that whatever abuses there might have been at one time, there were no serious abuses now. I will mention to

the Council certain facts brought to the knowledge of the Committee by one of the witness, Mr. Fitzpatrick, to whom Mr. Fremantle has himself referred. Mr. Fitzpatrick mentions two cases of serious abuse and they are both of them really significant of the feeling which still prevails in the colonies on the right of indentured labourers to proper treatment. Both cases, it should be remembered, were tried in Courts, and in both cases convictions were obtained. This is what Mr. Fitzpatrick says :"

"To put it briefly. Four overseers on Hermitage Estate, Trinidad, beat several indentured emigrants, and amongst them a woman. One of the male immigrants laid a charge of assault and battery and the overseers were fined 10 shillings each.

"One of the blows received by the female immigrant was on her abdomen. She being pregnant at the time, abortion immediately took place, thus endangering her life.

"The immigration authorities for so serious an offence were satisfied to lay a charge against the overseer for the minor charge of assault and battery. The Magistrate fined the accused £2 only and £3 as compensation.

"The charges for beating the other two immigrants were withdrawn by the Inspector. On the 29th September, four immigrants were charged for assaulting an overseer. They were not fined but sentenced to three months' hard labour."

"I will leave it to the Council, Sir, to say, after this, if there are now no abuses under the system.

"Then, Sir, the Hon'ble Member says that serfdom exists even in India. If that is so, the Government should deal with that at once. I do not know of any instances of serfdom that may exist in this country. But if serfdom does exist here, by all means let it be put a stop to at once. We must distinguish, however, between the kind of serfdom that Mr. Fremantle mentions and the serfdom that the system of indenture impose upon indentured people. In the cases which the Hon'ble Member mentions, is there the right of private arrest? Are there imprisonments with hard labour for negligence, for carelessness, for impertinence, or for things of that kind? That really is the essence of my complaint about the system. The Hon'ble Member has told the Council that he could not understand why the non-official Members of the Council should make so much fuss about this matter. He did not say it in so many words, but that is what he meant. But practically the same thing was said when proposals to abolish slavery were first brought forward. The friends of the planters in the House of Commons, when the question was brought forward there, said that the slaves were contented and they could not understand why the abolitionists wanted to disturb the contentment and the harmony of their lives. The Hon'ble Member said that Indians in the colonies certainly would not thank me for bringing forward this Resolution. Sir, I am quite content that he should earn their thanks by opposing the Resolution. Be his the thanks which the champions of slavery expected to receive from those who were anxious to continue in slavery! Be mine the denunciation, with which the advocates of abolition were threatened by those champions at the hands of slaves, unwilling to be free!

"One more remark of Mr. Fremantle's I must notice. He mentioned the fact that 475 returned emigrants went back again last year, as evidence of the satisfactory conditions of life that prevailed in the colonies for indentured people. But 475 out of how many returned emigrants? If things were really attractive there, why should not a larger number go? I remember to have read in this report (Sanderson Committee's report) an explanation as to why a few men, after coming back to India, again return to the colonies. It is because these people, having stayed for a number of years in the colonies, find it impossible to get back into their old grooves of life in India, and after spending some time here and there, and not knowing what else to do when their savings are exhausted, they again go to the colonies in a spirit of venture. The Protectors and the planters, however, do not want them. Indeed, their attitude towards such returned emigrants came out very well in the evidence of Commander Coombs. And curiously it was my Hon'ble friend, Mr. Fremantle, who, in his examination of Commander Coombs, brought out the fact that Protectors and planters do not like to receive returned

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emigrants, as it is feared that they know the system too well and are sure to poison the minds of other emigrants on the voyage. Mr. Fremantle summed up this attitude in these words :—

‘It sounds rather as if you wanted to keep the people who come out in the dark as to the conditions in the colony if you discourage returned immigrants.’

“I am therefore surprised that he should mention the fact of these 475 returned immigrants going back as a sign that the system was satisfactory.

“Now, Sir, I will say a few words in reply to what the Hon’ble Mr. Clark has said. I am thankful to the Hon’ble Member for the promise that he has given of inquiring into why the fact of the penal nature of the contract is not mentioned in the agreements. I hope that the inquiry will be satisfactory and that this fact will be prominently brought out in all future agreements. The Hon’ble Member wondered how I could attach any importance to the fact that emancipated negroes scorned to come under the indenture system, and how from that I concluded that there was something servile about the system. Now, Sir, any man who goes through the third volume of Sanderson Committee’s report will see what opinion the emancipated negroes have of the system. In Jamaica there is plenty of emancipated negro labour, but the emancipated negroes require higher wages than what are paid to indentured Indians, and the planters are not willing to pay them because their profits are reduced if higher wages are paid. And what is the result? The negroes are emigrating from Jamaica. The Baptist Union of that colony has pointed out in one of its representations that the emancipated negroes there are being forced to emigrate elsewhere for want of employment. They do not get the wages they want; they cannot be satisfied with the wages offered to them; and therefore they are compelled to emigrate from the places where they were born, and where they have spent all their lives. The Council will thus see that the emancipated negroes think that the indenture system is not good enough for them; and I am quite justified in drawing from this the conclusion that it is a system unworthy of free or even emancipated men, and I think that that is a sufficient condemnation of the system.

“Then, Sir, the Hon’ble Member said that emigrants might be ignorant of the conditions under which they would have to live, when they start, but things are explained to them when they land.

“What is the good of explaining things to them when they are ten thousand miles away from their houses? If they were explained before they started, then that would be something.”

The Hon’ble Mr. Clark : “The Hon’ble Member has misunderstood me. I said that the terms of the contract were explained to them when they were registered and again when they came to the depôt before they sailed.”

The Hon’ble Mr. Gokhale : “I understood the Hon’ble Member to say that the things were explained to them when they reached the colonies. In any case the penal nature of the contract is not explained to them here, and that is my main argument. Then the Hon’ble Member told us that these laws of the colonies dealing with indentured labourers were laws which had received the assent of the Government of India.”

The Hon’ble Mr. Clark : “I am sorry to interrupt the Hon’ble Member again. Colonial laws do not receive the assent of the Government of India. What I said was that if we found that the laws and their operation were open to objection, we could always stop emigration.”

The Hon’ble Mr. Gokhale : “I am sorry that I was not able to hear quite clearly what the Hon’ble Member had said, and I mentioned the impression left on my mind. However, I will mention one instance of how laws passed in the colonies are often approved by the Government of India, as a matter of course. The law in Natal which imposes the £3 annual tax on ex-indentured Indians was passed in 1895, and it was approved by the Government of India. I am quite sure that the approval could not have been deliberate. There was then no separate Department of Commerce and Industry, and the thing must have gone through the ordinary routine, some Under Secretary saying that he saw nothing objectionable in the Act, and thus the Government of India’s approval must have

been notified to the colony. Well, that is the way in which laws are approved, and that is also the way their operations are watched from this distance. The Hon'ble Member also said 'there is a provision in the statutes for complaints being heard, that the Protector goes round in many places to hear complaints. Commander Coombs tells us that he visits the estates three times in the year. And what does he do? Before he goes, he sends a notice to the manager, and when he goes round, he is accompanied by him. Under these circumstances how many people will come forward, in the presence of the planter, to lodge complaints before the Protector, who visits an estate after giving proper notice to the manager and after the manager has had time to set everything right? Sir, the whole thing is on the whole a more or less make-believe sort of thing, and we cannot attach much value to it.

"Referring to the argument used by the Hon'ble Sir Vithaldas Thackersey that India wants all her labour for herself and she cannot afford to lose those who emigrate to the colonies, the Hon'ble Member says that such emigration cannot appreciably affect the labour-supply of India. But if the reduction in the labour-supply is so small, the benefit that India gets from the remittances of emigrants is also trivial; so really both factors must be eliminated from our consideration of this matter.

"The Hon'ble Member holds that the colonies are a part of the Empire, and that, though the question of their interests does not directly concern us, it cannot be left out of account altogether on Imperial grounds. Well, Sir, if the colonies are a part of the Empire, we too are a part of the Empire. But do the self-governing colonies ever take that into account? What have they ever done for us and what obligation rests on us to take the interests of the colonies into our consideration and submit on their account to conditions which, in essence, are not far removed from the servile? Moreover, if the people of India and of the colonies belong to the Empire, so do the emancipated negroes. But what happens to them? It is a heart-rending tale which is told in the appendices to the Sanderson Committee's report—that of the manner in which these neglected people are driven to emigrate from the colonies in which they were born by want of employment.

Finally the Hon'ble Member objects to my comparison between this system and slavery. It is true that the system is not actual slavery, but it is also true that it is not far from it. The contract is not a free contract. You have here the right of private arrest, just as they had in the case of slavery. Moreover, the labourer is bound to his employer for five years and he cannot withdraw from the contract during that period. And there are those harsh punishments for trivial faults. Therefore, though the system cannot be called actual slavery, it is really not far removed from it.

"One word more, Sir, and I have done. The Government, it is clear, are not going to accept this Resolution; that being so, the Resolution is bound to be thrown out. But, Sir, that will not be the end of the matter. This motion, the Council may rest assured, will be brought forward again and again, till we carry it to a successful issue. It affects our national self-respect, and therefore the sooner the Government recognize the necessity of accepting it, the better it will be for all parties."

The Council divided :

Ayes—22.

The Hon'ble Mr. Subba Rao, the Hon'ble Raja of Kurupam, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Mudholkar, the Hon'ble Sir Gangadar Rao Chitnavis, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Shafi, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Malik Umar Hyat Khan, the Hon'ble Mr. Jinnah, the Hon'ble Mr. Bhurgri, the Hon'ble Sir Vithaldas D. Thackersey, the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Nawab Abdul Majid, the Hon'ble Raja of Partabgarh, the Hon'ble Raja of Mahmudabad, the Hon'ble Maulvi Shamsul Huda, the Hon'ble Raja of Dighapatia, the Hon'ble Maharajadhiraja Bahadur of Burdwan, the Hon'ble Mr. Bhupendranath Basu, the Hon'ble Mr. Sachchidananda Sinha, and the Hon'ble Mr. Haque.

Noes—33.

His Honour the Lieutenant-Governor of Bengal, the Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Inam, the Hon'ble Mr. Clark, the Hon'ble Sir Reginald Craddock, the Hon'ble Major General Sir M. H. S. Grover, the Hon'ble Mr. MacLagan, the Hon'ble Mr. Porter, the Hon'ble Mr. Sharp, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Brunyate, the Hon'ble Sir A. H. McMahon, the Hon'ble Mr. Lyon, the Hon'ble Mr. Saunders, the Hon'ble Sir James Meeson, the Hon'ble Mr. Gordon, the Hon'ble Surgeon General Sir C. P. Lukis, the Hon'ble Mr. Fremantle, the Hon'ble Mr. Vincent, the Hon'ble Mr. Carr, the Hon'ble Mr. Arthur, the Hon'ble Mr. Madge, the Hon'ble Sir C. W. N. Graham, the Hon'ble Mr. Phillips, the Hon'ble Mr. Meredith, the Hon'ble Mr. Gates, the Hon'ble Mr. Slacke, the Hon'ble Sir Charles Stewart-Wilson, the Hon'ble Mr. Dempster, the Hon'ble Mr. Kenrick, and the Hon'ble Mr. Kesteven.

So the Resolution was rejected.

ADJOURNMENT OF COUNCIL.

The President : " The Council will now adjourn to Thursday, the 7th March, at 11 o'clock, when the first and second stages of the Financial Statement will be discussed."

W. H. VINCENT,

*Secretary to the Government of India,
Legislative Department.*

CALCUTTA ;
The 13th March 1912. }