

*Friday,
8th March, 1901*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XL

Jan.-Dec., 1901

ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA:
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS

1901

VOLUME XL



Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1902

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 and 1892 (24 & 25 Vict., c. 67, and 55 & 55 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 8th March, 1901.

PRESENT :

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

The Hon'ble Major-General Sir E. H. H. Collen, G.C.I.E., C.B.

The Hon'ble Sir A. C. Trevor, K.C.S.I.

The Hon'ble Sir C. M. Rivaz, K.C.S.I.

The Hon'ble Mr. T. Raleigh.

The Hon'ble Sir E. FG. Law, K.C.M.G.

The Hon'ble M. R. Ry. Panappakkam Ananda Charlu Vidia Vinodha Avargal, Rai Bahadur, C.I.E.

The Hon'ble Kunwar Sir Harnam Singh, Ahluwalia, K.C.I.E., of Kapurthala.

The Hon'ble Mr. J. Buckingham, C.I.E.

The Hon'ble Mr. H. F. Evans, C.S.I.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Sir Allan Arthur, Kt.

The Hon'ble Sir A. Wingate, K.C.I.E.

The Hon'ble Mr. F. A. Nicholson, C.I.E.

The Hon'ble Mr. D. M. Smeaton, C.S.I.

The Hon'ble Mr. H. J. S. Cotton, C.S.I.

The Hon'ble Mr. C. W. Bolton, C.S.I.

The Hon'ble Rai Sri Ram Bahadur.

The Hon'ble Mr. R. P. Ashton.

The Hon'ble Mr. R. H. Henderson.

INDIAN FOREST (AMENDMENT) BILL.

The Hon'ble SIR CHARLES RIVAZ moved that the Report of the Select Committee on the Bill further to amend the Indian Forest Act, 1878, be taken into consideration. He said :—" I explained, when I introduced this Bill, that its object was to strengthen the hands of the executive in dealing with cases of forest-fires by (1) extending to protected forests the provision of the Forest Act, which at present applies only to reserved forests, by which, when a fire is

[*Sir Charles Rivaz; the President.*] [8TH MARCH, 1901.]

caused wilfully or by gross negligence, the exercise of rights of pasture or to forest-produce in the forest so burnt can be suspended by the Local Government, and (2) making all persons enjoying forest-rights liable to punishment unless they turn out of their own accord and render assistance in extinguishing a forest-fire.

"The Select Committee has proposed, as explained in their Report, some small alterations in the language of the Bill which will have the effect of (1) enabling the Local Government, when suspending rights in a burnt forest, to not necessarily suspend the rights of all right-holders but only of those who are immediately responsible, actively or passively, for the fire, and (2) limiting the cases when persons can be punished for not rendering spontaneous assistance to those of forest-fires."

The motion was put and agreed to.

The Hon'ble SIR CHARLES RIVAZ moved that the Bill, as amended, be passed.

The motion was put and agreed to.

INDIAN MINES BILL.

The Hon'ble SIR CHARLES RIVAZ presented the final Report of the Select Committee on the Bill to provide for the Regulation and Inspection of Mines. He said that he proposed, with His Excellency's permission, to ask the Council that day fortnight to take the Report into consideration.

ASSAM LABOUR AND EMIGRATION BILL.

His Excellency THE PRESIDENT said :—"It may perhaps be of convenience to Hon'ble Members, and may facilitate the course of the present debate, if I state at its commencement the course which the Government propose to adopt. As to the merits, and the desirability of the greater part of the Bill which we are asked today to pass into law, there are, I understand, no two opinions. This legislation is not merely required, but is accepted as salutary and essential by all the different parties concerned. There is, however, one provision in the Bill, namely, that to make a slight increase to the statutory wage of the Act-labourer on the tea-gardens of Assam in the second and third years of his service, which has been the subject of much controversy, and about which opinions are sharply divided, both among the outside public and in this Council. Intimately connected with this question is that of the present

[8TH MARCH, 1901.]

[The President.]

condition of the tea-industry, which is alleged by its spokesmen to be in so depressed a condition as to render unwise, if not unjust, any increase to its burdens.

"The Government desire to approach both these questions with absolute impartiality. Though this Bill is a Government Bill, we have throughout shown our readiness to meet criticism or objection by the substantial concessions that have been made in Committee in the proposed increase of wages. We wish that the question should be examined by this Council with as much freedom from bias or from external influence as we have ourselves endeavoured to apply to it. The case is one that should, in our opinion, be decided exclusively upon its own merits, and by the unhampered discretion of this Council.

"We do not of course propose to divest ourselves of our duty, as the body charged with the administration of this country, to give advice to this Council as to the manner in which it should proceed. We are ourselves convinced, after repeated and most careful discussion of the clause, that the case for a modified and reasonable increase in the wage has been made out. That conviction we shall be prepared fully to vindicate in the debate that will presently ensue: and for it the Government will, without exception, vote. Hon'ble Members will thus be in a position to hear both sides of the question. They will be acquainted with the planters' views; and indeed the latter will bear me out in the statement that I have ensured to them the fullest possible opportunity for giving expression to their opinions by placing two seats upon this Council, and upon the Select Committee, at their disposal, exclusive of those Hon'ble Members who were known in advance to sympathise very strongly with their desires. On the other side will be heard the views of the Government and of the Chief Commissioner of the Province, though, as is known, he would wish to go a good deal further than the Government have been prepared to follow. It should not be difficult for any Hon'ble Members of this Council, who have not previously made up their minds, to decide upon the issue that will thus be placed before them.

"I will now pass to the second point. There is, I think, a legitimate distinction between the acceptance of a proposal as justified in itself, and the insistence upon its enforcement at a particular time. For instance, a man may perfectly well hold that a case for the increase of the Act-coolie's wages in Assam has been made out, and he may resolve to vote for it. But he may also hold that, owing to the present condition of the industry,

[The President; Sir Charles Rivaz.] [8TH MARCH, 1901.]

it would be inopportune, and might be harsh, to bring that increase into operation at the present moment, or for a fixed period of time. Now, I understand that the representatives of the tea-industry propose to ask this Council to reject *in toto* that clause of the Bill which provides for any increase in the wage. They are of course quite entitled to do so; and if they were to succeed, the Bill would not be lost, but that particular clause would disappear. If, however, this Council accepts the advice of Government and retains the clause, and if any Hon'ble Member were then to bring forward a further amendment to the effect that the operation of the wage clause of the Bill should, for special reasons, namely, the present condition of the industry, be postponed for two years, he will have my permission to do so, and, in the event of a good case being made out for such postponement, the Government will not stand in the way of its acceptance by this Council. They will even be prepared to vote for it themselves. We cannot divest ourselves of our responsibility to secure to the labourer that additional statutory protection to which we consider him to be entitled. But we have no desire to secure it at a time or in a manner that may be oppressive to a hard-hit industry, which, not less than the coolie, has a claim upon our dispassionate consideration.

" This then is the course which the Government propose to adopt, We shall ourselves support the compromise offered with our consent by the Hon'ble Sir Charles Rivaz in Select Committee—in the shape of a modified increase of wage in the second and third year: and we believe that the reasons which we shall adduce in favour of this course will be such as will commend themselves to a majority of this Council. Should our advice be accepted, Hon'ble Members will then be invited, after listening to the discussion, to vote upon the question of a two years' postponement of the operation of the clause—which in practice will mean that the enhancement will not commence to take effect until the close of the third year from now; since it is only in the second year of the coolie's service that it will begin to operate, while it will not become fully operative until the first batch of coolies to whom it applies have been for three years upon the plantations. I venture to entertain the hope that this course may vindicate the impartiality, without any abnegation of the responsibility, of Government, and may conduce to a harmonious solution of the disputed problem that lies before us."

The Hon'ble SIR CHARLES RIVAZ moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to Emigration to the labour-districts of Assam, and on the Bill to make better provision for the health, supervision and control of Emigrants proceeding to or from the labour-

[8TH MARCH, 1901.]

[*Sir Charles Rivas.*]

districts of Assam, be taken into consideration. He said:—"I explained, when introducing this Bill eighteen months ago, that its main object was to remedy the abuses and malpractices which have sprung up in connection with the system of assisted emigration to the labour-districts of Assam which is permitted by the present law as contained in Act I of 1882 and its amending Act VII of 1893. These Acts, while providing in a minute and careful manner for the licensing of contractors and recruiters, for the recruited labourers being brought before a Registering-officer in the district of recruitment, for the execution of labour-contracts after such registration, and for the conveyance of the labourers thus put under contract under proper safeguards and official cognizance to Assam, allowed a system of so-called 'free emigration' to be carried on outside the elaborate provisions which I have just mentioned. The consequence was that a horde of unlicensed and uncontrolled labour-purveyors and recruiters sprang into existence who, under the guise of assisting 'free emigration,' made large illicit gains by inducing, under false pretences, ignorant men and women, chiefly from the most backward districts of Bengal and the Central Provinces, to allow themselves to be conveyed to Assam, and by practically selling these people to the planters for the purpose of being placed under labour-contracts in that province. These evils were forcibly exposed by a Commission which was appointed by the Lieutenant-Governor of Bengal, Sir Charles Elliott, in 1895, to enquire into the whole labour-question. The Commission, on which the Indian Tea Association was represented by Mr. Gladstone and Mr. Begg, reported in 1896, after visiting the recruiting districts, that the cost of importing labour to Assam was steadily increasing owing to the abuses arising from the competition of unlicensed professional recruiters, and they made various recommendations for the adoption of measures to check such abuses which, after consulting the Local Governments and Administrations concerned, were generally accepted by the Government of India and embodied in the Bill now before the Council. Briefly, the Bill first provides for a system of recruiting by licensed contractors and recruiters and by certificated garden-sardars, subject to close supervision and control. All persons thus recruited will have to be brought before a Registering-officer in the district of recruitment, and after being registered and medically examined they will be placed under a labour-contract in the district of recruitment, or at all events at some other place within the same province as the Local Government may direct. They will then be conveyed under proper supervision to the estate in Assam where they have bound themselves to serve. The Bill further enables, on the one hand, the Local Government of a recruiting province to prohibit, with the sanction of the Government of India, all

persons from recruiting, or engaging or assisting, any native of India to emigrate from any specified part of its territories to any labour-district or any specified portion of a labour-district otherwise than in accordance with the provisions of the Bill, and on the other hand enables the Local Government with similar sanction to allow, after such a prohibitory notification has issued, a system of assisted emigration by specially employed garden-sardars acting under permits granted by their employers, as described in Chapter V of the Bill. A means is thus provided of putting a complete stop to the present unlicensed and uncontrolled system of free recruiting, and of substituting for it a system of *bond fide* assisted emigration by garden-sardars who will be deputed by individual planters to bring up coolies from the recruiting districts to the planter's particular garden, and who will not be required to register their coolies or to place them under contract before taking them to Assam. Provision has been made for withdrawing at any time the concessions which are thus proposed for these specially employed garden-sardars if they are found to be abused.

“As regards the work of the Select Committee, the modifications which we have proposed after giving the Bill our most careful consideration are all aimed at the main object of keeping professional recruiters under strict control, and encouraging recruiting and assisted emigration by *bond fide* garden-sardars. These modifications are fully explained in the Committee's report, which has been in the hands of Hon'ble Members for the past fortnight, and I need not take up the time of the Council by repeating the explanations already given. It will be seen that, for the sake of simplicity and convenience, we have proposed the incorporation of the provisions of the Emigrants' Health Bill, which was introduced as a separate Bill, with those of the Assam Labour and Emigration Bill.

“So far I have referred only to the recruitment provisions of the Bill under our consideration. I explained, when introducing it, that it was not proposed to make any alterations in the labour-system which was constituted by Acts I of 1882 and VII of 1893 except in the one matter of the minimum statutory wage. The minimum wage-rate fixed by Act I of 1882 for a completed daily task was five rupees a month in the case of a man and four rupees in the case of a woman for the first three years of a labour-contract, and six rupees in the case of a man and five in that of a woman for the fourth year. The Bill as introduced provided for six rupees a month in the case of a man and five in that of a woman as the minimum wage-rate throughout the whole period of contract. The Bill as now amended proposes to maintain the present wage-rate of five rupees for a man and four for a woman in the

[8TH MARCH, 1901.] [Sir Charles Rivas; Rai Bahadur P. Ananda Charlu.]

first year, to raise it by eight annas a month both for men and women in the second and third years, and to keep the present maximum rate of six and five rupees, respectively, for the fourth year. It is further proposed, as explained in the paragraph of the Committee's report which deals with clause 5 of the Bill, to afford special protection to the newly-joined labourer by entitling him to receive a full wage for the performance of a half task during the first six months of his contract unless the Inspector certifies that he is physically fit to perform a whole task. As this one clause of the amended Bill, clause 5, has not been accepted by all the members of the Select Committee, and as I see that my Hon'ble friend Mr. Buckingham intends to move an amendment regarding it, I will defer making any further remarks on the wage-question until I reply to my Hon'ble friend's motion."

The Hon'ble RAI BAHADUR P. ANANDA CHARLU said:—"Clause 9 is the outcome of the wholesome desire to respect marital rights. The practice of spiriting away (as it were) of a wife in defiance of the wishes of the husband is, as remarked by the Select Committee, a scandal, but it is a scandal which needs, in my view, to be qualified by a somewhat pungent epithet. I should, however, have been better satisfied if the original provision in the Bill were left alone, *i.e.*, if the consent of the husband was made a condition precedent rather than the absence of it a subsequent invalidating incident. It too often happens that the wife is, so to speak, smuggled away without the husband having the least scent of it. In such cases the husband, whose waking hours are mostly occupied in labouring for daily bread out of doors, comes to know of the exact cause of his wife's disappearance or of her whereabouts rather too late, *i.e.*, after the inducement to keep her from straying from the straight path has given way to the depressing sense of irreparable outrage perpetrated against him. This is as undesirable as demoralising. Nothing would be easier, if some little trouble were taken, than for the recruiter, or for the many officials through whose hands the recruit is made to pass, to get at the husband and obtain his consent at the outset and at first hand. Practical objections are stated to have necessitated the alteration of the clause from what it was at first. It seems to me that no amount of practical objections—be they real or exaggerated—ought to have weighed against the strictest recognition of the sensitiveness of man on this, the tenderest of his feelings—feelings which are no less keen in the labourer than in the well-to-do. So strongly have I felt on this point that my first thought was to frame an amendment and urge it. But the words in clause 34, sub-clause (3)—the words which import that the Registering-officer should 'satisfy himself of the consent of the husband,'—

might be extended to and made to embrace enquiry from the husband direct or from witnesses of a reliable kind, notwithstanding the fact that, whereas the words 'evidence' and 'witness' occur in sub-clause (4) as regards widows, &c., they are absent in sub-clause (3), as though they were deliberately omitted in order to make a distinction between the two classes of cases. I trust that the officers, who are charged with the duty, will be proof against plausible arguments based on allegations of such fancied distinction.

"On the provision in the next sub-clause (4) of clause 34, I feel some difficulty and doubt. It is possible elsewhere perhaps for widows or other species of women who are not wives to remain outside lawful guardianship; but wherever Hindu law applies, either expressly in terms or by adoption as a body of binding usage as is widely done, a woman without a lawful guardian, for civil purposes, is an unmeaning expression. I am not aware that the bulk of the classes from among whom the emigrant labourers are drawn are clean outside such limits. *If they are not*, then the fact must be realised that the provision in question, so far as it applies to widows and other women who are not wives, runs counter to established laws and valid usage among the people of this country. As yet, the spectacle is rare of women, floating, as so many drifts, on the stream of Hindu society in ordinary times: and the evil would only be precipitated if facilities were offered for social moorings to snap asunder, so as to permit of lapses to multiply and, by slow degrees, undermine the inter-dependent household, held together by long traditional sentiments in the main.

"Another aspect of the conjugal relationship is apparently unnoticed or unconsidered. It is not unoften that a husband skedaddles, if I may use an expressive colloquial word, under a sudden impulse of glowing, migratory ambition, leaving, in the lurch, wife and children—not to speak of aged parents—to shift for themselves as best they might. Such instances occurred in connection with emigration to Mauritius within my knowledge, and the wife only woke up to the dreary reality months after the scamp of the husband gave her leg bail. One result of it shall remain nameless. It appears to me that, for every one labourer who might thus be gained for a planting employer, society, and eventually the State, would have, thrown upon its hands, not a few she-waifs as well as orphans for no fault of theirs. It may be a question, worthy of more than a passing thought, whether the scrutinising intermediate officers between the initial recruiter or garden-sardar on the one hand and the ultimate employer on the other hand should not be authorised to institute an enquiry in this regard and to see to the forsaken family

[8TH MARCH, 1901.] [*Rai Bahadur P. Ananda Charlu; Sir Charles Rivaz; Mr. Buckingham.*]

being either, if fit, enrolled as well among the recruits or to arrangements being made to allot to the members of the family, so left behind, a definite part of the earnings of the runaway bread-winner, such as he is. Cases such as this are only the converse of the cases for which provision is made under clause 50, whereby the labourer is entitled to secure the manumission of his wife, daughter or mother, when he himself has obtained his own repatriation. I believe that it will serve a useful purpose, if also a humane and economical purpose, if express directions should be issued to watch and note cases of this kind, in view to an amendment of the Act, if such cases grew appreciably numerous enough. Attention to matters of this description will be found, in the long run, to facilitate rather than retard the cause of emigration. Public policy requires it."

The Hon'ble SIR CHARLES RIVAZ said :—"The question raised by my Hon'ble friend was very carefully considered by the Select Committee, and we intentionally made a distinction between the case of women who are recruited by the professional recruiter and women who are recruited by the garden-sardar. As I have said before, the whole object of our Bill is to encourage recruiting by garden-sardars and to place material restrictions on recruiting by professional recruiters. Therefore, in the case of recruiting by garden-sardars, we thought it sufficient to provide that a woman may be recruited, unless her husband or guardian comes forward and objects, whereas in the case of the professional recruiter we have placed a definite obligation on the Registering-officer who is required by sub-clauses (3) and (4) of clause 34 of the Bill to satisfy himself that the husband or lawful guardian, where there is one, actually consents to the woman being recruited."

The motion was put and agreed to.

The Hon'ble MR. BUCKINGHAM moved that for the first portion of sub-clause (4) of clause 5 of the Bill, as amended, from the beginning down to but excluding the provisos, the following shall be substituted, namely :—

"(4) No labour-contract shall stipulate for a less rate of monthly wages than five rupees in the case of a man and four rupees in the case of a woman for the first three years of the term of the contract, and six rupees in the case of a man and five rupees in the case of a woman for the fourth year of such term."

He said :—"My Lord, the amendment standing in my name is, that in clause 5 (4) of the amended Bill the wages of coolies should not be increased for the second and third years but should remain as at present, *vis.*, Rs. 5 for a man and Rs. 4 for a woman.

"With Your Excellency's permission I will now state my reasons for moving this amendment.

"I stated in my note of dissent that 'wages in Assam are generally higher than in the tea-districts of Bengal, where coolies emigrate under a free system for a similar description of labour.'

By the last Assam Immigration Report (for 1899) the number	
of Act coolies is given as	131,958
Number of non-Act	267,985
	TOTAL
	399,943
Non-Act children	240,639

"Average monthly pay given in Immigration Report earned by Act coolies during 1899 was—

	<i>R</i>	<i>a.</i>	<i>p.</i>
Men	4	12	0
Women	3	11	3
Ditto non-Act—			
Men	5	4	4
Women	3	12	0
Children	2	4	10

"Taking the proportion of $1\frac{1}{2}$ children per man and woman, we have an average of Rs. 2-4-10 to be added to the family earnings, making the earnings per family of Act coolies to be Rs. 11-4-3 and non-Act Rs. 11-13-4. As, however, some gardens do not enter all the ticca earnings, the returns are not of much value in ascertaining actual wages.

"It should be noted that although I have taken the total number of Act and non-Act coolies in the Province, representing 757 gardens, 11 gardens were not inspected and therefore not included in the wage-statement in the Immigration Report. On this account, therefore, the wage would be somewhat higher than that given. To the above should be added various perquisites the coolie receives, such as medical comforts, sick allowances, diet to sick coolies given free, loss on rice sold to coolies, land given free of rent, free housing and firewood, amounting in all to an equivalent of about Re. 1 per mensem per adult and 8 annas per child. In 1893 Sir William Ward alluded to the collateral means of livelihood of the coolie in the following terms:—'The fact is,' he said, 'that the statement of wages when reduced to a tabular form is not of much value in enabling an idea to be formed as to the actual condition of the labourer,' and in the Special Report of 1890 it was pointed out that many of the circumstances which led to low average pay are such as tend to make a garden popular

[8TH MARCH, 1901.]

[*Mr. Buckingham.*]

with coolies, some coolies working only a few days in the month, their pay being included in the average.

"I may here mention that in the Indian Association's letter to the Government of India it is said that in the Assam Administration Report for 1894-95 the Chief Commissioner desired that the returns of wages should be accompanied by an account of the extent to which collateral means of livelihood other than garden-work were available to coolies. It is said that subsequent reports contain no reference to the subject, and hence it is inferred that no such means of livelihood exist. The order referred to was given by Sir Charles Lyall in paragraph 33 of the Annual Labour Immigration Report for 1893. The remarks of District-officers on the subject are quoted or summarised just after the wages statements in the reports for 1894 and 1895, and the subject is briefly referred to in the same place in the report for 1896. The last enquiry on the subject was made in 1889, and is described in paragraph 150 of the Special Report of 1890.

"It is a significant fact that since 1891 the yearly reports have not given a statement showing the highest wages earned by Act and non-Act coolies.

"In the Immigration Report for 1890 the following figures were given for the Assam Valley :—

	<i>R</i>	<i>a.</i>	<i>p.</i>	
Non-Act men drew wages up to	18	0) per mensem.
Non-Act women	14	8	6	
Act men	15	4	0	
Act women	14	0	0	
and children as much as	8	12	0	
In 1891 Act men drew as much as	15	4	5	
Women	17	2	8	
In 1891 non-Act men	21	0	0	
In 1891 non-Act women	20	13	0	

This statement, I think, disproves the Hon'ble the Chief Commissioner's remarks in his note on the Bill when he says the great mass of labourers get little or nothing from overtime work.

"Mr. Cotton gives a range of wages in Bengal from Rs. 4-8 to Rs. 9 and Rs. 6-8 to Rs. 9. Regarding Duars labour, we find in a letter from the Secretary to the Government of Bengal to the Government of India that the mean earnings, including extras, from twelve typical gardens amounted to the following :—

	<i>R</i>	<i>a.</i>	<i>p.</i>	
Men	4	14	0	per mensem.
Women	3	2	7	" "
Children	1	6	0	" "

" Mr. Cotton's statement that Duars labour is better paid than Assam does not therefore appear to be correct.

" These coolies are brought to the Duars gardens by contractors, who receive advances, such advances being all charged against the coolie, and cut monthly from his pay, amounting in many cases to Re. 1 per mensem. His Honour the Lieutenant-Governor alludes to these stoppages in the fourth paragraph of his letter to the Government of India, dated the 15th September, 1900.

" Again, is it fair to compare temporary emigration to coal-mines, and factories, near the coolies' own homes, with emigration to Assam? In the former case they go with the intention of making money, and returning as soon as possible to spend it elsewhere. In the latter, they live the true type of an emigrant, finding a home for life.

" I most emphatically deny that the coolie in the Duars gets practically all the advantages of the Assam coolie which Mr. Cotton asserts he does. In addition to the above-mentioned stoppages, the Duars coolie gets no pay for Sunday, no pay for extra or sick leave and no pay for incompleting tasks.

" The expenditure on hospital and housing accommodation is a mere cypher compared with what it is in Assam, and I am informed, that dieting sick coolies at the factory expense is unheard of, and what perhaps is the heaviest tax we have in Assam, *vis.*, to provide rice at Rs. 3 per maund, the Duars planter is exempt from, his coolies having to provide themselves with rice at market-rates. The fact is, there is no occasion for these extras; the coolie is well off without them. At one garden in Assam, where the yearly pay-bill amounted to Rs. 32,530-14, I found Rs. 5,868-6-6 were expended on coolies' Sunday and other leave, showing that they actually get 20 per cent. of their pay for no work at all. As to the loss on rice, one of the largest companies in Assam lost in one year £5,340 sterling in rice, equivalent to 2½ per cent. on its capital. Others lost in the same proportion. Mr. Cotton, in his letter to the Government of India, says, 'the rate of wages current in Bengal may also be taken as a guide in determining what minimum rates should be specified in penal contracts in Assam.' He then goes on to quote the wages of able-bodied agricultural labourers in Bengal from Mr. O'Connor's *Prices and Wages in India* from 1873 to 1897. These wages are quite useless for comparison with coolie wages, for they are all compiled on the assumption that the coolie works every day in the month, and not on what he *actually* earns, as Assam coolies' wages are calculated. Mr. O'Connor, in his evidence before the Currency Commission in London in 1899, questions the often-stated assertion that the wage of unskilled agricultural labour *has* increased during the last twenty years, and he tells me he still adheres to this opinion;

[8TH MARCH, 1901.]

[Mr. Buckingham.]

and yet Mr. Cotton suggests that the coolie should share in the general rise in wages.

"Another reason given by Mr. Cotton for the raising of wages is that the price of nearly all food-commodities have increased, and in paragraph 19 of his letter to the Government of India he says: 'Statistics of the price-current are not available, but it will suffice to say that the other articles besides rice are all ordinarily imported from Bengal.' This is hardly correct, for the ordinary bazar of the coolies, with the exception of clothes (and these are one-third of the price they were thirty years ago), is procured in the local markets; for example, oil, ghee, dal, sugar, fowls and ducks, fish, vegetables, etc. I laid before the Select Committee a statement showing the present cost of food-commodities in Assam and in the Duars, comparing them with the prices paid twenty years ago in Assam, and they show in nearly all cases a decrease. I presume it cannot be disputed that the price of liquor has fallen; if it has, my Lord, I may mention that one witness—*vide* 'Collection of Government Papers relating to Excise,' deposed that, whereas some years ago it would have cost him four annas to get drunk, he could now get deal drunk for one anna.

"The Chief Commissioner himself states in his letter to the Government of India that 'there is no higher authority on the subject of labour-immigration into Assam than Lieutenant-Colonel Campbell, the Civil Surgeon of Shillong.' On this account, therefore, I think I am fully justified in quoting his letter to the Chief Commissioner on the increase of wages and status of the coolies.—

* No. 439, dated Shillong, the 9th November, 1899.

'From—Lieutenant-Colonel R. N. CAMPBELL, M.B., I.M.S., Civil Surgeon, Shillong,

'To—The Secretary to the Chief Commissioner of Assam.

No. 186 L. & L.—4528], dated Shillong, the 1st November, 1899, from the Secretary to the Chief Commissioner of Assam, to Lieutenant-Colonel R. N. Campbell, I.M.S.

'WITH reference to the communication as per margin, I have the honour to forward my opinion on certain of the provisions of the Bills.

'I.—*Assam Labour and Emigration Act, 1900.*—The two important points in which this Act differs from Act I of 1882 are—(1) the proposal to raise the monthly minimum wage from Rs. 5 to Rs. 6 in the case of a man, and from Rs. 4 to Rs. 5 in the case of a woman; and (2) initial registration and execution of labour-contract in the district in which the labourer is recruited. I will consider these in detail.

'(1) *Minimum monthly wage.*—The arguments in favour of the proposal to raise the monthly wage are: (a) the present rate is too low, regard being had to the rise in prices; (b) the higher rates which labour commands outside Assam. In my opinion, this change is not only unnecessary and uncalled for, but inadvisable as being a decided hardship and tax on the tea-industry.

'The only grounds on which this proposal might have been supported are: (a) that the pay of the labourer is such that he cannot live on it in comfort owing to the rise in prices, or (b) that by raising the wages a better class of labourer may be attracted. Regarding the former, *i.e.*, the question of the labourer being unable to exist in comfort on his present pay, it is a well-known fact that a labourer and, more especially a family man, after a few years in Assam, is really well off and wants for nothing as far as his desires can go.

'Let us now enquire how far the rise in prices has affected the labourer. His house costs him nothing more to build, in fact, it never has cost him anything, though it costs the employer more, as he has to build better houses than were supplied twenty years or more ago. His food, the chief staple of which is rice, costs him no more, though it may cost the employer considerably more, as he must supply it at the same price as twenty years ago, *i.e.*, Rs. 3 per maund. No, instead of his food costing more, it is probably cheaper and certainly more varied and more easily procurable than twenty or thirty years ago, because communications are much better, and there are more *hats*, and they are nearer at hand, at which the labourer can procure vegetables, fish, etc.

'His firewood costs him no more and his clothing is not more expensive.

'I think the labourer is as well off, nay, better, than twenty or thirty years ago, though his minimum monthly wage has remained the same. He is better housed, all his sanitary arrangements, as the water-supply, etc., are much improved, and there is a marked difference in the arrangements made for his medical care and treatment. His expenses have not increased as I have shown above, and he can really make more on most gardens, as gardens are better supplied with labour than in the old days, and so kept in better order, and the tasks necessarily lighter, and at certain seasons of the year a much larger wage can be made than the minimum one. On the other hand, the employer or importer of labour has to pay much more than twenty or thirty years ago. It is he that has to pay for the rise in prices. The initial cost of the labourer is much greater. The labourer has to be clothed, fed and generally cared for from the date he leaves his home till he arrives on the garden, and everything costs more than it did quarter of a century ago outside Assam.

'After reaching the garden, the labourer is better cared for, better housed, has a better water-supply, better medical arrangements, and is fed and nurtured if unable for full task work. This feeding may have to go on for some time till the labourer is accustomed somewhat to the life and surroundings and fitted for ordinary task work. The medical arrangements are infinitely better and far more expensive, as in most gardens there is now general European supervision, and, in all of any size, good native doctors are resident. It seems to me, therefore, that the rise in prices, not to say the cost of improvements in housing the healthy and treating the sick, affects only the employer of labour and not the labourer, and that this argument in favour of raising the minimum monthly wage is worthless.

'The labourer is, as a rule, contented and well-to-do, many of them possessing poultry, pigs, cattle, and even rice-fields to cultivate where such are close to the garden.

[8TH MARCH, 1901.]

[Mr. Buckingham.]

'It is possible that, if the minimum wage is raised, some of the employers may raise the tasks and diminish the rate paid for *ticca* so as to equalise matters, and that the labourer may, on the whole, have harder work and get no more pay than he at present receives.

'2. The higher rates which labour commands outside Assam is the second argument in favour of raising the minimum wage. By raising the wage, will the class of labourer be improved? I think not. The same class would still emigrate even if the minimum wage was increased 50 per cent. Will labourers emigrate in greater numbers if the minimum wage is raised? I think not. Of course, if the rates in places outside Assam attracted labour so that it was difficult to procure labour or the proper class of labour for Assam, without raising the minimum wage, this would necessitate the change; but no such state at present exists, and, as long as a sufficient supply of suitable labour can be procured at the present rates, why should the present rates be changed when, as has been shown above, the labourer not only is paid sufficient for all his wants, but is really well off?

'Many tea-concerns could not stand the extra charge of 20 per cent. in the case of the man's wage and 25 per cent. in the case of the woman's, for many can only just pay their way, and some cannot do that, with the present rates.'

'It is worthy of notice also that only three or four of the officers in the Assam Commission agreed with the Chief Commissioner's proposal to raise wages. Again, in answer to Mr. Cotton's assertion that the price of food-stuff has risen, I read to the Select Committee extracts from the Report of the Commission sent up in 1867 from Bengal to report on tea and the condition of coolie-labour. The Commission (composed of Messrs. W. Ainslie, H. Steward Reid and J. M. Cunningham) said, coolies were actually unable to procure dal, oil, ghee, salt, fish, and they generally were without them because there was no market near (paragraph 132). Then again in 1873 Mr. Edgar in his report, page 15, said, 'Surplus food in tea-districts is very little, and food for imported labour had to be imported; there was no machinery for the distribution of food, and thousands died through mere want.' Also at page 17 he said, 'Food scarce and dear'; and at page 20, 'the number of imported labourers far exceeded the supply of food available.' Very gradually communication improved, food became cheaper, coolies took to cultivating, supplying to a great extent their own requirements, and the conditions of their life became thoroughly satisfactory. The chapters on wages and food in the Special Report of 1890 on the working of the Act fully bears me out in this statement. Mr. H. W. Stevens at page 15 in the *Collection of Papers relating to the Excise Administration, 1890*, stated in his evidence before the Commission that he considered the price of food during the last twenty years had not increased, *i.e.*, in normal years.

"A convincing proof also, I think, that food-commodities have not increased in price, is that in 1871 the yearly cost of feeding prisoners in the jails of Assam was Rs. 34-9 against Rs. 33-10-9 in 1899, and I believe about the year 1884 their diet was raised.

"Such evidence as I have given above appears to me to entirely refute Mr. Cotton's statement as to the increase in the price of the necessaries of life to coolies.

"It will naturally be asked, what does it cost a coolie to live in Assam, and does he simply get a mere living wage? In the Special Report of 1890, page 232, it will be seen that one coolie with his wife and two children gave their monthly cost of living at Rs. 7-11-3 when their combined earnings amounted to Rs. 11. The man said he had bought a Kabuli blanket for Rs. 6, also a silk cloth for Rs. 8; he had given his wife Rs. 8 worth of jewellery; he also possessed a cow; he had worked on for four years on the garden; coolies, therefore, living together in a family can maintain themselves in comfort at a cost of from Rs. 2-8 to Rs. 3 per head per mensem, and, as a further proof of this, I may mention that one coolie usually charges another for keep Rs. 3 a month, and this he would not do unless he made something over the transaction. Even Mr. Cotton said in the Emigration Report for 1897, paragraph 45, 'With the high prices at present prevailing, Rs. 3 a month is probably the smallest amount on which a coolie can live and keep in good health, and it is the duty of inspecting officers to enquire carefully into each case in which this maximum is not attained, and in the absence of special reasons to the contrary to direct that the person concerned be fed in the general mess till such time as he or she is able to earn Rs. 3 per mensem at least.'

"After giving such instructions to his officers it does appear extraordinary that he should have written the following to the Government of India on the 25th December, 1899. Alluding to our resolution at the Tezporé Conference, *viz.*, to give men Rs. 3-8 a month and women Rs. 3 for the first two years of their indenture, irrespective of the work they do, Mr. Cotton said that—

'such a proposal should have been brought forward is an illustration of the unsatisfactory footing on which the recruitment of labour for the tea-gardens of Assam now rests. It is contemplated apparently that the labourers when they first arrive in Assam will be so weak and sickly that for two years they will be unable to perform the tasks required to earn the satisfactory minimum wage, which is in most cases much less than a full day's work. During that time it is proposed they should be given a miserable pittance not sufficient to keep body and soul together or merely fed and clothed at the expense of the employer without receiving any wages!!

[8TH MARCH, 1901.]

[Mr. Buckingham.]

"As to cost of living I also notice in the Immigration Report for 1899 that the average cost of diet per diem in the Government dispensary shelter at Sylhet was 1 anna and 1 pie per head or Rs. 2-1 per mensem.

"The Hon'ble Mr. Cotton also quotes from *Prices and Wages in India* that the average monthly wages of an able-bodied agricultural labourer in Assam in 1897 rose to Rs. 8'27; in 1892 it was Rs. 8'4. These of course are originally his own figures. All these, however, are on the assumption that the labourer works every day in the month. Fifteen to twenty days a month is the outside the independent labourer works; therefore his average pay, according to Mr. Cotton's figures, would be reduced to nearer Rs. 4 than Rs. 8. Gardens in many places are able to secure village-labour at 3 annas per diem or at the rate of Rs. 5 per mensem, no pay being given for Sunday.

"It is true that the average rate of pay for the Assam constable, the process-server or chaprassi varies from Rs. 6 to Rs. 8 a month, but their wives and children earn nothing; so how can this be compared with tea-garden earnings, where the women and children are bread-earners and can easily contribute between them Rs. 12 or Rs. 15 per mensem? Municipalities in Assam offer as much as Rs. 11 a month, and are unable to get sufficient voluntary labour, and this very circumstance is produced as a proof that wages have risen and that we do not pay our coolies sufficient. In my opinion it proves the reverse; the coolies prefer the tea-garden system and its family earnings and the general advantages a tea-garden gives. If it did *not* prove what I say, why do not time-expired coolies (of whom there are thousands) flock to the municipalities for Rs. 8 or Rs. 10 a month? And now let us see what pay the Assam Administration gives to witnesses attending the Criminal Courts. I will quote their rules—

'(a) for the ordinary labouring class of native two annas per diem,

'(b) for natives of higher rank in life four annas per diem.'

And this is all they get if they have to perform a journey of 100 miles. Surely we may call this 'a miserable pittance.'

"The average prosperity of the people of India cannot, therefore, be identified by the wage-test. To gauge the value of the daily wage-quotation, it will have to be shown that daily employment is obtainable. The experience of owners of industrial factories is, that the free labourer earning a daily wage on piece-work does not work continuously throughout the year, that he takes holidays frequently, and absents himself for long periods to suit his inclination.

" His Honour the Lieutenant-Governor says—

' The figures given by the Chief Commissioner in paragraph 14 of his letter are surprising; it appears that for three years, 1873-75, the wages of free agricultural labour, *i.e.*, of coolies entertained otherwise than under the contract-system of the Emigration Act, ranged from Rs. 6.53 to Rs. 6.94. After fluctuations, which show that the returns may be relied on, as faithfully following the actual changes of the market, wages settled down for five years, ending in 1889, between Rs. 6 and Rs. 7. Since 1889 they have been far below Rs. 7, but apparently they have not been much above it. In 1897, the famine year, and its successor they rose to Rs. 6.4. It thus appears that till the very exceptional period of the great famine, there has been no material rise in the wages of free labour in the open market. It cannot be denied that these unexpected figures give considerable support to the argument that an enhancement of the minimum wage of the contract coolie is *not required* on the ground of absolute justice to him.'

" Mr. Cotton, in commenting on our resolution at the Tezpur Conference to give coolies Rs. 3-8 and Rs. 3 a month irrespective of work done (letter dated 25th December, 1899, to the Government of India), says he ' does not consider the law should encourage by *any form of recognition* the practice of importing coolies so debilitated as to be incapable of doing a day's work;' and yet in his note on the Bill he states he is thankful the Committee have been pleased to accept a reduction of tasks for newly arrived coolies. I would ask, my Lord, if this is not a recognition on the part of the law that coolies are unable at first to do a day's work? His Honour the Lieutenant-Governor considered that Inspectors should utilize more freely the powers under section 117, *vis.*, that of reducing tasks. Mr. Cotton's answer to this was that his executive is not powerful enough; but in paragraph 23 of the letter above quoted he says that as regards house-accommodation, medical assistance and water-supply the law affords ample power to Inspectors ' for insisting on adequate provision being made;' why not as regards tasks it is difficult to understand. I cannot follow the Chief Commissioner when he says:—

' It is not correct to say, as was said at the Tezpur Conference, that coolies under contract are not affected by fluctuations in the price of rice.'

" We maintained that the coolie did not suffer when market-price of rice was over Rs. 3 per maund, but that it was an equivalent of extra pay to him. From the year 1866 to 1890 the coolie was beneficially affected to the extent of over Re. 1 per mensem in his pay if he cared to take rice regularly at Rs. 3. In the famine year 1896-97 he was beneficially affected to the extent of Rs. 2-8 per mensem, taking the consumption at 30 seers per mensem per man. Coolies, therefore, do receive an equivalent of a rise in pay. Wages rise with the cost of living, and generally move upwards more slowly than the price of food. If the value of

[Mr. Buckingham.]

[5TH MARCH, 1901.]

rice expresses a rise that has taken place in the cost of living in Assam, then residents, who under statutory enactments, or from privilege, are protected from an increase in the cost of the staple food, must be no worse off than they would have been in previous years, and in some respects may be better off. They must be better off than the indigenous labour and compared with those who receive a wage in other employment. This was verified by the Hon'ble the Chief Commissioner of Assam on the 29th April, 1897, when he said at the meeting held at the Bengal Chamber of Commerce that 'immigrants are well off, and they benefit the Province from every point of view.'

"Mr. Cotton says in his letter to the Government of India that during the ten years 1865 to 1874 the average retail price of common rice throughout the Province of Assam was about Rs. 2-3-6 per maund. *Now the inference from this* would be that, having to sell rice to coolies at Rs. 3 per maund, we must have made a profit during those ten years. In paragraph 29 of the Commission's Report they say that in 1867 for many months rice cost Rs. 5, Rs. 6 and even Rs. 10 a maund; the above statement, therefore, of the Chief Commissioner is most misleading; the average price is no criterion whatever, for when rice is high we lose an enormous amount in selling it at Rs. 3. We also have to keep a large stock in store, and this, when prices fall, has to be sold to coolies at current rates. I may mention that, in 1896-1897, 1½ million maunds of rice were imported into Assam.

"Among other collateral means of livelihood I may mention one garden where 307 acres of paddy are cultivated by coolies, producing approximately 4,605 maunds, valued at Rs. 8,058. The Government rent on this land would have been Rs. 3 per acre; coolies are charged 7 annas 6 pies. The gain, therefore, to coolies by thus cultivating would be Rs. 8,835-16, which sum is as good as extra pay, but this sum actually goes against the planter in his wage-return, for coolies get leave to cultivate this land and the average wage shown in Government returns is thereby stultified. A census of cattle taken a short time ago by order of the Chief Commissioner showed there were 947 cows and buffaloes on this garden, 513 young stock, 41 sheep, 390 goats, 15 ponies, 164 ploughs and 102 carts. Are all these statistics pigeoned-holed in Shillong? They appear to be.

"Mr. Quinton said in his Special Report:

'The coolies with other means of livelihood in addition to garden-work are undoubtedly better off than they would be in their own country; *but excluding these*, and taking into consideration only such coolies as are entirely dependent upon the

garden for their living, the tasks required and the wages earned are such that every coolie in ordinary health or of ordinarily industrious habits can get a sufficiency of food and yet be able to save.'

"In the statement I placed before the Select Committee of coolies' earnings there was one company employing 14,412 coolies (men 6,311, women 6,210, children 1,891) : men earned for the year an average per mensem of Rs. 6-3-5, women Rs. 4-14-8, and children Rs. 2-8-6, or an average of Rs. 12-1-0 per family in hard cash. With perquisites the average per family was Rs. 12-15-3. At another garden employing 6,557 coolies, the average per family was Rs. 11-11-8; at another 3,301 coolies—1,413 families earning Rs. 13-0-10 per family. In fact, the average pay for 51,322 coolies per family was just Rs. 11-8. I find that new coolies' pay averaged even higher than old coolies' in many cases, and in this I am supported by a statement shown in the Special Report on Act I, paragraph 146, before alluded to, where Act I women earned on an average more than non-Act women. The average pay of non-Act men was slightly in excess of Act men.

"In advocating an increase in wages, the Chief Commissioner seems to try and smoothen matters by stating in his letter of the 25th December, 1899, paragraph 23, that employers will be justified in raising the task-rates, and insisting on the performance of *a full day's work* for a fair wage. We next find the Chief Commissioner slightly moderating this statement, by saying we are entitled to a *fair day's labour* for the legal wage; then again in his letter to the Government of India, dated 10th September, he says, this increase will immensely benefit the great mass of labourers, who will get through a *slightly augmented task*. These statements are so conflicting, that I am afraid the amendment made, that coolies for the first six months should have full pay for half tasks, would, according to Mr. Cotton's theory, be no amendment at all; for a full day's work of nine hours certainly represents just double what is expected out of the coolie at present. Mr. Cotton says that the 'mere fact of tasks being light, and that overtime payments are allowed, afford a strong consideration in favour of raising wages.' It is plain, therefore, that he advocates the abolition of work of an optional character, so dear to the coolie, and so universal throughout the whole of India. Is Mr. Cotton ignorant of the fact that the coolie is master of the situation, and that the present system of labour has grown up for generations? Ought not legislation, therefore, to aim at the regulation of methods which the immigrants have themselves adopted, rather than to attempt to force the current of emigration back into channels of its own creation?

"Such changes in pay and in tasks may easily be taken by coolies as an indication that the Government distrusts employers. I know such is not the

[8TH MARCH, 1901.]

[Mr. Buckingham.]

case, but this may and probably will be the view taken by coolies, and such an impression is not likely to promote the good relations between employers and labourers.

"An increased rate of payment leads to a lesser task instead of an augmented task, the coolies taking out the balance, so to speak, in the only form of luxury which appeals to an Asiatic, *vis.*, the luxury of sitting still and doing nothing; for instance, at one of the collieries in the Asansol District, where labour is scarce, the outturn was very small and they did exactly as Mr. Cotton would have done; they raised the rate per ton of coal cut, hoping thereby to stimulate the coolie to increased exertion; what happened? The outturn diminished. The fact was, the coolies were thoroughly satisfied with their previous income, and on a higher rate they merely worked a fewer number of hours. A similar result must follow if wages are increased in Assam. At page 17 of the Report of the Labour Enquiry Commission it is stated that coolies will not do more work than they are obliged to do, and are only anxious to earn enough to live on, and when they have collected enough for a few days eating, they take themselves off—they live only for the day.

"We hear everywhere of wages being reduced instead of increased: take for instance what Mr. Muir said on the 3rd December last at a meeting of the Duars Tea Association. He said—

'When considering the proposal of reducing pay, under the existing system, the labourers really worked about three or four days a week, and lower wages would necessitate their working six days with a corresponding benefit to the garden; it was proposed and carried that wages should be reduced one rupee in case of men and eight annas for women.'

"Compare this with Mr. Cotton's proposal that wages should be increased and tasks augmented. In practice we should find that less work would be done, and we should have to import more labour. In Coorg, on the 24th April last, the reduction of wages was considered. The institution of overtime work, His Honour the Lieutenant-Governor of Bengal describes,—

'as one not infrequently adopted in English industries and is indeed an excellent and proper system for industries where the employment is monotonous or where from the shortness of the labour-supply the most has to be made of a limited number of labourers. It is universal in the tea-gardens of the Bengal Duars.....It is difficult to avoid the uneasy feeling that we must be on wrong lines when we remedy the evils on a minority of badly managed gardens by upsetting the system of the good ones, which are the majority, or force the good gardens to depart from a system which experience elsewhere as well as in Assam shows to be essentially the best.'

"The system the Hon'ble the Chief Commissioner wants to upset is described by himself as the payment of a minimum wage for a light nominal task

[Mr. Buckingham]. [8TH MARCH, 1901.]

supplemented by a liberal overtime wage for overtime work. I need hardly say that such a proposition will meet the greatest opposition among the coolies themselves; and even Mr. Cotton acknowledges in his letter to the Government of India, dated the 25th December, 1899,—

'that some inconvenience will no doubt be caused by a general alteration of task-rates, but there is no reason to suppose it will be serious. It must be remembered that every industry is subject to occasional disturbance from fluctuation in the rate of wages, and it cannot be expected that the tea-industry will entirely escape such inconvenience.'

"Such direct interference with the liberty of employer and employé, my Lord, is unwarrantable, and, I may say, unheard of. Mr. Cotton argues that the coolie's ignorance and helplessness entitles him to protection in pay as well as in other directions. Can it possibly be proved that there is general ignorance or helplessness?"

"Only last year the Hon'ble Mr. Cotton in his letter to the Government of India stated that the *great mass of coolies comprising more than half of the total number imported under the Act who are recruited by contractors* know nothing about Assam.

"In the Immigration Report for 1899 the following figures are given:—

In 1896	18,870	contractors' coolies only	out of a total of 61,308	adults imported.
" 1897	18,127	" "	out of 66,328	adults imported.
" 1898	10,559	" "	35,516	"
" 1898	11,065	" "	25,872	"

"Surely the total number of coolies imported should be taken and not those only under the Act.

"Out of the 4,000 to 5,000 sardars annually sent down, coolies cannot be so ignorant of the circumstances of Assam as the Chief Commissioner makes them out to be. Even ten years ago Mr. Quinton said:—

'In the latter (alluding to the new recruiting grounds), coolies may be ignorant of the conditions of life on a tea-garden and liable to be imposed upon; but in the former (old recruiting grounds), with a constant flow of emigrants between Assam and the recruiting districts, anything like misrepresentation on a large scale, except solitary cases seems impossible.'

"I notice in the resolution on Inland Emigration, Bengal, that, in 1899 67 per cent., and in 1898, 70 per cent., of the registered coolies were collected by garden-sardars, many of them from outside Bengal.

[8TH MARCH, 1901.] [Mr. Buckingham.]

"As the Hon'ble Mr. Cotton in his note on the Bill alludes to the death-rate of coolies, I am glad to have this opportunity of correcting an erroneous idea that certainly seems to be in the minds of some regarding this subject.

"An officer of the highest standing in the Assam Commission, in his letter to the Secretary of the Chief Commissioner of Assam, dated 21st December, 1899, says:—

'The average death-rate during the last ten years of Act-labourers has been 53·6 per mille.' He continues, 'Comment is superfluous. That amongst an adult population of over one lakh all in the *prime of life* there should be, year in and year out, a constant death-rate of 53·6 per mille indicates something radically wrong. The fact is certain and cannot be explained away.....The coolie (during the term of his contract) remains and dies at a rate which, if it occurred among the prisoners in our jails for a series of years together, would infallibly draw forth the most scathing comment of Government.'

"Now, in the first place, Mr. Cotton tells us that all the beggars in the bazar, men and women of bad health, or idle, and of dissolute habits, who have failed to make a living in their native districts, are swept together and sent up to the gardens of Assam, where for a year or two at least they will not do a full day's work and swell the returns of sickness and mortality.

"The Deputy Commissioner of Sibsagar in report for 1894 wrote:—

'I do not think it can fail to strike any one who looks at a number of batches of newly arrived coolies that most of them are not average specimens of the labouring classes of India, but people of inferior physique and constitution, who, having failed to make a living in their own country, emigrate to Assam as a last resource.'

"Can coolies, I ask, such as these, and those who are weak and emaciated by famine, fail to swell the returns of sickness and mortality?

"The Hon'ble Mr. Cotton himself owns to this fact, and yet an officer in the Assam Administration says *it cannot be explained away*. Again, can the prime of life can be applied to such people? I maintain that at forty years of age the native of India is long passed his prime of life. I should be inclined to call them old, and for the sake of full rates being paid many a coolie over forty is smuggled in.

"The exultations of the Assam Administration over a slightly reduced mortality in their jails for 1898 must have been sadly marred by the result of 1899, when the Director General remarked that 'in face of these figures congratulations were at least premature.' The figures of mortality alluded to by the Director General for the last four quinquennial periods in Assam jails were 45, 48·55 and 51 per mille.

[Mr. Buckingham.]

[8TH MARCH, 1901.]

"The average death-rate for the last ten years among all classes of the coolie population is 35·8 per mille. In 1899 the death-rate was 27·5 per mille, being considerably less than among the general population. I certainly should not have alluded to this excessive mortality in jails unless comparison with tea-gardens had been drawn.

"In paragraph 58, Provincial Report for 1900, Sir Dennis Fitzpatrick remarked that—

'the climate of Assam under the most favourable sanitary arrangements is fatal to new arrivals. We must,' he said, 'make up our minds to accept the above as one of the drawbacks to emigration; but only people who are unwilling or unable to view the position as a whole, and who ignore the fact that the bulk of those who emigrate to Assam would have far more evils to face in their own homes than this additional risk to die, would contend that there is any reason for stopping or discouraging emigration.'

"It has frequently been asserted that the penal system of the Act is responsible for not only low wages but also for the high rate of mortality among Act-coolies. This is not the case. Take, for instance, Assam and the Surma Valley. The average pay earned per family by Act-coolies in Assam for 1895 was Rs. 11-11-1, against Rs. 10-4-4 in the Surma Valley, or Rs. 1-6-8 in favour of Assam, and for non-Act coolies per family in Assam Rs. 12-9-6 against Rs. 10-14-10 in the Surma Valley, or Rs. 1-10-2 in favour of Assam; and yet Assam with more than 90,000 Act coolies in excess of the Surma Valley showed a mortality of only 37·6 per mille against 34·3 per mille in the Surma Valley, showing plainly that the wage-question need hardly be considered. The Chief Commissioner's attention was directed three years ago by the Government of India (see Report on Labour Emigration, 1897) to the fact that a number of sick and destitute coolies had been noticed in the Tippera District of Bengal travelling on foot from the direction of Assam. The tea-planting community were saddled by the Government of India with the responsibility attached to these coolies; and the Chief Commissioner, appealing to our feelings, impressed upon employers of labour the responsibilities which rested upon them of co-operation with Government officers in grappling with the difficulty. Mr. Cotton said he had observed for himself the consideration and humanity displayed by the great majority of employers towards coolies who had worn themselves out in the service of their garden, and he called upon all to support him to the utmost of their power in remedying the evil.

"It is satisfactory to find in the report (Immigration Report, 1898), dealing with the subject, that the Deputy Commissioner of Cachar was unable to trace a single case of a worn out or sickly coolie being turned out of a garden.

[8TH MARCH, 1901.]

[*Mr. Buckingham.*]

'As to the tea-industry not being in a position to bear such an additional tax as the enhancement of wages would mean, I am of the opinion that to raise the rate of wages for two years would similarly affect wages at any period. It would in the first place be impossible to import Act labour on one scale and non-Act on another scale of wages. We invariably treat Act and non-Act coolies on the same footing: if Act labour get rice at Rs. 3, it would be unfair to deny this privilege to non-Act. Coolies themselves fail to recognize a difference. The effect, therefore, of raising wages eight annas would be an additional charge of 10 per cent. on labour-charges. The expenditure on a garden on account of pay for labourers is calculated at nearly three-quarters the actual total expenditure in placing tea on the market; this would mean, therefore, an increase of $7\frac{1}{2}$ per cent. on our present expenditure, or an equivalent of nearly 2 per cent. on the capital invested in tea.

"The accounts for 1900 have not yet been closed, but the results are certain, as far as profit and loss are concerned. The bulk of tea now sold in Calcutta and London is being disposed of at three farthings or one penny per pound below cost price, and more than 75 per cent. of tea-gardens will be worked at a loss. A continuation of such conditions must assuredly lead to a collapse of the tea-industry.

"In paragraph 12 of Mr. Cotton's letter to the Government of India, he says:—

'The insufficiency of the wages paid to labourers under contract has repeatedly been the subject of notice in official reports; it will suffice here to refer to the remarks contained in paragraph 35 of report for 1896, paragraph 45 of report for 1897, paragraph 44 of report for 1898.'

"This, I think, is misleading, for we may certainly infer from the above that other reports, besides those mentioned, take up the subject of low wages. Such, however, is not the case. We have only to refer to reports for 1893, 1894 and 1895 to see that Sir C. Lyall and Sir W. Ward make no reference to low wages as telling against the coolie, but confirm the evidence given in the Special Report.

"The reports referred to by Mr. Cotton (it is almost needless to say) are those compiled during his administration.

"I maintain that in 1896 the Hon'ble Mr. Cotton could not possibly have had an opportunity of either seeing for himself the status of the coolies or of consulting with his officers on the wage-question. In fact, in Mr. Cotton's report, dated the 25th January, 1899, No. $\frac{226}{1000}$, Emig., it is stated (alluding to the

question of raising the minimum wage and of reducing the term of contract, that they are reserved for further consideration, and that 'on these two latter subjects Mr. Cotton adheres to the opinion he has already expressed and has nothing to add to them.....The Chief Commissioner has written it while on tour and has not consulted the officers or any representatives of the tea-industry in regard to the proposed legislation.'

"In the Immigration Report for 1896, Mr. Cotton quotes some remarks of Mr. Monahan, Deputy Commissioner of Sibsagar, in report for 1894, with which he says he fully agrees. In the *same report* Mr. Monahan (alluding to the occupations of coolies). says, 'as a rule, however, their occupations, or at any rate the most profitable of them, are confined to coolies who have been a *year or two* on the gardens, during which time, if they keep in good health and are industrious, they may be able to acquire the small capital necessary.' This of course was not quoted by Mr. Cotton.

"My Lord, I do not think it is sufficiently realised what the ultimate effect of a rise in wages will mean, not only to the tea-industry but to the coolies themselves. There are benevolent people at home who denounce fox-hunting, little thinking that, if such a proposition was carried into effect, it would cause a wholesale slaughter and extermination of that animal we take such a pride in preserving. The Hon'ble Mr. Cotton with his philanthropic ideas is similarly dealing a death-blow not only to the coolie but also to the industry we have such a pride in sustaining. Sir Alexander Mackenzie's recommendations for raising wages were based upon the view that the abolition of free recruiting would lower the cost of importing labour (see paragraph 8, Bengal letter of 29th December, 1896).

"Sir Charles Lyall did not say that he agreed to the raising of wages, but simply that he would like to see the rate raised, but that it must be left to Assam. Sir John Woodburn considers that an increase in the minimum wage might disastrously injure the system under which tea is produced without substantially benefiting the labourer.

"The real question is this, the minimum legal rates are already exceeded by arrangements which have gradually grown up and which suit both employer and labourer. Are there sufficient reasons for disturbing these arrangements? The burden of proof is on him who asserts there are sufficient reasons. He has to prove—

(1) that wages are insufficient ;

[8TH MARCH, 1901.]

[Mr. Buckingham.]

- (2) that the proposed re-arrangement will result in sufficient wages being paid ;
- (3) that the arrangement can be carried out without undue disturbance of the labour-system ; and
- (4) that the industry *can meet* the financial burden of the proposed increase in wage.

"Not one of these points have been proved. How can the fact that tasks are light, such as can be performed in much less than a day, and that overtime payments are allowed, afford (as Mr. Cotton says) a strong consideration in favour of raising the statutory rate of wage ?

"Your Excellency said at Tezpur :—'In the long run a problem of this sort will not be settled by Labour Commissions or by Government Bills ; it will be decided by the immutable laws of supply and demand ; you cannot make water run up-hill, and you cannot provide labour for an industry below its market-price.' I need hardly say, my Lord, we accept this responsibility.

"I trust I have clearly demonstrated by the foregoing remarks that no reasonable grounds for enhancement of wages have been produced, and that coolies financially are in a better position than they ever have been, wages earned being considerably in excess of their requirements.

"With Your Excellency's permission I should like to place on the table extracts from the last Land Revenue and Excise Reports, the former showing to what extent immigration has benefited the Provinces. The Land Revenue Administration Report for last year shows that, at the end of 1899-1900, 85,881 acres of Government land were settled direct with immigrant cultivators, *vis.*, 71,159 acres with *ex-tea-garden* coolies and 14,712 acres with other immigrants. The area settled with *ex-tea-garden* coolies increased by 10,558 acres during the year. In 1890-91 the area settled direct with immigrants was not more than 30,000 acres, nearly 24,000 acres being settled with *ex-tea-garden* coolies. In 1880-81 the area settled direct with immigrants was just over 3,000 acres, almost all settled with *ex-garden* coolies. During the last nine years the area settled direct with immigrants has increased by about 56,000 acres, or at the rate of over 6,000 acres a year, the area settled with *ex-garden* coolies having increased by 47,000 acres, or at the rate of over 5,000 acres a year. These figures by no means represent the whole cultivation of immigrants ; large numbers also cultivate as sub-tenants of grant-holders or assamese *raiyats*.

"It is estimated that the number of *ex-tea* immigrants (including their Assam-born children) who have left tea-gardens and settled down in the Assam Valley, chiefly in the districts of Sibsagar and Lakhimpur and in the Tezpur Sub-division of Darrang, is at the present time probably something between 150,000 and 200,000. This represents the actual colonisation work done by the tea-industry. In 1891 the colonists numbered something between 80,000 and 90,000. In 1881 they numbered not more than 25,000. Including tea-gardens, the total number of persons of the immigrant classes, including those born in the province, in the four upper or tea districts would not fall far short (if at all) of 500,000, or more than one-third of the total population of those districts. In 1891 the total number of persons of these classes in these districts was less than 300,000. In 1881 the number could not have been more than 150,000 at the outside ; and in 1872 probably not more than 40,000.

"The above shows the work done by the tea-industry in populating and colonising the province in the Assam Valley only. I have no doubt that the record in the Surma Valley is equally satisfactory. When we add to the above the fact that the tea-industry in this province affords a livelihood to a labour-population of about two-thirds of a million and to over 50,000 emigrants annually, especially in times of famine or scarcity, we shall be in a position to realise the obligation which the Assam province chiefly, but also, to some extent, the other provinces from which the emigrants come, are under to the tea-industry.

"In 1899, Rs. 6,38,573 were realized from liquor-shops in Assam and Rs. 3,66,868 from ganja. The Chief Commissioner acknowledges that this 6½ lakhs are almost wholly derived from coolies. I calculate it amounts to over Rs. 5 per annum per drinking head. Mr. Davis says regarding the consumption of ganja :—

'The labouring emigrant population which furnish the bulk of our ganja-consumers increased by 33,725 or 26.99 per cent. in five years ; the consumption has increased from 36 maunds in 1890-94 to 53 maunds in 1896-97 or by 32 per cent. In addition to this the revenue from rum, chiefly consumed by garden-coolies, amounted to Rs. 6,177.'

"The revenue derived from opium also amounted to Rs. 15,81,991, a large proportion of this drug being consumed by coolies. The figures given above for spirits and ganja are for licenses only, so we may add nearly 50 per cent. for vendors' profits drained out of coolies new and old, who, according to our Chief Commissioner, are unable to earn a living wage."

[8TH MARCH, 1901.]

[*Sir Charles Rivaz.*]

The Hon'ble SIR CHARLES RIVAZ said :—"As I cannot accept on behalf of the Government of India the amendment which my Hon'ble friend has moved, I must ask the forbearance of the Council if I give my reasons for the position we have take up at some length. I trust I shall be able to show that in this matter we have good reasons for our belief that some improvement in the statutory wages of the tea-garden labourer of Assam is called for, and that we should be parties to one-sided legislation if we failed, when amending the Act of 1882 in so many respects in the interest of the employer and when altering the recruiting law in accordance with his wishes, to do something also for the labourer who is the subject of these penal contracts. The penal contract system has become so familiar to the tea-industry of Assam, that there is a tendency to regard it as something quite normal, and to question the right of the Government to revise for the better protection of the labourer any of its details. But in reality the whole system is entirely opposed to the conditions ordinarily existing between employers and employed, and a heavy responsibility rests upon the Government which allows it to continue. The Government is bound to see that the wage, as well as all other conditions of service, is reasonable, and in insisting that it shall be increased on the state of the labourer being shown to be unsatisfactory, the Government is acting strictly within the limits of the responsibility which it has accepted in sanctioning the continuance of the penal contract system.

"My Hon'ble friend states that the minimum legal rates are already exceeded by the arrangements which have grown up between the employers and the labourers: and he throws the burden of proof on us that the present wages are insufficient. I am content to meet him on these two points. His first contention is, that the minimum legal rates are already exceeded, and the evidence he relies on practically amounts to this, that the average earnings of what he considers a normal family, that is, an able-bodied man, an able-bodied woman and an able-bodied child and a further quarter of an able-bodied child, amount to a trifle over Rs. 11 a month. But, on his own showing, the wage of the individual man and of the individual woman is less than the prescribed minimum wage, and what we have to look at is the individual and not the family. Therefore, I cannot allow that he has proved his first point. As to his second point I am quite willing to grant that the expert acclimatised labourer who has retained his health and has adapted himself to his new country earns in one way or another a fair subsistence. But, if anything has come out clearly in the course of the discussions which our proposal has evoked, it is this, that the condition of the emigrant in the first years of his contract is far from satisfactory. My Hon'ble friend has cited the opinions of officers who, writing generally of the

condition of the labourers in Assam, describe them as fairly prosperous. Against these opinions I am content to set the opinion of the present experienced Commissioner of the Assam Valley Districts, who, with wider and more mature knowledge than his subordinate officers and with sympathies strongly inclining towards the employers, has strenuously insisted on the necessity for discriminating between the condition of the old and expert labourer and that of the labourer in the first years of his contract. The condition of the latter, he has emphatically said, requires to be safeguarded. His opinion was endorsed by the conference of planters and officials at which he presided, and which put forward a proposal that a minimum wage, sufficient to purchase food, should be secured by law to every labourer, irrespective of task, for the first two years of his contract. What was this but an admission that the present minimum wage, as it actually works in practice under those arrangements which my Hon'ble friend states 'have gradually grown up,' fails to secure the labourer a living wage? This is the evil to which we cannot shut our eyes, and which justifies our decision that the revision of the law for the benefit of the employers in their recruiting operations ought to be accompanied by some improvement in the wage-scale.

"My Hon'ble friend has not alluded to the fact that the present average wage of the labourer under penal contract is, taking it all round, less than the legislature 35 years ago intended it should be, as my Hon'ble friend the Chief Commissioner of Assam has pointed out in his note which he has appended to the Report of the Select Committee. This is a very remarkable fact, which it is well to bear in mind, when we are told of other 'arrangements which have gradually grown up.' I doubt if there is any other place in India where the cash-wage of today is substantially less than the cash-wage of 35 years ago. When the system of a penal labour-contract was instituted by Bengal Act VI of 1865, a fixed minimum monthly wage was prescribed, which was Rs. 5 for male adults and Rs. 4 for female adults. This system of a fixed monthly wage was altered by Act I of 1882 to the present system of a minimum wage-rate contingent upon the completion of a daily task, the regulation of which is practically in the hands of the employer. I doubt if the full effect of this alteration was realised by the legislature. The effect has been that even in the busy season of the year, when the labourer gets overtime earnings, the prescribed minimum wage-rate of Rs. 5 per man and Rs. 4 per woman is in many cases not earned; while at other times of the year it is seldom, if ever, earned, at all events by the newly-joined coolie during the first two years of his contract. The annual returns of the average monthly wage earned in each district of Assam show that, even including payment for overtime, the average

[8TH MARCH, 1901.]

[Sir Charles Rivaz.]

wage of the whole year round in almost every sub-division of the province is less than Rs. 5 per man and Rs. 4 per woman. As the skilled workers admittedly earn on good gardens more than the minimum wage, the only possible explanation of these figures is that the newly-joined and unskilled members of the labour-force earn materially less than the minimum wage-rate. When we bear in mind that, when this minimum wage-rate was fixed, it was fixed on the supposition that even the newly-joined coolie would be able to earn it by performing a fair day's work for 26 days in the month, we must, in my opinion, recognise that this failure on the part of a considerable section of the labour-force to earn the prescribed wage constitutes a very strong argument for the enhancement of the present wage-rate which is proposed in the Bill now before Council. For we have, I repeat, the undeniable fact that for the first years of their service on the gardens the labourers do not receive the wage which the legislature supposed in 1865 and again in 1882 it was guaranteeing to them. I know that it has been said that though the legislature may have intended that no labourer should receive less than Rs. 5 a month if a man, or Rs. 4 if a woman, yet the law was impracticable, and that it was found convenient to depart from these benevolent intentions, and to convert the monthly wage into a daily wage contingent upon a fulfilment of a task fixed by the planter. But the change was to the detriment of the labourer, and to it must be ascribed the evil which, as I have said, is admitted to exist. I cannot help thinking that the practice of strictly enforcing the daily task and of keeping down the labour bill by the method of '*fractional hasiris*,' that is, of paying half or three-quarters wage for short tasks, has grown of late years. It is not noticed as a prominent abuse in the report of the Committee of Enquiry which preceded the enactment of the Act of 1882. Any one reading that report would come to the conclusion that the full monthly wage was ordinarily earned by the coolie in those days, and that tasks, if set, were only for the punishment of the able-bodied labourer who was wilfully idle. That at all events was the view taken by the then Viceroy, Lord Ripon, in the course of the debate on the Bill. Replying to the objections taken in certain quarters to the wages fixed in the Bill as being too low, Lord Ripon said that they were minimum rates, designed to secure that under no circumstances should the labourer get less than a living wage, and that the Government was convinced that the real earnings of the great majority of the labourers would far exceed this minimum. We know that these anticipations have not been realised, and that under the task-system as practised today in Assam the living wage which the minimum rates of the Act are supposed to represent is not earned or earnable by a considerable proportion of the labour-force. Therefore, I say that the lot of the labourer is worse than the legislature in 1865 and in 1882 intended that it

should be, and that this fact alone would amply warrant a larger increase in the monthly wage-rate than we propose.

“ But the case for raising the wage does not stop here. When I introduced the Bill two years ago I stated that, since the wage was first fixed in 1865, a great rise had occurred in the prices of food and in the wages of labour. The fact seemed to me too notorious to require demonstration. Every one who has long experience of India is conscious that money will neither purchase as much food or labour as it did twenty or thirty years ago. As my Hon'ble friend has alluded to Mr. O'Connor's evidence on this point before the Currency Commission of 1898, I have looked up what Mr. O'Connor actually said. He said that there had been a great increase all over India in the wages of skilled and unskilled labourers. He subsequently stated that in the case of the wages of agricultural labourers the rise was largely disguised in the official returns by reason of their still being paid in kind. This is perfectly true, but, as we are here dealing with cash wages, it does not affect the question before us. If we test Mr. O'Connor's evidence by the Assam figures, we find that, whereas for the ten years preceding the enactment of Act I of 1882 the average price of rice in the Province of Assam was over 19 sers the rupee, for the ten years preceding the present time the average is less than 13 sers. Measured in rice, therefore, the minimum wages fixed in 1882 are not the minimum wages of today: that is, the sum Rs. 5 or Rs. 4 a month purchases less rice now than it did in 1882. It has been argued that the prices of other commodities have fallen in Assam owing to improved communications and establishment of local marts. I am ready to admit that this may be the case. But the ruling figure in the coolie's budget is what he spends on rice, and the evidence to my mind is clear that rice is much dearer today in Assam than it was when the present wages were first fixed. The labourer is, I admit, provided by his employer with rice at Rs. 3 the maund, the equivalent of a rate of 13·3 sers per rupee. But my contention is that in old days rice on the average was far cheaper than this in the province. I think, therefore, that, on the ground of prices alone, a case could be made out for raising the minimum wage. We have also the fact that wages of free labour have risen of late years in Assam, and that they are considerably higher than the wages of the penal contract. We have also the fact that, in the districts from which the planters seek to draw their labour-supply, there is an active and increasing competition for labourers for mills and mines and the colonies, and that much higher rates are offered than the present minimum rates of the Act. Putting all these things together, it is impossible to avoid the inference that not only prices of food, but also wages of labour of the particular kind required by the planters, have risen.

[8TH MARCH, 1901.]

[Sir Charles Rivas.]

" My Hon'ble friend has attempted to show that the Act-labourer in Assam is better off than the free labourer in the Duars. The circumstances between a free-labourer and a labourer under a penal contract are so radically different that such a comparison is of little real utility, even if we accurately knew all the facts about wages and tasks and overtime in the Duars. It is, however, clear that the lowest wage-rate in the Duars for a man is Rs. 6 a month, and that he can earn this by performing a very moderate task for 26 days. When my Hon'ble friend states that the average wage actually earned by adult male labourers on certain selected gardens in the Duars is under Rs. 5 a month, he omits to notice the important qualification supplied by the Deputy Commissioner of the district that many of the labourers have other occupations, and that they do not on an average work on the tea-gardens more than 18 or 20 days in the month. The Duars planter cannot compel them to work as an Assam planter can his Act labourers. The comparison is thus vitiated by this circumstance alone. We also have it in evidence that labour prefers to go to the Duars rather than to Assam, and we quite recently have been told in the correspondence columns of the *Englishman* that labour in the Duars is more expensive than in Assam. I cannot, therefore, see that there is any force in the argument about the Duars.

" I now return to my statement that the actual condition of the labourer under penal contract is not satisfactory, at all events during the first two years of his contract, and that it requires to be improved. In the first place, the Labour Commission of 1895 distinctly recognized the fact by saying in their Report that, if Government took measures for reducing the cost of importing the coolie into Assam, it would be fairly entitled to demand some increase in the pay of the coolie and some reduction in the term of contract. In the next place, the Bengal Government in forwarding this report to the Government of India expressed an opinion that, if the recommendations of the Commission on the subject of recruiting were carried out, the term of contract ought to be reduced to three years and the minimum wage also raised to Rs. 6 for a man and Rs 5 for a woman throughout the period of contract. The then Lieutenant-Governor (Sir Alexander Mackenzie) expressed a very decided opinion that wages were kept at too low a level in Assam, even allowing for all the expenses of the present system of recruitment. When the report of the Commission was circulated to the other Local Governments and Administrations concerned, there was a consensus of opinion on the part of the North-Western Provinces Government, the Central Provinces Administration and the Assam Administration that the minimum wage-rate ought to be enhanced as proposed by the Bengal Government, and provision was made

[*Sir Charles Rivaz.*] [8TH MARCH, 1901.]

accordingly in the present Bill as introduced. Since the introduction of the Bill, opinions on this point have no doubt changed in some quarters; still all concerned are agreed that something ought to be done for bettering the present position of the coolie during the first two years of his contract. The remedy proposed by His Honour the present Lieutenant-Governor of Bengal was to reduce the statutory task; but it was found that the planters were opposed to this solution, and it was consequently dropped. Another proposal which was put forward at the Conference convened by the Commissioner of the Assam Valley Districts at Tezpur to discuss the Bill was that the labourer during his first two years in Assam should be guaranteed, if a man Rs. 3-8 a month, and if a woman Rs. 3 a month, for this period irrespective of task. This proposal was, however, considered insufficient by the Chief Commissioner and was also eventually rejected by the planters themselves. We had, therefore, when considering the Bill in Select Committee, to fall back on some other solution of the question, and it seemed to us that, as increased protection of the newly joined labourer was the matter of foremost importance, this end could best be attained by providing that he would be entitled to earn a full wage by performing half an ordinary task during the first six months of his service. This, however, taken alone fell considerably short of protecting the coolie for the first two years of his contract, which, as I have just said, has been generally admitted to be required. The representatives of the planters on the Committee were opposed to applying the half task rule to a longer period than six months. We therefore provided, while maintaining the present minimum wage for the whole of the first year subject to the half task rule for the first six months, a very moderate increase of eight annas a month for the second year of the contract, nor did we go beyond this moderate increase for the third year. The present wage-rate for the fourth year has been left untouched. I think I may reasonably claim that in doing this much, and this much only, we have shown the planters all possible consideration compatible with the obligation of Government towards the coolie whom it allows to be placed under a long term of penal contract; and it must be remembered that the small proposed enhancement of the wage-rate is not accompanied by any reduction of the period of contract at present allowed, although such a reduction was pressed upon the Government of India by the Secretary of State in 1893 and was, as I have already said, contemplated by the Labour Commission in 1895.

“Coming now to the practical effect of the moderate enhancement thus made in the wage-rate of the second and the third years, let us see what it comes to. The aggregate earnings of a man during the four years of his labour-contract would

[8TH MARCH, 1901.]

[Sir Charles Rivaz.]

amount, under the present wage-scale, if he earned the full wage throughout, to Rs. 252 and of a woman to Rs. 204. The increase in these aggregate earnings will be Rs. 12 only, that is, less than 5 per cent. in the case of a man and less than 6 per cent. in the case of a woman. Now, as I have already pointed out when speaking earlier today, the main object of the Bill before the Council is to cheapen the cost of importing the coolie into Assam by abolishing the present unlicensed and uncontrolled system of so-called free recruiting and encouraging recruiting and assisted emigration by *bond fide* garden-sardars. The Labour Commission estimated that the cost to the planter of each contractor's coolie was from Rs. 125 to Rs. 150, while the average cost of the coolie recruited through the garden-sardar was Rs. 60 to Rs. 65. The Report on Labour Emigration into Assam for 1899 estimates the average cost of importing coolies from about Rs. 50 for a sardari recruit to Rs. 120 for a labourer recruited through a contractor. It may therefore be fairly estimated that the difference in cost between a labourer obtained from a contractor and one recruited by the garden-sardar comes to at least Rs. 50. Setting aside for the moment the Surma Valley, where in a labour-force of over 160,000 there are only 12,000 Act labourers, statistics show that about 18,000 coolies go annually to the Assam Valley, of whom about 12,000 are obtained at present through professional recruiting. It is evident, therefore, that there is considerable room for substituting the cheaper sardari recruit for the more expensive contractor's coolie in the Assam Valley, supposing, that is to say, that, as is alleged on behalf of the planters, the labour-supply in the recruiting districts is ample if only the garden-sardar is given fair play. By the present Bill we are giving him fair play by virtually carrying out all the recommendations which were made in this direction by the Labour Commission; and if, after the garden-sardar has been freed from the illegitimate competition of the unlicensed contractor and recruiter, he finds himself unable to procure an adequate supply of coolies for his employer, I think all will admit that it is a legitimate inference that the wage offered, even if enhanced as proposed in the Bill now under consideration, is insufficient to attract a proper supply of labour, and that the employers will have to offer further better terms on their own initiative. It has, however, been urged on behalf of the planters that the increase in the wage-rate contemplated by the present Bill will not only affect the price of Act labour but also of labour outside the Act. I am not prepared to admit this. In the Surma Valley it certainly will not, for, as I have just mentioned, the proportion of Act labourers to non-Act labourers is so small that the proposed small rise in the wage-rate of Act labourers cannot possibly affect the wage-rate of the non-Act labourers. Then, as regards the Assam Valley proper, where the number of Act labourers and non-Act labourers are about equal, Mr. Melitus, the Commissioner

[*Sir Charles Rivaz; Mr. Henderson.*] [8TH MARCH, 1901.]

of the Assam Valley Districts, has shown that the average wage of the non-Act labourer is materially higher in that part of Assam than the average wage of the Act labourer. This being the case, there seems no reason for supposing that our proposed very moderate increase in the wage of the Act labourer need necessarily have the effect of increasing the wage-rate of the non-Act labourer.

"I trust I have shown sufficiently that the increase which we propose to make in the wage-rate is in reality an exceedingly moderate one, that the interests of the planters have received all possible consideration, and that this increase in the wage-rate will not have the damaging effect on the tea-industry which has been so vehemently asserted in some quarters."

The Hon'ble MR. HENDERSON said:—"My Lord, I desire to make a few remarks in support of the amendment proposed by the Hon'ble Mr. Buckingham.

"It would naturally be expected that, before the Hon'ble Mr. Cotton introduced a Bill affecting in such a serious manner the very important interests of a great industry and the welfare of the great population depending on that industry, he would have made careful personal investigation in every district in the Province, and his failure to inspect a single estate during the years of his Chief Commissionership must detract considerably from the value which would otherwise attach to his opinions.

"His predecessor, Sir William Ward, whose long residence and great experience in the labour-districts made him peculiarly qualified to speak with authority, has not recorded any opinion that the enhancement of wages is advisable, nor has any previous Chief Commissioner done so.

"The Hon'ble Mr. Cotton's experience of Assam has been limited in the first place to a residence of a few years in a portion of the Province which is not a labour-district, and in the second place to hurried tours through the Province.

"I am not aware that during these tours he has ever made even the most superficial inspection of any tea-estate in the Assam Valley and he has certainly not done so in the Surma Valley.

"It is obvious therefore that the very strong views he has expressed as to the necessity for increase in wages are not the result of personal observation, nor can they be based on the reports of the District-officers; for I find that the Commissioner of the Assam Valley, an official of great experience, is opposed to

[8TH MARCH, 1901.]

[Mr. Henderson.]

him on this question, and amongst eight Deputy Commissioners in charge of labour-districts he has only succeeded in finding one supporter.

“With Your Excellency’s permission I desire to criticise the reasons given by him for his dissent from the Report of the Committee.

“I would point out in the first place that he has made no reference in his memorandum to the general rise in the cost of articles consumed by the labourer, which he originally gave as a principal reason for the proposed increase of wages. I do not know whether we are justified in concluding that the reason of this omission is that he has already realised the fact that the statement could be effectually refuted.

“With reference to the concluding paragraphs 6 to 15 of his memorandum, I would submit with all due deference that they are full of inaccuracies and exaggerations.

“In paragraph 6 I find the extraordinary statement that the general rise of wages of unskilled labour in Assam has on an average amounted to 44 per cent. in 25 years. The Hon’ble Member who represents the Assam Valley has dealt with the question so far as regards the Assam Valley and the rest of India.

“Of the Cachar and Sylhet Districts, where local labour is more plentiful than in the labour-districts of the Assam Valley, I have had a very extensive experience dating since 1880. I can assert most positively that in that year the pay earned by unskilled local labour was not lower than that earned in recent years, and that actually at the present time the rates of pay for such labour in Cachar are lower than I have ever known them.

“During the twenty years from 1880-1901 I have been a very large employer of local labour, and in no case have I ever paid more than four annas per working day, and frequently less.

“The rates quoted by the Hon’ble Mr. Cotton in his paper entitled *Wages in Assam* are overstated to the extent of 30 to 40 per cent. in case of the two districts above referred to.

“I should be inclined to think that the explanation of the high figures quoted there is that the rates quoted are those prevailing in the sadr stations, where living is more expensive, or are those paid to skilled labourers, and possibly in some cases they refer to labour impressed for Government service, which is always unpopular.

" If you add to the wages paid to the imported tea-garden labourer the cost of house-accommodation provided, medical attendance, medicines, sick allowances and the numerous other advantages enjoyed by the coolies, it will be easy to show that the tea-garden labourer is at no disadvantage compared with the outside labourer.

" The statements in paragraph 8 that the Duars coolie earns higher pay than his neighbour in Assam have been shown to be incorrect, and comparison between Calcutta and Assam rates of pay is manifestly unfair unless accompanied by a comparison of cost of living.

" It is specially stipulated both in the present Bill and in Act I of 1882 that labourers imported into Assam shall not be bound to perform underground labour, and this recognition of the special nature of this employment entirely vitiates comparison between the Assam coolie and the mining one.

" I am unable to agree with the statement in paragraph 9 that the minimum rate of wage has proved insufficient to attract an adequate supply of suitable labour.

" It is true that estates in Assam for which Chota Nagpur labour is alone suitable have serious difficulty in securing the number of labourers required, partly because this district has already been depleted of its surplus population by many years' recruiting, and partly because the system of free recruiting for the Duars is more popular.

" The result has been that there has been very severe competition and consequently very high prices for labour from that district.

" To state the price of contractors' coolies at Rs. 120 to Rs. 150 per head as an obvious exaggeration. I do not consider that the average figure should be over Rs. 80 for all contractors' coolies imported to Assam, and the allegation that a saving of 13 lakhs would be effected by a higher rate of pay reducing cost of recruitment is utterly absurd.

" There is no reason to suppose that an increase in wages would result in any reduction of cost of importation or in any improvement in the class of coolie.

" To assume, as is done in paragraph 10, that an increase in the rate of wages would result in such an improvement in the physique and class of labour that a reduction of 50 per cent. in rate of mortality would occur is as

[8TH MARCH, 1901.]

[*Mr. Henderson.*]

unreasonable as it is to place an arbitrary valuation of Rs. 130 per head on the presumably inferior class of coolies who have succumbed.

“Cases may have occurred, but I am certain they have been very rare, when an insufficient living wage is paid; but an increased rate of wages would scarcely affect this evil unless at the same time an increase in tasks is prohibited.

“The remedy in such cases—a very minute minority—is to be found in more stringent control by District-officers and not by special legislation.

“In any case, it is probable that the low earnings referred to were the result and not the cause of the unhealthy labour-force on gardens where such cases have occurred.

“There is no doubt that the tea-industry cannot afford to pay higher rates of pay than it is doing at present, and unless the proposed increase of pay is accompanied by an increase of tasks the ruin and closure of many estates will result, and the labourer himself will eventually be the principal sufferer from this ill-judged effort to benefit him.

“Assuming that the increase of tasks corresponds to the proposed increase of pay, it is evident that the lazy and inefficient labourer will not benefit in any way, and the strong, healthy, efficient coolie will suffer, because a larger proportion of his work will consist of daily task work and less time will be at his disposal for the performance of the more highly paid and more congenial *ticca* work.

“All employers of labour will cordially agree with the remark of His Honour the Lieutenant-Governor that the system of over-time work and remuneration is an excellent and proper system.

“Any legislation which would have the effect of making the labourer's earnings depend on daily task work to the exclusion of *ticca* work would inflict an injury on the best class of labourer as well as on the employer, who would require to largely increase his labour-force if the labourer were discouraged from doing over-time work.

“I trust that in coming to a decision on this important question Your Excellency will give full consideration to the serious effect of a rise in wages on the industry in its present very critical state, and that by your decision you will not further aggravate the almost overwhelming difficulties which we have at present to face.”

The Hon'ble MR. ASHTON said:—"My Lord, I support the amendment moved by my Hon'ble friend and beg Your Excellency's leave to state my reason as follows.

"The Hon'ble Member in charge of this Bill commenced his argument by stating that the existence of a penal contract is not a normal condition of things. Of course it is not normal, because other conditions are not normal. It is an effort to give to a coolie in the only possible way an ability which he did not before possess—the ability to make a contract to better his condition, and has no sinister significance. It is a survival of a more patriarchal condition of things suitable for the society for which it is devised. Ninety-nine out of a hundred of the aboriginal coolies are poor beyond the poverty that is measured in rupees and pice. A civil obligation is unknown to them; so that the penal contract is the only form of contract possible between them and the planter. This being admitted, Government is called on only to see that the coolie is not deluded into a situation less desirable than that which he desires to leave. The law, aided by the private interest of employers, however, goes far beyond this, and that it does so with practical effect there is abundant evidence. The Hon'ble Member of Council who has so warmly advocated an increase in the minimum wage has indeed argued that the opposite is the case; but there is overwhelming evidence against him. The minimum wage for a minimum task is only one out of many advantages that the coolie secures. He secures, for instance, a master whose direct interest it is to keep him well and happy, because a tea-manager who fails in the treatment of his labour fails in everything. He secures his housing, his doctoring. His staple food, rice, must be furnished him at a price that is not allowed to exceed Rs. 3 per maund. In further evidence of how carefully he is looked after I may instance a tea company for whom my own firm are agents, who, in the year 1899, spent Rs. 62,610 on medical officers and medicines for the benefit of coolies. The company virtually pays the premiums of a sick insurance fund at the rate of Rs. 4-4 per head of the men, women and children employed, which premiums are expended on the sick at an average rate per head, the amount of which I have not ascertained, but which must be far beyond the reach of a coolie. In one year alone the same company spent Rs. 11,565 in condensed milk for coolie children, most of them born in Assam. Would the parents have been able to give them this? I think not. It is beyond argument that many lives are saved annually by the care, attention and money which tea-gardens expend on their labour-force. It is only necessary to study the financial columns of the newspapers to see how many gardens there are that, as a matter of fact, exist mostly for the benefit of the coolie. Shareholders have had nothing; the manager toils for a salary that allows him to save

[8TH MARCH, 1901.] [*Mr. Ashton; Rai Sri Ram Bahadur.*]

nothing; yet the coolie continues happy in the knowledge that he has exchanged the fear of famine for a certain livelihood and modest savings. Add a little heavier burden and these gardens are closed and the coolie's livelihood ends.

"Much has been made of the cost of securing and landing coolies in Assam. It must be more costly than of old, because regulations are more complicated and thus give a handle to those who trade on the fact. Just as it is necessary to pay a skilled barrister to pilot one through the perilous and tortuous channels that lead to justice, or a patent agent to help one to find protection for an invention, so it is necessary to employ a forwarding agent to shepherd the coolies through the police and inspectors who hang on the line of their march from their own country to the gardens. If abuses occur, it is in fact in the recruiting districts, but not on the tea-gardens. The broad facts are that the coolies are badly off in their own country and well off in the tea-gardens. I think that this fact has been prominently brought forth in this discussion by the prominence that has been given to the weak and emaciated condition of the coolies on their first arrival at the gardens, as may be expected, seeing the famine-stricken districts from whence they come, and by the fact that special provisions are made in order to give the gardens sufficient time to reconstitute their health and strength by care and attention. The difficulty is to get them from the one to the other without hardship or abuse, and the obvious remedy is to make the road from the coolies' forest home to the gardens plain and easy, and it is towards this end that effort should be directed. Every tea-manager is at one with every Hon'ble Member of this Council in a wish to see the coolie well, happy and contented and his lot improved. Remedies for the coolie's lot may be required, but of this I am certain, that the raising of the minimum wage is not the one for which we ought to seek."

The Hon'ble RAI SRI RAM BAHADUR said :—"My Lord, instead of recording a silent vote against the amendment moved by the Hon'ble Mr. Buckingham, I beg, with Your Lordship's permission, to make a few remarks on the motion before the Council, and, by adopting this course, I hope on this occasion to exonerate myself, at least to some extent, from the general charge, just made by the Hon'ble Member, of being an Asiatic and doing nothing.

"No sensible person, my Lord, can underrate the difficulties which exist with regard to legislation of the class to which the Assam Labour Bill belongs. The first question which comes to one's mind with respect to a legislation of this nature is, why the contractual relations between labourers and their employers, instead of being left to be governed by the ordinary law of contract, should be subjected to a legislative enactment of an exceptional character, and why the whole

thing should not be left to regulate itself by the economical laws of supply and demand, and the contracting parties allowed to settle their own terms, but, on the contrary, the legislature should intervene to fix the rates of wages which the employers have to pay to the labourers. These points do naturally force themselves upon one's attention in considering the question before the Council. But it appears that the existence of circumstances of a very peculiar nature induced the Government, in time past, to have recourse to special legislation on the subject of emigration of labourers to Assam, and that the continuance of those circumstances, though now changed to a considerable degree, has led the Government to still retain that legislation, with such necessary alterations and modifications as the exigencies of the time require.

“ My Lord, had it been the case of two contracting parties standing on a footing of equality as regards intelligence, knowledge, experience and facility and opportunity to get sound advice, a wholesale repeal of the law on the subject would have been the most acceptable course to be adopted by Government. But in reality such is not the case. Of the two contracting parties, in the first stages of the negotiations which ultimately result in the contract, on one side we have the astute and shrewd recruiting agent or labour-contractor, who receives large premia to procure labourers for the tea-plantations, and whose measure of pecuniary gain depends upon the number of labourers he succeeds in securing for his employers. On the other side, we have the villager, simple, illiterate, ignorant and not possessed of the capacity to fully comprehend the consequences or realize the nature of the liabilities to which he is subjected by the terms of the contract into which he is led to enter by the contractor's persuasive words, blandishments and rose-coloured accounts of the place to which he is to be taken—that place being so distant from his native home. These contracts are not of a purely civil nature, but breaches of their terms, real or assumed, make the labourer liable to criminal punishment by a Criminal Court.

“ My Lord, it was the consideration of the helpless condition of the men engaged as labourers, and the gross abuses which had been found to exist at the time in the system of recruitment, which first forced the Government to have special legislation on the subject, and Act III of 1863 was the first enactment passed by the Bengal Council—Assam in those days forming a part of the Government of Bengal.

“ The avowed object of that legislation was the protection of coolies and the removal of abuses in the system of recruitment. But in subsequent legislations on the subject, on the representations made by the planters, penal clauses have been added from time to time, their object being to give greater

[8TH MARCH, 1901.] [Rai Sri Ram Bahadur.]

facilities to the planters to enforce, by the machinery of the Criminal Courts, terms of the contracts entered into by the labourers.

“Act VI of 1865 of the Bengal Council, passed in the Spring of that year, fixed for the first time the minimum monthly rates of wages—Rs. 5 a month for an adult male and Rs. 4 a month for an adult female. Additions to, modifications of, and alterations in the different provisions of the Assam Labour Law were made from time to time by the Bengal Council as long as the tea-districts remained under the Bengal Government, and by this Council after the constitution of Assam into a separate Administration. But the amount of minimum rates of monthly wages to be paid to the labourers has continued the same as they were fixed thirty-six years ago. A general rise in the rates of wages has taken place throughout India, prices of food-grains have arisen all over the country, and cost of living has increased to a considerable extent in almost all the provinces of the Indian Empire. Those who advocate the retention of the minimum rates of wages laid down in the law at present in force do not take into their consideration these factors. According to them no advance in the way of raising the standard of minimum wages to be paid to the poor Assam coolies should be made by the Government, but legislation in this respect should remain as severe and stereotyped as the laws of the Persians and the Medes.

“My Lord, the ordinary wages earned by the labourers in their own districts were much lower in 1865, when the law for the first time fixed the minimum rates. In the North-Western Provinces and Oudh there has been a general rise of wages of the common labourer, in many places such rise averaging between 25 and 33 per cent., and in some as high as 50 per cent. In 1865 the demand for labour in the tea-districts of Assam was not so high, because at that time the number of plantations was not so great as it is now.

“There is a consensus of opinion of the Governments of the North-Western Provinces and Oudh and the Central Provinces and of others from which places many of the labourers are recruited, in favour of raising the minimum monthly wages.

“A glance at the table of monthly wages received by both of the classes of labourers, those governed by the Act of 1882 and those not so governed, shows that the labourers of the latter class in most cases, are much better off in respect of the wages received by them than their brethren of the former class. I have refrained from quoting figures in support of my proposition, as I understand that other Hon'ble Members, in particular the Hon'ble the Chief Commissioner of Assam, who can speak with the greatest authority on the point, are going to speak on this subject.

[*Rai Sri Ram Bahadur ; Mr. Bolton.*] [8TH MARCH, 1901.]

"My Lord, it is said that there is a danger looming in the distant horizon, threatening the prospects of the tea-industry in this country, and that the present is not an opportune time for raising the minimum rates of wages. That danger may actually be realized or not, but its mere apprehension should not outweigh the proved necessity for raising the wages of the poor labourers.

"My Lord, an increase of only eight annas a month in the wages of labourers, during the second and third years of their engagements, does not go far enough to completely meet the circumstances of the case. One rupee a month, as provided in the original Bill, would have been more appropriate. But, as there is no amendment before the Council to restore the rate originally proposed, I am obliged to support the one now fixed by the Select Committee as a sort of compromise.

"It is a matter of regret that the Maharaja Bahadur of Darbhanga, the only Indian member on the Select Committee of this Bill, was able to take part only in four or five of its sittings. During the rest of the deliberations of the Committee there was no Indian member to represent the views of the Indian community respecting such an important measure.

"So far as I know, there is no expressed desire on the part of the planting interest to have a repeal of the law governing coolie-labour. The existence, in that law, of provisions favourable to the interest of the tea-planters may account for their desire for its retention. If the special legislation containing penal provisions unfavourable to the interests of the labourers is to remain, no valid objection can, I think, be raised against the proposed small increase in the minimum rates of wages—an increase completely justified by change of the circumstances in the labour-market.

"I therefore vote against the proposed amendment of sub-clause (4) of clause 5 of the Bill."

The Hon'ble MR. BOLTON said:—"The freedom which, I understand, may be exercised by the official Members in voting on this motion places before me the plain duty of voting in accordance with my personal and independent judgment. I may say that I came to this Council with a mind entirely open on this subject, that I have since studied it with great care, that I am in no sense, directly or indirectly, interested in the tea-industry, and that I have formed my final judgment with strict impartiality on the materials before me, guided also by my personal knowledge and experience, so far as they apply. The conclusion to which I have been brought—and I regret that it differs from that of the Government of India—is this, that the case for an increase of the minimum contract

[8TH MARCH, 1901.]

[*Mr. Bolton.*]

wage has not been made out; and I must accordingly vote in favour of the Hon'ble Mr. Buckingham's motion. I am in no doubt as to the necessity of facilitating the earning of a full wage by the weak and unacclimatised coolie during the early stage of his stay in Assam, and I am glad to find that the motion leaves untouched the important proviso of the Bill on that point. I have also concurred in the introduction of the new section which will empower the Local Government to cancel the contracts of labourers on any garden where the earnings cannot be such as to maintain them in health and fair comfort. These two provisions appear to me to do all for the labourers that the existing circumstances demand, and I have personally not been convinced by the arguments advanced in support of the raising of the wage. In fuller explanation of my vote I am constrained to notice those arguments on which the greatest stress is laid; but I will do so briefly. It is said that the wages of agricultural labourers in Assam are much higher than those of the garden-coolie. That is so, but it affords, to my mind, no ground for raising the garden-coolie's wage. Local labour in Assam is scarce, and the labourer is able to impose his own terms. His appears, therefore, to be, not a necessary, but a special wage, which cannot be taken as a guide in fixing the pay for labourers imported from a distance at great cost. It should be remembered also that the agricultural labourer, whether in Assam or elsewhere, does not obtain work throughout the year, and that, therefore, with a higher rate of monthly wage it does not follow that his earnings for the entire year exceed those of the garden-coolie, who is assured labour and remuneration for every working day of the year. Comparison has, again, been made between the wages of the garden-coolies and those which are paid to the mill and mine hands in Bengal; but it is open to the coolies who emigrate to Assam to seek work in the mills and mines of Bengal, and, if they do not, or are not an acceptable class, it can hardly be urged that their wages in Assam should be regulated by those paid to men who are actually employed on such labour. Finally, a general increase is said to have taken place in the wages of labourers, from the benefit of which the garden-coolie should not be excluded. There is evidence of such increase in the towns, but it cannot be affirmed that it has extended to the class of agricultural labourers in the interior, employed by zamindars, middlemen and well-to-do tenants, from which the emigrants to Assam mainly come. These labourers are paid chiefly in kind, receiving little more than a bare subsistence wage, and their lot is certainly inferior to that of the garden-coolie.

"It seems to me that these arguments do not point out the true tests of the sufficiency of the garden-labourer's wage, but that the adequacy of the wage

[*Mr. Bolton ; Mr. Cotton.*] [8TH MARCH, 1901.]

should be tested, first, by the willingness or otherwise of the coolie to emigrate to Assam, and, secondly, by his condition generally in that Province. We are left in no doubt on the first point. Thousands, acquainted with the conditions of labour on the tea-gardens, willingly emigrate every year from Bengal and the Central Provinces, and the inference is reasonable that the wage attracts and is deemed sufficient. On the second point there is much testimony to the well-being of the coolies in Assam generally. Many cultivate patches of land and own cattle, goats and pigs, they spend a good deal on what may be termed luxuries, and they also make remittances to their native districts. So far, therefore, as it is possible to form an opinion without intimate personal knowledge of the life of the coolies in Assam, it does not appear that the wages earned are insufficient. There are necessarily exceptions, but for such cases relief will be available in the two provisions of the Bill to which I have alluded.

"If the tea-industry were prosperous, an argument might be found for raising the wage, even though its insufficiency were not clearly proved, in the principle that the labourer should have a share with his employer in the prosperity to which he largely contributes. We have, however, evidence on all hands that the industry is passing through a period of extreme depression, and the time is certainly inopportune for adding to its burdens. An early and continued improvement must be the hope of all, and in that hope it is gratifying to learn that the Government is prepared to consider favourably a proposal to suspend the increase of the wage for some time."

The Hon'ble MR. COTTON said:—"My Lord, I support the Hon'ble Member in charge of the Bill in opposing this amendment of the Hon'ble Mr. Buckingham, and in doing so I fear I shall be obliged to trespass on Your Excellency's indulgence in addressing the Council at considerable length upon a question which has excited an unusual degree of interest in Assam and in Calcutta. My excuse is that the responsibility for the proposal to raise the wages of contract labourers on tea-estates in Assam rests mainly on my shoulders, and that its justification must in some measure depend on the arguments I may be able to adduce in its support.

"In the first place, I must ask for Your Lordship's permission to advert to the considerations which have made it necessary to fix by law the minimum rate of wages under penal labour-contracts, and I must point out that there seems to be the more occasion for doing this as these considerations have been conspicuously ignored in some of the arguments which have been advanced against the proposal to raise the minimum rate. Let us therefore clearly

[8TH MARCH, 1901.]

[Mr. Cotton.]

understand that the conditions in Assam are not those of the ordinary labour-market, where the rates of wages can safely be left to be regulated by the economical laws of supply and demand. The whole of the special legislation regarding labour-immigration into Assam is based on the assumption that the conditions of the labour-market on Assam tea-gardens cannot be regulated by those economical laws. The existence of a penal contract is justified on this ground. The protection of the labourer is justified on the same ground. The law as it stands, and in an equal degree the law which the Council will be today asked to pass, impose on the labourers serving under contract thereunder in the tea-districts penal provisions of extreme stringency—to such a point that the coolie who is conveyed to the labour-districts under this law ceases legally and practically to be a free man. My Lord, I will not go so far as Sir George Campbell did, who, when the Act of 1873 was under consideration, declared from his place as President of the Council that the coolie was reduced to the position of a slave. I do not wish to use any expression which would cause offence, but I will say that the coolie is compelled to labour to the end of his contract as a man not free or his own master. He is bound down for a term of years not only by penalties under the law, but by physical subjection to his employer, who, on a labourer attempting to run away, is empowered to seize him and bring him back to work. In a country where the tea-plantations are generally far removed from authority that is a tremendous power given to employers over their labour-force. I do not deny that it is necessary in the interests of the tea-industry to confer this power; but, when I say this, I venture to remind the Hon'ble Members of this Council that the recognition of this necessity by a provision in the Statute-book affords sufficient evidence of the length to which the Legislature has deemed it proper to go in order to give something more than mere moral support and encouragement to the industry. It is not too much to say that the material support accorded to the tea-industry by the provisions contained in the Labour Law for the enforcement of labour under a penal contract is the mainstay of the industry, and it is simply amazing to hear, as we have so often heard in the recent public discussions on the subject of this Bill, that the Government affords no assistance to tea in Assam. It is needless for me to add that the Bill now before the Council in no way ameliorates the condition of the tea-labourer in regard to his deprivation of freedom while he is under contract. But, my Lord, the legislature has another duty to perform, and, while the Statute law of the country has deprived the labourer of his status as a freeman, it has also always recognised that a corresponding obligation rests upon the Government to compel the employer to provide for the labourer's wants, to protect

him against overwork, to shield him from ill-usage of all kinds and to secure to him a reasonable wage. The law before us therefore provides for all these things. A penal labour law and Government protection to the labourer are correlative terms, and it follows from the peculiar nature of a penal contract that it is absolutely necessary for the protection of the labourers who enter into such a contract to make it by law obligatory upon the employer to pay a reasonable wage for their services.

"When we speak of the interests of the tea-industry, we are accustomed to mean the interests of the proprietors of tea-gardens, of the share-holders of Companies, of the agents in Calcutta and London, and of the employers of labour; and this customary use of the expression is a true indication of the fact that we are too apt, not only in our language but also in our thought and actions, to contemplate the interests of the industry exclusively from the capitalist's point of view. And so it is not surprising to find that, in the somewhat stormy agitation which has taken place outside these walls regarding the rate of coolies' wages, the question has been looked at solely from the attitude of the capitalist. When an industry is carried on under normal conditions, when labour is free and wages are regulated by the ordinary laws of supply and demand, a claim for increase of wages, if one is made, is naturally put forward by the labourers themselves. If the claim is resisted, the labourers have their own remedy for endeavouring to enforce it. Trades-unions and strikes are the means by which the operatives of the West can make their power felt. Eventually a settlement is come to after discussion during which both parties have been heard. The Press is catholic enough to ventilate the case on both sides, and the sympathies of the public are as often with labour as with capital. But the circumstances now before us are very different. The labourers in Assam are an ignorant and voiceless community, and they have no organ to press their demands; while, on the other hand, the whole of society and all the newspapers of the British Press are pledged to the hilt in the defence of their own interests. The truth is that we are now confronted, in a very singular manner, with the old struggle between capital and labour: there is no need to comment on the energy and ability with which the capitalists are represented in this Council; but there is no Labour Member to argue the coolies' cause, and I have therefore felt it peculiarly incumbent upon me, as representative and Head of the Province concerned, to state the case on their behalf as temperately and completely as it is in my power to do.

"My Lord, I am not indifferent to the praise or blame of my own countrymen, and on the contrary I attach such value to their good opinion that it is with very painful feelings that I have taken up a position which, for a time at least, has

[8TH MARCH, 1901.]

[Mr. Cotton.]

alienated from me their sympathy. I do not wish to vapour about a sense of duty, but in this Council at least it will be admitted that I am animated by a high sense of responsibility: I am not undertaking a pleasant or agreeable task: I am adding to the obloquy I have already incurred: but I am convinced of the justice of the cause and of the righteousness of the claim I have put forward on behalf of labour, and I apprehend that with the mass of facts, figures and reasoning I shall now lay before the Council I shall have little difficulty in persuading Hon'ble Members to agree with me that the raising of the Assam coolies' wage is a necessity which we are bound to face.

"By Act VI (B. C.) of 1865, a minimum monthly rate of wages was first fixed by the legislature. The rate so fixed 'after communication with persons who had a thorough acquaintance with the state of the labour-market in the Eastern Districts,' and which the Select Committee of that time were 'assured by those deeply interested in the cultivation of tea to be an equitable and reasonable minimum rate,' was Rs. 5 for male adults and Rs. 4 for females. This is the rate which prevails up to the present time. But the important point connected with the legislation of 1865, to which I invite the attention of the Council, is that the status of the labourer thereunder is that of a monthly labourer receiving a certain wage, which could not under any circumstances be reduced by the employer. It was only by order of the Protector of Immigrants or on conviction before a Magistrate that the labourer could receive less than the statutory rate. The object of prescribing a fixed wage was thus explained by the Select Committee in its Report on the Bill:—

'We think that such minimum rate should be fixed, not so much with reference to the amount of profit which a labourer, leaving his own district to labour for a term of years in one far distant, might reasonably and fairly expect to make, but rather with reference to the great practical difficulty which now exists in ensuring that the labourer really knows what rate of pay it is he is undertaking to contract for. At present he agrees to perform work according to a schedule of tasks, the real practical effect of which agreement neither he nor his employer is in a position to know. It has been found that the result of this is that under such agreement men who thought they were engaged for liberal wages have in fact received less than the wages ruling in the districts from which they were taken. Proceeding on this view of the matter we have fixed the rates mentioned in section 4, which, while interfering as little as possible with the economical law of supply and demand, will save the labourer from the possibility of making in his ignorance a contract which shall be a positive loss to him, even if it does not bring him to the very verge of starvation.'

"I have quoted these remarks because they are strictly applicable to the present situation. 'The practical difficulty in ensuring that the labourer really

knows what rate of pay it is he is undertaking to contract for' still remains, and it has not been overcome by any subsequent legislation. It was met by the law of 1865, but that law was evaded and ignored. It was found in practice impossible to enforce the payment of a fixed wage, and, as one of my predecessors, Sir Steuart Bayley, reported in 1880:—'The alternative universally adopted, and, I may add, universally accepted by the Magistrates, is to have a fixed scale of *hasiris* or tasks, and payment is made, not by the day or hour but by the task.' This is the practice to which the legislators of 1865 had objected, but which they were powerless to stop. Accordingly by Act I of 1882, which is the present law, the practice was recognised and the payment of monthly wages is prescribed at the rate of Rs. 5 and 4 for a completed task, and, when such task is not completed, provision is made for the payment of monthly wages calculated at the same rate in proportion to the amount of work actually done.

"I hope I have made it quite clear what the meaning of the legislature was when the present rates of Rs. 5 and 4 were first fixed in 1865, and what these rates have come to mean now. In 1865 the labourer was engaged on a monthly wage of Rs. 5. He might, and no doubt did, in many cases by overtime earn more, but he could not earn less than five rupees, and his employer could not, on account of his absence from work or laziness, reduce his wage below the statutory minimum. The rate was then, what it purported to be, a *minimum* rate. Now, it is not too much to say that, excluding from consideration overtime payments, which are only earned by a certain number of labourers and which existed, though perhaps not to the same extent, under the old system, it is a *maximum* rate, for it is only by performing a full task for every working day in the month, without exception, that five rupees can be earned.

"It follows that under the operation of the Act of 1882 the status of the coolie has been practically altered to that of a daily labourer. That Act gave effect to the practice which was allowed to prevail generally—the old law and Government orders notwithstanding—with the tacit consent and approval of Assam District-officers. But the Act in giving legal sanction to this practice could not shake itself free from the old fiction of the monthly minimum, and obscured the effect of the change which it introduced by declaring that five rupees could only be earned by completing as many tasks as there were working days in the month, and by detailing the method of arriving at the number of working days in the month. This arrangement, so unnecessarily complicated and cumbrous, is reproduced in the present Bill, although the same result might have been arrived at in a more direct and intelligible manner by declaring specifically in section 5 the daily wages for each class of labourer. I urged in Select Committee that this

[8TH MARCH, 1901.]

[*Mr. Cotton.*]

change should be made and that a statutory minimum daily rate should be adopted in place of a monthly rate. I regret that this proposal was not accepted, for it is calculated to meet the difficulty of the Committee of 1865 by ensuring that the labourer shall really know what rate of pay he is going to get. A crucial objection to any system of fixed pay is that it is inevitably attended by much compulsion to work. It is not likely that planters who are required to pay a coolie irrespective of task will allow him to sit idle, and there is a risk of a sick or incapable coolie being bullied to work. The failure of the law of 1865 is not, therefore, a matter for much regret. What is wanted is a law which shall secure to the labourer the wages which he believes he will get when he enters into his contract. The Act of 1882 does not provide for this, and the Bill now before the Council does not provide for it. The labourer does not find, till he gets to his destination and begins to work, that he will not get five rupees a month or five rupees eight annas or six rupees, as the case may be, but he finds that he is paid at these rates according to a daily task, and that, unless he completes a full task every working day in the month, he will not get that wage. I do not hesitate to say that under the present system a tacit deception is practised when the terms of the contract are explained to an intending emigrant. He is induced to believe, and actually believes, that that he will get a monthly salary, but he does not get it. My Lord, I endeavoured to persuade my colleagues in the Select Committee to agree to a daily rate of wage, which the labourer would have readily understood, in place of the monthly rate which he understands only so far that he is deceived by it; and I do not cease to deplore that I was unsuccessful in persuading them to adopt this amendment.

“ I shall now show to the Council that the wages fixed for the labourer under the Act of 1865, even if he worked no overtime whatever, are higher than the average wages, including overtime, advances and sick allowances, actually earned in any of the past seventeen years by labourers under the Act of 1882. It will be wearisome to give the figures, but I shall proceed to do so. In the year 1883 a statement, based on Inspection Reports, was first included in the Provincial Annual Immigration Report, giving details of wages earned by Act and non-Act labourers in the various districts of the Province. In 1888 a statement was, in addition, first included in the Report, intended to show the wages earned in each district during the busy or manufacturing and during the slack or non-manufacturing seasons. The accuracy of the figures contained in these statements, which are obtained from the employers' accounts, is perhaps open to question, and there is reason to believe that the averages returned in recent years are in excess of the wages actually earned. Personally I share in these doubts, but, overstated as they probably are, I am willing

to accept the figures as they stand. The following statement shows the average wages earned throughout the province in each year since 1883, calculated from these two sets of figures:—

Statement showing Provincial average Wages of Tea-garden Coolies under Act 1 of 1882.

YEARS.	AVERAGE WAGES OF ACT COOLIES BASED ON FIGURES OBTAINED DURING INSPECTIONS OF GARDENS.		AVERAGE WAGES OF ACT COOLIES, BEING THE MEAN OF WAGES EARNED DURING THE MANUFACTURING AND NON-MANUFACTURING SEASONS.	
	Men.	Women.	Men.	Women.
1	2	3	4	5
	Rs. As P.	Rs. As P.	Rs. As P.	Rs. As P.
1883 . . .	4 5 3	3 7 0	.....	.....
1884 . . .	4 7 4	3 9 6	.....	.....
1885 . . .	4 8 8	3 8 5	.....	.....
1886 . . .	4 6 6	3 12 7	.....	.....
1887 . . .	4 8 9	3 9 11	.....	.....
1888 . . .	4 7 5	3 10 0	4 7 11	3 10 3
1889 . . .	4 6 5	3 8 2	4 6 6	3 7 4
1890 . . .	4 12 1	3 9 1	4 6 11	3 6 9
1891 . . .	4 4 9	3 7 2	4 4 1	3 5 11
1892 . . .	4 9 10	3 7 11	4 15 4	3 14 0
1893 . . .	4 11 2	3 9 10	4 12 6	3 11 4
1894 . . .	4 9 9	3 8 5	4 8 11	3 10 3
1895 . . .	4 12 3	3 12 1	4 12 0	3 11 6
1896 . . .	4 11 5	3 15 5	4 12 2	3 13 6
1897 . . .	4 12 5	3 12 5	4 11 0	3 10 10
1898 . . .	4 11 2	3 9 6	4 11 7	3 11 3
1899 . . .	4 11 2	3 11 3	4 11 7	3 11 3
Average . . .	4 9 2	3 9 11	4 10 0	3 10 4

[8TH MARCH, 1901.]

[Mr. Cotton.]

“In paragraph 145 of the Special Report of 1890—this is the report to which our particular attention has been drawn by my Hon'ble friend Mr. Buckingham—it was pointed out that the calculation of average wages in the past had been vitiated by the neglect to include such items as advances, overtime, and sick allowances. To correct these errors and to ascertain exactly the average wages earned, returns showing the average wages earned in two months—one in the rains and one in the cold weather—in selected gardens in each subdivision were submitted for inclusion in the report of 1890. The statement will be found in paragraph 146 of the Special Report. I give the Provincial average for Act labourers, which was not struck in the statement :

	Rs.	As.	P.
Act men	4	3	8
Act women	3	7	5

“The returns of which this is the net result were prepared with special care, and may be taken to accurately represent the wages of Act labourers ten years ago. In recent years, advances, overtime and sick allowances are always included in the calculation of average wages, and the returns since 1890 are not open to the objections taken in paragraph 145 of the Special Report.

“I have quoted these figures with the definite object of showing that the average wages of labourers under Act I of 1882 have never reached what is euphemistically called the statutory minimum. These labourers draw less salary now than it was intended by the legislature of 1865 that they should receive. I now pass on to establish my next point, which is that there has occurred in recent years in Assam a general rise in the wages of unskilled labour, in which tea-garden coolies under penal contracts have not participated.

“I have already shown that the Act I labourer is in no sense a monthly but a daily labourer. It seems right, therefore, and here I entirely agree with the Hon'ble Mr. Buckingham, that, so far as the present question is concerned, regard should be had to daily and not to monthly wages. The two things are by no means the same, and fortunately comparison is facilitated by the act that in the official returns daily wages are given. The following statement

compiled from Provincial Administration Reports show for each district the daily wages of unskilled labourers for the past 26 years:—

Statement showing Daily Wages of Unskilled Labourers.

1	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.	1884-85.	1885-86.	1886-87.	1887-88.
	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Cachar . . .	0 4 0	0 5 0	0 5 0	0 5 0	0 6 0	0 6 0	0 6 9	0 6 0 to 0 8 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0
2. Sylhet . . .	0 4 0	0 4 0	0 5 0	0 5 0	0 5 0	0 6 0	0 6 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 4 0	0 4 0
3. Goalpara . . .	0 3 3	0 3 3	0 3 0	0 3 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0
4. Kamrup . . .	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0
5. Darrang . . .	0 4 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 6	0 5 0	0 6 0	0 6 0	0 6 0	0 5 0	0 6 0	0 6 0
6. Nowgong . . .	0 3 0	0 3 0	0 3 6	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0
7. Sibsagar . . .	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 6 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 5 0 to 0 6 0	0 5 0 to 0 6 0
8. Lakhimpur . . .	0 5 0	0 6 0	0 5 0	0 5 0	0 4 6 to 0 5 0	0 4 6 to 0 5 0	0 6 0 to 0 8 0	0 7 0 to 0 8 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0

	1888-89.	1889-90.	1890-91.	1891-92.	1892-93.	1893-94.	1894-95.	1895-96.	1896-97.	1897-98.	1898-99.	1899-1900.
	16	17	18	19	20	21	22	23	24	25	26	27
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Cachar . . .	0 4 0 to 0 6 0	0 4 0 to 0 6 0	0 4 0 to 0 6 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0
2. Sylhet . . .	0 4 0	0 4 0	0 4 0 to 0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0
3. Goalpara . . .	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 6	0 4 6	0 4 6	0 4 6	0 4 6	0 5 0	0 5 0
4. Kamrup . . .	0 4 0 to 0 5 0	0 4 0 to 0 6 0	0 4 0 to 0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 7 6	0 7 6	0 9 0	0 9 0	0 9 0
5. Darrang . . .	0 6 0	0 6 0	0 6 0	0 5 0	0 4 6	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 6 0	0 6 0
6. Nowgong . . .	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 4 0 to 0 5 0	0 5 0	0 5 6	0 5 6	0 6 6	0 6 6	0 6 6	0 6 6	0 7 0	0 7 0
7. Sibsagar . . .	0 5 0 to 0 8 0	0 3 0 to 0 6 0	0 3 0 to 0 8 0	0 6 0	0 5 0	0 6 6	0 5 6	0 5 6	0 5 6	0 6 6	0 6 6	0 6 6
8. Lakhimpur . . .	0 4 0 to 0 8 0	0 6 0 to 0 8 0	0 6 0 to 0 8 0	0 7 0	0 7 0	0 7 0	0 7 0	0 7 0	0 7 0	0 9 0	0 9 0	0 9 0

[8TH MARCH, 1901.]

[Mr. Cotton.]

“ A rough examination of this statement is sufficient to show that a general rise has everywhere taken place, but, to make the figures more intelligible, I give for the Surma Valley which contains less than 10, and the Assam Valley which contains over 50, and for the four Upper Assam Valley districts which contain 90, per cent. of the Act population of the Province, the daily wages in each of the five quinquennial periods between 1874-1875 and 1898-99 :—

	1874-75— 1878-79.	1879-80— 1883-84.	1884-85— 1888-89.	1889-90— 1893-94.	1894-95— 1898-99.
	2	3	4	5	6
	As.	As.	As.	As.	As.
Averages for—					
Surma Valley	4·8	5·8	5·0	5·3	5·7
Assam Valley	4·1	4·8	5·1	5·6	6·4
Four Upper Assam Valley districts (Darrang, Nowgong, Sibsagar and Lakhimpur).	4·3	5·1	5·5	5·8	6·3
All plains districts	4·28	5·0	5·06	5·5	6·2

“ Adopting a useful device used by the Statistical Department, I repeat the last statement, denoting in each case the figure for the first quinquennial period by 100, with a view to illustrate the percentage of fluctuation in each case :

	1874-75— 1878-79.	1879-80— 1883-84.	1884-85— 1888-89.	1889-90— 1893-94.	1894-95— 1898-99.
	2	3	4	5	6
Surma Valley	100	120	104	110	118
Assam Valley	100	117	124	136	156
Four Upper Assam Valley districts (Darrang, Nowgong, Sibsagar and Lakhimpur).	100	118	127	134	146
All plains districts	100	116	118	128	144

“ It will be noticed that the general rise in Assam amounts on an average during the past twenty-five years to 44 per cent.

“ I will now advance to the next step of my argument and show that the present average rate of wages paid to unskilled labour in Assam is more than

double that of the wage prescribed by law for Act coolies. The present daily wages of an Act I labourer in a month of 26 working days amounts to three annas a day, and this is the rate at which all *hasiris* in the province are calculated. Denoting this daily rate at 100, I commend the following highly significant table to the consideration of the Council:—

	Annas.
Present daily wages of an Act I labourer	100 or 3'0
Average daily wages of an unskilled labourer during the quinquennial period 1894-95—1898-99 in Cachar	162 5'0
Ditto ditto Sylhet	208 6'4
Ditto ditto Goalpara	149 4'6
Ditto ditto Kamrup	267 8'2
Ditto ditto Darrang	172 5'3
Ditto ditto Nowgong	208 6'4
Ditto ditto Sibsagar	192 5'9
Ditto ditto Lakhimpur	254 7'8
Ditto ditto the Surma Valley	185 5'7
Ditto ditto Assam Valley	208 6'4
Ditto ditto four Upper Assam Valley districts	205 6'3
Ditto ditto all plains districts	201 6'2

“The average daily wage of an Act I labourer who does full tasks is three annas, the average daily wage of an unskilled labourer in Assam is a little over six annas or more than twice as much. These are the facts. They speak for themselves, and comment on them is superfluous.

“It is, indeed, obvious that the minimum statutory wage should not be lower than the average wage current for ordinary unskilled labour in the district in which the contracting labourer is to serve, due allowance being made for any additional expenditure imposed by law on the employer, which can properly be included in wages. I cannot admit that the cost of the medical and sanitary arrangements, which the Legislature requires to be provided for large bodies of coolies living in an unhealthy climate, should be included in wages. But such items of expense as the cost of free coolie lines and the cost of medicines and subsistence money or diet given to sick coolies may properly be included. When, however, these items are taken into account, they will in no way compensate the contract labourers for the fact that the rate of wages they receive is less than half the current market-rate.

“I will now allude to the cost of living in Assam and show that it has increased, notwithstanding the assertion of my Hon'ble friends to the contrary. They have not been able to furnish any authoritative figures on the subject, and I am

[8TH MARCH, 1901.]

[*Mr. Cotton.*]

not careful to disprove or dispute the statement that calicos and salt and probably tobacco and pepper are cheaper in 1899 than they were in 1882. I have had some difficulty in getting figures myself, and the only official statistics I have been able to procure in regard to the price of staples are those which refer to cleaned rice in ordinary use, to pulses in ordinary use and to wheat. A reference to the Bengal Administration Report of 1871-72, a year of normal prices, shows that the average price of rice in Assam was then 22 seers a rupee, of pulses 20 seers, and of wheat 20 seers. The average price now is approximately 12 seers for rice, 12 seers for pulses and 10 seers for wheat. It is true that employers are bound to supply rice to their Act labourers at the rate of three rupees a maund, which comes to about 13½ seers for a rupee; but the fact remains that in regard to these main staples of food the price has greatly risen. When the minimum was first fixed in 1855, it was the rule for employers to bind themselves to supply rice to their coolies at the rate of one rupee a maund. This was gradually relaxed to two rupees and then to two rupees eight annas, and it was in Sir George Campbell's time that the three-rupee rate was established. In any case, it is untrue to say that coolies under contract are not affected by fluctuations in the price of rice. The prescribed rate of ₹3 a maund is the maximum price at which employers are bound to supply rice when the market-price rises above that limit, but in most of the tea-districts it has until recently been below ₹3 a maund and coolies are left to make their own arrangements for their supply. It is in the Dibrugarh gardens only that the price of rice to the coolies has practically remained constant at ₹3 a maund. But it is among the Dibrugarh gardens, as I have ascertained by personal enquiry, that the objection of the employers to raising the rate of wages is comparatively slight. The rate of six rupees a month has already in the most important gardens of that district been accorded to the labourers employed therein.

“The rates of wages on Assam tea-gardens are sometimes compared with the rates current in the districts from which the tea-coolies are recruited; but this is not a fair comparison. Although wages may be low in the country of recruitment, they are not low in the vast field for labour in the vicinity thereof. Coolies from Chota Nagpur, Behar and the North-West and Central Provinces migrate in large numbers for work to Eastern Bengal, to Calcutta, and the districts near it, and look to these places for employment as much as to their native districts. They are in demand in the coal-mines of Raniganj, the jute-factories around Calcutta and at Narainganj, and the tea-gardens of the Duars, and it is not to be expected that they will willingly emigrate to Assam under a penal contract at a lower rate of wages than they can obtain by free

labour so much nearer their homes. It is a truism applicable to all classes of workers in all parts of the world—as much to the Hon'ble Members of this Council as to tea-coolies—that they will expect a higher rate of wages far from home than when employed in or near to their own country.

“Upon the subject of wages earned at coal-mines in Bengal I cannot do better than quote paragraph 44 of the Report of the Labour Enquiry Commission of 1896. The Commission wrote :—

‘From the experience already gained, there is but little doubt that on good mines a hard worker should earn his 8 to 10 annas a day cutting coal, and so far the average has been above that. At Gaurangdi 12 annas a day were being earned when the President visited the place. On some mines these amounts cannot be earned, but even on them a North-Western Provinces miner can earn three times the amount he would be able to get in his own country; and when the supply of labourers is at present less than the demand, miners will not stay unless they get good pay. What amount a coal-carrier would be able to earn it is difficult to say, and North-Western Provinces people are hardly likely to carry coal except as members of a gang, when they would of course share with the coal-cutters. Where coal-carriers are engaged separately, they generally earn from 3 to 6 annas a day.’

“From the statement furnished by the Jute Association, which is given in paragraph 101 of this Report, it appears that for ‘general coolies’ work at jute-mills the minimum rate of wages is Rs. 5 a month and the maximum Rs. 9 a month. For different kinds of work suitable for women the rates vary from Rs. 4-8 to Rs. 9 a month. The statement in Appendix O to this report, which is the only detailed information I can find, shows that wages at the Shamnagar jute-mill, which employs more than five thousand workmen, are higher than the above, the rates for ‘general coolies’ ranging from Rs. 6-8 to Rs. 9 a month. In Calcutta the wages of labour are usually paid at a daily rate which is certainly not less than four annas a day, and jungly coolies such as those required for Assam are, when engaged on a monthly salary, paid at not less than 9 rupees a month. With regard to the Duars tea-gardens, full information is supplied in the letter from the Deputy Commissioner, Mr. Forrest, dated 21st August, 1900, which is among the papers laid by the Bengal Government before the Council. He writes, ‘the monthly rate for men’s work (which is practically entirely confined to hoeing and pruning) is the same all over the district, *vis.*, Rs. 6 for a man who performs his *haziri* every day in the month except Sunday.’ The rate for women, he explains, varies from Rs. 4 to Rs. 5. He adds that the supply of efficient labour is at present not equal to the demand, and that, although theoretically this state of things should lead to a gradual rise in wages, the fact that it has not yet done so is due to the imperfect mobility of coolie-labour,

[8TH MARCH, 1901.]

[Mr. Cotton.]

to combination among managers who are controlled by superintendents in charge of large concerns who regulate tasks and wages according to a uniform principle, and, lastly, to the all powerful influence of custom. 'It is the *dustoor*,' he writes, 'to pay Rs. 6 per month for a *hasiri*, and the coolie accepts this as fair pay for his daily labour and is content.' In addition to this salary the coolies enjoy all the miscellaneous additional advantages which are allowed to a tea-coolie in Assam. Mr. Forrest writes, 'a coolie's minimum requirements are a good thatched house, free medicine, a fairly abundant supply of water, a sufficiency of fuel and a market close at hand; and he will not go to a garden where any of them are not complied with.' He does not get rice at three rupees a maund, but rice is cheaper in Jalpaiguri than in the Assam Valley, and coolies are able to procure rice without the intervention of the planter at a lower price than three rupees a maund.

"My Lord, these are the wages which a jungly coolie is able to command in Bengal without the paralysing condition of a penal contract in a distant province for a term of years. The contract labourer who is expected to serve for five rupees a month in Assam as an *adscriptus glebæ* is able to earn from six to ten rupees a month in service as a free man much nearer to his home. I should be justified in declaring that for this reason alone the minimum rate of wage prescribed by the present law should be raised. But I can go further. This minimum rate has never been sufficient to procure suitable labour for the Assam tea-districts. So long ago as the 27th December, 1868, the then Lieutenant-Governor of Bengal, Sir William Grey, wrote:—'The simple fact is that the wages * * * are not sufficient to induce people who are in good circumstances to run the risks of emigration in order to secure them. It is perfectly clear that the wages paid will not tempt in ordinary years and for a continuance anything like first class labourers.' What was true more than thirty years ago is now more true than ever. I have long since found it impossible to avoid the conclusion that the inadequate rate of wages offered is the principal, if indeed it is not the sole, cause of the difficulty of obtaining labour which has resulted in such a keen competition for labourers and in the enormous premia paid to labour-contractors. Coolies of good physique and constitution, willing to emigrate to Assam under a penal contract, are not to be obtained in the labour-market at the present rates, and, to meet the demand, contractors are compelled to search far and wide for people who are in such a state of destitution that they are prepared to emigrate on any terms as a last resource. Men and women who owing to bad health or idle or dissolute habits have failed to make a living in their native districts, beggars collected in towns of Bihar and the Central and North-Western Provinces, are swept

together and sent up to the tea-gardens of Assam, where for a year or two at least they will not do a full day's work but will only be an expense and burthen to their employers and swell the returns of sickness and mortality. The recruiter or *arkati* lies in wait for wives who have quarrelled with their husbands, young people who have left their homes in search of adventure, insolvent peasants escaping from their creditors. In carrying on his business he has to display considerable activity and resource; he has to incur unpopularity and even physical danger; he must bribe *chaukidars*, police underlings and *zamindari* servants. Occasionally he brings himself within the meshes of the criminal law. When unsuitable coolies are recruited their names and castes are changed before they are sent up to the labour-districts; and if his frauds are discovered or any irregularity in the recruitment is brought to light, the contractor is liable to have the coolies returned on his hands. It is not surprising that for such difficult and risky work the contractor demands a high rate of remuneration which the keen demand for labour enables him to obtain.

“There is indeed a regularly established business of ‘buying and selling’ labour, and employers now pay for every labourer recruited under penal contract a sum varying from Rs. 120 to 150, whereas a quarter of a century ago they paid for the same class of coolie about Rs. 50 or 60. The difference in price, or on an average about Rs. 80 for a coolie, represents the increased cost now incurred by the tea-industry in procuring labour. The average number of Act I labourers imported by contractors into Assam during the five years from 1895 to 1899 inclusive is 16,093, and at a cost of Rs. 80 per head the average annual net increased loss to the industry during this period has been nearly 13 lakhs of rupees. This money has filled the pockets of an army of middlemen—agents, contractors, *duffadars* and *arkatis*. It is money which would not have been spent if the rate of wages offered were as sufficient to secure suitable labour as it was twenty-five years ago. The rate was notoriously insufficient then, and it is by the measure of this difference the more insufficient now. The total annual loss incurred by the tea-industry on account of these buying and selling transactions, which are so objectionable on other grounds, cannot be estimated at less than 16 lakhs of rupees.

“These transactions are a great curse to the recruiting districts. In too many instances the subordinate recruiting agents resort to criminal means, inducing their victims by misrepresentation or by threats to accompany them to a contractor's *depôt* or railway-station where they are spirited away before their absence has been noticed by their friends or relations. The records of the Criminal Courts teem with instances of fraud, abduction of married women

[8TH MARCH, 1901.]

[*Mr. Cotton.*]

and young persons, wrongful confinement, intimidation, and actual violence—in fact a tale of crime and outrage which would arouse a storm of public indignation in any civilised country. In India the facts are left to be recorded without notice by a few officials and missionaries. I would refer those who are curious in this matter to the reports of my late lamented friend, Mr. Grimley, who was for six years Commissioner of Chota Nagpur, and to the note of the Reverend Father Hoffman, which was submitted to His Honour the Lieutenant-Governor of Bengal in 1899.

“Upon the tea-industry of Assam the effects of the system are, if possible, even more disastrous. They are seen in the appalling rate of mortality among contract labourers, which is due to the importation of unsuitable labour and to insufficient feeding, the result of inadequate wages; in the frequent desertions; in the wretched worn out and diseased coolies who find a miserable end in the public hospitals or by the way side. The importation of a bad and even of the worst class of labour has always been a great practical difficulty with the tea-industry, and it augments year by year. It is the principal cause of the excessive mortality among Act labourers in Assam, which during the past thirteen years from 1887 to 1899, inclusive, has averaged 53·2 per thousand. It must be remembered that this is the mortality among adults in the prime of life. It amounts to what would be considered a very heavy mortality if all ages were included. It is at least twice as much as it would be if the rate of wages were sufficient to enable the employers to reject all but healthy labourers. I have examined the rate of mortality during the year 1899 for the whole province of Assam among persons from 15 to 40 years of age, and find that it amounts as nearly as possible to 24 per thousand. The rate of mortality among Act coolies is therefore quite double that of the mortality among the general population. In regard to the death-rate among prisoners in jail, the Hon'ble Mr. Buckingham will be glad to hear that, whatever the sad mortality may have been in former years, it has fallen in the past year, 1900, to 23 per thousand. The total average mortality among Act labourers in the Province during the past thirteen years has been 6,175. If half of these could have been maintained alive, an annual saving at the estimated rate of Rs. 130 per head, amounting to Rs. 4,01,310, would have been effected. Apart from all considerations of humanity, the industry is thus a heavy loser from paying wages on a scale which is insufficient to attract strong and healthy labourers.

“My Lord, this is the real canker that is eating at the vitals of the tea-industry. One of the most important principles of the present Bill is to encourage sardari recruiting and to discourage recruiting through contractors.

This is a most sound principle, and it meets with my hearty concurrence. It means that recruiters should be labourers employed on the estate, who are sent down by their employers to their own country to recruit among their own people and near their own homes where they are known, who are understood and trusted by those among whom they operate, and who are able to explain fully to them the circumstances and conditions of labour on the garden from which they come. Such men are able to certify that the garden is a healthy one, that the coolies are well treated, that their tasks are light, and that they can easily earn overtime money in addition to the legal wages under their contracts. This would indeed be an ideal state of things, and if all recruiting were carried on in this way there would be little or no necessity for special legislation. But unfortunately recruiting is not, and cannot, so long as the present rates of wages continue, be carried on in this way. It is only in years of scarcity in the recruiting districts that even well-managed gardens are able to recruit coolies of a good class through garden-sardars at present rates, and it is only a very small number of employers who are able to recruit all the coolies they require through garden-sardars. The late Mr. Huttman, who was for thirty years or more the Superintendent of the important Jorhat Tea Company, wrote in 1890 : ' Now-a-days we have to send away 100 sardars for 300 or 400 coolies required. Formerly we calculated on getting 15 to 20 coolies for each sardar.' When Mr. Huttman was a young man, the rate of wages was more adequate than it is now, and sardars were able to return from the recruiting districts with 15 or 20 men apiece. Those halcyon days, alas ! are gone. In 1890 garden-sardars were able on an average to bring only four or five recruits apiece. But since then things have gone from bad to worse, and I find from the last report which has been submitted to Your Excellency's Government that in 1899 the average number of recruits per sardar amounted to only 1.4. How often have I not seen for myself on the river steamers sardars returning to their employers empty handed ! ' Why have you not brought recruits ? ' I ask. ' What could I do, Sahib ? ' is the reply, ' the harvest is good and no one will come.' It is the old story that the wages are insufficient. During the year 1899, 5,411 garden-sardars were sent from Assam into the recruiting districts and they brought back with them only 7,571 coolies. The number of contractors' coolies imported in the same year was also below the average, but it amounted to 11,065. The official explanation is : ' this was due not to a decreased demand for labour, but to the difficulty of obtaining coolies during a year of plenty in the recruiting districts.' In other words, the wages offered were insufficient to attract recruits. During the past year the influence of famine had made itself felt, and a great stimulus has been

[8TH MARCH, 1901.]

[*Mr. Cotton.*]

offered to recruiting. But even so the supply of labour has not been equal to the demand for it, and the Hon'ble Members who represent the tea-industry on this Council are, if possible, even more alive than I am myself to the fact that there is a grave deficiency in the supply of labour to the province. My Lord, it is generally unwise to venture on prophecy, but I do not think I am betraying myself in a moment of indiscretion when I say from my seat in this Council that the well-considered and well-intentioned provisions of the Bill before us are not calculated to facilitate the importation of labour into Assam. That has been our object, but it will not be attained until a reasonable market-rate of wage is offered to Assam coolies. Until that is done, and our present Bill does not do it, sardari recruiting will be no more successful in the future, except during a famine year, than it has been in the past, and it will always be necessary to buy coolies, the very scum and ruffraff of the labour-market, at an extravagant and, I fear, increasing price which, with such difficult and risky work as the crimping of labour involves, will always be demanded by the contractor. No one knows this better than the employers themselves; and there was remarkable evidence to this effect in the speeches of Messrs. Ashton and Hart at the recent special meeting of the Tea Association on the 22nd of February, when it was urged that this Bill would not reduce the cost of importing coolies and that the planters would still have to bribe recruiters and police-officers and village-chaukidars to obtain recruits.

"The question may be asked, why it is that, if the market-rate of wages and the demand for labourers have increased, the wages of tea-garden coolies have not also increased, and why it is that the rates of premium paid to contractors have enormously increased instead. Now, I have already been told, as is perhaps natural enough, that the planters know their own interest better than I do, and that it is their own lookout if they prefer to pay their money to middlemen rather than to their coolies, and to lose their labourers by death and sickness and desertion rather than pay wages which will secure the service of healthy and contented employes. But, when the issue is set up in this form, it is impossible for the Government to look on with unconcern, and I cannot forget that one of the highest duties imposed upon me as Head of the Administration is to protect against their employers these very labourers who are entrusted into their hands with all the rigours of a penal contract for a term of years. I altogether repudiate the contention that the rate of wages is no concern of mine. I am aware, however, that the ordinary principles of political economy have very little application to the question, and that the real answer is to be found in the

peculiar conditions of the tea-industry. Wages in Assam tea-gardens, having been fixed at the outset at the minimum statutory rates, which were then comparatively high rates, have been kept from increasing by concerted action among employers. I think it may be said that in all avenues of business employers combine as much as they can to keep down wages: that is one of the normal points of antagonism between capital and labour; but in the Assam tea-industry such combination is exceptionally strong and effective, not only because the labourers are very ignorant and helpless, but also because, being bound by a penal contract, they are unable, as operatives are elsewhere, to strike for an increase of wages. If they were to strike, they would be sent to prison. On the other hand, a rise of wages has not yet been forced on employers by the impossibility of obtaining labourers at the old rates. Contractors still continue to supply labour at those rates, but they do so with increasing difficulty and risk for which they are compensated by a rise in the price of coolies, while, at the same time, the quality of the labour has perceptibly diminished. The question how much longer contractors will be able to supply coolies at the old rate of wages is another matter, but it is evident that there must be a limit beyond which employers cannot allow the price of coolies to rise and a limit below which they cannot allow deterioration to fall. The legislature has now stepped in and is proposing some amelioration in the rate of wages. In my opinion we are not going far enough, but we are at least preparing an unwilling industry for a further increase in the rate which, in a short time, will become inevitable.

"I have often heard it said, but I regard it as a mere utterance of despair, that an increase in the rate of wages will not improve the quality of labour. That it will do so I conceive to be a truism which admits of no serious discussion; and I presume that the same argument which is held to be applicable to the highest officers of State—the argument which was brought forward by the Chamber of Commerce for increasing the salaries of the Judges of the High Court of Judicature for instance—will equally apply to the raising of the wages of labour in the humblest sphere of life.

"My Lord, I wrote in my note on clause 5 of the Bill, which, with Your Excellency's permission, has been annexed to the Report of the Select Committee, that I was expressing myself with studious moderation when I said that I believed that one of the causes of the heavy mortality among Act coolies was that they did not always receive a living wage. To that remark the strongest exception has been taken, and I have been severely criticised for making it; but I did not write those words without a due sense of responsibility, and I

[8TH MARCH, 1901.]

[Mr. Cotton.]

shall now proceed to prove them to the letter. It is not an uncommon experience of Inspectors to report regarding tea-gardens where the coolies have an underfed and anæmic appearance, where the death-rate is high, and where desertions are numerous, indicating discontent among the labour-force, that the chief cause for this unsatisfactory state of things is the insufficiency of wages. In tea, as in every other great industry, there are a number of concerns which, owing to one cause or another, are not prosperous and which are carried on with difficulty, yielding little or no profit; and in such cases there is the strongest temptation to the manager to effect a short-sighted economy by increasing tasks and cutting down wages. I am not careful to ransack the records of the Assam Secretariat to obtain evidence of bad cases, but I think I shall not be deemed to have adopted an ungenerous or unreasonable course if I fall back on proof in support of my statement from cases which have come to my official notice during my present stay in Calcutta as a Member of Your Lordship's Council. I will not mention names or places, but will refer only to districts from which the cases are reported. I will add also, to avoid misconception, that these reports are submitted by District-officers in the ordinary course of their official duties, that they have not been specially called for by me in any way, and that they might be paralleled by similar reports received by me during any period of any administration.

“My first case comes from Cachar. The Magistrate reports that the Act I wages returned from January to June last year are ‘absurdly low,’ especially those for women in June, *vis.*, Rs. 1-12-3 only. He found that one woman who turned out to work every day in June earned only Rs. 2-4-3, while in no case was a higher wage than Rs. 2-10-0 earned in that month. The highest wages earned by Act coolies during the year were in September, when Rs. 3-6-9 were earned by the men and Rs. 3-6-7 by the women. It is stated that these low wages were not due to the coolies being new to the work, inasmuch as they had all of them been on the garden over two years. The Magistrate adds, ‘after careful enquiry I do not think it would be fair to the garden to reduce the schedule of work which is not at all an excessive one,’ and it is said that non-Act coolies on this garden are drawing fair wages on the same tasks. The only explanation of this state of things is that ‘Act I coolies are of a most inferior stamp, mostly from the Central Provinces.’

“My next case is from the Dibrugarh District. Here the Civil Surgeon had been out to inspect an unhealthy garden—this means a garden in which the mortality had exceeded 7 per cent.—and he reports that sixty or seventy per cent. of the force were anæmic and weedy, and that, in

concert with the Civil Medical Officer employed on behalf of the tea-garden, he had repatriated 45 labourers then and there. The cause of this was bad recruitment. He writes, 'I found Telis, Napits, Halwais, Muhammadans and others sent up as Gonds.' He reports also that there were many illegal advances debited against coolies and deducted from their wages, 'including 12 cases in which rewards were paid for deserters recovered.' This is an illegal practice. When labourers desert their employers naturally adopt every means to recover them and are in the habit of paying five rupees or more to the garden chaukidar, to the ferry-man who may intercept them, or to any one who may bring them back. There is no impropriety in this, but it has become an outrageous custom to debit this reward as an advance against the recovered labourer and to deduct it from his wages until the amount is paid.

"I come now to the Sibsagar District. The Civil Surgeon in this case had gone out to inspect an unhealthy garden where the mortality had varied for two or three years from 132 to 65 per thousand. I quote his remarks in full, for they are worth quoting. He writes:—

'Heavy mortality seemed to have been due to inferior coolies having been sent up when first class coolies were ordered. I am informed by the manager that many of these coolies were actually taken from Calcutta slums. I actually found a few natives of Howrah amongst them. Efficient coolies can never be made from such people, especially in a newly-opened garden. There was better recruitment later on, and the coolies who are now on the garden may almost be described as survivals of the fittest. The manager has evidently tried his best in the matter of procuring suitable coolies: on one occasion he had to send back, *i. e.*, refuse to take delivery of, a whole batch of 22 adults who were unfit for any class of garden-labour. The coolies in the garden, such as they are, are taken good care of, &c., &c.

"No case could afford clearer evidence than this of the insufficiency of the present statutory rate of wages to attract suitable labourers, and of the terrible mortality which results among the half-starved refuse of the labour-population who are sent up in their place.

"I turn to a Tezpur case. I received some time ago a pathetic petition which purported to come from the coolies of a tea-estate, who declared that they 'had executed contracts under the impression that they were serving the Maharani,' and made a complaint of continuous gross and systematic ill-usage on the part of the proprietor who was also manager of the garden. It has now been officially ascertained that the deaths occurring on the estate were systematically unreported—being entered as desertions—and, in spite of this, the recorded

[8TH MARCH, 1901.]

[Mr. Cotton.]

death-rate among all coolies for 1899 was 207 per thousand, and for 1900 it was 112 per thousand. I am afraid that the facts of the complaint are substantially true, and that the whole case illustrates the deplorable results of the power which the Act gives to an unscrupulous manager over his coolies. The culprit in this case has left Tezpur, but the management of the estate is, I fear, still open to exception, and this is another gross case of under-payment of the labour-force, oppression and consequent mortality among tea-coolies.

"I come back to another Sibsagar case in which the Civil Surgeon is again reporting on an unhealthy garden. It is a peculiarly instructive case, for it illustrates the manner in which coolies' wages are cut and the labourers are brought down to starvation point. The Civil Surgeon writes :—

'Out of 95 Act women, 74 actually owe the garden from Rs. 33 to smaller sums, or on an average of well over 10 rupees each for the whole female Act force. The amount owing by the women comes to Rs. 1,036. Out of 35 Act men, 19 owe the garden Rs. 155 between them, or on an average of Rs. 4-8 each for the whole number. These advances have been carried on from month to month, from periods which could not be traced: had it been only a few people owing money, the matter could possibly be got at, but 78 per cent. of the women and 54 per cent. of the men owe various amounts.

'The way these advances accumulated was during periods of sickness. No half haziris, or subsistence allowances, were credited or given, and the coolies were practically charged for the food they consumed while sick. This of course was exceedingly irregular, but I am glad to state that this has not occurred during the present management.

'Another item I noticed which I consider irregular if not quite illegal. If a coolie absconds and is brought back by the garden-chaukidar, a sum of Rs. 5 is debited against the absconder as a cash advance and is paid to the person who brings him back.'

"Of course the practice is illegal, but, as I have said before, I have reason to believe that it is a common one. It appears there had been 25 desertions from this garden during the year up to the date of the Civil Surgeon's inspection on the 30th of November.

"I come now to what is probably the worst of the cases which have been lately before me, and I must say that it is an unusually bad case. It comes also from the Sibsagar District. The Deputy Commissioner made an inspection on the 28th of July last, when he reported as follows :—

'The price of feeding sick coolies varies from Rs. 2-4 to Rs. 3 a month, which is put down as an advance against the coolie and deducted from his pay. This is the usual system on gardens, but in a well-managed garden the manager always sees that a coolie unable to cover his expenses at the hotel by his work gets a certain amount of money paid him at

[Mr. Cotton.]

[8TH MARCH, 1901.]

the end of the month for petty luxuries, etc. Here, however, this is not done, and I found cases where coolies had not received any money for some months. The result is that they are absolutely beggared and cannot buy clothes, oil, etc., and they go from bad to worse. When a coolie gets very bad, and there is little chance of getting any work out of him, he is "discharged by mutual consent." This, the manager explained, means that he is told that he must either work or clear out. Being *ex hypothesi* unable to work, he clears out. I met some of these people: they were absolutely destitute, but did not want to go back.'

"The Deputy Commissioner then cites special cases, of which I give an abstract. One Joharu was debited with Rs. 8-1 as the cost of feeding at the hotel for three months, during which he earned only nominal wages, not a pice of which was paid to him, and he was then 'discharged by mutual consent. One Kanhai was debited with Rs. 10-12-6, and one Dulan with Rs. 17-10-3 and both were eventually discharged in the same way without receiving any wages. One Somer was debited with Rs. 15-2, made up of advances for food, and of a sum of five rupees reward to a person who caught him when absconding. No money was paid to him for four months. Upon receipt of this report I ordered a committee to enquire into the condition of the garden. That committee sat on the 31st December last, and I will read the following extract from their report:—

'The condition of affairs on the garden is, in the opinion of both the Deputy Commissioner and Civil Surgeon, disgraceful. The average wages for the best part of this year work out to a little over half the statutory rate. Many of the coolies were in rags. From the nature of the work, which is principally hoeing—at the best of times severe labour—coolies, especially women, would have to work very hard to earn a full haziri, and a glance at the haziri books will shew that it seems almost impossible for a great number of men and women to be able to earn anything like a full day's pay. The number of fractional haziris far exceed the full ones. The committee do not propose quoting individual cases in the matter of wages, as they would have, in all probability, to quote such a large number. For this reason the haziri books are sent and cases which are noteworthy are marked with a blue pencil.'

"I regret that this *haziri* book or labour-register did not reach me until after the deliberations of the Select Committee on the subject of coolies' wages had closed. But I have now brought this book to Council with me—it lies on the table and is open to inspection—and with Your Excellency's permission I will indulge in a running commentary on its contents. I begin with the month of June, 1899, when I find that the Civil Surgeon observes: 'From this month it may be noticed that a system of quarter haziris seems to have been started. This means that because the manager decides that only a quarter task has been done, only a quarter of a full day's salary is to be paid. For a quarter

[8TH MARCH, 1901.]

[Mr. Cotton.]

haziri, therefore, a coolie draws a daily salary of three picc only. Talk of a living wage, indeed! I trust for the honour of the industry that this is not a common practice in tea-gardens, but I cannot say that it is absolutely illegal, and Hon'ble Members can see for themselves how it is applied in one garden in Assam. The Civil Surgeon writes of this month: 'Not a single woman on this page has earned a full month's pay, and on the next two pages: 'Not a single full month's pay earned.' For July he points out that 'fractional haziris preponderate in this month,' and that not a single full wage has been earned by men and only one by a woman. During this month I detect no less than 5 cases in which 5 rupees have been debited as an advance against deserters who had been recovered. For August the Civil Surgeon draws attention to the number of sick cases who are not credited, as they should have been, with sick or half haziris. There is not a single full wage earned, and I find 4 cases in which deserters have been debited with an advance of 5 rupees. I note that pregnant women are allowed nothing when absent from their work. In September I note that the Civil Surgeon, whose honest indignation is rising as he goes on, comments against the name of an unfortunate wretch who is entered as 'dead,' who had received no wages and had a large advance debited against him on account of his subsistence while sick,—'Better off'! Aye! Better off indeed! Better dead than slowly dying of starvation! There are only two full wages earned this month, and I am mistaken if these were not earned by the syces of the manager. There are three sick coolies entered as absconded against whom the Civil Surgeon enters large queries, and he implies that they are dead, but have been entered as absconded—in the way we saw followed in the Tezpur case—to reduce the rate of mortality. There are apparently six recovered deserters against whom 5 rupees advance has been debited in each case. In October there are no full wages earned by coolies employed on the garden, but I find that among the coolies a full haziri was earned by a dāk-wallah, a syce and a cook. There are two miserable sick coolies this month who are 'discharged,' that is to say, as the Civil Surgeon bluntly puts it, 'turned out to die.' There are 9 cases in which 5, 6 or 7 rupees, as the case may be, are entered as an advance against a recovered absconder. In November the only coolies who earned full pay are a dāk-wallah, a herdman and a cook. One sick coolie is discharged, or 'turned out to die;' in seven cases 5 rupees are entered as an advance against a recovered absconder. In December there is another sick coolie discharged 'to die on the road,' and no coolies, except servants, earned a full month's pay. In January some full months' wages were earned, but nobody got as much as five rupees, as old advances on account of deserting and feeding were cut from wages. There were six more deserters with the usual advance of five rupees against them this month. And so the

sickening tale goes on. My Lord, I have said enough. Have I not proved my assertion to the letter? Do I not well to be angry? I confess that my blood boils at this recitation of misery and wrong, and I shall be surprised if I do not carry with me the sympathies and have not roused also the indignation of Your Lordship and of the Hon'ble Members of this Council.

"I do not wish it to be understood that these are ordinary cases. I trust and believe that they are very exceptional cases, and I should be conveying a very false impression to this Council if I did not state distinctly that, in the great majority of tea-gardens in Assam, the coolies are well cared for and that the managers of gardens are ordinarily humane and kindly hearted gentlemen. All the gardens I have personally visited in Assam are of this type. But reports on bad gardens are submitted to me in the course of business, and it is with reference to the standard prevailing on bad gardens that our legislation has to be framed. It is the duty of the Government and of the Council to remember this in deciding upon the character of the legislation we are bound to follow.

"I observe that the objection taken by the majority of the Select Committee to the increase in the rate of wages proposed in the Bill originally introduced into this Council is that, if it were adopted, it would impose an excessive burden on employers. Now I do not deny that it would impose some burden. But it was never contemplated, when minimum rates were first imposed, that they should be fixed for ever, and I have certainly failed in my endeavours to convince the Council if I have not shewn that a heavy weight of moral responsibility will rest upon the Legislature if it does not intervene to remedy the crying evils I have described. Those evils, which are simply strangling the tea-industry, all hinge upon this question of the insufficiency of wage. I admit, and no one can be more sorry than I am, that in other directions the industry has fallen upon evil times. The present tea crisis, as it is called, is attributed to over-production. Now it is true that there has been, and still is, over-production. Tea-planters everywhere are suffering from this cause, and the fall in the price of tea is a very serious matter to proprietors and shareholders. It is probably not so serious as the fall in prices would seem to indicate. Profits can now be made at prices which a few years ago would have been deemed impossible, and I am afraid that the extension of cultivation is not likely to cease in places where tea can be produced at a cost of less than two annas a pound and the outturn is about twelve or fourteen maunds per acre. The dividends of good gardens have, no doubt, greatly diminished, but it can hardly have been expected that they would keep up to a level of

[8TH MARCH, 1901.]

[Mr. Cotton.]

20 or 25 per cent. These large profits of a few years ago are one of the principal causes which have led to over-production. New gardens have been over-capitalised and must work at a loss. In any case, however, the present crisis is not to be compared to the crisis in the sixties which was due to speculation. The industry recovered from that blow, and it will recover from over-production also, as other industries have done which have been stricken by the same cause. The crisis from over-production will pass away as new markets are opened out and the supply learns to adapt itself to the demand. There is nothing to interfere with the operation of the laws of political economy or to deny them their free scope in this direction. I could wish indeed that this crisis were not synchronous with the growth to a climax of the far more deeply-seated and dangerous evils on which I have dilated and which have their poisonous root in the heart of the industry. But these evils have been growing up for a long time, and nothing will remedy them but an increase in the wages of labour. It is certain that there are some tea-concerns which, owing either to mismanagement, or the inferior productive capacity of their estates, or undue inflation of their capital by speculation, are unable to earn a dividend for their shareholders by legitimate means and eke out a precarious existence by exacting from their labourers the maximum of toil for the minimum of wage at the cost of untold misery, suffering and loss of life. To such moribund undertakings an increase of the minimum rate of wage might give the *coup de grace*. But there can be little doubt that the effect of such a measure on the majority of tea-estates which rest upon a sounder basis will be to meet the increase of wages by a corresponding saving from the excessive burdens which are now placed on employers, such as the heavy cost of purchasing coolies and the heavy cost of avoidable mortality, which are directly due to the payment of an inadequate wage. I repeat, moreover, as I have said all along, that there is no reason why, with a suitable adjustment of tasks, the increase of wages should involve any increase of expenditure in the majority of gardens where the coolies are now well treated and contented. I do not anticipate that there would be any practical change in the condition of the labour-force on gardens where the tasks are at present light and the wages, including overtime payments, are already sufficient. The proposed increase in the statutory minimum rate of wages is not likely to produce any effect upon the first-class labourers who make and will continue to make large profits from over-time work, and it would not in itself, unless accompanied by the reduction in the rate of tasks which the Bill now before the Council enjoins, produce any effect on newly-arrived coolies who are unable to do a full day's work, but it will immensely benefit the great mass of labourers who are content to, and can, perform the present task and will, therefore get through a slightly augmented task in return for higher wages, but will, as they do now,

[*Mr. Cotton; Sir Allan Arthur.*] [8TH MARCH, 1901.]

get little or nothing from over-time. I have been told that the raising of task-rates in proportion to the increase in wages would be a matter of difficulty that it would cause inconvenience and not be understood by the coolies, and that it would upset the labour-force and cause discontent. To this I reply, that all industries must expect to be liable to some occasional disturbance in respect of wages, but that, although some inconvenience will no doubt be caused by an alteration of task-rates, there is no reason to suppose that it would be serious. Task-rates are not uniformly or rigidly laid down. They vary from garden to garden and from time to time, in some cases from day to day and from one part of a garden to another, under conditions and circumstances which are constantly changing. There is an elasticity in the system which lends itself to a modification in the rates with the minimum of disturbance.

"My Lord, I have now done. I have stated my case with a degree of elaboration which I am afraid has fatigued the Council. I thank Your Lordship and Hon'ble Members for the patience with which you have heard me. I regret that the increase in the rate of wages, which was proposed in the Bill as introduced before the Council, has been withdrawn, but I trust and am confident that the amendment of my Hon'ble friend opposite, which does not accept even the modified increase contained in the Bill now presented by the Select Committee, will be rejected by a decisive majority."

The Hon'ble SIR ALLAN ARTHUR said :—"My Lord, it is with the strongest conviction that an increase in the minimum wage is unnecessary, and if imposed will deal a severe blow to the tea-industry, that I support the Hon'ble Mr. Buckingham's amendment. During the discussion on the raising of the minimum wage in Select Committee, a remark was made by one of the official Members of Council, which seems to me to go to the root of the whole question. The remark was in the form of a query, and was to this effect :— 'Are we not killing the goose that lays the golded egg?' I regret that the Select Committee should have answered the query in the negative: and I will endeavour to show where, in my opinion, they were wrong.

"The Hon'ble Mr. Buckingham has dealt so fully with the question of the present prices of food-stuffs in Assam as compared with price years ago, and with the other question as to whether the minimum wage is or is not a mere living wage, that I will not attempt to add much to what he has said on these points.

"The evidence which has been placed before the Council in regard to them is of a very conflicting character, and I admit that Hon'ble Members who

[8TH MARCH, 1901.]

[*Sir Allan Arthur.*]

have no actual knowledge of the subject cannot find it altogether easy to come to a decision as to which of the two sides is right. On the one side we have some of the official advisers of the Government strongly recommending the raising of the minimum wage on the ground that it is absolutely necessary. On the other side we have the tea-planters strongly opposing any change. The first named, with the exception of the Chief Commissioner of Assam and the few Assam officials who support him, may be called non-expert witnesses ; but they are entirely unbiassed. The second named are expert witnesses, dealing with the labourer every day of their lives ; but they cannot be called altogether unbiassed, because their pockets will be affected by the change. If the matter rested there, the Council would have to decide between official opinion and non-official opinion. But a consideration that strikes me as very much in favour of the planter's contention is that on his side is ranged a very large number of Assam officials, who are entirely unbiassed, who have thoroughly studied the question, and who do not admit the necessity of an increase in the minimum wage. In numbers they greatly exceed those officials who support the Hon'ble Mr. Cotton ; they include the Commissioner of Assam, than whom there is no greater student of the coolie question in the Province. And they are supported by no less an authority than His Honour the Lieutenant-Governor of Bengal, who in a letter to the Government of India, a précis of which was placed before the Select Committee, showed, if I do not mistake His Honour's words, that in his opinion the case for an increase in the wage had not been substantiated. That the number of Assam officials who oppose the increase is greater than the number who support it is a point in favour of the planter which has weighed with me in considering the question, and which I cannot help thinking must also weigh with the Members of this Council.

“Another point which appears to me to be in favour of the planter is this. The tea-planter is not a fool. Every labourer imported into Assam costs him at least Rs. 100, and what I would submit to the Council is this : is it likely that a hard-headed man of business, such as the tea-planter is, will not do everything in his power to keep the labourer, who has cost him so much money to import, in good health and in good circumstances, much less to give him a wage on which he will starve ? If it were necessary in the interests of the labourer that he should receive a higher wage, the planter in his own interests, because the labourer has cost him so much, would surely be the first person to raise the wage. A business man is not so blind to his own interests as not to do what is obviously necessary, and it does not require a legislative enactment to compel him to look after his own interests.

[Sir Allan Arthur.]

[8TH MARCH, 1901.]

"These points seem to me to be very much in favour of the planter's case, but there are other general considerations which bear on the question, and which I should like to lay before the Council.

"When the Government of India decided to close the Mints to the free coinage of silver and to fix and maintain the rate of exchange at 1s. 4d., it was generally recognised—and I think the Currency Committee recognised it—that the tea-industry, for at all events a certain time, would be very adversely affected. The effects of the raising of the rate of exchange are now only too apparent, and the tea-industry has suffered far more severely than anyone ever anticipated. The economic effect of a rise in the exchange of a country (Indian exchange between 1893 and 1900 rose from below 1s. 1d. to over 1s. 4d.) is to lower, or at all events to arrest a rise in, wages. If exchange had gone on tumbling down, the ultimate result must have been a rise in wages, and the planter would have had to face this; but with the fixing of the rupee at 1s. 4d. he had the consolation of knowing, or at all events of hoping, that whatever other disadvantages he might have to face from the raising of the rupee, a rise in wages was not one of them. He did not count on the Government nullifying the economic effect of their currency policy by arbitrarily raising the wages of his employes. He did not think it possible that after dealing a severe blow at the tea-industry by fixing the rupee at 1s. 4d. the Government of India would deal a second blow by raising the wages of the labourer. But this is what is proposed, and in view of the fact that I have named, *vis.*, that the effect of raising the exchange of a country is to reduce, or at all events to check a rise in, wages, the proposal to raise the wage seems to me to imply that one department of the Government of India is not recognizing what another department is doing or has done; or, in other words, the Government is giving with one hand and taking away with another.

"I now come to another point, *vis.*, the prices of tea and the rate of exchange during the last few years, and I give these in a tabulated form:—

	Tea. d.	Exchange.	Rupee equivalent.	
			As.	pies.
1893-94	8'75	1-3 $\frac{1}{8}$	9	1 $\frac{1}{2}$
1894-95	9'75	1-1 $\frac{1}{2}$	11	6 $\frac{1}{2}$
1895-96	8'75	1-1 $\frac{1}{2}$	10	5 $\frac{1}{2}$
1896-97	9	1-2 $\frac{1}{4}$	9	11 $\frac{1}{2}$
1897-98	8'64	1-3 $\frac{1}{4}$	8	11 $\frac{1}{2}$
1898-99	8'78	1-4	8	0 $\frac{1}{2}$
1899-1900	8'23	1-4 $\frac{1}{4}$	8	1 $\frac{1}{2}$
1900-1901 to 15th Feb. }	7'32	1-4 $\frac{1}{2}$	7	3

[8TH MARCH, 1901.]

[*Sir Allan Arthur.*]

“The rates taken for tea are the average sterling prices at which the crops of each year have been sold in London, and are converted into rupees at an exchange on the basis of $\frac{1}{2}d.$ above the annual average of the bank's selling rates for on demand drafts. It was in 1896 that the Hon'ble Mr. Cotton first proposed an increase in the minimum wage. As my figures show, the rupee rate per pound in 1896 was 9 annas $11\frac{1}{4}$ pies, and tea-gardens generally were doing well. If the Hon'ble Mr. Cotton in a year such as 1896 had argued that it was only right that the coolie should share in the prosperity of the tea-planter, his case would have been a stronger one. But circumstances today are entirely different; the rupee rate at which last season's crop up to the 15th February last was sold was 7 annas 3 pie per pound, or a decrease as compared with the crop of 1896 of 27 per cent. Since 15th February the London market has further declined, the last average being telegraphed on 21st February as $6\frac{1}{2}d.$; and when the total crop of 1900 has been sold it will no doubt be found that the average will be less than $7\cdot32d.$, and the difference between the 1896 and last year's crop will be considerably over 27 per cent.

“It may be said that the low average of last season's crop is due to the large quantity of coarse quality tea that has been made: this may be so to a certain extent, but it does not by any means account for the vast difference between the average rate of 1896 and of 1900. The difference which my figures show between the 1896 crop and last season's crop is 2 annas $8\frac{1}{4}$ pies per pound, and, in order to meet the objection of any one who may say that the reason of the decline is due almost entirely to the large production of low quality teas, I have been furnished with certain figures by Messrs. Thomas & Co. They have given me the average prices for no less than 70 gardens in Assam, and the average decline in price for these 70 Assam gardens between 1896 and 1900 is 2 annas per pound against my figure of 2 annas $8\frac{1}{4}$ pies per pound. It is a well-known fact that Assam is not the district which floods the market with low-priced teas, and we may take it that the decline in the average value of tea is due to another cause than the large proportion of inferior quality teas. The cause of the decline is great over-production consequent on the false stimulus that was given to the cultivation of tea by a constantly declining exchange. It is idle, however, to discuss the cause which led to the present depression in tea. What we have to face is the actual position, and we may take it that the rate at which last season's crop was sold was very much lower than it has ever been before; it is at all events so low that very few gardens have worked to a profit. Nearly all are compelled to sell their produce at under cost, and when I say that the tea-industry generally is in the very depths of depression, I in no way exaggerate the position.

"My Lord, I have been able to get particulars of the results of the working of a large number of tea-companies for the past season, and I venture to lay the results before the Council. Of the 31 Assam, Cachar and Sylhet companies registered in India and quoted in *Capital*, I have been able to get figures for 28 of them. Two of those gardens will pay 10 per cent., three will pay 5 per cent., one will pay $3\frac{1}{2}$ per cent., one 3 per cent., one $2\frac{1}{2}$ per cent., and the remaining, twenty will pay no dividend whatever. Of those which will pay no dividend, I notice that one of them paid 10 per cent. for the previous year. Of the 52 Assam, Cachar and Sylhet Companies registered in London and also quoted in *Capital*, I have been able to obtain the results for 33 of them. Four of these companies will pay 5 per cent., their dividends for the previous season being 10 per cent., 13 per cent., 15 per cent. and 10 per cent. respectively. One will pay $3\frac{1}{2}$ per cent., one will pay 3 per cent., three which last season paid respectively 15 per cent., 10 per cent. and 6 per cent. will only pay $2\frac{1}{2}$ per cent. this season, one will pay 2 per cent., and the remaining 23 companies will pay *nil*. One of these last-mentioned gardens paid 12 per cent. last season. I may say that the particulars I give are for the ordinary and not the preference shares of any company. I have the list from which these particulars have been taken, and shall be glad to shew it to any Member of Council who may desire to see it. My Lord, I think Your Excellency will admit that this list bears eloquent but melancholy testimony to the assertion of those interested in the tea-industry that the industry is not in a position to bear any further burden. With the particulars which I have given it seems to me that to persist in 1901, when the prospects of the tea-industry are of the blackest, in a recommendation to enhance the cost of production, a recommendation which in 1896 may have had something in its favour, indicates that those who persist in it have for the time being lost all sense of proportion.

"My Lord, it is not surprising that the tea-garden proprietor, when we look at the results of last season's working, is doing all in his power to reduce and cut down expenditure. Some companies are dismissing their European assistants, and of my own knowledge I know of eighteen Europeans who have been thus dismissed. Other companies are reducing the wages of their non-Act coolies, and it was only yesterday that I heard of a garden in Sylhet, on which there are a few Act coolies, and in which the bonuses had been reduced Rs. 2 all round. The bonus is merely a portion of the wage, and the reduction was peaceably and willingly accepted by the labourers. I leave the Council to imagine what the effect on the whole labour-force would be if the wages of the few Act coolies were raised. It does seem particularly hard on the planter, when necessity is compelling him to curtail expenditure, to

[8TH MARCH, 1901.]

[Sir Allan Arthur.]

find the Government insisting on increasing it. It is somewhat difficult to arrive at what the raising of the wage will mean to the industry, but that it will enhance the cost of production in a marked degree there is absolutely no doubt, and in the present condition of the industry any enhancement in the cost may have most far-reaching and serious consequences. It may in fact lead to the breaking point, and I think I have said enough to show that if the Council throw out the Hon'ble Mover's amendment we shall be within measurable distance of killing the goose that lays the golden egg.

"If it is admitted that we are near the breaking point, we are forced to the further conclusion that the proposal to raise the wage cannot possibly benefit those whom it is intended to benefit, *viz.*, the labouring classes. There is no question that with a wage of Rs. 5 a coolie is ever so much better off in Assam than he is in his own country. In Assam the wage of Rs. 5 will at all events ensure him a full stomach, which is not what he can always count on in his country. But it is not only the Rs. 5 wage that the coolie gets in Assam. He has other perquisites, and that is a consideration which is not usually sufficiently kept in view. If these are allowed for, the minimum wage is nearer Rs. 6 to Rs. 7 than Rs. 5—

- (1) The coolie is comfortably housed free of charge in houses which are maintained in good order and in thoroughly sanitary condition.
- (2) He is provided with the best drinking water obtainable from pukka wells sunk at his doors—very often at great expense to the proprietor.
- (3) He is provided with a hospital and with medical attendance free of charge, and garden medical statistics show to what an enormous extent he takes advantage of this.
- (4) Last, but not least, he obtains his rice at prices never exceeding Rs. 3 per maund, the average price of rice in the district being probably at least Rs. 3-8, frequently rising to Rs. 4-8, and even to Rs. 5 per maund in Assam.

"It was only last year that the Government of India were spending crores of rupees in keeping millions of the poorest of the people alive, and that Your Excellency was appealing to the whole world for assistance for another portion of the poor of India. But they were only parts of the population, and there must be many other thousands who would only be too glad to get a wage of Rs. 5 per month in return for a light day's work. In the interests of the millions

[*Sir Allan Arthur ; Rai Bahadur Bipin Krishna Bose.*] [8TH MARCH, 1901.]

of India, it seems almost cruel to make it harder for the employer of labour to give the labourer employment. That is really what the proposal to raise the minimum wage amounts to, and Members of this Council should weigh the position most carefully before they decide to veto the Hon'ble Mr. Buckingham's amendment. They will have to be absolutely certain that the burden they will place on the industry is a burden that the industry can bear ; otherwise the result of the raising of the wage may mean the ruin of many of the tea-gardens of India, and the consequent closing of a field of employment to thousands of the labouring classes of India. If this should prove to be the result of the rejection of the Hon'ble Mr. Buckingham's amendment, the responsibility will lie with those Members of this Council who reject it.

" My Lord, I have given the position as it occurs to me. I have not overstated the case in order to gain a vote or two for the Hon'ble Mover's amendment. I know how critical the position of the tea-industry is ; and I hope the Members of this Council will not aggravate the embarrassment of the industry by rejecting the amendment."

The Hon'ble RAI BAHADUR BIPIN KRISHNA BOSE said :—" My Lord, my excuse for interposing in this debate lies in the circumstance that of late years emigration to Assam from the Central Provinces has assumed large proportions, and the question involved in the amendment is therefore likely to affect a considerable number of the people there. It has been argued on behalf of the tea-industry that ' compulsory increase of wages by legislative enactment ' is wrong. Stated in this naked form, the argument is no doubt sound. But the real question at issue is, whether the Government, having in the interest of the employers imposed restrictions on the liberty of action of the labourers and having thereby prevented an automatic settlement of the wage through the free action of economic laws, has not placed itself under an obligation to fix from time to time the minimum wage in the interest of the labourers. It has been said that, in spite of the increased facilities of communication and the diffusion of knowledge of the benefits of employment in the tea-gardens, the time has not yet come when penal legislation for enforcing labour-contracts can be done away with. The tea-industry has undoubtedly conferred great benefit on the country, and when those responsible for the welfare of the people think that penal laws are still needed for its advancement, I accept the position. But, if so, the continued right of the Government to intervene to protect the interests of a class of people who are unable to protect themselves and whom its own laws have placed under a special disability, cannot in reason be denied. The question, therefore, resolves itself into this, whether, since the wage-limit was fixed in

[8TH MARCH, 1901.] [*Rai Bahadur Bipin Krishna Bose.*]

1865, anything has happened in the economic condition of the country calling for its revision with a view to make it accord with existing circumstances. Now, it is clear that no wage which may be earned by emigrating to a labour-district can lay any claim to fairness which is not higher than the wage which the emigrant could have earned in his own province and without severing his connection with his home-life.

“Comparing the scale of wages given in the settlement-reports of the sixties, when the Central Provinces were still in most part land-locked, that is, just about the time when the wage-limit was fixed at Rs. 5, with the scale of wages as given in Mr. Fuller’s review of the progress of the province during the thirty years following the settlement, it would appear that the grain-wage has remained pretty constant though the level of prices of food-grains in which the wage is given has largely gone up, while, as regards the cash-wage, it has generally risen by fifty per cent. This was to be expected. Since 1865, the country has been linked with the principal centres of trade by two systems of railway helped by feeder roads in all directions. Seven cotton-mills giving employment to nearly 8,000 heads of families have been set up, besides 40 other factories. The two Government coal-mines, with their annual output of about three lakhs of tons, give lucrative employment to a large number, while the numerous provincial and local public works serve the same purpose to an even greater degree. These new openings for labour have materially helped to raise the wages of the labouring classes. Mr. Fuller mentions as a significant fact that, during the course of the extensive field survey-operations of the new settlement, labourers could not be had *in their own* villages for a less remuneration than Rs. 4 a month in the out-of-the-way hill districts and Rs. 5 in the plains. The officers of the Department of Public Works are also compelled to work largely with immigrants from Upper India who come to take up earth-work which local men would not accept. In a normal year now-a-days a male coolie can command a wage of three annas a day, which is half as much again as the rate prevailing in 1865. It is hardly reasonable, I submit, to take these people away from their homes by alluring prospects of gain as held out by recruiters, which prospects are seldom wholly realized, to work in a far-off, uncongenial and unhealthy country, where the wage to be earned may be no more than what they could have earned had they never been made to leave their province.

“The figures of emigrants from the Central Provinces since 1892, after the Bengal-Nagpur Railway had been in full working for a year, go to show that, apart from famine conditions, the wage to be earned in the tea-gardens

[Rai Bahadur Bipin Krishna Bose.] [8TH MARCH, 1901.]

of Assam had no attraction for the people. Up to 1894, the number was within 2,100. But when one seasonal disaster after another began to dislocate the ordinary local openings for labour, then came the opportunity of the recruiter. In 1895, the number went up to 8,000. With the deepening of distress next year, it more than doubled itself. In the following year, it touched 20,000. With the return of better times in 1898, the number fell to 7,000, which figure was maintained in 1899. The figure for the recent famine year is not yet out. My private information is that in one centre alone as many as 4,200 coolies were registered in 1900. Even when working among a famine-stricken population, the recruiter had to adopt special measures to induce the people to go to the tea-gardens. I have seen many a batch of coolies travelling by rail, gaily dressed, the women with shining trinkets on their person, all presumably presents from the recruiter. He can well afford to give them, seeing that he is able to make as much as Rs. 80 per coolie. In some of the depôts, I am told by one who has personal knowledge of the matter, music, dancing and feasting used to go on day after day, the object evidently being not to allow the intending emigrant time to reflect and change his or her mind. When, even in times of deep distress, such questionable expedients had to be resorted to, it is not an unreasonable inference to draw that the inducement of the wage was not effective enough for the end in view. Such a wage can hardly be called adequate.

"It has been said that, besides the wage, the statute-bound coolie has the advantage of free housing, medical aid, food-grain at a fixed price, and other conveniences. As regards the first, the Central Provinces coolie comes generally from a class of people who live in huts made by their own labour and most of the materials of which they are able to have free of charge from the village-forest. Food-grains at normal times can in all the recruiting tracts be had for much less than Rs. 3 a maund, and as for medical aid, these people hardly need any. Be that as it may, unless these conveniences result in improving the general health of the Act-bound coolie, they cannot count. The average death-rate for the *whole* population in the Central Provinces, excluding famine years, is under 33 per mille; the rate among *adult* tea-garden coolies from the Central Provinces was at one time as high as 85.9. In 1899 it was 55.6 as against a rate of 24.30 for the provinces generally. So far then as a Central Provinces coolie is concerned, he is much better off in point of health in his humble hut in his own province than in a tea-estate with all its conveniences. In the gardens themselves, a non-Act coolie without these conveniences seems to enjoy better health than an Act-bound coolie with them. For I

[8TH MARCH, 1901.] [*Rai Bahadur Bipin Krishna Bose.*]

find that in 1899 the death-rate among the former was 26·3 as against 43·6 among the latter, and this difference is more or less observable in past years.

“ Whether the existing wage be adequate or not, it has been said that, in the present critical condition of the tea-industry, any additional burden imposed on it will submerge some estates and cripple many more, and thus the present openings for employment for the congested population of the Central Provinces and other provinces will be contracted. I shall have something to say on this matter later on ; but for the present I have to point out that the argument does not apply to the Central Provinces, which next to Chota Nagpur and the Sonthal Parganas now supply the largest number of coolies, the percentage of Central Provinces coolies in 1899 being 28. Although apart from land, which has gone out of cultivation under the stress of the recent cycle of bad seasons, there is not now left much good culturable waste in malguzari estates, there is a large opening for extension of cultivation by the admission of the plough to lands in Government forest-reserves. The scheme for opening them out to cultivation launched a few years back has received a check owing to the famine, but it is hoped that with the return of better times it will be pushed forward with vigour. And the class of people who are most prized and whom it is the constant endeavour of the recruiter to secure, and who have constituted the majority of the emigrants within recent years, are the very men who will be most useful in this work of reclamation. I refer to the Gonds and other jungle tribes. The former, though only a moderately good cultivator himself, is a hard-working, honest farm-labourer. Again, from the Ghât Districts these people descend in thousands to the plains during the rabi harvest, and help to reap it and thereby earn a good wage. A large proportion of field-embankments is also done by them. The province can ill spare these hardy agricultural labourers. It would, perhaps, have been an advantage if some of the broken-down agriculturists from the congested tracts had gone, but no inducement of wage and other benefits to be had in the tea-gardens of Assam has hitherto succeeded in making *them* leave their lands. Considering then the province as a whole with special reference to such highly-prized recruiting districts as Balaghat, where about half the culturable area is now awaiting reclamation, it is a mistake to say, as has been said, that the administrators of this Empire would be more usefully employed if, instead of framing laws to increase the wage, they were to help the surplus population to emigrate from the over-crowded districts of the Central Provinces to Assam. I may state here that the incidence of rural population per square mile in the rice-districts of the Province is 227 and in the non-rice it is no more than 172. What with two acute famines and several years of scarcity, there

reason to think that the population has gone down since 1891, and the figures of the recent census, as far as they are out, seem to point to this conclusion.

"It has been said that the Assam coolie is able often times to go back to his native place with a saving made while employed in the gardens. This may be the case elsewhere, but in the Central Provinces such a person has up till now been conspicuous by his absence. My friends in the recruiting districts whom I have consulted, and who are in a position to know, have not come across such a person as yet. I find the Collector of Ganjam, the only recruiting district in Madras, says the same. He states, 'Emigration from this district takes place on a very large scale, notably to Burma. The latter emigration is purely spontaneous, unrecruited and unaided. The wages earned are high, and large sums are remitted weekly to their families in the Ganjam District by these emigrants. The case of emigration to Assam is very different. There is no voluntary or spontaneous emigration, the wages earned are low, nothing is remitted to the Ganjam District by such emigrants, who are quite unable to save anything out of their pittance, while they are seldom able to return to their homes on the expiry of their contract term of labour. The labourers recruited for Assam come from the poorest and most ignorant class.....; they are too ignorant to distinguish, in their homes, between Burma and Assam. They know that numerous emigrants to Burma return home laden with accumulated savings, and dazzled by a similar prospect fall an easy prey to the recruiter, only to learn, too late, the difference between Burma and Assam.'

"Apart from the special circumstances of the Central Provinces, attention has already been drawn to the fact that wages in Assam generally have risen. Whereas the average wage of an agricultural labourer in 1888 was Rs. 7, it was Rs. 8·4 in 1898, an increase of 20 per cent., which is double the increase proposed in the Bill. Even in the tea-gardens a difference is observed between the wages of non-Act and Act coolies. In 1899, during the manufacturing season, in 14 out of 15 subdivisions the excess of the former over the latter ranged from 3 annas 6 pies to 1 rupee 3 annas. In one subdivision only was the difference in favour of the latter, it being 4 annas 4 pies. As regards the non-manufacturing season, in 3 subdivisions the Act coolies earned something under 3 annas more than the non-Act coolies. In the remaining 12 subdivisions the former earned from 4 annas 9 pies to 1 rupee 10 annas less than the latter. Whether during 1899 the Act coolies had an advantage owing to their being entitled to have rice supplied to them at a reasonable price fixed by the Local Government, I cannot say. For the *Prices and Wages in India* for 1899 is, I believe, not yet out. The difference in the wages of these two

[8TH MARCH, 1901.] [*Rai Bahadur Bipin Krishna Bose.*]

classes of labourers has, however, been a permanent feature in most subdivisions for years past, and as it has not been shown that there has been a corresponding abiding difference in the price of rice in the local markets and the price as fixed for Act coolies under section 124, it seems reasonable to conclude that the Act has in a manner compelled the coolies whose relations with their employers are governed by its provisions to remain content with a wage which would not be accepted by those who were free to work as they pleased. It would further appear that the average wage of the Act coolie has on the whole been below the statutory minimum. It is no explanation to say that he sometimes earns extra wage, for the extra wage has no reference to the task to which the minimum wage relates.

“As regards this extra wage, which in well-regulated gardens the coolies are able to earn by working overtime, figures have been published showing that in six such gardens it ranged from Rs. 5-4-5 to Rs. 7-7-9, the average being 20 per cent. more than the minimum, or Rs. 6. Admittedly these figures include earnings of acclimatised coolies, and as they are able to earn more than the newly imported indentured coolie, the average earnings of the latter class alone must be somewhat less. However that may be, the average income of a free agricultural labourer in Assam has since 1888 never been below Rs. 7. Moreover, the above fact loses its importance in the face of the admission that in gardens not well-managed the earnings do not exceed the minimum. Here the task is so severe as to exhaust the labourer's entire time and energy, and thus to put it out of his power to earn an extra wage. To meet these cases the Bengal Government had, I find, suggested a reduction by two hours of the maximum period of compulsory labour. But evidently this suggestion has not proved acceptable, for the existing limit of nine hours has been reproduced in clause 125 of the Bill. Failing this, the only remedy for an admitted evil, however limited may be its operation, seems to be that which the Bill provides. At least none other has been suggested on behalf of the tea-industry.

“As regards the argument that the tea-industry cannot afford to bear the additional burden which the clause under discussion will entail, I venture to submit, though with great diffidence, that when the wage cannot in the interest of the industry be allowed to find its own level untrammelled by penal laws, it is the duty of the Government to see that the labourer gets a fair wage, and what that wage is to be must depend mainly on the wages obtaining in similar industries and occupations where labour is free. Whether capital can, without trenching upon what it considers is its legitimate profit, pay this wage should occupy a subordinate position in the decision of the question. Moreover, it is not quite clear

[*Rai Bahadur Bipin Krishna Bose ; Kunwar Sir Harnam Singh.*] [8TH MARCH, 1901.]

that those considerate employers who treat the coolie kindly will be affected. For there does not appear to be any insuperable difficulty in their so adjusting the remuneration paid for overtime work as to keep the total earnings within the present limits. It is the badly managed estates, where a fair wage cannot now be earned, which will suffer, and surely they deserve to suffer. Again, it strikes one that if to make the industry pay it is necessary to cut down the cost of production, why should not a well-directed systematic effort be made to reduce the present heavy commission paid for recruitment, the benefit of which mostly goes into the pockets of men who least deserve it and who would certainly be unable honestly to earn anything like the sum they now earn in any other occupation?

“On these grounds I feel bound to dissociate myself from a proposal which, I believe, will not advance the best interests of the people of the Central Provinces, and in doing so I follow a line of policy which has the support of my Local Administration. The Hon'ble Mr. Fraser, the Hon'ble Mr. Ibbetson and Sir Charles Lyall are, in my humble opinion, better judges of what is good for the people than outsiders who know little or nothing of the province and who are precluded by their very position from considering the matter in a spirit of judicial impartiality.”

The Hon'ble KUNWAR SIR HARNAM SINGH said :—“My Lord, I venture to think that it will be conceded by every one that the provisions of the Assam Labour and Emigration Bill have received the most careful consideration from Government. There were a great many points in controversy when the Bill was introduced into Council two years ago. But I am happy to observe that the Select Committee have satisfactorily dealt with all of them. There is a consensus of opinion that the Bill, as it has emerged from the Select Committee, is eminently calculated to secure the object in view. The only point at issue now, and with regard to which there is a difference of opinion, is in reference to the monthly rate of wages to be given to the labourers. The representatives of the tea-industry contend that the proposed increase will injuriously affect the interests of the proprietors of tea-gardens, while those who consider the question from the labourers' point of view deny that such increase will in any appreciable degree damage that industry, and assert that a substantial increase in the monthly rate of statutory wages will secure comfort to the contract coolies, and make service in the tea-gardens more attractive. I believe that the Select Committee have wisely chosen a middle course. They observe that,—

[8TH MARCH, 1901.] [Kunwar Sir Harnam Singh.]

'though some increase in the present minimum wage is desirable in the interest of labourers, the increase proposed in the Bill as introduced would, if adopted, impose an excessive burden on employers. The newly-joined labourer needs special protection, as he is often unable for some months after his first employment, owing to his weakly condition and want of skill, to complete the daily task allotted to him, and therefore to earn the minimum wage prescribed by the present law. To meet such cases we have proposed in our amended sub-clause that all such labourers should be entitled, unless the Inspector certifies that they are physically fit to perform a whole task, to receive full wages for the performance of a half task during the first six months of their contracts. With this concession we think that the present minimum rate of wage may be maintained for the first year.'

"This concession, in my opinion, is just, and I am sure it will be keenly appreciated. During the first six months after his arrival at the tea-garden, the labourer, who needs special protection at this time, will get a salary of Rs. 5 per month, and he ought to be satisfied with it.

"Although Mr. Melitus, the experienced Commissioner of the Assam Valley Districts, thinks that there are not sufficient reasons for raising the rate of wages generally, he is still of opinion that a distinction ought to be made between the average labourer able to do full tasks and earn full wages, and the new immigrant who has not yet settled down and learnt to make himself comfortable, who naturally suffers more than the acclimatized coolie from the Assam climate during his first two rainy seasons, and who has not yet thoroughly learnt his work. The latter cannot always earn sufficient wages, and it is for this reason that a minimum monthly wage has been suggested. 'But I would be opposed,' he says, 'to extending the minimum monthly wage to labourers other than immigrants of less than two years' standing.'

"It will be seen from this that, in the opinion of such an experienced officer as Mr. Melitus, a clear distinction ought to be made for two years between new immigrants and acclimatized labourers. The Select Committee, instead of accepting Mr. Melitus' recommendation in its entirety, have taken into consideration the interests of both labourers and employers, and have fixed the statutory minimum wage only for the first year.

"The Hon'ble Mr. Cotton, the Chief Commissioner of Assam, who is intimately acquainted with the labour conditions of his Province, says that—

"there can be no doubt that the mortality among tea-immigrants of less than two years' standing is terribly high, and that these new immigrants, as a rule, are indifferent workers and earn far lower wages than acclimatized labourers. The Chief Commissioner has come across instances in which new labourers earn absolutely nothing at all, and go from bad to worse, until there is no chance of getting any work out of them, and at last they are discharged by mutual consent, and wander on the high-way or find their destination in the Government hospitals, sick unto death and absolutely destitute."

[Kunwar Sir Harnam Singh.] [8TH MARCH, 1901.]

"This state of things is greatly to be deplored, and it must be admitted that the Select Committee in fixing a minimum wage for a half task for the first year has benefited the labour-community and has done a distinct service to the cause of humanity.

"When the labourer acquires some knowledge of the surroundings in which he is placed, and is able to regulate his mode of living, he becomes capable of performing the full task that may be allotted to him. The employer becomes benefited by the work which he gets from the labourer, and the latter naturally expects that some consideration should be shown to him for the increased work that he is able to perform. It has been authoritatively stated that, with the aid of the existing statutory wage, the labourer is not able to meet even the ordinary expenses of living, far less to live in comfort. If he is expected to do his full work, he must be allowed to take sufficient food and to live in some degree of comfort. We are informed that dissatisfaction among the labour-force is great owing to insufficient wage. The numerous desertions which take place on the tea-gardens indicate that there is discontent among the labourers. I believe that to remedy this state of affairs the Select Committee have very properly come to the conclusion that the existing wage should be raised, and, after all, the increase they have proposed is not exorbitant. I should think that an addition of eight annas to the monthly wage is but barely sufficient to meet the requirements of the case.

"In this connection I would invite Your Excellency's attention to the following remarks of the Chief Commissioner of Assam in which he points out that the present special legislation creates certain definite obligations which cannot be ignored both in the interest of the labourers and their employers. The Hon'ble Mr. Cotton observes :—

'In the first instance, I am to advert to the considerations which have made it necessary to fix by law the minimum rates of wages under statutory labour-contracts and to say that there appears to be the more occasion for doing this, inasmuch as those considerations have been conspicuously ignored in some of the arguments advanced against the proposal. If in this case, as in the conditions of the ordinary labour-market, rates of wages could safely be left to be adjusted by the law of supply and demand, there would never have been any necessity for laying down minimum legal rates. The whole of the legislation regarding labour-immigration into Assam is based on the assumption that the conditions of the labour-market on Assam tea-gardens cannot be regulated by the economical laws of supply and demand. The existence of a penal contract is justified on this ground. The protection of the labourer is justified on the same ground. It has been found by experience, and it follows from the peculiar nature of a penal contract, that it is absolutely necessary, for the protection of the labourer who enters into it, to make it by law obligatory upon the employer to pay a reasonable wage for a full daily task. The reason for this is obvious. When a labourer enters into a contract to labour for a long period under severe penalties in a distant country, of which he has no knowledge,

[8TH MARCH, 1901.] [*Kunwar Sir Harnam Singh.*]

and where the cost of living is much higher than in his native district, his ignorance and helplessness entitle him to protection in this as well as in other directions.'

"The fact is that, if special legislation is necessary in the interest of the proprietors of tea-gardens, it is equally necessary in the interest of the contract labourers. The present rate of wage was fixed more than thirty years ago, and the wage which was then sufficient is inadequate now. The expenses of living must necessarily have increased, and the rise in wages is almost universal. Why should the statutory wage of the poor coolie alone be left in its original state, while there is an universal demand for higher wages to meet even their most ordinary wants? If the representatives of the tea-industry demand special legislation for the security of their interests, it is the absolute duty of the legislature to see that the interests of the contract labourers are properly safeguarded, and the proprietors of the tea-gardens should be prepared to accede to the Government demand.

"I do not deny that the proprietors of tea-gardens are considerate in many ways to the labourers on their estates. But it is clear, nevertheless, that the coolies are not attracted to their service, and I would not be surprised if, in the present situation, free choice were given to those who are now under contract, a large number would leave their work on the gardens.

"It is denied that the proposed enhancement will have any injurious effect on the tea-industry. On the contrary, it has been abundantly made clear that the industry will be benefited. The cost of recruitment will be considerably diminished; the service in the tea-gardens would be made more attractive; by securing a stronger and healthier class of coolies, their mortality would be greatly lessened, and this alone ought to ensure a considerable saving to the proprietors of the gardens. The increase proposed, instead of putting employers to much additional expense, would, in the long run, I am inclined to think, be for their distinct benefit.

"I have, however, my Lord, a grave doubt about one point. Is this the most appropriate time for raising the wages when the tea-industry is admittedly face to face with a crisis, when a large quantity of the annual produce is lying unsold in the market; and when duty on tea is threatened with a further increase? This is a matter which requires most serious consideration.

"The question may fairly be asked whether the proposed action would have the result of closing some of the gardens, and thus have an injurious effect on the tea-industry. My Lord, India requires industrial development in every

[*Kunwar Sir Harnam Singh; Rai Bahadur P. Ananda Charlu.*] [8TH MARCH, 1901.]

form, for which more capital is needed, and nothing, in my opinion, should be done to prevent capital flowing freely into this country. Of course, it must be left to Your Excellency's Government to decide whether clause 5, sub-clause (4), of the Act should be enforced *at once*, or whether enforcement of this sub-clause should be postponed till a notification of the Government should be issued fixing a time for such enforcement. With these few observations, I oppose the amendment and beg to give my cordial support to the Bill."

The Hon'ble RAI BAHADUR P. ANANDA CHARLU said :—"The point raised is what minimum wages should be entered in the labour-contracts. Such contracts enure for no more than four years, and the question that has been raised is, what are to be the minimum wages in the preparatory stage. That there should be a variation on this account is the opinion on both sides, on the part of planters and on the part of the Select Committee, though, speaking for myself, I find sounder reason in the original provision in the Bill, that there ought to be no difference from first to last, inasmuch as such a stage of comparative slight inefficiency must exist in all walks of life and in all spheres of labour, and inasmuch as there is no such distinction made in any one of them. But that is now beside the issue before us. That issue is this: whether three-fourths of the contracted period should be the preparatory stage, as the planters virtually contend, or a fourth only as the Select Committee have held. We have to eliminate the last and fourth year from our consideration, because both sides agree as to the wages for that year. Looking impartially into the matter, the best that could be said in favour of the planters is that, in the first and opening year of labour, the raw recruit might not be quite up to the mark, for the obvious reason that he has to adjust himself to the novel surroundings and to form the requisite habits for ready and almost automatic discharge of the mechanical work that falls to him—though, let me repeat what I already once emphasised, *that* by itself is no ground for reduced wages in this line by way of an exception to the almost invariable rule.

"In taking note of the first year's comparative inefficiency of the recruit, the Select Committee appear to me to have already over-stated the case for the employers. They, the Select Committee, speak of two circumstances, one of which alone, I humbly think, is sound and relevant. They speak (1) of the labourer's weakly condition, and (2) of his want of skill. Against the latter, as a fact, I have nothing to say. But I must demur to the tenability of the former, in the face of the repeated examinations, not less than three in number, to which the recruit is successively subjected in view to a pronouncement on his physical

[8TH MARCH, 1901.] [Rai Bahadur P. Ananda Charlu.]

fitness, *i.e.*, under clauses 32, 43, 46 and 47. This is not all. The employer is given the further chance, before accepting the recruit, to have the latter further examined under section 73 by a medical man of his own choosing; and, what is more, he can challenge also the Government medical officer to give his verdict. In the teeth of all this elaborate process of sifting and sifting, again and again, it is too much even to presume a possible physical unfitness, without casting an unmistakable slur on the several officers who have successively borne testimony favourable to the recruit.

“I am inclined to think that, so far as this item of physical fitness is concerned, the presumption is all the *other* way, and it ought to prevail, until rebutted by clear and positive evidence to the contrary. In this view, the one sole ground on which alone a reduction of wages during the first year could be said to be justified is want of skill, which even as I pointed out is, strictly speaking, not a proper ground at all. But the Select Committee did not stop here. They have, for reasons which they have not recorded, made a difference as regards the two years between the first and the last. They have, for those two intermediate years, added a half rupee per head. Taking into account the sort of work that awaits the labourer, it seems to me that the first year is long enough to acquire the so-called skill. If the wage of the fourth year is an index of payment for efficiency,—as I feel bound to take it,—then the addition of a half rupee, instead of one rupee, is as unwarrantable as unaccountable for the intermediate period in question. But if the fourth year's wage is not to be taken as a standard, even then surely a graduation of some sort would seem reasonable. If, in making the proposal they have done, the Select Committee have erred, I must say that they erred on the side of the richer and more influential party. I do not, by any means, grudge them the fruits of this error; for the interests of the planting classes require all legitimate safeguarding that one can secure to them, having regard to the circumstances that they have brought capital, energy, perseverance and enterprise—if not, as is said, to convert a howling wilderness into a smiling scene of verdure and harvest—at least to open up and develop an industry, congenial to areas which had perhaps frowned on all prior efforts to utilise them. But it will be a one-sided justice if, in lively sympathy with them, we ignore the claims of the mass of labourers who help no less in securing success to the enterprising, energetic and persistent capitalists. Neither class, it seems to me, could get on without the other. Each is the complement of the other. Between classes, so interdependent, nothing short of harmony and mutual good-will ought to prevail, and I should be the last party to any measure which might introduce among them a discordant element or a cause for irritation; for when bai

[Rai Bahadur P. Ananda Charlu ; Sir Edward Law.] [8TH MARCH, 1901.]

blood is stirred up, even level heads are thrown out of balance, while generous impulses run the risk of being checked or dried up, for a time at least. I am quite alive to the fact that it is within the power of the better situated employer to starve or drive to the wall the weaker workmen, with their limited staying powers and with little or nothing to fall back upon. Even the extreme case of cutting off the nose to spite the face is not altogether beyond the range of possibility. For this reason, and for the further reason that I happen honestly to differ from some here and out of this hall enjoying my highest respect, I have looked into the question, again and again.

"But I cannot persuade myself out of the proposals made by the Select Committee—proposals which are of doubtful soundness, so far as the reduction of wages for the first year is concerned, and of doubly doubtful soundness so far as they relate to the unaccounted-for reduction of wages, recommended for the second and third years of the contractual period of service.

"Such legislation may perhaps not be insisted upon where the employer and the employed are part and parcel of the same nation, and where, on that ground in particular, much less friction and much greater fraternal feeling are to be met with. Where conditions for such congenial mutuality and for such hearty 'give and take' do not exist, or rather are at a discount, there is an *à fortiori* case for periodical intercession to cancel unconscious excesses of unilateral proclivities. Again, opinions are quoted and tables of the labourer's bill of fare, his remittance and his trinkets are set forth, to show that the labourers are well off physically and financially. All this is irrelevant and inconclusive and is quite capable of being explained on other than the hypothesis relied on by the planters. But seeing how late it is, I shall say no more."

The Hon'ble SIR EDWARD LAW said:—"I think that the case as regards rates and comparative rates of wages has been fully argued from both of the contending points of view, but I may perhaps point out that the effect of the proposed addition to wages does not appear to me to be likely to prove as great as is apparently anticipated in some quarters.

"The increase actually proposed amounts to 16 annas on 21 rupees, the 16 annas being the proposed addition of eight annas per mensem to coolies in the second and third years of service, and the 21 rupees the monthly wage of four coolies respectively in their first, second, third and fourth years of service.

"The net result then of the increase will, according to my calculations, be approximately, but will not exceed, a five per cent. addition to the entire wage

[8TH MARCH, 1901.] [Sir Edward Law; Mr. Raleigh.]

expenditure. If then we admit—and it appears to me to be even hypothetically a considerable admission—that the increase will necessarily be extended to all coolies, Act and non-Act alike, the total charge to the tea-industry will be five per cent. of three-fourths of the total expense of production, *i.e.*, 3½ per cent. of this total, and therefore, to follow what I understood to be the calculations of the Hon'ble Mr. Buckingham, the total cost, admitting hypotheses concerning which I am personally doubtful, will not exceed one per cent. on the capital invested in the tea-gardens.

“ I do not say that one per cent., if this be not an exaggerated estimate, would not prove a heavy tax on the industry; but I think and hope that a tax in the form of extra wages will not be without *some* compensatory advantage, and that reviving prosperity will at an early date permit of its being easily supported by the tea-industry without prejudice to its interests.”

The Hon'ble Mr. RALEIGH said:—“ My Lord, we have listened to a number of speeches, full of information and argument, contributed by Hon'ble Members much better qualified by special knowledge than I can claim to be. If I venture to prolong the debate, it is only for the purpose of stating, as clearly as may be, the question on which we are now to vote.

“ We are legislating in respect of a matter which lies outside the domain of contract, in the ordinary sense of the word. When my Hon'ble friends Mr. Buckingham and Sir Allan Arthur speak of supply and demand, the reference appears to me to be beside the point. The labour-contract authorised by this Bill is a transaction by which, to put it rather bluntly, a man is often committed to Assam before he knows what he is doing, and is thereupon held to his promise for four years, with a threat of arrest and imprisonment if he fails to perform it. Conditions like these have no place in the ordinary law of master and servant. We made them part of the law of British India at the instance and for the benefit of the planters of Assam. It may be, as my Hon'ble friend Mr. Ashton contends, that the contract is, on the whole, for the good of the coolie. I think it is, otherwise I could not vote for the proposal to renew the Act. But the fact remains that the motive power in this legislation is the interest of the planter, not the interest of the coolie.

“ Under cover of our legislation a system has grown up which none of us can regard with satisfaction. It is a system under which labour is made expensive to the employer without being made profitable to the labourer. The cost of importing a coolie into Assam is about Rs. 25; the reward paid to the importer has ranged as high as from Rs. 100 to Rs. 150. The difference between

cost and reward is absorbed by agency expenses: that is to say, it is spent in bribing chaukidars and policemen, in buying off indebted men from their creditors, in swelling the gains of the *daffadars* and *arkatis*, for whom nobody has a good word to say. The system is described in the report of the Labour Enquiry Commission of 1895. Hon'ble Members are aware that the Commission was a body mainly composed of business men, and that the report was signed by Mr. E. Cable, Mr. H. C. Begg, and Mr. W. B. Gladstone. After describing the nature of the traffic, the Commission ask why the tea-planter is content to nourish 'this numerous brood of blood-suckers.' The answer to that question might have been given in the one word 'competition.' Large profits were being made; the supply of labour was not equal to the demand, and the price rose accordingly.

"For some time past, the abuses of the labour-traffic have engaged the attention of Government. There were those who thought that the time had come to dispense with special legislation; the planters asked that Act I of 1882 might be renewed, and we now propose to renew it. They suggested various changes in the law, with a view to reducing the cost of importing coolies; these changes we have in substance adopted. As to the measure of relief we have afforded, I will take the figures quoted in the Labour Commission's Report. We find there that in the Sibsagar District in 1889 contractors' coolies cost on an average Rs. 100 and sardari-recruited coolies between Rs. 45 and Rs. 58. In 1893 the average from 77 gardens was Rs. 82 for sardari and Rs. 105 for contractors' coolies. I do not wish to press these figures, because we do not know exactly what the expense of sardari-recruiting will be under the amended Bill. My Hon'ble friend Mr Henderson has hinted that the figures shewing cost of importation under the present system may be exaggerated; but, like all who take this line, he is content with a general statement. Balancing their precise assertions against their somewhat vague denials, I come to the conclusion that, on the planters' own showing, this is a Bill which will enable them to effect great economies in the importation of labour.

"On the question of the statutory wage, the Commission reported as follows:—

'It has been pointed out,' they say, 'that the expense of importing the coolies should be very little over half what it now is, and, if Government would insist on reducing the cost, it would be fairly entitled to demand some increase in the pay of the coolie, and some reduction in the term of contract.'

[8TH MARCH, 1901.]

[*Mr. Raleigh.*]

“ My Hon'ble friend Sir Charles Rivaz has referred to this expression of opinion ; I quote it again, because it is the foundation of our case. In this Bill we keep the term of contract unaltered. We demand an increase in the pay of the coolie, and I contend that the planters themselves have admitted that the demand is just.

“ Our discussion today has been of a practical character ; but during the agitation which has been carried on in Calcutta and elsewhere, the business aspect of the case has been frequently ignored, or dealt with in a perfunctory way. We have all read speech after speech, letter after letter, in which it is assumed that the demand for a better wage is entirely gratuitous, and that the motives of Government are merely philanthropic. In my opinion, philanthropy has no place in our discussion today. I hope the Government of India will never attempt that kind of statesmanship which consists in claiming credit for generosity at other people's expense. We are simply driving a bargain for ignorant people, who cannot bargain for themselves ; and we are asking terms which we consider to be fair.

“ Our opponents acknowledge that this is a Bill such as they wished to have. Mr. Begg stated that its provisions would benefit the tea-industry. Our Hon'ble colleague Mr. Buckingham confirmed the statement, and he was kind enough to compliment the Select Committee on the manner in which its work was done. I read his speech with great satisfaction. At the close of an enquiry, which at some points was acutely controversial, it is pleasant to know that we part on friendly terms. But compliments are not business. I want Mr. Buckingham to take the figures of the Report, or any other figures he can give us, and to tell us what he thinks this Bill is worth to those whom he represents. When he has done that, I will ask him to say whether there is anything unfair or oppressive in our contention that the coolie should have (as the Commission said he ought to have) some share in the benefit conferred.

“ It may of course be argued that, while an increased wage is, in the abstract, desirable, the demand ought not to be put forward at the present time—first, because the coolie is well off, and does not need it ; and second, because the employer is badly off, and cannot pay it. I will deal with these arguments in their order.

“ As to the sufficiency of the present wage, we have before us a considerable body of statistics. I have spent a good many hours in studying these figures, and have come to the conclusion that there is nothing approaching an arithmetical demonstration on one side or on the other. This is exactly what we might

expect to find. Any fixed income, whether it be Rs. 5 or Rs. 5,000, is sufficient for one, and not for another; we have to strike an average by comparing very diverse cases. Bearing this in mind, we must, I think, decide that many of the tables presented to us, interesting and important as they may be, are not complete enough to justify any confident opinion. There are, for example, the tables which show that some coolies are able to save money which they remit to their former homes. This no doubt is a gratifying fact; but I observe that the number of remittances shown is not large in proportion to the total labour-force; and we have evidence to the effect that saving among coolies may sometimes mean privation. The North-Western man is famous for his thrifty habits; but we are told that he sometimes saves money by limiting himself to one meal a day, and that he will endure hardships rather than break open the box in which his money is hoarded. Still less importance attaches to the figures which show that part of the wages paid is spent in drink. For, if the saving is mostly credited to the North-Western man, the drinking is mostly done by the jungli man, who spends his money as fast as he gets it. Whether in England or in Assam, expenditure in drink is no index of the real prosperity of the labourer.

“ The question, whether the cost of living in Assam has increased since 1865, has been keenly debated; but again the figures are inconclusive. Improved communications have no doubt cheapened many articles of consumption, but, as they tend also to expenditure on a greater variety of things, the coolie probably finds, like the rest of the world, that five rupees do not go quite so far now as they did in 1865.

“ Much trouble has been spent upon comparisons between the Assam coolie and labourers in other parts of India, but a comparative statement of money-wages tells us very little. To ascertain whether coolie A is better or worse off than coolie B, you want the family budgets of both, showing their receipts and their necessary and usual expenses. In most of the cases which are referred to in the papers now before us, complete information of this kind is altogether wanting. There is, however, one comparison which is close enough to be instructive. The free coolie on a tea-garden in the Duars appears to enjoy, roughly speaking, much the same advantages in respect of house-accommodation, etc., as the coolie in Assam. What, then, is the amount of his money wage? Here and throughout this controversy we are always being involved in ambiguities because the word ‘wages’ is used to mean the rate at which a man is paid, and the money which he actually receives. Our opponents are at variance as to the coolie in the Duars. We were told today that wages there were for men Rs. 4-14-5 a month and for women Rs. 2-1-2, the inference being, of course, that the Assam

[8TH MARCH, 1901.]

[Mr. Ralcih.]

coolie is comparatively well off. But a few days ago we saw a letter from a gentleman in the Duars, asserting that the usual *rate* in that part of the country is Rs. 6 for a man, Rs. 4½ for a woman and Rs. 3 for a child. The gentleman is anxious that the facts should not be incorrectly stated, and why? Because he is getting up a movement in the Duars for the reduction of wages. So that, while the Duars coolie is cited at Calcutta and used as an argument against raising wages in Assam, the Assam coolie may expect to be used in the Duars as an argument in favour of reducing wages there.

“We are on somewhat firmer ground when we come to the figures which show the actual cost of living in Assam at the present time; for here we are able to compare some more or less complete family budgets with the figures given by employers who have tried what is called the hotel system, and with the Government returns which show the cost of maintaining prisoners in jails. Combining the information derived from all these sources, I come to the conclusion that the maintenance of a single man costs about Rs. 3 a month. This corresponds pretty closely with the language of the Labour Commission's Report in regard to the mining districts. They tell us that ‘the ordinary miner, who does not drink, can live on 1½ to 2 annas a day.’ If we take into account the fact that every wage-earning man has some personal expenses beyond mere subsistence, and the fact that many members of the coolie community are dependent on the wage-earners, we may, I think, fairly conclude that Rs. 5 is a low wage. Even if it were a certain minimum, there would be a strong case for raising it, but, as Sir Charles Rivaz has shown, it is not certain; there are many cases in which coolies earn less than the statutory rate. The cases quoted on this point by the Hon'ble the Chief Commissioner were admitted by him to be exceptionally bad; but they show how far the actual wage may fall short of the nominal rate.

“When we take all the facts into account; when we consider that a Commission of business men reported in favour of raising the wage in a certain event, that Sir Alexander Mackenzie declared the wage to be too low, and that the present Chief Commissioner of Assam has imperilled his popularity in the Province by preaching the same doctrine, Members of Council must admit that the Government of India had strong reasons for deciding that some improvement in the wage should be made a condition of the renewal of a penal Act.

“But we are told, this improvement cannot be conceded, because the industry is depressed, and the planter cannot pay. Depression is an undoubted fact, and it is a fact which the Government cannot regard with indifference.

[Mr. Raleigh; the President.] [8TH MARCH, 1901.]

We should indeed be less than human if we could not sympathise with the anxieties of men who have worked honestly at this business, and now have to face one misfortune after another. The present position is bad; and Mr. H. K. Rutherford, a high authority, tells us that things will be worse before they are better. But let us look at this as a business question, from the coolies' point of view. The time has been, not very long ago, when the tea-industry flourished, and large dividends were paid. That made no difference to the coolie; he went on earning his five or six rupees, subject to deductions. In business we are all familiar with the maxim that you must take the rough with the smooth: if you receive the profits of a concern, you must bear the charges and losses. I have endeavoured to show that we are not adding to the burdens of a depressed industry. The primary object of the Bill is to get rid of the incubus of the *arkati*. Our opponents are not fighting to throw off a burden wantonly imposed. They are fighting to get the benefit of this Bill without doing anything for our client, the coolie.

"We have been told that, if our proposal is adopted, gardens will be ruined and closed, and the industry generally will collapse. On the best consideration I can give to the question, I see nothing to indicate general collapse; but there can be no doubt that the industry has entered upon a period of severe stress. If at this moment we insist upon a small enhancement of wages, it is because we are bound by repeated declarations to secure some improvement for the coolie, and also because we feel that no body of employers can profit in the long run by paying less to their labourers than justice and good policy require."

His Excellency THE PRESIDENT said:—"We have listened to a long and interesting debate on this amendment: and it will, I am sure, be the opinion of Hon'ble Members that the respective views have been stated with much ability and force. The Hon'ble Mr. Buckingham, assisted by some other Hon'ble Members, has proved a valiant and capable champion of his cause; and on the other side have been given the views of Government, as expressed by Sir Charles Rivaz, who has conducted this Bill through its various stages with much tact and skill, and by Mr. Raleigh, as well as the opinions, stated with obvious sincerity and with an authority which cannot be denied, of the Chief Commissioner of the Province. Of him I will only say in passing that I have no sympathy with the attacks that have been made upon him, not in this Chamber, but in other quarters, for the conscientious discharge of what he has believed to be a public duty: and that it is a doctrine which I cannot myself accept, and which, when I came out to India only two years ago, I was

[8TH MARCH, 1901.]

[The President.]

universally implored to repudiate in the case of Assam, that the Government of India should not attach much weight in a matter of internal politics to the counsels of the head of the Local Administration. The Government of India have not been prepared to go as far as the Hon'ble Mr. Cotton would have wished: but I desire emphatically to express my opinion that he has been actuated by no other desire than to secure the welfare of the province with which his name has been so long and honourably associated, and that to impute to him any other motive is unjust.

“Before I proceed to sum up the grounds upon which the Government must advise this Council to reject the amendment of the Hon'ble Mr. Buckingham, I must make a few preliminary observations upon the conditions under which we are called upon to intervene in this matter at all. It seems to have been inferred in some quarters that the Government is now taking upon itself, in an uncalled for and malevolent manner, to interfere with the movements of an industry which only asks to be left to itself. I have read a great deal in the Press about grandmotherly legislation and a grandmotherly Government. And yet I venture to say that, if the Assam planters were offered the option of dispensing with the grandmother altogether, they would very speedily discover the virtues of her existence. Why, the governing factor of the whole situation is that the Government of India has been called upon to constitute itself a grandmother to the tea-industry in Assam, that, without her protection, it would never have been called into being, and that, but for her assistance, it would long ago have dwindled and died. Do not imagine for a moment that *we* are enamoured of the system of penal contracts. It is an arbitrary system, an abnormal system, and sooner or later it will disappear. But it has been devised not in the main in our interests, but, as Mr. Raleigh has pointed out, in the interests of an enterprise with which the Government could not but sympathise, namely, the effort to open up by capital and industry the resources of a distant and backward province. In order to secure that end we have created, and are now revising, a law which enables the planter to procure the labour without which he could not cultivate the soil, and which is not forthcoming in the country itself; and in order to render this alien labour continuous and remunerative, we have further placed the coolie under a penal contract, which enables the planter to arrest a deserter without warrant, and to treat a breach of contract as a criminal offence, punishable with imprisonment by the Courts. These are great privileges and great advantages; and in return for them the least that the Government can demand is that the coolie, who is not a shrewd or independent personage, but is often an almost unknowing partner to the contract, should not suffer from his ignorance or his timidity, but should

be accorded a protection corresponding to the stringency of the conditions by which he is bound. That protection we offer him by statutory stipulations as regards the term of his contract, the conditions of his employment, the price of his food, and, above all, the rate of his wages; and we have just as much right to revise the latter, if we think them unjust or inadequate, as we have to provide the machinery which brings him into Assam at all. The Hon'ble Mr. Buckingham quoted with approbation a passage from a speech which I made when in Assam a year ago, and in which I said that, in the long run, this question will be settled by the immutable laws of supply and demand. So it will. But we are dealing here not with the long run, but with the short run; and the less Hon'ble Members talk at the present stage about the laws of political economy in the present context, the better, I venture to say, for their own position. Where, I wonder, are the laws of supply and demand at the present moment, when the coolies cannot be imported, at any rate in sufficient numbers, without the assistance of the law, when they cost Rs. 150 apiece, when they are not allowed to combine or to strike, when they are compelled to stay for four years whether they like it or not, and when they are put into gaol if they run away? The less, therefore, that is said about the laws of supply and demand, I venture to think, the better. I should be only too pleased to revert to them at once. But if I proposed to repeal this legislation altogether, and to leave the entire industry in Assam to the operations of natural laws, from whom would the loudest protests come? It would not be from the coolies, but from my Hon'ble friends who represent the employers' interest. This, then, is the justification for our interference. It is the corollary of the whole of our action in the matter for the last thirty-six years: and if we ceased to intervene, it would be capital and not labour that would utter the bitterest outcry. The Hon'ble Sir Allan Arthur said that, if a higher wage were called for, why should not the planters give it? The answer is that, as long as the penal contract remains, by which capital is rendered relatively secure of its labour, so long will capital continue to resist a reduction of the wage. It is merely another illustration of the proposition that the ordinary laws of supply and demand do not apply to Act-labour in Assam.

“ And now as regards the case for the particular increase of wage that is advocated by the Government. I confess that I find it rather difficult to distinguish between all the calculations and statistics with which we have been favoured by opposite speakers. I have never come across a more striking illustration of the proposition that figures are obedient servants but queer masters. Each Hon'ble Member has provided himself with a store of these pliable instruments, which have done for him all that he could desire. But

[8TH MARCH, 1901.]

[*The President.*]

then another Hon'ble Member has appeared upon the scene with a rival batch of figures, leading to a diametrically opposite conclusion; until we have all felt ourselves in the position of the bewildered interrogator who asked, What is Truth? I cannot of course claim to be any better judge of these rivalries than any one else; but I have at least set myself to a very patient examination of them, and the conclusion to which I have come is the following. I cannot conceive how it can be argued that a wage which was considered a fair minimum wage nearly forty years ago is a fair maximum wage (for so it is in general practice) now. Whether we compare the wages of Act-coolies with those of free-labour coolies upon the Assam gardens, or the wages in the plantations of Assam with those in Bengal, or the wages in the tea-industry with those in other forms of industrial enterprise, or the wages of Assam coolies with those of the Indian emigrants who proceed to foreign countries—and I have endeavoured to apply all these tests—we cannot, in my judgment, resist the conclusion that, where his fellows or neighbours or competitors have gone ahead, the Act-coolie in Assam has relatively stood still. But then I shall be told that the answer to this is the contention of the Hon'ble Mr. Buckingham and his friends, namely, that the average coolie already gains more than the minimum wage, and therefore that it is a task of superfluous generosity to increase his pittance. These were Mr. Buckingham's words, 'The minimum legal rates are already exceeded by arrangements which have gradually grown up between employers and employed.' Now this is exactly the contention which is disputed by the Government, and which is, I believe, incapable of being sustained. For, in the first place, the contention fails to specify that the arrangements spoken of are absolutely voluntary, and are provided for by no law. Next the calculations upon which the contention is based include overtime payments, which are not earned everywhere or by everybody, or at every time of the year: they also, I believe, in many cases include the bonuses paid to time-expired coolies to induce them to re-engage. They are further based, as Sir Charles Rivaz has pointed out, upon the unit, not of the individual, or of the man and his wife, but of the family. If all these deductions be made, and if it be remembered further that at the end of every calendar month a subtraction is also made on account of the uncompleted tasks during the preceding twenty-six working days, then I do not hesitate to say that the monthly wage earned by the average indentured man and woman on the Assam tea-gardens, so far from being Rs. 5 + Rs. 4, *i.e.*, Rs. 9, which is the statutory minimum, will be below it. In other words, the statutory minimum is in excess even of the normal maximum; and the law which provides for the former has in practice broken down. That this is so is conclusively proved, as regards first and second year coolies, by the

action of Mr. Melitus at the Tezpur Conference in recommending a fixed minimum of Rs. 3½ for a man and Rs. 3 for a woman for the first two years, irrespective of task. Why should he have made any such proposal, if this minimum, in itself far below the statutory minimum, were commonly exceeded in practice? I am not here saying one word in criticism or in depreciation of the management of the majority of the gardens. I saw enough of them in my short visit of last year to justify much admiration. But I say that we have to deal with the average coolie, and not with the exceptional coolie, with the average garden, and not with the exceptional garden; and that a situation in which the law has fixed a minimum wage for the male and female coolie, and in which the majority of them fail to earn it within the limits of their ordinary task, is not a situation which the Government can accept with equanimity, or in whose permanent continuation they can acquiesce.

“I am aware that pictures have been drawn in these discussions of the contentment of the coolie, and of the happy Arcadia in which he dwells. It is impossible in this context to ignore the evidence placed before us today by the Hon'ble Mr. Cotton. It may relate to exceptional cases; but even if they be exceptional, how is it possible to defend a system under which such things can occur? So far as it goes—and I desire to push it no further—the evidence is, in my judgment, overwhelming. I have seen some excellent plantations, in which I think that favourable conditions may reasonably be predicated: though even there I should very much like to hear the coolies' view of the situation. But if the planters' contention is generally true, and if, as is also alleged, the coolie knows perfectly well what he is going to when he is enlisted for Assam, then I fail to see why the stream of emigration to this peasant paradise should be drying up, or why there should be such difficulty in securing eligible recruits. It cannot be due to the superior attractions of labour in the coal-fields or jute-mills of Bengal, or in the gardens of the Duars, because Hon'ble Members decline to admit that the wages there are any higher, or the prospect more alluring. How then does it come about, to quote the Hon'ble Mr. Buckingham's figures, that the total number of imported adult coolies sank from 61,000 in 1896 to 25,800 in 1899, and of Act-coolies from 18,800 in 1896 to 11,000 in 1899? Famine conditions, and the facility of procuring labour in famine years, do not explain these variations. How are we to account for the figures that were given in his speech, by Mr. Cotton? It seems to me that the argument that the coolies know exactly what they are about in going to Assam, when coupled with the startling reduction in the totals in which they go there—a reduction that, it should be noted, has been simultaneous with an extraordinary expansion of the

[8TH MARCH, 1901.]

[*The President.*]

industry—is fatal to the hypothesis that they find in the existing prospect, which turns mainly upon the wage, a sufficient attraction. The Hon'ble Mr. Bolton said that the coolie need not go to Assam, and nevertheless that thousands go every year. But how much does the poor ignorant coolie really know of where he is going to? One recruiting agent comes along and tempts one man by glowing promises to go to Assam. Another agent appears and persuades another man by an equally glowing picture to go to the coal-mines or the Duars. Not too much stress should, I think, be laid upon the volition of the coolie. As for the thousands in which they are alleged to go, the whole point is that the thousands are diminishing. That has been conclusively shown by the figures quoted by Mr. Buckingham.

“It is not unreasonable also to suppose, if the coolies are so familiar with the prospect that lies before them, that they are acquainted with the terribly high rate of mortality that prevails among the Act-labourers as compared with free-labourers in Assam.” No one has disputed the figures upon this point; and to my mind it seems clear that the consciousness that there awaits the exile a wage lower than that of his fellows, and a risk of mortality immensely greater, is quite enough to staunch the flow of the emigrant stream. The Hon'ble Mr. Henderson remarked that he had himself experienced no difficulty in procuring sufficient labour. Yes, but his plantations are, I believe, in Cachar, where the Act-coolies are in so small a minority that the proposed increase of wage will have little effect. The conditions of Cachar, moreover, are very different from those of the Brahmaputra Valley: and the dearth of labour in the latter is a matter of universal complaint and is incontestable.

“I next pass to the cost of the proposed increase of wage. I read some astonishing statements at a recent public meeting in Calcutta to the effect that it might involve the tea-industry in an additional annual burden of 30 lakhs. This calculation proceeds in the first place upon the assumption that because there is a slight increase in the wage of the Act-coolies, there must be a corresponding increase in the wage of all the non-Act-coolies, both in the Surma and Brahmaputrâ Valleys. I believe this to be an erroneous hypothesis. In the Surma Valley the Act-coolies are, as it is known, in a small minority compared with the free-labourers, and might, so far as I can see, be dispensed with altogether. Secondly, the planters have themselves contended throughout that there is no anology between the circumstances or conditions of the two parties. Thirdly, it is generally admitted that the wages of the free-labourers are already higher, so that there need be no question of bringing the two sets of wages on to the same level. I believe this surmise, therefore, to be destitute of any widespread or general foundation. Mr. Buckingham has given the number of

[*The President; Mr. Buckingham.*] [8TH MARCH, 1901.]

Act-coolies as 132,000. Out of these it can be shown by calculations that about 50,000 are in their second or third year. An increase of 8 annas per month to the wage of each of these persons for two years means an increase in each case of 12 rupees, or a total increase, spread over the two years, of 6 lakhs. Now I understand that the labour bill of the Assam gardens is about 200 lakhs a year, or 4 crores in two years. An addition to this total of 6 lakhs is an addition of only $1\frac{1}{2}$ per cent. in each of two years, not, I should have thought, a burden that would have reduced even an embarrassed industry to ruin.

“But perhaps it may be said that the arguments which I have been using might equally justify the larger increase advocated by Mr. Cotton, with the smaller increase proposed by the Government of India. I am not sure that this is not the case, and that we have not been too moderate. But we have preferred to err, if at all, on the side of leniency rather than of severity. We have tried to see how best we could reconcile our responsibility to the labourers with our desire to do no injury to the planters: and we have accordingly diminished our proposals to the minimum point compatible with fairness. What then is the upshot of the contemplated legislation in respect of wage? For the first year of the quadrennial period, the maximum wage will remain, as under the existing law, at Rs. 5 a man and Rs. 4 a woman, with the proviso that those who are physically unfit for the discharge of a full task shall receive the same wage for a half task during the first six months. In the second year the wage will be Rs. $5\frac{1}{2}$ for a man and Rs. $4\frac{1}{2}$ for a woman, instead of Rs. 5 and 4. In the third year, the figures will remain the same as in the second year. In the fourth year, they will be raised, as they already are under the existing law, to Rs. 6 and 5. I have further indicated in my opening remarks our willingness to consider favourably the postponement of this very modest increase for another two years. I submit to this Council that our proceedings have been actuated by conspicuous and almost excessive moderation, and by the most anxious desire to strike the delicate mean between the two great interests which it has been our duty to consider: and I cheerfully ask the consent of this legislative body to a proposal which, when it comes into operation, will I believe, do something to ameliorate the lot of the labourer, to attract a better class of coolie to the Assam plantations, and in the long run to benefit the employers even more than the employed.”

The Hon'ble MR. BUCKINGHAM, in reply, said:—“My Lord, allusion has been made by the Hon'ble Chief Commissioner to the *penal* contract between employer and employé, as if it was a dire misfortune for the coolie to be bound by such a contract. In my opinion the coolie benefits to a great extent by such

[8TH MARCH, 1901.]

[Mr. Buckingham.]

contract. I should like to state what late Chief Commissioners had to say on the subject.

“Sir Charles Lyall in his letter to the Government of India, dated 8th July, 1898, said,—

‘Government insists on a great deal more in Assam than would be possible under any Factory Law of which the Chief Commissioner is aware, and the penal contract is thus compensation to the employer for an amount of interference and control in all the details of his relations with his labour-force, which could not be justified without some such contract.’

“Sir Charles Elliot remarked in 1885 :—

‘As to the tea-coolie, the protection he gets, the excellent cottage he lives in, the good water-supply, the fairly cheap food and the fairly reasonable wage he gets, are the *quid pro quo* granted in return for the penal clauses which compel him to carry out his part of the contract. He would not get the one without the other, and he would certainly be worse off if he had to part with both. The alternative would be a migratory class of labourers whom no one would go to much expense in hutting and providing for, because he could not be sure of retaining their labour, who would be constantly shifting from one place to another under the influence of enticement and bribery, who would have to build their own houses and would build them of poor materials on unhealthy spots, who would be entitled to no medical care when ill, and would have no opportunity of making complaints or getting grievances redressed such as they have now when the Inspector’s official visit takes place. Such a state of things would be good neither for their *morale* nor for their bodily welfare; but such a state of things would necessarily arise as long as population is scarce and the labourer of great value to the planter, if the law did not intervene to give permanence and solidity to the mutual relations of planter and labourer.’

“Allusion has also been made by the Hon’ble Mr. Cotton to the so-called Rs. 5 minimum pay, which, by Act I of 1865, he says, the coolie was entitled to receive irrespective of work done. Whatever may have been the intention of the Government of Bengal at the time, suffice it to say it was never carried out in practice. The Bengal Commission sent up to report in 1867 stated at page 65 of their report that—

‘The wording of section 4, Act VI of 1865, was ambiguous. Had the word “rate” been omitted, the meaning would have been clearer. By many it has been interpreted to mean that the labourers were to be paid at these rates, the insertion of the word “rate” implying that the actual amount of pay earned was to be determined by the actual work done.’

‘This view of the case, moreover, is supported by the wording of the form of contract which is required, and which has the force of a document drawn up and brought into operation by the Government. The fourth section of that contract states that so long as the said labourers respectively shall work nine hours daily, or so much thereof as

[Mr. Buckingham.]

[8TH MARCH, 1901.]

shall be required of him or her, he or she shall receive monthly the sum payable to the class to which he or she may belong, clearly' implying (so the Commission said) 'that when the labourers did not work they lost their claim to the full amount of wages.'

"The Hon'ble Mr. Cotton has not even alluded to the *term of the contract*. I need hardly add that the *terms of contract* were adhered to in Assam, not only by planters, but also by the officers of the Public Works Department, who imported coolies on the same terms as we did.

"It is worthy of note that in Act II of 1870 the legislature abandoned the rate of wage altogether, providing, however, that the *contract* should 'specify the monthly wage in money', and so it remained for no less than twelve years, during which time no advantage whatever was taken by planters to reduce rates.

"My Lord, alluding to the Hon'ble Sir C. Rivaz's remarks on this Bill and on what I stated *re* wages, I did not accept the immigration statement of wages, for I added that 'some gardens did not enter all the *ticca* earnings; so the returns are not of much value in showing actual earnings.'

"As to the Rs. 3-8 and Rs. 3 suggested at the Tezpur Conference, we simply wished to make law what in reality was being done at most gardens in behalf of coolies who could not do full tasks; in fact, that the very small minority of gardens should be compelled to act as the majority did."

The motion being put, the Council divided:—

Ayes—5.

The Hon'ble Mr. R. H. Henderson.
The Hon'ble Mr. R. P. Ashton.
The Hon'ble Mr. C. W. Bolton.
The Hon'ble Sir Allan Arthur.
The Hon'ble Mr. J. Buckingham.

Noes—13.

The Hon'ble Rai Sri Ram Bahadur.
The Hon'ble Mr. H. J. S. Cotton.
The Hon'ble Mr. F. A. Nicholson.
The Hon'ble Sir A. Wingate.
The Hon'ble Rai Bahadur B. K. Bose.
The Hon'ble Mr. H. F. Evans.
The Hon'ble Kunwar Sir Harnam Singh.
The Hon'ble Rai Bahadur P. Ananda Charlu.
The Hon'ble Sir. E. FG. Law.
The Hon'ble Mr. T. Raleigh.
The Hon'ble Sir C. M. Rivaz.
The Hon'ble Sir A. C. Trevor.
The Hon'ble Major-General Sir E. H. H. Collen.

The Hon'ble MR. SMEATON abstained from voting.

So the motion was negatived.

[8TH MARCH, 1901.]

[Mr. Buckingham.]

The Hon'ble MR. BUCKINGHAM then said :—"Alluding to Your Excellency's opening remarks I will ask permission to move the following amendment :—that to clause 5 of the Bill, as amended by the Select Committee, the following further proviso shall be added, namely :—

'Provided further that any labour-contract made before the first day of April, 1903, may stipulate for a rate of monthly wages of not less than five rupees in the case of a man and four rupees in the case of a woman for the second and third years of the term of such contract.'

"Our position, my Lord, is such, that we readily grasp at any straw which, coming within our reach, might relieve us for the present of additional taxation.

"The state of the tea-industry has arrived at such a crisis that it is almost impossible to exaggerate it. I am afraid, my Lord, I have another small batch of figures. I have before me the results for the last four years of 52 joint stock tea companies registered in London with a capital of £4,552,814. The average dividend paid in 1896 was 7'39, in 1897, 6'07, in 1898, 5'41, and in 1899, 5'34.

"I must state, however, that in many instances reserve funds were encroached upon to provide dividends.

"Of 20 Assam Valley joint stock companies registered in Calcutta, representing nearly 70 lakhs of rupees, the dividend paid per cent. in 1896 was 4'16, in 1897, '93 only, in 1898, '88 only, and in 1899, '98.

"Of an average of 22 gardens in Cachar and Sylhet representing nearly 76 lakhs, the dividend paid per cent. in 1896 was 5'88, in 1897, 1'59, in 1898, '62, and in 1899, 3'34.

"As to the results of season 1900, I will now show that there must be a very serious loss to the majority of gardens.

"A fall of one anna per pound in the price realized for tea represents no less than 5 per cent. depreciation in dividends payable on the capital of a company.

"Comparing therefore the prices realized in Calcutta of the crop of 1900 with that of 1899, we find the average price has fallen from Re. 0-5-11 to Re. 0-5-4 per pound, or rather more than an equivalent of 2½ per cent. on the capital, thereby reducing the dividends of the Assam Valley and Cachar gardens to *nil*.

"In Messrs. Gow, Wilson and Stanton's Indian Tea Report of the 8th February we see that the total average of tea sold to date on garden account averaged for last season 7·35*d.* against an average in the previous year of 8·38*d.* per pound or 1*d.* decrease, thereby reducing dividends to '34 per cent. As, however, stocks are at present over 119 millions pounds against 103 millions pounds at the same time last year, we cannot but expect an even greater fall before all the season's teas are sold.

"The tea sold in the Calcutta market from the Brahmaputra Valley from September to December averaged Re. 0-5-9, or about 3 pie under total cost of placing it in the market.

"Similarly, tea from the Surma Valley averaged Re. 0-4-6, or 3 pie under cost price.

"I have shown that, taking the industry all round, dividends for last season will be reduced to *nil.* What must, therefore, be the position of say 80 per cent. of the gardens be, if as many as 20 per cent. of the most favoured gardens do pay fair dividends? It is utterly impossible to continue working at a loss; it has indeed, my Lord, come to a point when the employer has to ask the labourer to give him a share of his income, to continue the industry; for what else is it, when we are compelled to reduce the wages of all coolies except those under the Act? The Hon'ble Mr. Cotton enquired, when expressing a doubt regarding the depression of tea, how it was that we had been going on with extensions for so many years? The answer is simple. If we *had not* made the extensions, many an old garden would have collapsed long ere this. Extensions have enabled us to place our tea in the market at a greatly reduced rate. I see from the Annual Tea Reports that only 15 years ago, tea from the Assam Valley cost, placed in the market and including sale charges, over 8 annas per pound, and in the Surma Valley over 7 annas. Within this period, owing greatly to these extensions, the yield has increased per acre from 320 pounds to 448 pounds, and we can place tea in the market two annas cheaper. Could we remain looking on quietly when Ceylon, the Duars and Travancore were rushing tea out and slowly driving us out of the market? It is not, therefore, fair to blame the Assam planters for the present state of affairs.

"The Tea District Labour Supply Association inform me that they have forwarded to date 12,934 coolies only to Assam, against 20,715 to the same date last year.

[8TH MARCH, 1901.] [Mr. Buckingham; Sir Charles Rivaz.]

“Owing to the depressed state of tea, orders for coolies are being cancelled in many quarters. It must not be thought that the above decrease is owing in any way to the scarcity of coolies, for our requirements can be easily met.

“My Lord, every effort is being made by the planters themselves to reduce the output of tea either by abandoning 10 per cent. of the area of their cultivation or else by actually curtailing the estimates for the coming season by 10 per cent. By some it is thought, and by all fervently hoped, that by adopting the above precautions the tide of events may be satisfactorily passed over.

“Another point I should like to mention, and it is this. It is absolutely impossible to foretell with any accuracy the result of the working of the Act in the recruiting districts, *i.e.*, whether or not the amendments made will reduce the cost of labour. I understand that a notification under section 3 will be issued with as little delay as possible, but in my opinion it will be necessary to defer putting Chapter V into operation, until the present pernicious *arkati* system is thoroughly rooted out. This will be a matter of time. It must be remembered that any remarks of the Labour Enquiry Commission on the increase of wages were made on the assumption that the cost of importing labour would be materially diminished, but the ‘unfulfilled prophesies’ in connection with the working of past Acts are inclined to make one feel sceptical in the present instance.

“We look, my Lord, for stronger executive supervision: the system is too slippery to be confined in a legislative straight waistcoat.

“An industry, my Lord, which does not progress, must by the law of nature retrograde, and finally disappear. I could not believe that Your Excellency would be so deaf to the overwhelming majority of official opinion against this enhancement of wages, or so blind to the fatal consequences of its becoming law, that you, my Lord, will persist in it, as it now stands, and not consent to the slight modification I have now proposed.”

The Hon'ble SIR CHARLES RIVAZ said:—“I endeavoured to explain, in replying to my Hon'ble friend's previous motion for amending clause 5 of the Bill, that while the Government of India was convinced of the necessity for their very moderate enhancement of the present wage-rate of the coolie who is put under penal contract in Assam. At the same time, I am quite ready to admit that my Hon'ble friend has shown that the tea-industry is passing at present through a phase of acute depression which we all sincerely hope will very soon be followed by a return of prosperity and that at the present moment it is really

[*Sir Charles Rivas ; Mr. Cotton.*] [8TH MARCH, 1901.]

unable to bear an addition burden, however moderate. I think, therefore, that on this ground, and also because the planters will probably require some little time for making their arrangements for availing themselves of the new system of recruiting by garden-sardars which is provided by Chapter V of the Bill, I am justified in accepting the present amendment on behalf of Government. The provision about a half task for the new coolie during his first six months will of course come into operation at once."

The Hon'ble MR. COTTON said:—"My Lord, I confess that this proposal, of which no notice has been given to Hon'ble Members, has come upon me somewhat as a surprise, although I was not absolutely unaware that a motion of the kind was possible. But, my Lord, I think that, if this recommendation is accepted by the Council, we shall stultify in a very complete manner the comparative benefit which we have today accorded to the tea-coolie in Assam. As I understand it, the effect of it will be that it will be for a period of four years at least before even the small concession—a wholly inadequate concession as I think—which the Council have today agreed to will be accorded to the long-suffering labourer. If there is a postponement of two years from the 1st April next,—and one year follows from the operation of the Bill as it now stands,—it will be in the fourth year before he will gain the small increment of eight annas above the rate which he at present draws of Rs. 5. If this small increase of salary is postponed for so long a period as that, I think Hon'ble Members might as well postpone it altogether. The only reason for the postponement—so far as I am able to understand it, because the discussion on the subject has been very brief—is that the industry is suffering from a temporary depression. Well my Lord, a great deal too much in my opinion has been made out of this so-called depression. The real reason of this depression is that the industry a few years ago—and not so many years ago—was so extraordinarily prosperous that everybody put their money into tea, and the extension of tea-cultivation was so great, and the production so large, that the market was over-supplied. I do not blame the Assam planters in the smallest degree for this result, but that this is the explanation of the so-called temporary depression there can be no doubt. I have not come to this Council primed with figures of dividends which tea-gardens in Assam gave a few years ago; but my memory on the subject is not altogether indistinct, and I know this, that only a very short time ago the prosperous gardens in the Province, and they are not inconsiderable in number or extent, were giving dividends varying from 30 to 15 per cent. per annum. Well, I suppose that even my Hon'ble friend opposite (Mr. Buckingham) would consider that to be evidence of prosperity; at all events the general public took that view and put

[8TH MARCH, 1901.]

[Mr. Cotton.]

their money largely into tea. The production of tea has enormously increased, and the price of tea has run down, and dividends now, instead of being 20 or 25 per cent., have become in prosperous gardens 10 per cent., 7 per cent. or in some cases 5 per cent., and in some less. But, my Lord, even 10 per cent. or 7 per cent. is not altogether a bad return for your money, and so long as gardens are able to give dividends of 10 and 7 per cent. and even 5 per cent., I must say that it seems to me that the outcry that the industry is in such a crisis that it is on the point of expiring is an idle one. I see in today's paper—I do not mean the *Englishman*, I refer to the *Indian Daily News*—that what I take to be the first garden of this year which is giving a dividend for 1900, *vis.*, the Hoolungurie Tea Company, has declared a dividend of 5 per cent. This is not a very large garden, the cultivation is somewhat under 1,000 acres, but I see it has given a dividend of 5 per cent. on the outturn of 1900. During 1899 this garden gave a dividend of only 3 per cent. It was able to give 5 per cent. during the past year because it has got a higher price for its tea and, I presume, has done better plucking. I do not say that this is a typical garden at all, but what I do say is that this is a garden which has understood the position and, instead of flooding the market with rubbish, has confined itself to the manufacture of the best class of tea. It has got an increased price and is able to offer an increased dividend. The Hoolungurie Garden seven years ago was only able to give 3 per cent. It is now able to give 5 per cent. I know nothing of the internal management of that garden, but I state the facts as I find them. Now, my Lord, the tea-industry is not the only industry that has passed through a crisis in connection with over-production. I have been for more than thirty years familiar—not perhaps in the same degree as some of my Hon'ble friends—but familiar with the fluctuations which take place in the market in regard to jute and other large and important industries. I was, for instance, an original shareholder in the Budge Budge Jute Concern. I can remember the fluctuations and depression in the prosperity which we have sustained as shareholders of a jute-mill. I can remember rushing up to dividends of 20 per cent. I can remember the corresponding over-production due to other mills being started and to the extreme depression under which we laboured. For some years there was no dividend given at all. Since then we have recovered. The immutable laws of supply and demand, of which we have heard so much today, have been allowed free operation, and as in the jute-industry so in other industries. Take the cotton-industry for instance, a decidedly larger industry than either jute or tea. The fluctuations there have been of a some-

[*Mr. Cotton; Sir Allan Arthur.*] [8TH MARCH, 1901.]

what similar nature. They have been due chiefly to over-production as is the case before us now, but the crisis through which those industries have passed was never looked upon as being of such an exceptional character as to excite the sympathy of the public in such a way as we have today been called upon to sympathise with it. I can remember also the crisis through which the tea-industry went a little more than thirty years ago when I first came to the country. I well remember the Commission of which the Hon'ble Mr. Buckingham has spoken, and of which Mr. Justice Ainslie was the President. The crisis through which the industry passed at that time was much more severe, much more dangerous and acute, than that through which it is now going on account of over-production. Then it was due, as I stated in the remarks which I made earlier in this discussion, to speculation, and it was so serious that those gardens which were subsequently able to give from 20 to 25 per cent. were really in a very bad way and able to give nothing at all. That was a time when there was reason to fear that the tea-industry might go under; but there is nothing whatever in the condition of the industry at present which justifies us in adopting the extraordinary—I can only describe it by such a term—extraordinary proposal of postponing this provision of the Bill which, after full and elaborate discussion, we have provided for the benefit of the coolie. I trust that Your Excellency—and I speak with great diffidence in this matter—I trust that the mind of Your Excellency is not absolutely made up on the subject; and I hope that the Council will not by a second resolution today carry an amendment which completely stultifies and destroys the benefit of the clause in the Bill to which we have agreed; but that this amendment of Mr. Buckingham will be rejected as decisively as the former amendment which he put forward."

The Hon'ble SIR ALLAN ARTHUR said :—"I understood the Hon'ble Mr. Cotton to say that there is nothing in the condition of the tea-industry which suggests that it is in a bad way. I am very much surprised that the Hon'ble Mr. Cotton made a statement of this sort after the figures which I read in the course of my former speech. They showed that, out of 61 representative gardens, 45 of them this year have not paid a dividend at all. I should think, my Lord, that that is sufficient proof that the tea-industry is in a very bad way. Further, out of 33 companies registered in England, the highest dividend that any of them paid last year was 5 per cent. I read these figures, as I say, before, and showed the Council that the industry was in as depressed a condition as it could possibly be. I should like to point out to the Council that tea is not like other crops. If the price of jute or wheat declines so low that it

[8TH MARCH, 1901.] [Sir Allan Arthur ; Rai Bahadur P. Ananda Charlu ;
the President.]

cannot be grown at a profit, all that the cultivator has to do is to throw his land out of cultivation, grow another crop, and wait till the market improves. It costs him nothing to throw his land out of cultivation. Tea is entirely different in this respect. If the planter were to stop cultivating for a season, the bushes would grow into jungle, the coolies would leave the estate and the planter would be a ruined man. The only thing that can help tea is an increase in consumption, and for that the planter must wait for some years. The end of the present depression is not in sight, and I think it would be of great benefit to the industry if this increase in the wage of the coolie could be postponed for two years."

"The Hon'ble RAI BAHADUR P. ANANDA CHARLU said:—"I regret I have to oppose this amendment. Between the employer and the labourer, the former can afford to bear the burden, as Your Lordship pointed out incidentally, while the latter can ill-afford to go without the increased wage. If the former will be appreciably worse off, the latter will be very much more so. To the former it may mean the reduction of some luxury, while to the latter it will be serious privation."

His Excellency THE PRESIDENT said:—"I am sorry that this proposal has met with so unfavourable a reception at the hands of the Chief Commissioner of the Province. He seems to have considered that it is one of an extraordinary character. I hope he will allow me to say that it is in no sense extraordinary. It is not at all an uncommon thing in legislation in England, and it has not been an unknown thing here, if the Government or the Council have, upon their responsibility, decided upon legislation of a particular character affecting a particular interest, and if any circumstances have been brought forward which have demonstrated to the satisfaction of the legislative body concerned, that a change in the law which, upon general principles, they have accepted, could only be put into operation at a certain moment at the cost of some injury to one of the parties concerned—I say it is not at all an uncommon thing, either at home or here, to accept an amendment or proviso postponing for a short time the operation of the Act or clause in question. Nor, again, do I think that there is anything extraordinary in the circumstances of this particular case. We have now had a long debate lasting the greater part of the day, and widely as our opinions have differed, and difficult as it has been to test the figures that have been given, undoubtedly the calculations which have, in my judgment, least admitted of dispute have been those which have indicated that the tea-industry in this country, and Assam

in particular, has, during the last year or two, passed into a depressed and impoverished condition. However, the Chief Commissioner says that we are now about to stultify—this is very strong language—the benefits and the advantages which it is proposed to confer upon the coolie by this Act. Well, I would submit that he is ignoring or forgetting the fact that the postponement of the wage clause will not in the least degree affect the particular concession as regards the full wage for the half task during the first six months of the term of service of the Act-coolie. He is also ignoring the great and indisputable advantages that ought to accrue to the coolie no less than to the employer from the improved methods of recruiting and superior supervision that will be effected under this Act; and he is also ignoring, as has been pointed out, the remarkable figures and calculations given in the table that was read by the Hon'ble Sir Allan Arthur this afternoon. There is, therefore, I submit, nothing extraordinary in such a proposal being submitted to this Council; and while it is true that its acceptance may involve the postponement of certain of the advantages of this Bill, to say that it will stultify them, is language which exceeds the bounds of that which is reasonable or just. What we are called upon to do is to strike a balance between the two parties. No doubt it is true that it would be more to the advantage of the coolie that the increase of wage should come into operation at once; but even the Hon'ble the Chief Commissioner must remember that were his advice accepted, it would not do so for a whole year, inasmuch as the rise of wage only begins to apply to the coolie in his second year. He has himself, therefore, already by his vote signified his acquiescence in a position which does postpone for an entire year the increase of wage which he now argues ought to take immediate effect. Then, as I have said, we have not only to consider the wage of the coolie, on the one hand, but we also have to consider the effect that might be produced upon him by the imposition of this additional tax upon the industry that employs him at a time when it is very seriously depressed. Is not this point worth considering—that if the increase of wage began to operate at once, and if the facts are, as they are alleged to be, in connection with many of these plantations, even the modest additional expenditure entailed by the increase in the wage of the Act-coolie, in its effect upon these impoverished firms and companies, might be followed by a very unfavourable reaction upon the coolie himself? I think, therefore, that even in the interests of the coolie a case may be made out for postponement.

“We have, as I indicated in my remarks at the opening of this debate, been prepared to listen with an open mind to the arguments which might

8TH MARCH, 1901.]

[The President.]

be adduced in favour of such a postponement. At the same time there are certain of these arguments in which I cannot profess to find any peculiar force. I have heard it said, both inside this Council and outside, that if, and when, the slight addition to the wage of the Act-coolie in Assam, that we have sanctioned by the vote of this Council, be put into operation, the majority of gardens will pass out of cultivation, and that Assam will revert to a howling wilderness. Having heard a good deal of public and platform declamation, I have learned that in speeches wildernesses always howl. But they do not do so in fact; and even were this increase of wage which we have passed to come into immediate operation, I should not be in the least alarmed as to the relapse into waste of any considerable part of the cultivated area of Assam. It might unfavorably affect a number of tottering ventures, and I am willing to regard this as a ground for postponement; but I cannot believe that it would appreciably retard the general development of the province.

“There is another claim that was specially put forward by the Hon'ble Sir Allan Arthur which I must equally decline to accept. It is the claim that we owe some special reparation to the planters for our currency policy, which, by raising the rate of exchange, is alleged to have raised against them the cost of production. Now, this case was argued before the Currency Commission in London in 1898 by prominent representatives of the planting interest; and I do not hesitate to say that it completely broke down. It was conclusively proved before that Commission that the depression in the industry was due, not to the closing of the Mints by the Government of India, nor to the fiscal policy of the Chancellor of the Exchequer in raising the tea-duty, but to over speculation, over competition, and over production. I have gone very carefully into the figures: and they show most conclusively that, whereas in the nine years preceding the closing of the Mints, that is, from 1885 to 1893 inclusive, the area under tea-cultivation in India increased by 39 per cent., and the quantity produced by 85 per cent., in the six years following upon the closure of the Mints, namely, 1894 to 1899, the area increased by a further 43 per cent., and the produce by a further 76 per cent., while in 1899 the increase in production was double what it had been in any previous year. So much for all India. I will next take the case of Assam alone. In the nine years from 1885 to 1893, the increase in area was 30 per cent., in production 75 per cent.; in the six years from 1894 to 1899 it was 38 per cent. in area, and 67 per cent. in production. Further, if we elimi-

nate the years 1893-1897 while the rupee was steadily rising from 13*d.* to 16*d.*, and if we take the years posterior to 1897 only, during which the rupee reached and maintained stability, we shall find that, in the two years 1897-1899, there was an increase of 20,000 acres in Assam alone brought under cultivation, and of 21 million pounds of tea produced. Moreover, the fall in the price of tea, about which we have heard so much, continued long after exchange had become stable. It is clear, therefore, to me that the argument derived from the closure of the Mints is of very little value : and that the tea-industry has been disastrously affected not by the currency policy of the Government of India, but by the ill-considered rush of speculation, and by the production of more tea than there were markets to purchase or mouths to swallow.

“ However that may be, we have to deal at this moment not so much with causes as with results ; and I am quite prepared to recognise that the facts that have been placed before us, testify to a condition in the industry which is one of much embarrassment. The situation has changed materially, and for the worse since 1899. Figures have been given in this debate of the fall that has taken place in the prices of tea. I am far from admitting that this fall involves a corresponding abridgment of profits, since I learn that there has been a considerable reduction in the cost of production, arising from more scientific cultivation, better plucking, and improved methods in general. But nevertheless the fall in prices has been continuous and unarrested, and cannot fail to re-act unfavourably upon the industry. Similarly I have examined the dividends of the Joint Stock Tea Companies throughout India, in order to realise the general impression that was being produced upon them by the stagnation, resulting from excessive production, in the industry. I gather from the statistics that the turn for the worse did not come till after 1899. Up till that time many were doing very well. Of 31 companies registered in India in 1899, six paid dividends of 4 to 10 per cent., and five of 10 to 15 per cent. or over. On the other hand, that production was already becoming extravagant was shown by the fact that 17 of the 31 paid no dividend, and of these 8 never had paid any dividend. The figures for 1900 have been given by the Hon'ble Sir Allan Arthur and the Hon'ble Mr. Buckingham, and I need not repeat them. Of the 50 companies registered in England, 12 in 1899 paid no dividend, 16 paid 5 to 10 per cent. and 11 paid 10 to 15 per cent. Here again we have received the figures for 1900 from the Hon'ble Sir Allan Arthur and the Hon'ble Mr. Buckingham. The Hon'ble Mr. Cotton has spoken as though 10, 7 and 5 per cent. were still common figures.

[8TH MARCH, 1901.]

[The President.]

I believe that this is not the case ; and I think that the mistake he has made is his failure to recognize that there has been a marked decline since 1899.

“ I am prepared, therefore, to admit that not merely in Assam, but throughout India, the tea-industry is at the present moment in a position which demands much sympathy and deserves respectful consideration. Other calculations and reasonings have been placed before us by the spokesmen of that industry at this table. Though I do not for one moment shrink from the position that the increase to the wage of the coolie which was recommended to this Council by Government, and which has been accepted by a majority of its votes, was a right and a wise decision, I will not refuse on behalf of my colleagues and for myself to accept the postponement that has been suggested, in the hope that in the space of time that will intervene before the change in the law comes into operation, there may under the new Act be an improvement in the facilities for recruitment by the garden-sardar, and a reduction in the price of importation, that will render the planting interest itself more favourable to an enhancement of wage that will provide it with a better article at a reduced cost.

“ But here, in conclusion, let me say a friendly word to the representatives of that interest. I am a believer in the policy of helping those who know how to help themselves. I see the tea-merchants of India and Ceylon scrambling for the markets of England, the Continent and the United States of America. Why do the Assam planters not recognise that there lies the most splendid market in the world at their doors? Millions of Indians now burn kerosine oil, consume ice, carry umbrellas, and smoke cigarettes. Twenty-five years ago these habits would have been scouted as impossible. Now they are common and in some cases universal. Why do you not tempt these people also to drink tea? What is the good of scouring the world for the thousands? You have the millions at your gates. If I were a planter in Assam I would never rest till the pluckings of my garden became the staple drink of the Indian artisan, in place of the spirituous poison which he is now tempted, for want of anything better, to pour down his throat. I give you this suggestion for what it is worth : and, whether it be taken or not, I hope that Hon'ble Members will at least admit that throughout the controversial discussion of today the Government has shown itself a critical, but a not unfriendly, champion of the composite interests of the most interesting province of Assam.”

The motion being put, the Council divided :—

Ayes—15.

The Hon'ble Mr. R. H. Henderson.
 The Hon'ble Mr. R. P. Ashton.
 The Hon'ble Mr. C. W. Bolton.
 The Hon'ble Mr. D. M. Smeaton.
 The Hon'ble Mr. F. A. Nicholson.
 The Hon'ble Sir A. Wingate.
 The Hon'ble Sir Allan Arthur.
 The Hon'ble Mr. H. F. Evans.
 The Hon'ble Mr. J. Buckingham.
 The Hon'ble Kunwar Sir Harnam Singh.
 The Hon'ble Sir E. FG. Law.
 The Hon'ble Mr. T. Raleigh.
 The Hon'ble Sir C. M. Rivaz.
 The Hon'ble Sir A. C. Trevor.
 The Hon'ble Major-General Sir E. H. H. Collen.

Noes—4.

The Hon'ble Rai Sri Ram Bahadur.
 The Hon'ble Mr. H. J. S. Cotton.
 The Hon'ble Rai Bahadur B. K. Bose.
 The Hon'ble Rai Bahadur P. Ananda Charlu.

So the motion was agreed to.

The Hon'ble SIR CHARLES RIVAZ moved that the Bill to consolidate and amend the law relating to Emigration to the labour-districts of Assam, as amended, be passed.

The motion was put and agreed to.

The Council adjourned to Wednesday, the 20th March, 1901. His Excellency THE PRESIDENT explained that the Budget would be presented on that day, and that the Indian Mines Bill would be taken at the sitting on Friday, the 22nd March.

CALCUTTA ;
 The 14th March, 1901. }

J. M. MACPHERSON,
 Secretary to the Government of India,
 Legislative Department.