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Theory and Practice of British Colonialism; Labor Rights among the Indian Immigrant Plantation Community of Sri Lanka.

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දහනව වන සියවසේ යටත්විජිත ඉතිහාසය සම්බන්ධ ප්‍රධාන තේමාවක් වූ ඉන්දියානු සංක්‍රමණික වතු කම්කරුවන් පිළිබඳ ලියැවුණු ඉතිහාස කෘති බොහොමයක් කම්කරුවන් පාලනයේදී යොදාගත් උපායමාර්ගවල පැවති අභ්‍යන්තර ගැටලු පිළිබඳ සාකච්ඡා නොකරයි. එම ඉතිහාසකරණය ආයතන ව්‍යුහයේ වර්ධනය ගැන පමණක් අවධානය යොමුකර තිබේ. එසේම වතු කේන්ද්‍රයේ සිදු වූ සමස්ත සංවර්ධනය ගැන සහ වඩාත් ගුණාත්මක සමාජ සෞඛ්‍ය සහ සනීපාරක්ෂක අංශ මෙම කෘති තුළින් අනාවරණය කර ඇතත් බොහෝ පර්යේෂණ හිඳුස් ආවරණය වී නොමැති බව පෙනී යයි. එබැවින් මෙම පර්යේෂණයෙන් යටත්විජිත න්‍යාය සහ භාවිතය තුළ ඉන්දියානු කම්කරුවන්ගේ කම්කරු අයිතීන් හඳුනාගත් ආකාරය සාකච්ඡා කරනු ලැබේ.

මූලාශ්‍රය: ඉන්දීය වතු කම්කරුවන්, කම්කරු අයිතීන්, යටත්විජිතවාදය, ශ්‍රී ලංකා, වැවිලිකරුවන්

Introduction

Sri Lankan historiography relating to immigrant plantation worker community under colonialism in the 19th century has so far failed to examine the inner complexity of strategies of labour management. This historiography tends to emphasize institutional developments in the plantation sector as and overall process of modernization where the colonial state and the British planters combined to provide better social, health and sanitation facilities for the welfare of the immigrant workers.

In 19th century colonial plantation system in the Asian region labour management and control has to be examined at three levels. First, legal level where government Ordinances legally guaranteed the rights of the workers and even envisaged bargaining with employers on wages and working conditions. Second, labour management and control strategies informally

employed by planters collectively. Thirdly, methods of regimentation and exploitation practiced by individual planters. The important of this research entirely a new approach to management and control of Indian Plantation labourers under colonial regime in broadly and this is the first attempt at a comparative study with other Asian countries. The main objective of this research therefore to open a new academic dialog on this specific subject.

Several historians, Michael Roberts in particular, have assumed that on the whole formal legal regulations were accepted and implemented by the planters. This research will present the hypothesis that labour ordinances was used and abused with the connivance of the British bureaucracy and entirely new terms and restrictions were imposed, informal, collectively and individually by planters.

Methodology

This research hopes to follow the scientific method of identification and analysis of historical sources. Materials using in the conduct of this research have been collected mostly from labour commission reports, Labour Acts, Sessional reports, Administration reports etc. This researcher expects to conduct extensive field research in selected plantation locations to supplement evidence from official and non-official sources to strengthen the argument.

Discussions

Indian labor migration to Sri Lanka was unique in being a migration of free laborers in contrast with indenture labor migration to most of the other countries which obtained labor from India, particularly the West Indies, Mauritius, East and South Africa and Fiji. Foundational to the relationship of un-free labor with capitalism is the process of accumulation by dispossession-the enduring reliance of capitalism on non-market legal and extra-legal coercive forces to facilitate accumulation of value and asymmetrical distribution of economic gain and pain (Ferelman 2000: 13-14/ Glassman 2006: 608/ Harvey 2003:137-182/ Ferelman 2007: 44). For detailed analyses of accumulation by dispossession whereas the indentured labor system contractually bound the immigrant laborer to serve a particular employer for a specific period, which usually varied between three to five years, in Sri Lanka the Indian immigrant was considered a free laborer processing the legal right to quite his employer's service at a month's notice. Besides he was free to move between his homeland in South India and the work-place in the Island unrestricted by Government regulations on both sides, except for the bare quarantine procedure in Sri Lanka (Wesumperuma 1989:23).

When we consider about the features of indenture labor system and its significant features we can identify many characteristic features of this system as following. The legal structure of the indenture system evolved during the course of the mid nineteenth century with the enactment of a series of Emigration ordinances by the British Indian Government

which laid down conditions for the recruitment and treatment of Indian emigrant laborers. This body of the legislation was originally enacted with regard to Indian labor immigration to Mauritius and the West Indies which were the pioneers of the recipient countries of indentured labor from India. These ordinances were, in fact, the result of an effort to minimize the abuses connected with the recruitment and treatment of Indian laborers while at the same time ensuring a stable supply of labor to the British enterprises in those parts of the Empire which faced acute shortages of labor (Wesumperuma 1989:23).

I believe that it's imperative to look in to their statutes in India when considering the legal condition of the Indian immigrant plantation labors in Sri Lanka. Firstly I would draw my attention relating to the Indian background. Briefly, the crucial provisions embodied in this Emigration Ordinance were as follows, the laborer and the employer had to enter into a contract which mutually bound the two bound the two parties to certain conditions. The labourer had to serve a definite period stipulated in the indenture contract. He had the option of returning to India after the expiry of the indenture or of entering in to a fresh indenture contract to serve a further period specified in the new contract. If the labour failed to work during indenture without reasonable cause or if he absconded, he was liable to be punished. The cost of his passage abroad and his return passage to India had to be borne by the employer.

The country recruiting Indian labor under the indenture system had to appoint a protector of Immigrants to look after the interest and the welfare of the recruits. He was obliged to submit annual reports to the British to the British Indian Government on Immigration conditions of the immigrant laborers on the plantations, particularly on the matters such as health, mortality, treatment by the employers and wage payments (Wesumperuma 1989:25). According to Sandhu's interpretation he shows us in spite of the legal safeguards to protect the labourers in actual practice the indenture system degenerated to near slavery (Sandhu 1969:76). Furthermore he pointed out that restriction of movement of the immigrants, the employer's right of private arrest, gross disproportion of the number of males and females among indenture labourers, their illiteracy and poverty combined with the employers economic position, among other factors, contributed to vitiate the working of the legal safeguards in the Indian Emigration ordinances (Sandhu 1969:145).

The management of forced labor formed part of the concern for order. Pre-colonial modes of forced labor, far from being abolished, were reinforced. Drafting forced labor for public works soon graduated to mobilization of labor for plantations owned by Europeans. Indeed, in colonial India, indentured labor was first introduced in the tea plantations within the colony itself (Gupta: 1981).

Labour migration to the Ceylonese plantations was not subject to Indian government regulations as it had been in other overseas colonies. It was exempted from the operations of the Indian Emigration Ordinances. The planter-labour relations were mediated by the labour

laws enacted by the Ceylon colonial government. These laws enabled the planters to maintain control over their labour force. One such law enacted was the Ceylon's Service Contracts Ordinance No. 5 of 1841, based on Master and Servant Law in England and reinforced in 1865 and 1916, which regulated contract for hire and service in the plantations. The breach of contract provision of this labour law was rigorously enforced thereby strengthening the hold of the planters over their indebted labour force. It was also aimed at discouraging 'bolting' (or running away, known as desertion in Assam) of labourers from the tea plantations and prevented workers from moving to other plantations for employment. These provisions reinforced debt bondage relationships of the immigrant labourers with the planters and also thwarted the emergence of a labour market in Ceylon plantations (Peeble 1986: 25-27).

We are able to identify many rules and regulations pertaining to the Indian immigrant labor community in colonial Sri Lanka to micro analyze most important and selected acts. When we consider master –servant act in colonial context it has played vital role regarding to the labor rights. Firstly I attempt to generally identify the features shared in common and subsequently an effort is made to micro analyze master servant acts. Another important fact was the first attempt at regulating master-servant relationships was made during the term of Governor Sir Robert Wilmot Horton (1831-1837) when the number of Indian plantation workers in Sri Lanka was very small. However, the proposed ordinance which gave the courts powers to inflict severe punishments on workers with no corresponding punitive powers in respect of employers was based on principles then prevailing in the England was allowed by the colonial office. Horton's successor J.A Stewart Mackenzie (1837-1841) resubmitted the legislation to the colonial office and, Lord Glenelg introduced new clauses which were even more advantageous to the employers. In addition to this finally Sir Colin Campbell (1841 to 1847) who submitted an ordinance which the colonial office found acceptable. This act introduced as Service contracts Ordinance No; 5 of 1841 which was "Better regulation of servants, laborers, and Journeymen Artificers under contracts of Hire and Service and of their Employers. Kumarijayawardena states the laws operated in favor of the employer such as "Although these laws were supposed to afford some measure of protection to the workers in their relations with the employers, in effect they served mainly to limit desertions from plantations by fixing penalties for breaches of contract " (Jayawardana 1972: 21).

There were no legal regulation limiting the hours of work. The usual practice was for work to begin at 6 AM and case about 4 PM. In 1893 a doctor described the long hours, perhaps 10.00 to 11.00 without food, prejudicial to the cooli who was not physically strong. In 1914 the harsh treatment of plantation workers in the Sabaragamamuwa Province came to the notice of the government when the District Judge reported that a large number of workers had complained to him of starvation and neglect. In this province, between October, 1913 and March 1914, seven workers were found dead and six were found lying ill on the road near the Nivitigala estate, and inquiries by the Government agent reveal that in 1913 there were 227

deaths on this plantations, representing 24 percent of its labour force ((Jayawardana 1972: 21)). According to her argument it is revealed that though the regulations and amendments and ordinance imposed by planters were shown to be originally intended to benefit the plantation laborers, the reality was quite different.

The impact of master servant laws on the plantation labor community

Labor migration to the Ceylonese plantations was not subject to Indian government regulations as it had been in other overseas colonies. It was exempted from the operations of the Indian Emigration Ordinances. The planter-labor relations were mediated by the labor laws enacted by the Ceylon colonial government. These laws enabled the planters to maintain control over their labor force. One such law enacted was the Ceylon's Service Contracts Ordinance No. 5 of 1841, based on Master and Servant Law in England and reinforced in 1865 and 1916, which regulated contract for hire and service in the plantations. The breach of contract provision of this labor law was rigorously enforced thereby strengthening the hold of the planters over their indebted labor force. It was also aimed at discouraging 'bolting' (or running away, known as desertion in Assam) of laborers from the tea plantations and prevented workers from moving to other plantations for employment. These provisions strengthened the debt bondage relationships of the immigrant laborers with the planters and also obstructed the existence of a labor market in Sri Lankan plantations in 19th century (Peeble 2001/ Wesumperuma 1986: 25-17).

The ordinance No 5 of 1841- 'For better regulation of servants, Laborers and Journeymen Artificers under Contracts for Hire and service, and of their Employers'. All verbal and written contracts or agreements in the case of 'any menial or domestic servant or Laborer' were to be deemed monthly engagements. They could be terminated on a week's notice by either party, or by the payment of fifteen days wages by the masters, or by proved 'misconduct' by either party. Written contracts could be entered into for the maximum period of a year and needed a month's notice for termination (Moldrich 1988: 62). If a laborer refused to work, deserted or otherwise misbehaved himself, the District court could forfeit all his remaining wages and could in addition imprison him for a maximum period of three months, with or without hard labor. Laborers could bring complaints against their masters for non-payment of wages, breach of contract and or 'misconduct'. If found guilty, master could be charged with all arrears and fined ten pounds, and if defaulting, imprisoned for a maximum of three months. Such were the main provisions of the law. Though the above was expected of the law, what happened in practice was not the same. This can be shown through my earlier research which pointed the unequal treatment of men and women as far as the wages are concerned and it could not have been happened that way if the law lived up to its obligations not to mention the fact that the labourers were exploited to the fullest (Hettiarachchi 2018: 51421-51427). Ultimately we can reasonably assume that there is a considerable difference between colonial theory and practice in Colonial Sri Lanka.

In the actual implementation this contractual relationship between employer and employee did not materialize. When we try to understand the Colonial policy in terms of the impact it exercised over the laws concerning the Indian labor community, a classic example is provided through the statement of acting Governor Tennant's statements which is as following;

The ordinance made ample provision for the protection of the immigrant worker and justice to both (employer and immigrant worker) but whilst the employer resorted to it freely upon every occasion, the semi-civilized cooly, unaware of its existence, ignorant of his own rights, or apprehensive of still further annoyance, failed in almost any one instance to appeal to it for protection or to call on the local magistrate for assistance. His disposition and habit was to suffer in silence, and when at last hopeless of redress, he makes no complaints, but goes back to India in disappointment (Silva 1840-1855: 242). This is indicative of the difference between the theory and the practice of the Colonial policies and the degree to which, in legal terms the labors were exploited without their knowledge.

Another important fact was while the official may have been determined to play the impartial arbiter this could hardly be expected of a justice of the peace who was also a planter. By the mid-1850s as government sought to relieve the pressure of work on its officials, there was a considerable body of unofficial Justices of the peace, many of them planters. Even though some of the legal experts such as, Thomas Berwick (District Judge in Kandy) were trying voice but it was soundless because of the powerful planter.

Government legislation purported to benefit laborers, could not do so, particularly in the face of to trace the powerful opposition from the planters. For example, ordinance no 5 of 1841, which was introduced to make both the employer and employee equal before the law, in fact made the employer liable to civil proceedings and the employee to criminal proceedings in cases of violations of obligations towards each other. as in colonies elsewhere, here too the illiterate workers who had no benefactors to represent their interests did not have the sophistication to use the law even when it could offer them some protection. As Michael Roberts remarks; Lords of their domains, the planters were faced by timid immigrants bred under authoritarianism and with no conception of trade union organization. Where legislation fell short of the radical it was rather such factors as the heavy demand for labor, the scope for desertion and the enlightened self-interest and humanitarianism of planters, than any legislation that would have tended to soften the treatment of the immigrants (Roberts 1965: 37). "Enlightened self-interest" and "humanitarianism" were quite rare in the treatment of labour. As far as the planters were concerned, Indian laborers represented 'human nature in an uncultivated state' and they disparagingly referred to them as coolies. P .D. Millie, an earlier planter has said that when coolies complained to them that their pay was short, the planters usually ordered them off with a cuff and a kick. As shown earlier, the estate

owning planters of the time misused the plantation labors to achieve their own expectations while promoting the plantation economy in Sri Lanka (Moldrich 1988/ Silva 1966). When we are considering K.M de Silva's earlier research, relating to his idea, despite his attempts to implicate that the condition of the coolies on the estates and their treatment by their employers are inapplicable to all the instances, it is far from the reality.

The plantation law was the ruling enactment in that time and who ever tried to go against this law and of the extraordinary punishment in the plantation sector of colonial Sri Lanka. This following statement revealed that unjustified legal background in the estate sector. Furthermore we can understand the real situation of the labor life under the British colonialism and find out planters act as a lord, law makers and judge relating to the labor issues in this particular period. Another interesting fact is that the planter is the one who should be held responsible for violating labor rights throughout this period. When we pay our attention to the court cases we are able to identify the real attitudes and behaviors among the planter society relating to the immigrant labor society in Sri Lanka. Vijaya Samaraweera's research shows us the extent to which the planters and the superintendents took the law at hand and how far it resulted in pressurizing the plantation labors as following.

Every man is a magistrate on his own estate, you know, and therefore as

Long as the man is working for you, you have right to do what you like

With him-that is, anything short of killing him (Samaraweera 1981: 123-158)

Furthermore Vijaya Samaraweera draws an example by means of a court case. In case of Marden VS Muniandi 1899 ICLR Chief Justice Bonser was clearly revealed in that this arbitrary character of this extra legal system of labor control converted to a custom in the plantation sector. However, the Indian plantation labors believed that on the superintendent's ruling system rather than court or the police in interference.

As Wijaya Samaraweera points out, there is no doubt that on many estates what I may term the patriarchal system prevails. The superintendent punishes the coolies himself for any disobedience or faults, and so long as the superintendent does not abuse his position, and the coolies acquiesce, that system is probably much preferable to one in which the interference of the police courts is being constantly evoked by the superintendent, and this court would certainly not be anxious to interfere. But it must be distinctly understood that such a system has no support from the law, and only rests on the acquiescence of the coolies (Samaraweera 1981:123-158). However in my perspective the power vested upon the superintendents concerning the plantation labors has frequently been used to oppress the labors in Colonial plantation setup the reason being their abuse of power to facilitate plantation labor subordination. I need to raise a question as to how far the superintendents were trustful in dealing with the labor community in the plantation sector.

My argument is very clear and proved through this classic example which according to the practice of the planters in his own plantations he was employed as the lord and others were considered as slaves. This is the actual practice of the colonial regime and a so called humanitarianism was not existent in actual practice. I try to point out to the condition that was prevalent in the plantation sector which was totally contrary to what has been claimed by most researchers. I would like to prove it further by focusing on this statement based on a letter from the Queen's Advocate, Richard (later on Sir) Morgan, a case was hardly ever known of a justice in the planting districts doing to secure the apprehension of criminals in cases of serious crime, although the jails are crammed with scores and hundreds of men, women and children arrested on warrants for desertion (Moldrich 1988). Samaraweera noted that though the master servant relationship was created civil desertion (and disobedience) was deemed a panel offence. The thinking that led to this is worthy of notice. First, there was the premise that panel provisions would act as a deterrent on the workers. As Chief Justice Marshall declared in a breach of contract case under the ordinance No 3 of 1834.

“It is because of the circumstance of most servants would incapacitate them from paying damages that the breach of their civil contracts of service are thus punished criminally. In other words, the fear of punishment, operating on the mind of the servant, is given to the masters as a protection against misconduct, in the room of a pecuniary indemnity, if awarded by a decree, could seldom be actually recovered.” (Samaraweera 1981: 143)

This was not the only occasion in which the high court, ostensibly involved only in the interpretation of the laws, faithfully reflected the thinking of the colonial government and articulated it publicly in a most effective manner. Secondly the panel provisions were justified on the grounds that a speedy settlement of cases could be best brought about by following criminal proceedings rather than civil. The extent to which utilitarian considerations guided the actions of the officialdom is amply shown by the fact that prosecution did not bar civil action by the aggrieved party (Ibid).

As the Supreme court pointed out in a judgment, “the master may if he chooses, accept the servant's act and treat the contract as rescinded, but he is not obliged to do so”. In other words, desertion by itself did not constitute a termination of the contract because contractual obligations could not be removed unilaterally (Ibid).

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non-performance of it” (Ibid: 144) In addition this researcher shows us the legal remedies available to the master for breach of contract on the part of the servant were amply and frequently resorted. While he shows us a classic example through the historical sources, he draws the attention to the fact that imprisonment of workers on conviction was not something which the employers especially looked forward to, for the simple reason that it removed the worker from service on the invariably obtained rulings from the courts requiring the return of the convicted servant to the estate as an alternative to imprisonment. There was no provision in the 1841 ordinance for such action of the courts but the legality of the practice does not seem to have been raised in court (Samaraweera 1981: 143-144).

Ordinance 13 of 1889 further amended the Master and Servant Laws and clarified two imprecise passages: For the first time a distinction between domestic servants and plantation laborers was made and, secondly, the definition of ‘employer’ was extended to the current superintendent of an estate, thus solving practical problems frequently arising in the implementation of the laws due to absentee planters. Additionally, the amendment legally recognized the longstanding practice regarding verbal contracts. ‘In practice, verbal contract meant the entry of the laborer’s name in the estate check-roll and the acceptance by the laborer of the quota of rice issued by the estate as part payment of wages’.⁴³ This practice now had a legal footing. From a merely legal viewpoint, the Master and Servant Laws provided both the planter and the laborer with valuable instruments to defend their interests.

On the one hand, the planter could easily sue his laborers for breach of contract in various situations as such breaches were broadly (and vaguely) defined. Although Ordinance 11 of 1865 obliged the employer to provide his employees with lodgings, food and medical care during periods of sickness, refusal to pay wages remained the only prosecutable offence on the part of the employer. On the other hand, the Master and Servant Laws recognized the ‘free’ nature of plantation labor. Although the possibility existed to enter into longer written contracts, almost all labor relations were regulated on the basis of verbal one-month contracts. In theory, the laborer could leave an estate at one month’s notice. In times of ever-rising labor demand, this would have placed some power in the hands of the laborers. In reality, a number of customs and practices of plantation recruitment and life kept the bulk of the immigrant labor force from enforcing their rights as laid down in the legislation. The rigid hierarchy of the kangany system and an evolving network of debt bondage served as functional equivalents and secured the availability of a cheap and steady labor force. We have already briefly discussed how the rising labor demands. This would have placed some power in the hands of the laborers. In reality, a number of customs and practices of plantation recruitment and life kept the bulk of the immigrant labor force from enforcing their rights as laid down in the legislation. The rigid hierarchy of the kangany system and an evolving network of debt bondage served as functional equivalents and secured the availability of a cheap and steady labor force

Ravi Ahuja sheds new light on our argument by means of the following statement. “The complexity of “master and servant law” is already evident if we ask whose interests it served. To be sure, it primarily served masters. Similarly, refers to Mary Turner’s argument which claims that “the end of slavery and the subsequent introduction of master and servant law left indentured laborers in a negotiating position significantly weaker than that achieved by those who had heretofore worked as slaves”. Ultimately it provides us a reasonable ground to further assume that the master servant law was in the best interest of the planters which in turn was unfavorable on the laborers and the outcome was totally opposite to what was expected at the initiative level (Ahuja 2007: 290-291/ Jayaraman 1967: 333).

The Labor Management Process in the Plantation Regime

Earlier we were able to get a clear picture of how the planters manipulated the labors under the pretext of labor acts, and ordinance in Colonial Sri Lanka. Then an attempt is made to consider the labor management and control strategies informally employed by planters collectively.

But with growing demands for labor, the recruitment from South India was increasingly carried out by kanganies or headmen. With the massive expansion of tea cultivation in Ceylon, the kangani system of recruitment became the dominant feature of the mobilization of immigrant labour from South India for Ceylon plantations.

The kangani system involved a short-term (usually 30-day) contract, which was generally verbal rather than written. The labourers were free to leave whenever they wished. Ceylon plantation labourers, however, had to pay the costs of their transportation and recruitment, binding them to their employers through other means. Food, clothing and transit of the recruits during the trip to Ceylon were paid by ‘coastal advances’ secured by kanganies. These expenses were charged by plantation owners as ‘debt’ against the kanganies and ultimately transferred to recruits. A state of indebtedness from the very beginning left labourers tied to their kanganies and the planters. Having indebted labourers in Ceylon suited the tea planters, as tea required permanent labour (Wesumperuma 1986/ Peeble 2001).

In most of the literature on the immigrant labour in Ceylon plantations the kangani is seen as a patriarch. This perception was created by the contemporary planters and the colonial bureaucracy and found uncritical acceptance in academic works. Patrick Peeble is less enthusiastic about this perception and forcefully argues against the description of the kangani as a patriarch. According to him ‘these accounts of ‘patriarchal kangani’ are repeated in annual reports of the Ceylon Labour Commission and in other official literature. In due course this became part of the scholarly construction view of the kangani (Peeble 2001: 34). As in Ceylon, the kangani in Malaya acquired a very significant position in the plantation hierarchy during the rapidly expanding rubber industry. During this period

he played a vital role of being indispensable to the planters as a procurer of labour. He attempted to migrate many labourers from South India through the maze of agents, depots, ships, camps, inspectors, clerks etc by spreading lies with many promises among the poor villages in South India. Kumari Jayawardana who conducted a deep research in to this area was able to portray the real situation of this community. The bond between kangany and his gang of workers arose out of the workers indebtedness. According to the Controller of Indian Immigrant Labour, Indian workers in Ceylon were ‘‘born in debt, lived in debt (Jayawardana 1972: 19). One of the most glaring injustices was the issue of wages. The method used to exploit plantation workers varied. Planters in the nineteenth century sometimes failed to pay wages regularly, handed the workers’ wages to the Kangany, or made deductions from wages (Rutherford and Hill 1902: 247).

It is further evident that the planters made an effort to keep the labors as a separate unit by means of their isolation from the outer society as a consequence of British regime. Within this environment the plantation workers were isolated and virtually imprisoned and all the necessary steps to ensure that it was successful carried out were taken with great care. In this process of keeping them isolated, the inherent behavioral traits of plantation workers were identified by their employees and that was utilized to achieve their goals. Planters regarded the indigenous population as less trustworthy, expensive and even revolutionary. The Indian immigrants, on the other hand were perceived to be obedient and loyal.

Asoka Bandarage pointed out that the docility of Immigrant labour was not an inherent trait of Tamil character as the Ceylon planters easily concluded; rather it was a structural feature of migratory labour and a global phenomenon in capitalist development (Bandarage 2005: 318).

According to her idea the housing arrangement on the plantations were created in such a manner that the Indian plantation workers could protect and follow the socio-cultural behaviors and traditions in the same manner and live as a separate ethnic group, thus maintaining their identity and living accordingly. The special feature of their language, caste system and religion were preserved, since they were restricted to their line rooms and the plantation, providing a secluded environment where cultural heritage could be perpetuated.

The construction of line rooms and the locations selected to do so, appear to have been a deliberate move by the planters to isolate the plantation workers from Sinhala rural villages. The plantation managers took steps to ensure that plantation workers could not develop any relationships with those living outside the plantation and this was accomplished through strict supervision. Plantation workers were not allowed to travel outside the plantation and a security service was maintained to watch the movements of workers. However, it is significant that the night watcher of estates were Sinhalese. The planters were convinced that the Sinhala watcher would not help Tamil workers to go beyond the boundaries of the plantation at night.

My earlier research shows that caste structure among the Indian labor community was used as well as abused by the British Colonialists for the development of the plantation economy in Sri Lanka. My argument was that the manner in which the colonialists used their own culture especially related to the caste structure among the Indian immigrant laborers of Colonial Sri Lanka to their own advantage (Hettiarachchi 2019).

I was able to show how and to what extent the immigrants protected their caste structure in these new locations. I strongly argue that while giving immigrants the opportunity to continue their caste system, the planters too used it as an instrument of labour subordination.

The most significant fact that is revealed through this investigation is that the planters had a micro-view of their caste differences and they always tried to select labourers who did not create any disturbances. One of the planters said “I am a very old planter and study the coolie and caste very carefully (Labour Commission Report 1908:348.). Planters realized that the easiest way to control labourers was to use the Kangani for that purpose especially when a labour dispute arose.

In this research project I showed that the British British colonialists are more concerned about Indian culture and they tried to use of them for their own purposes which highly tally with what have been pointed out by Ananda Yang very properly in his recent research. He says that transplanted to India in the late eighteenth century, transportation took root in the emerging colonial penal culture of the early nineteenth century and flourished because colonial administrators viewed it as an especially suitable technology of punishment for Indian society and culture. In addition he says that in India as in England, it was aimed at attaining the penal objectives of removing criminals from their local societies, of deterring others from committing crimes, and of reforming the convicts. And in India it was believed to have the added virtue of being a transgressed punishment, that is transgressed indigenous notions about the religious and cultural dangers of crossing the Kala Pani or the ‘Black water’ Thus British officials considered transportation to be a weapon of tremendous power. The horror with which the people regard transportation is a feeling born with them, and the questions whether it be a wise or a foolish feeling, whether it be a just deduction from true premises or the result of ignorance and superstition are nothing to the purpose. In other words, transportation was said to pack an extra punitive punch because of its negative cultural and religious implications (Yang 2003: 186).

According to the above institutional changes that resulted from the changes introduced by the colonial government in 1908 the Tin Ticket System was begun. The essence of the system was the assumption by the British Government of the responsibility of conveying the immigrants from the Government Immigrant Camp at Tatapari in South India to the railway station nearest to the plantation of their destination. Every estate which joined the scheme was allotted a number. This number together with a letter of the alphabet denoting

the planting district in which the estate was situated were punched on a small metal disc known as the Tin Ticket (Wesumperuma 1986: 68) Thus, the Tin Ticket virtually contained the address of the estate to which the Tin Ticket belonged. The Tin Ticket was supplied to the planters by the government and was available at the provincial (Ibid). From the time of the process of uprooting individuals from their native villages in India, up to the stage where they arrived at their destinations (Plantations in Ceylon), the purpose of them being taken away and how they could satisfy their needs was conveyed by the issue of a “Tin ticket” to each immigrant. All these can be identified through examining their content, which enabled the planters to fulfill their expectations to their benefit and advantage while the reality for the plantation workers was agony and misery. The leaflets distributed in their home country had created hopes and expectations, but while they were travelling to their future work stations the difficulties and discomforts made them realize that they were totally misled and deceived. The Tin-ticket served as a mechanism to bind its recipient to become a virtual semi-slave rather than an employee, within the plantation sector. When the rules and regulations indicated in a “Tin ticket” was examined the “token” dictated terms that controlled every aspect of the life of a plantation worker. It reduced the worker to a helpless one who had to depend on the hierarchical system of the plantation for his survival. The token mentioned above reduced workers into weaklings without human dignity, totally dependent on their employer for survival. The Token prescribed a slice of bread and a sip of tea for the daily meal and this was a serious breach of trust. If one lost his Tin ticket, that individual’s fate and consequences were matters that deserved exploration. This Tin ticket system was designed to perpetuate a livelihood system for its recipient that made him totally dependent on his employer for his livelihood (Rutherford 1902-3: 240-242).

From the view point of planters, the tin ticket system gave them satisfaction. It was a system that satisfied their needs in both a formal and a systematic manner. It bonded the individual to such an extent that the plantation was his universe. The number of labourers without tin tickets was so small that it could be disregarded.

Conclusion

I have been able to provide valuable insight in to the manner in which the planters purposely manipulated the laws to exploit the labor community in contrary to the original objectives which intended to ensure benefit of the laborers. Therefore the findings suggest that the Colonial policies have given the priority to utilitarian considerations at the expense of the humanitarian considerations. This research project also reveals that there was a considerable gap between the theory and practice of the British Colonial regime.

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