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# **PATTERNS OF INSTITUTIONALIZED SERVILITY:**

THE CASE OF 19TH CENTURY MALABAR

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Any disquisition on slavery has to connect the strong indignation with which it is disapproved with the need to understand the specificities of its expression and operative genius. The inhumanity of it is built into the production process which presides over a society which, in turn, gets inured to it. The form of slavery which flourished in Malabar in Kerala was largely agrestic or praedial which played a significant role in the production processes. Its nature and workings were closely linked to land control, which also partly determined the social hierarchy that caste system has traditionally consecrated in India. But slavery was largely the lot of the lowest rung of the society which had been routinely consigned to the ignominy of untouchability. Economically owned but socially disowned, these agrestic slaves were an integral part of the master's landed property and were described as "being held precisely under the same tenures and terms as the land itself".<sup>1</sup>

But Malabar had achieved further elaboration on method in madness by adding unapproachability to untouchability. Slaves of all castes were held as entirely impure and therefore they were compelled to keep a stipulated distance from their superiors. Because of the caste tyranny they were not allowed to approach, except within prescribed limits, the persons or houses of the higher castes. The lowest classes were the ones who had to do all the work for the superior castes. Though this caste disability was prevalent in Malabar before the colonial period, it became particularly harsh after 1800. The overwhelming demand for revenue and the system of land tenure in Malabar kept the slaves chained to their masters. The higher castes who owned the slaves also had the implicit support of the British rulers, for it was indeed the former who supported the colonial structure. In this symbiotic relationship between the colonial masters and the upper castes, the chains of the agrestic slaves were fully riveted.

The agrestic slaves were drawn from a few castes such as Cherumans and Pulayans which might be termed the agricultural labour castes, whose sweat went into the ability of the landholders to fulfil the revenue demands of the colonial rulers and retain their status. It was also in the interest of the rulers to preserve the system which ensured prompt payment of revenue. Neither was willing to disturb this system for the fear of losing the advantages they had been enjoying.

In terms of their economic conditions there was not much to choose between the agricultural labourers and agrestic serfs. Theoretically the former were free to choose their masters or leave them once their work contract was over, while the latter had no such freedom. But in reality the bonded labourer who had received an advance from his master had no liberty. In fact, serfs had at least a prescriptive right to cultivate a certain piece of land while labourers had no such right. While the servitude of the bonded labourers was voluntary, the agrestic serfs were often deeply attached to their masters.

The habits of the slaves of Malabar were “formed in subserviency and accommodation to it”, said Graeme, and they felt “no impatient irksomeness arising from the cherished memory of rights and comforts once enjoyed, which they have recently lost or from a spirit of proud independence conscious of a title to higher privileges and indignant at an unjust exclusion from them”.<sup>2</sup> The slave was scarcely ever exposed to the extremity of actual starvation; a beggar of this caste was seldom or never found. But they were not as comfortable as they ought to be. Their attachment to the master’s family was so strong that they called themselves Adiyar. According to Tanika Sarkar, the institution of agrestic slavery was based on the interrelatedness between ritual compulsions and the pattern of cultivation.<sup>3</sup> The seasonal character of cultivation created demand for labour which were supplied at subsistence rates in Malabar. The agrestic slaves were traditionally denied all social and economic rights which increased their helplessness.

In Malabar, Canara and South East Tamil Country, the landholding system and the crops cultivated were conducive to the prevalence of agrestic servitude. The greater part of the labour involved in cultivation in Malabar was performed by Cherumas. They were hereditary slaves attached to the soil, and their expertise in agricultural operations was considered greater than that of any other classes of people. They were employed at all levels of husbandry. Buchanan testified to their condition at the beginning of the century and nearly 40 years later they still presented a degraded, diminutive and squalid appearance.<sup>4</sup>

They kept watch over the fields at night against the depredations of animals. When the harvest was over, they were employed in felling trees and preparing materials for house building. They enjoyed holidays only during festivals. The masters of the slaves would occasionally permit them to work for themselves, when they did not require their services. They could earn some money by selling their labour, cutting and selling grass and working as porters.<sup>5</sup> However, during rainy seasons such opportunities were rare, and life for them tended to become harder.

Slavery is one form of appropriating surplus labour, by the subjugation of one individual, the slave, by another individual, the master. This is necessarily associated with different forms of ill-treatment of the slave by his master. The aim of such ill-treatment was two fold : to extract the maximum labour output from the slave at the lowest possible expense, and to create a sense of obedience and fear among the slaves. However, the treatment of slaves was by and large dependent on the attitude of the individual masters. But the views of certain British officials regarding the treatment of slaves are to be taken with a pinch of salt since some of them were eager to prove that the attitude of the slave owners towards their slaves was rather mild, and their views were coloured accordingly. Though Baber felt that slaves were generally treated in an inhuman manner he hastened to add that the treatment depended on the character of the masters.<sup>6</sup>

Even though the masters theoretically exercised full power of life and death over slaves, it was mandatory for them to seek consent of higher authorities before the severe punishments were executed. Their authority permitted only corporal punishment for Petty

offences.<sup>7</sup> The British authorities stated that the slaves were also entitled to the protection of law. But, since the slaves were entirely dependent on their masters for their essential requirements like food, they seldom complained against them. Thus in effect the legal protection to the slaves was at best a myth. Though the slaves were kept for the profit of the master, it was the master who sought protection of law for themselves, rather than for the slaves. "And since profit was the only motive, it was the master's aim to keep them in perpetual bondage by means of the use (or misuse) of the Hindu customary law".<sup>8</sup> Servitude was shown as perfectly voluntary and serfs were described as often deeply attached to their masters. In fact, there were instances when serfs instead of abandoning a master who had fallen into ruin, supported him with the earnings from their labour.<sup>9</sup>

In order to obtain a clear picture of the magnitude and extent of the problems of slavery, a statistical analysis of the population of Malabar in the concerned period is essential. Census, in its strict sense came to be established only by 1840. However, we have useful data on certain districts, villages or regions in the various official records, correspondences and literary works, which we may put together with profit, although the accuracy of such data has to be accepted with a measure of reservation. They yet give us an idea of the slave population in the region vis-à-vis the total population.

During the early nineteenth century in Malabar most of the agricultural labor castes were either unfree or hired labourers. This was true in the case of South Kanara also. However, these agricultural labourers were a significant group during the colonial period. It was they who provided the most crucial factor of production in the agrarian economy, namely, labour. The mechanism of the colonial economy and its implication for a larger context of society can be appreciated by an analysis of the role of the slave in the economy. Whatever the exact nature of bonded labour in colonial Malabar, the economy of this region was largely dependent on this segment of population. This was particularly so, on account of the changes that were introduced in the economy as a result of the colonial period. Various aspects of agrestic slavery contributed to the nature of that economy. They included problems of slave trade, price of slaves, the wages they were paid, their legal and economic rights and the modes of their subsistence. The problem of slave trade can be studied under two heads; one is the large scale traffic in slaves involving the export and import of slaves, and the other the local transfer of slaves under various categories. While raising the question of how the internal transactions of the slaves were organised, problems such as whether the slave was transferred along with land or independent of it, whether man and wife were separated in such transactions, or, what was the nature of the right that was transacted, etc. have to be dealt with. An interesting aspect of this problem is that all the shades of the right that existed over land can be identified as existing over the slaves as well.

An important dimension of slavery in the economy was the slave traffic, the import and export of slaves. Slave trade prevailed throughout the province of Malabar, which was extensively carried on by the French at Mahe, and these slaves were supplied in the islands of Bourbon and Mauritius.<sup>10</sup> In 1793, the Commissioners, Jonathan Duncan, Page and Bodam, informed the Chief and Factors at Tellicherry that they had seen the practice of kidnapping and shipping slaves and other natives from several parts of Malabar. Notwithstanding the objections against this practice, it was continued.<sup>11</sup> Macleod's letter to

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the Principal Collector and Magistrate of Tanjore, asking whether any rules could be enacted by the Government to check the practice of transporting children by sea shows that there prevailed in Madras presidency the practice of transporting them in order to sell them as slaves.<sup>12</sup>

In 1792, when the British rule was established in Malabar, a proclamation was issued against the slave traffic by which slave traffic was to be forfeited and the person offering him was to be fined. Thurston observed that the proclamation was not to prevent the privileged superior castes from purchasing the children of famine stricken parents on the condition that the parents might repurchase their children on the advent of better times.<sup>13</sup>

In 1812 the Government of Madras passed an Act prohibiting the exportation of slaves from the province of Malabar. Campbell himself restored several children to their parents. He remarked that individuals generally became slaves by being sold as children by their parents in years of scarcity and famine. Though the Government of India passed Act V of 1843, the traffic in slaves still continued. It was brought to the notice of the Government, but on full consideration "they were brought and sold and hired out, although for fear of the penalties of the Penal code which came into force in 1862."<sup>14</sup>

A question often discussed by both contemporaries as well as later historians is whether the slaves were sold along with land or separate from it. An equally engaging question is whether members of the same family of slaves were separated following a sale, particularly, man and wife. Since the slaves were theoretically the absolute property of their masters or lords, it was reckoned that they could be sold or transferred in any manner the master thought fit. However, a husband and wife could not be sold separately, but children could be separated from their parents and brothers from their sisters.<sup>15</sup> Major Walker agreed with Buchanan's information that the slaves were not attached to the soil.<sup>16</sup> According to Jonathan Duncan, in accordance with this law, slaves were treated as bondsmen attached to the soil and could almost be disposed of together with the land on which they lived.<sup>17</sup> But when Malabar came under the direct control of the British, their condition became worse. Baber stated that disposing them of with or separate from the soil, the land of their birth, was decidedly at variance with law or custom. The tenures and forms of sale of slaves too, according to him, were precisely the same as of lands.<sup>18</sup> There were occasions when the master could not provide subsistence to the slave. In that case the slave was permitted to work for another person, but he was obliged to come back to the master when the master's position improved. The arrangement ensured that the master did not forfeit his ownership of the slave. Village customs decided the disposal of children if their parents belonged to different masters.

There were some restrictions, however, on the master's power to sell the slave. First, it depended on the marriage customs of the caste and secondly, the slaves could not be removed far from their village. According to Graeme's Report, a slave might be sold in another taluk, but it had to be contiguous with the one of his original home. The slaves could be sold with or without the soil, and in a different place from that of their birth or of their usual residence.<sup>19</sup> But it is not clear if the consent of the slaves was sought or obtained in the matter of their transaction. Our records are generally silent about this and, judging from this silence, the general assumption has been that this was out of the question. These slaves



might be disposed of in another taluk, but sending them away to a great distance was not customary. In the sale of slaves, family ties other than between husband and wife were not necessarily honoured. Before the establishment of British power in Malabar the agrestic slavery was recognized by the customary law called Deshacharam.

Baber observed that the slaves were sold at pleasure of their estates and separate from their families in execution of judgements and in satisfaction of revenue arrears. While discussing the practice of sale of slaves in satisfaction of revenue arrears, Baber highlighted the views of Vaughan, the then Collector of Malabar (1819) who said that “proprietors had not discontinued at that period selling their slaves indiscriminately one to another and even in discharge of revenue arrears. 20 However, under the British, voluntary sale of slaves continued. During the time of poverty or distress, the agrestic slaves borrowed money from their masters and, to repay the debt, they sold or mortgaged themselves. Sometimes slaves were sold by their parents during famines.21

The report of the Board of Revenue and the Proceedings of the Court of Sudder Adawlat made references to the subject of the sale by public auction of the slaves and of revenue defaulters.22 The Board referred to the circumstances of slaves in Malabar being sold and transferred with the land. The land and slaves employed in the cultivation were not separable from each other not only in Malabar but in other countries.23 But it was uncommon for the Revenue officers to seize and sell the slaves off the land in satisfaction of revenue arrears. The government and the magistrates hesitated to interfere in ameliorating the condition of their slave subjects although Baber protested against this. Later in 1819 orders prohibiting the future sale of slaves on account of arrears of revenue were issued in Malabar. Even though he was a British officer, Baber was not aware of these orders and he observed that the condition of slaves had remained unaltered. Vaughan favoured the sale of slaves on the condition that it was impossible to ameliorate their condition, because “once a slave always a slave” might be considered the motto to be prefixed to Malabar slavery.24

Revenue officers realised the public dues by the seizure and sale of slaves off the land from revenue defaulters. As a result the owners of the slaves considered them as goods and chattels. Accordingly, the sale of slaves for the arrears of revenue was as common as the sale of land. The selling of slaves off the land troubled the landowners. “In many cases the land owners complained that, if the Collector was allowed to sell their slaves to recover arrears of revenue, their fields would remain uncultivated which meant their own ruin and that of their family.”25

The British officials were not generally in favour of an immediate abolition of slavery, as the institution, though morally indefensible, had its economic benefits. Hence they were inclined to consider the interests of the slave-owners while advocating the amelioration and gradual emancipation of slaves. The main obstacle for the immediate emancipation of slave of Malabar, they thought, was that the government was not ready to pay the necessary compensation to the slave-owners. E.B.Thomas, the acting Judge of Malabar in 1841, knew that the government would have to settle the question sooner or later, but by ensuring protection to the slaveowners they were only raising the price of the slaves and thereby increasing the demand for them. There was a great demand for agricultural labour in Malabar, which could allay fears that the liberated slaves would face unemployment. As to the question of sale and purchase of slaves the courts generally upheld what they believed to be the local tradition.

The Slavery Abolition Act of 1843 did not have much effect on the Cherumars of Malabar.<sup>26</sup> Though certain measures were taken earlier for the improvement of the conditions of Cherumars in Malabar, they were later abandoned on the condition that they were apparently harmful to the master. According to Logan, the sale and purchase of slaves were carried on with their full consent in 1852 and in 1855, but the transactions were kept secret. Though the emancipation of slaves was theoretically sanctioned, the sale of Cherumars was practically carried on. Once they became the plantation labourers their condition became worse. The Act of 1843 asked for certain improvements in the condition of slaves but the real exploitation could be seen when they were taken into the plantations. The commoditization of labour was the major change introduced by the Company when they started plantations in Malabar. This labour mobility was looked upon with suspicion by the landed class because they enjoyed the traditional rights and privileges on labour. So, with the gradual monopolising of free labour market by the planters, they started utilising the cheap labour.

Graeme in his Report acquaints us with the highest and lowest amount for which the slaves were sold in each district of Malabar. The caste of the slaves, the amount for which they were generally leased, the amount for which they were generally mortgaged and the price at which the slaves were sold can be seen in Graeme's report.<sup>27</sup>

Regarding the sale of slaves, Campbell believed that the domestic slaves, who in the Madras Presidency, were found only in Mussalman families, were never sold, while the sale of agrestic slaves was quite common. He stated that the slaves might be sold for paying up debts of their master, and that the practice of transferring them along with the land when it was sold, which was not necessary in law, was invariably practiced. The Muslim Law opposed the purchase of free children for the purpose of reducing them to a state of bondage. But in practice, the purchaser kept the slaves who were bought as infidels but later converted to Islam. These converts were not considered as slaves thereafter. But in the case of Hindus, they were prohibited from returning to their parents.<sup>28</sup> Regarding the sale and purchase of slaves the Provincial Court said that the right of the master to transfer the slave by sale, lease or mortgage had never been disputed or doubted.

Among the more important issues related to the internal trade of slaves are the existence and transfer of various shades of right over the slaves. As there were innumerable shades of right over land exercised by magnates at various grades in a hierarchy, so also were there corresponding shades of rights over the slave. The slave was transacted in as many conceivable ways as land was transacted; almost similar dues were collected on account of sale between the two or more parties involved in the transactions. Buchanan observed in Malabar three modes of transferring the usufruct of slaves. By *janmam* full value of the slave is taken by *janmi* and the slave is entirely transferred to a new master. The second mode was transferring the labour of slaves by *kanam* or mortgage with the proprietor receiving as loan a sum that was generally two-thirds of the value of the slaves. He also received annually a small quantity of rice, to show that his property in the slave still existed. When he repaid the loan, he could reassume his property. The third manner was letting slaves for *pattam*. By this, the master gave the slaves away to another man for a certain annual sum. The borrower provided them with their maintenance.<sup>29</sup>

The British had changed the then revenue policy to bring out more tax from the agriculturists. The government officials appointed revenue collectors from among intermediary castes like Nairs, who got opportunities to acquire ownership of land. The revenue policy of British upset the traditional land tenure system. Later the British found that the complete resettlement of land revenue policy would suit their interest. The revenue policy and the judicial system of the British helped the landlords and the Zamindars. The peculiar form of land tenure system of Malabar provided an efficient tool for collection of taxes, which had liberal assistance for the Government machinery. The primary and secondary owners of land, i.e. (Janmi and Kudiyan) never participated actively in the cultivation processes, and so the agricultural labourers had to work hard to feed those in the higher categories. Once a peasant reached a particular economic status, he was given some privileges and rights. It was the policy of the British to take along the rich and affluent people of the society with them so that they would act as a prop of the colonial rule. With a view to ensuring this, they restricted and redefined the tenurial pattern

To know the mode of transaction of slaves, it is necessary to understand the land tenure system of Malabar, which differed from other districts of Madras presidency. About the pattern of land tenure as they emerged in Malabar in the colonial period, there is a somewhat clear picture available in the existing literature.<sup>30</sup> Whatever their origins and processes of evolution, by the time the East India Company established itself as the political masters of the region, the land tenurial arrangements were constructed in such a way that they ensured the maximum revenue for the British authorities. Accordingly, it was presented as if land was a clearly identified item of property with several shades of right in it. These rights were arranged in a hierarchical order. Agrestic slaves, owing to their intimate ties with the land, stood in a more or less similar relation to that of landed properties. Evidence of similar transactions could be seen in the proceedings of the judicial machinery introduced by the British.

The factors which influenced the prices of the slaves were the gender, caste, health, age, region, etc. The prices of slaves varied not only on the basis of slave's age and conditions but also the caste of slaves. The highest price the best caste of slaves fetched was 250 gold fanams, and the lowest, 11 gold fanams. The price of a slave boy and a slave girl also varied from caste to caste. Caste-wise distribution of the slave caste and price difference are given by H.S. Graeme.<sup>31</sup>

There were many variations in the conditions of ownership of slaves and slave labour, but on the whole they were bound to work for their own masters. In the Tamil country, the agrestic slaves could not be transferred except along with the land to which they were attached. But in Malabar and Canara, there were no restrictions in selling, mortgaging or renting them out without the land on which they were settled. However, though the slaves might be bought and sold, they had some rights<sup>32</sup>, which prevented them from being a mere marketable commodity.

Regarding the slave's rights on land in Malabar, Graeme observed that a few individual instances were there of slaves holding lands in pattam or lease and paying government revenue, but those instances were very rare. He pointed out that "masters are not entitled to the property of their slaves, unless they die without heirs; but except near large towns on the

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coast, it would appear that this privilege is not very profitable to the proprietor as property is seldom made by slaves.”<sup>33</sup> Baber found that there was no legal objection to slaves possessing property of their own, independent of their master.<sup>34</sup> In Malabar land and slaves seemed inseparable. Unless the slaves were transferred with the land, the new proprietor might find difficulty in carrying on the cultivation. Similarly the former master would be hard put to find subsistence to his slaves. Transferring the slaves with the land also gave the slaves a sense of security, in that they could remain in the land and in their huts without being displaced.

Slaves enjoyed the hereditary rights of occupancy of land. If the slave was born in a family owned by a particular landholder, the latter had the obligation to employ him on the land and pay him the customary wages.<sup>35</sup> In the first place his daily wages were fixed by custom. Secondly, if the master treated him badly or did not pay his daily wages he could escape from that master, but not from his servile condition. The only way open to him was to serve another master. If indeed he did find one, he was shared by both masters. If the master was not able to pay the customary wage he would sell or mortgage them. The agrestic slaves were practically deprived of all legal rights. General regulations made no provisions for the protection of slaves and no serious attempts were made for their betterment. The British always claimed that the condition of the slaves had improved considerably under their government, as the British law had extended its protection to them.

Baber believed that there was no exemption for slaves from the general regulations and also that no special provision was suggested for their protection. As regards the protection to a slave, appeal to the laws would affect his state of bondage, and the ruling power did not have the right of granting his manumission. The difficulty in informing the slaves of law, ignorance, the distance kept by the masters, the expense and uncertainty of obtaining relief, and the dread of attempting to oppose their masters under whom it had become habitual for them to bend, had made it difficult for the slaves to seek redressal by law.<sup>36</sup>

The slaves were disqualified from giving evidence in the court of law. “The servitude they are doomed to by the usages of their country is sufficiently deplorable and humiliating without our adding to their degradations.”<sup>37</sup> Baber opined that such an objection for appearance of Government Pleader in the court of justice in favour of slaves had no precedence even in the case of intentional absence of the complainant. If the government was keeping aloof from providing protection for the weak sections on the same excuse that the complainant did not appear himself or herself, a situation would come when the weak section was not legally protected. If this was the general trend of the legal machinery it would ultimately lead to a situation when an offender with sufficient money and influence would succeed in preventing the complainant from appearing before the court. In relation to slave’s inheritance, it was governed by customs of the land. Like other castes in Malabar, agrestic slaves also followed the custom of inheritance of either Makkathayam or Marumakkathayam.<sup>38</sup>

Among the more crucial questions concerning slavery is the one related to the way in which the slave was remunerated. Classical slavery, by definition, would preclude the payment of any wage. However, the kind of slavery that we come across in Malabar did involve the payment of wages. To be sure, this did not mean that the labourer was free or that he could bargain in the matter of selling his labour power. The wages of the slaves were often a mere

pittance, even that varied according to a large number of factors, such as the castes of the labourer and the employer, the age of the slave, the season of the work, the area, the gender and health of the labourer and, of course, time and place., and types of grain cultivated, quality of work, difference between free labour and attached labour.

The slaves were provided with wages for their work and certain periodic allowances for their services. Apart from these they were provided with food, usually gruel, in the morning and at noon. The rice with husk which was given as wages was to prepare supper and to provide food for infants and the debilitated. The wages given to them were hardly sufficient for their subsistence and, hence, they were generally undernourished. Certain allowances and feasts were provided by the masters in connection with their annual festivals or auspicious days like the birthdays of the members of the master's household, etc. There was a custom of providing a nominal sum of money in connection with births, deaths, and marriages in the slave family.

The masters through their Krishikaras, who were in direct and much more confidential communication with slaves, gave presents of clothes, oil or grain or a few fanams on a birth, death or marriage in the family of a slave. In the harvest time, slaves were entitled to certain portions of crops as a compensation for watching the field. Graeme in his report on the revenue administration of Malabar has given the details of allowances made to slaves in different districts, contrasting them with what a free labourer got.<sup>39</sup>

Even at the end of the century there was great diversity in the customs regulating agricultural wages, not only in different districts of the Presidency but in different taluks in the same district or in different parts of the same taluk. The wages, which were paid either in cash or kind, varied not only with the area but also with the status of the labourer. Casual labourers were generally paid more frequently in cash than attached labourers and also at higher rates. There were wide differences even in rates of payments in kind. Dharma Kumar has argued that "such differences are naturally only to be expected in a society ruled by custom and where serfdom prevents the emergence of a proper labour market."<sup>40</sup>

The seasonal differences and differences in the types of work also pose difficulty in comparing the wage rates. While daily wages might not change, the wage rate per unit of work could. Again, the differences between the wages of the attached and casual labour reflected not only differences in social status, but also the hours and conditions of work, perquisites and volume and stability of employment.<sup>41</sup> Wages in certain areas sometimes depended on the caste of the labourer and the employer. Among the attached labourers, those of the lowest castes were paid the lowest wages. In Malabar it was reported that the slaves were fed by their masters throughout the year, but their allowance on days when they had no work was only half of what was fixed when they were employed. Malabar was the district where there appeared to be continuity in both modes and rates of payment.

Most of the agricultural labourers had no inclination to emigrate to places where they could get higher wages. If they were given money wages when they became casual labourers naturally they would have left their servile condition. It may be noted that the direct relation of a slave was with the tenant and not with the owner of the land. Thus their work output was extracted to the maximum and the payment of wages was kept to the minimum.

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The problem of sale and purchase of slaves in Malabar took a new turn with the introduction of plantations in the high ranges of Malabar. When we come across massive sale and purchase of slaves for the plantations, we see that it also involved a qualitative change in the processes of production in which they were to be employed. The slaves were transferred in large numbers; they were carried to long distances; and the kind of production they were employed in was so radically different from what they had known major shift for the economy.

The Bombay Government started a plantation at Anjarakandy in 1798 to grow pepper and coffee, and Murdock Brown was appointed as the overseer of the plantation.<sup>42</sup> He sought the government's permission to purchase slaves for work in the plantation. This he did since he was unable to procure labourers and the cost of free labour was higher than the agrestic slaves. He was given the permission, and he promptly sought the assistance from European as well as the native local authorities to restore the runaway slaves.

In Baber's answer to the queries on slavery in the East Indies he wrote to the Commissioner that on more than one occasion he had to decide cases relating either to slaves kidnapped in Travancore and sold to British subjects, or even to freeborn Hindu children of various castes in the Cochin or Travancore states who had been reduced to slavery "in the Honourable Company's dominions after being procured by the most fraudulent and violent means and deprived of their caste by cutting off the lock of hair."<sup>43</sup> Baber observed that "the slaves are subject to the lash, as also to imprisonment, putting in stocks and chaining."<sup>44</sup> By the time the East India Company had established itself as the political masters of Malabar, large-scale traffic in slaves was gradually coming to an end. In any case, the Company did not encourage the old practice. What remained was the sale and purchase of slaves domestically, which also included the transactions of the slaves in numerous other ways. The bureaucracy and the judiciary introduced by the colonial state only strengthened the institution and the different transactions under it, talk about the humanitarian nature of that state and the abolition of slavery by it notwithstanding. The economic, social and legal status of the slave was exactly that of any other item of property so far as the master was concerned, although the bureaucrats of the Company's government were never tired of paying lip service to the equality of all men before law. Nowhere is the hypocrisy of these officials clearer than in their hesitant proclamation of the Slavery Abolition Act of 1843.

The existence of agrestic slavery in Malabar received considerable attention in the official and evangelical circles, and it was closely linked with the question of abolition of slavery, which was one of the moral concerns of England and Europe in the first half of the 19th Century. Since the agrestic slaves were an important component in the agrarian prosperity of the region, abolition of slavery would not be in the best interest of the Janmi's who owned the slaves. Nor were the British very keen to offend a powerful class of landlords whose collaboration they valued so immensely. These constraints posed a veritable dilemma to the British who were projecting themselves as the crusaders against the moral evil of human degradation. The intense concern over the issue of slavery on humanitarian and moral grounds was invariably linked to its abolition. The whole debate over the question of slavery in Malabar, or for that matter, in India, under the colonial dispensation was a part of a larger debate over it in England and Europe.

The issue of the abolition of slavery was taken up with considerable fervour by the Christian Missionary Society and the London Missionary Society in Travancore, and by the Basel Mission in Malabar. The abolition of slavery was not only a part of the agenda to civilize the country but also a method of securing more recruits to the service of the Church. But it may be recalled that their attempt to put an end to slavery was only a partial effort of the mass conversion of depressed class. The change of religion did not alter the social status of the converts who found themselves hooked on to the same familiar low social status. The attempts of the church to rehabilitate them economically by providing them with employment in its factories or farms did not bring about any sea change in their position.

The British Parliament for the first time took up the issue in 1830, when the Select Committee of the House of Lords heard the evidence of the Indian officials, and in 1832, the Select Committee of the House of Commons collected the evidence of officials like Baber, Campbell, Joseph Fenn, James Welsh and Henry Bevan.<sup>45</sup> Though, in 1833, Parliament gave consent for the Act for abolition of slavery throughout the British colonies by which all slaves were to be freed within a year, those in agriculture were to remain apprenticed to their former masters until 1840. But the opponents of the abolition argued that immediate emancipation of the slave would lead to the most calamitous consequences to himself as well as to his master.

The formulation of questions regarding the abolition or amelioration was designed to establish the fact that, it was only with the advent of British rule that active measures for the abolition of slavery were taken. Generally, the response of the British officials to the question of slavery betrays the sense of superiority that the colonial masters always found it hard to conceal. They found the condition in the colonies frustrating, and, left to themselves, beyond redemption. It was not unusual for them to exaggerate the poor conditions in the colonies, which implied that only the British intervention was the solution to improve them. British officials also wanted to imply that local rulers neither took any interest in the abolition of slavery nor did they succeed whenever any feeble attempt was made. In India, the survival of local slavery was but another reminder of the many 'barbaric' customs the British needed to curb if they were ever to civilize the subcontinent. <sup>46</sup> It may also be noted that the queries were addressed to British citizens and officials only, which could provide only one-sided picture.

While discussing the changes that had taken place in Malabar, Baber stated that the abolition of slavery would have some important repercussions on the economic interest of the British rule. They were careful enough to protect the masters because it was through them that they secured their interests in the country. Government did not make any serious attempt to abolish slavery because it would estrange a group of powerful slave owners whose collaborative role had a definite place in the colonial power structure. Though the British authorities were perfectly aware of the evils of the prevailing practice of the sale and purchase of slaves, they were not ready to abolish it completely for, this kind of bondage was necessary to sustain their revenue system.

However, it is possible to identify a streak of exaggeration in the reports of the British officials regarding the conditions of the agrestic slaves in Malabar for, they were keen to project themselves as the ones called upon to cleanse the decadent Indian society. But,

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basically they were describing the condition of the slaves, which was unenviable, and it was on the basis of evidences from British officials that the government was goaded to initiate action against the degrading system of slavery.

The Slavery Abolition Act, passed on April 7, 1843, decreed, in the first place, that no slave should be sold by a public officer to satisfy the decree of a court or in order to settle any claim for rent and revenue. Secondly, the status of slavery and any right arising out of it should no longer be recognised by the British courts and Magistrates. Thirdly, slaves should be permitted to acquire and inherit property. Lastly assaults against slaves should be punished as if they had been committed against freeman.<sup>47</sup> The Slavery Abolition Act of 1843, however, did not have much effect on the Cherumars of Malabar.

The British Government passed the Act without any adequate idea of the real nature and character of Indian slavery. There was considerable protest from the upper class that argued that from time immemorial slaves had been engaged in their service. The important drawback of the Act was that it did not directly order emancipation but only provided that if any slave wanted his freedom he was at liberty to take it by forsaking the service of his master. But, being illiterate and ignorant, the slaves could hardly know that they were now conferred with this new right. Regarding emancipation, various industrial and educational schemes were organised for their benefit, but it failed because of their application and adaptability<sup>48</sup>. Certain measures taken earlier for the improvement of the conditions of the Cherumars in Malabar were later abandoned on the condition that they were apparently harmful to the master. Between 1852 and 1855, slave traffic continued with the full consent of the British.

Slaves were bought and sold and hired out and the transactions were kept secret. The main pitfall of the Act of 1843 was that, while the officials did not want to implement it seriously, the beneficiaries never knew the provisions and implications of the Act. Though the Act had some effect on domestic slavery,<sup>49</sup> it did not change the condition of agricultural labourers like Cherumars who were very essential for the economic development of the district. The Act had, in reality, nothing to offer the slave population of Malabar. It was hardly brought to the notice of the slaves. The native officials, who belonged to the higher castes, and the British official were informed, which gave them, as Hjejle says, "an opportunity to think out, methods by which they could keep their slaves or serfs in obedience long before the glad tidings of liberation had reached the slaves"<sup>50</sup>.

The abolition of slavery meant that some of the old equations of the Malabar society were suddenly disturbed. The condition of agrestic slavery had ensure the slaves an employment and subsistence, and the poverty and immobility they had been accustomed to had given them some sense of cosiness even in their wretchedness. Now that they were set free, they found themselves condemned to find work elsewhere. One can visualize the difficulty and pain that they would have felt in uprooting themselves from the world of habituated servitude and landing in the uncertain terrain of freedom. But the harsh reality of poverty that was so proverbially endemic to the slave's existence, the condition of indebtedness which he could not free himself from, and the periodic famines which exacerbated his misery and highlighted his wretchedness goaded him out of his closed world to seek new employment. The status of these servants became progressively worse in the plantation colonies. Servitude, originally a free personal relation based on voluntary contract for a

definite period of service, in lieu of transportation and maintenance, tended to pass into a property relation which asserted a control of varying extent, over the bodies and liberties of the person during service as if he were a thing.<sup>51</sup>

However, the emergence of plantation under the colonial dispensation offered vast possibilities of employment to these liberated slaves in search of jobs. These possibilities triggered off a process of emigration of labour to plantations and their inexorable transformation into plantation proletariat. What was inaugurated in the plantations in Anjarakandy under the ownership of Murdock Brown was only the beginning of a new dimension to the problem of slavery. A few other places like Wynad, Nilambur, and Kannavam in Malabar witnessed similar plantations coming up with the entailing population of indentured labourers, most of whom were former slaves. Transition from slave labour to wage labour in Malabar in the colonial context can be seen with the emergence and workings of plantation.

The conditions of agrestic slaves became worse when alternative employment of considerable dimensions became available. The drastic changes brought about in the agrarian relations in Malabar along with the enactment for abolition of slavery made thousands of agrestic slaves jobless. As they had no exposure to any other occupation, they had no alternative to choose except traditional agriculture; and they were deftly trapped in the mirage of the new world of plantations and estates. Since an alternative job was essential for the emancipated slaves, there was no question of bargaining for wages, and this very fact gave the colonial planters an opportunity to attract the labourers to the new economy that was greatly in need of cheap labour. Those who migrated to far off countries due to the indebtedness found it difficult to abscond from their masters. Jan Breman has observed that "Indebtedness was undoubtedly an important tool by which coolies were tied, preventing them from taking the initiative to join another work team"<sup>52</sup>. A contract was initiated on the basis of indebtedness, and that there was no chance for a coolie to free himself of that debt was the most important reason why the contract endured. The colonial government's intention was not to provide contract coolies with protection but rather their unrestricted control over the imported workers.

Emigration of Indians to foreign countries in a big way began in the 1830s when planters and governments turned to India to meet their growing needs for labour. In the subsequent years, thousands of Indians left the subcontinent not only for nearby places but also for far off colonies.<sup>53</sup> Planters had heard that Indian 'coolies' had proved successful in Mauritius.<sup>54</sup> Forced labour and state intervention played an important role in the colonization of the new land that began in the latter half of the 19th century. In the earlier stages, the labour requirements of plantations were only partially met by local labour supply. The Slavery Abolition Act of 1843 did not immediately solve the problem of shortage of labour in the plantations. This was due to several factors. The forms of the bondage of agrestic slaves, their mode of transfer, their relationship with their masters, the hold of the traditional economy based on paddy cultivation, the reluctance of free labourers to go out of their native place to work in the plantations, etc. prevented the mobility of labour to the plantations in the short run. Unlike the agrestic slave, the free labourers were aware of low wages, cruel treatment from masters and also the unpleasant conditions in which they had to work.

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In the plantations, the structure of relationship was roughly four tiered with the plantation owners at the top followed by the managers who directed production, the Kanganies who were both procurers and supervisors of labour in the middle, and the unskilled workers at the bottom. The workers were recruited hundreds of miles away from the estates and arrangements had to be made for their passage to what was in many cases a completely unknown country. At the end of the specific period of employment under contract, they returned to their village with their savings. Kanganies, otherwise known as Maistries, carried out recruitment of labourers. They were men of influence in their villages, who advanced money to agricultural workers so that they would pay off their local debts and take their families with them to the estates. However, the Kangany system was more than a recruiting agency; it was a method of employment in which liaison between the labourers and employer was chiefly established through the Kanganies on estates. This helped them to exploit the labourers' ignorance of regulations and recruiting practices.

One of the peculiarities of immigrant labour was that the labourers were forced to live in the plantations isolated from the rest of the population, as a result of which they became practically resident captive labourers. Under the system, the planters could extract the maximum work from the labourers. Isolation and lack of legal protection rendered the labourers abjectly dependent on the planters. They hardly had any chance of migrating from one plantation to another for better wages. The worker had to sign a contract for a specific period of time. The planters themselves, however, enjoyed full protection from the government.

It should be noted that employers in British India reacted in exactly the same way when the colonial authorities similarly attempted to relax the coercion of the labour force.<sup>55</sup> The autonomy of the planters always kept the coolies disciplined. "The colonial government machinery was not intended to provide contract coolies with even elementary protection, but rather to ensure that the plantations retained their unrestricted control over the imported workers"<sup>56</sup>. The colonial situation thus brought greater tension to labour relations on the plantations. "To all concerned, this particular coloration of the domination-subordination relationship was an established fact with which all incoming planters and coolies were rapidly familiarized".<sup>57</sup> However, in the immediate aftermath of the abolition of slavery, the British government was sufficiently alert to try to create safeguards to prevent the perpetuation of slavery in new forms. According to Hugh Tinker, "the most important feature of plantation slavery was the enclosure of the slaves within the estates, preventing them from establishing contact with the outside world".<sup>58</sup> The miserable existence of the plantation proletariat, their drudgery and slavery, the hardship and bullying that was their daily lot, the loneliness which marked their life on the plantation, and the pitiless fight for survival in which workers competed with one another was the creation of colonial capitalism.<sup>59</sup>

The colonial exploitation of labour can be seen in the wages given to the labourers and their conditions. Their efforts to get the supply of labour suited to commercialise agriculture worked in two ways: One was to get indentured labour, and the other was to abolish the so-called slavery in the traditional economics.<sup>60</sup> While comparing the conditions of labour before and after the abolition of slavery, one can find that agrestic slavery or serfdom in Malabar was much better than the bonded labour in the plantations. The British engaged themselves in the cultivation of cash crops for export, and the link with the world market

made them release the labour from the traditional sector, and, hence, abolition of slavery was very urgent from their point of view.

When the coolies were recruited, they were in debt in their villages. Wage and the possibility of redeeming debt were the only factors which could attract labour to the plantations. It was a rule that the coolies should not bring money with them to the estates. They depended for their subsistence on the planter. The average rate of daily wages differed in different districts. The wages earned every week was, as a rule, held in deposit by the planter. Though coolies were at liberty to draw against it, due regard was paid to the deductions yet to be made towards the recovery of their original advances. The exploitative system that flourished in the plantations is reflected in the system of advances paid to coolies and maistries. The period of the contract between maistries and coolies varied from weeks to months. The contract terms had to be misrepresented to potential coolies in order to tempt them to sign. Once they had signed in their ignorance of facts, they were irrevocably committed to years of slavery in a foreign place where they lived under subhuman conditions and were treated worse than beasts of burden.<sup>61</sup>

When labour was required for the development of the plantations, the planters had to pay off the debts of the labourers in order to secure their labour. There could be no doubt that the introduction of plantation contributed mainly to the breakdown of the prevailing system of agrestic slavery as it happened in Mysore when labour for plantations in Southern India was drawn first. But the condition of the lower classes of agricultural labourers in the plantations did not materially alter. If they were to be ameliorated, it was necessary to free them from debt before they left their villages and undertook plantation work. The demand for plantation labour and the transfer in many cases of the labourers' debt from the hereditary landholder to the planter did not effect a partial emancipation. They were still in the thralldom. Though the planters or the British claimed that the advanced system originated for the betterment of the indebted and depressed labourers, we can find that their condition only became worse once they started working in the plantations

Though the government talked about the protection of coolies, they always seemed to assist the planters. Because of the difficult living conditions in Wynad, the labourers deserted the plantations creating problems for the planters. A permanent and sufficient labour supply was the most essential element of success of plantations

The exploitation of labour in the plantation was the result of capitalist and also of colonial transformation, a transition accompanied by the replacement of mercantile enterprise and its link with world market. Labour was reduced to a production factor, which, like raw material, could be processed in industrial cycle. Breman observes that "while the plantation sources expatiated at great length on the unpredictability and unreliability of the workforce, coolies in their turn could never be sure when, why and how the management would be likely to punish them".<sup>62</sup> Exploitation was certainly a necessary consequence of capitalism. However, the capitalist planters, in the exercise of power shared many traits with the feudal lords. The traditional economy of Malabar had certain feudalistic character, the most crucial being the domination of the landed class and the abject subordination of the agrestic slaves. The misuse of power on the one side, slavish submission on the other, cruelty by the master, and servility by the labour created arbitrariness, which was obvious during the colonial regime.

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The colonial intention of modernising Indian society had its interests expressed mainly in two ways: First, they hoped to generate maximum possible surplus from the society that they could appropriate, and secondly, they sought to create a good ground for selling their goods at maximum profit, or, in other words, an ideal capital market. The schemes for the amelioration of the slaves were indeed designed to camouflage their interests. The payment of wages in terms of cash, for instance, resulted in pumping a certain amount of purchasing power into society, which ultimately benefited the market condition of the colony.

The British concern for 'Slavery' and 'Serfdom', which is inescapable in the contemporary official and evangelical writings on Malabar, was not primarily connected with the problem of labour. The belief that the British were ordained to rule and civilize a primitive, benighted people led them to search for every symptom of its primitiveness. Slavery, or what looked like it, was on such testimony, crying out for the curative touch of British laws and institutions. However, the problems of the 'slaves' were too real to miss for anyone who made even a casual acquaintance with the Indian society. While a silken curtain could be drawn to hide the true plight of the domestic slaves, the predicament of the agrestic slaves was openly wretched. By dwelling at some length on this lachrymose theme we provide not merely the focus on the seamy side of the Malabar society, but also take a critical look at the ways in which servitude was integrated into the social fabric through the instrumentality of caste system. The patented hierarchy in society, which expressed itself in several ways, had consigned the slave castes to a sanctioned subjection and degradation. Such matters as their residence, religion, dress, and the elaborate code of pollution forced on them worked to distance them from the rest of the society. In fact, the caste ideology sanctioned the domination and subjection of people in the society. When this was reinforced by the domination in production relation, this proved a powerful combination. The power of the landlord on the one side, and the superiority of his caste on the other, would prop each other up and ensure the subjection of the slave castes, whose honour, duty and salvation consisted in work and habitual obedience.

Fitting into the same pattern of relationship involving super ordination and subordination is that aspect which is related to the various shades of right that were created and maintained on the slaves. To put it differently, that there were various shades of right over the slave means that this multi-tiered hierarchy ultimately had to be borne by the shoulders of those at the bottom of the hierarchy, namely, the slaves. The existence of complex rights over the slaves also implied that the slave was essentially an item of property. Like any other item of property this too could be bought, sold, mortgaged, inherited, bequeathed and otherwise transacted.

The moral compulsions, which prompted the British rulers to abolish slavery in 1843, had their dilemmas too. They can be seen in the official attitudes and views that the labours of the parliamentary committees brought out. While the officials were convinced of the need to terminate through legislation a morally indefensible institution, they were, at the same time, disposed to counsel caution and a pace of change that was not disturbingly quick.

This they did to ensure that a traditional society was not suddenly deprived of a prop it was long accustomed to. Some of them were also convinced that by a sudden overthrow of the institution of agrestic slavery, the British rulers would be treading on the toes of the landed class whose goodwill and collaboration they valued so immensely. Hence, some of the

officials recommended amelioration of the living conditions of the slaves rather than the abolition of slavery. However, these ambivalences in the official attitudes should be seen not merely as indicative of the hollowness of their moral stance, but also as a product of the exigencies of governance.

The same dilemma and ambivalences could be seen in the evangelical attitudes towards the slave castes as well. The missionaries were convinced that the weakest had to be ensured of their salvation, and that it was among them that they had their easy pickings. However, it was among the lower castes that the missionaries registered their major conquests, particularly as the Basel Mission did in Malabar. But their attempts to rehabilitate these new converts, which in fact led the mission to important industrial and commercial ventures, did not alter the situation significantly. As late as thirteen years after the legal abolition of slavery, Robinson, the acting Collector of Malabar, submitted a report in which no distinction was made between free Cherumar and slave Cherumar.<sup>63</sup> The evangelical indignation at the wretchedness of the slaves and the hopes of their amelioration through the spread of the Gospel were not matched by their results.

However, this is not to say that the official liberation of slaves did not alter the socio-economic terrain of Malabar in the 19th century. The bargaining capitalism in agriculture that was expressing itself globally in the emergence of plantations created an immense demand for labour. Prospects of money wages and the promise of a happy life allured many newly liberated slaves to these plantations, both in India and outside. Their constant association with indebtedness and the overpowering salesmanship of the Kanganies also made their route to the plantations irresistible. But as they soon discovered, they were only being inveigled into a new world of servitude. The working conditions in the plantations were invariably bad. But what made them truly poignant was the fact that the workers had to put up with them as exiles. Though legally free to choose their employment, the harsh realities of life and the traps that the system had built for them merely conferred upon them a new status of slavery. The Murdock Browns, the Kanganies, and the whip of malaria were indeed some of the new components of servitude the workers were inducted into in the lush green plantations of Wynad or Assam.

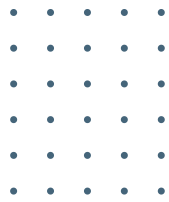
The fortunes of the slaves in Malabar underwent significant changes in the 19th century in form, but not in substance. The predicament of the slave castes was enthusiastically highlighted by the colonial masters to prove the primitiveness of the country as much as to underline the magnitude of their own civilizing mission. The formal abolition of slavery in 1843 was no doubt claimed as a triumph of the liberal humane, British rule. But in reality, the 'liberated' slaves were merely sucked into a new kind of slavery experiencing a new mode of alienation. The traditional landlords lost an assured source of labour in the process, but the emerging agricultural capitalists of the plantations gained in the bargain. In fact, the latter received the viceregal or royal support was needed to secure their interests. However, to the labourer, who sweated to serve the Janmies or the planters, true freedom remained a mirage.



## References:

1. Baber's Answer in the Evidence before the Select Committee (House of Commons), p.552. Dharma Kumar also makes the same remarks on slaves in Malabar and Canara. Dharma Kumar, *Land and Caste in South India*, London, 1965, p.36.
2. H.S Greame, *Report on the Revenue Administrations of Malabar*, 14th January 1822. p. 18.
3. Tanika Sarkar, 'Bondage in the Colonial context in Utsa Patnaik and Manjari Dingwaney(Ed.) *Chains of Servitude*, Madras, 1985, 1p.103.
4. W. Adam, *Law and Custom of Slavery in British India*, 1840, pp. 168-69. Sarada Raju, *Economic conditions in Malabar Presidency, 1800-50*, Madras, 1914. P. 272.
5. Baber's Answers in the Evidence before the Select Committee (House of Commons), 1832, p. 554.
6. *Ibid.*, p.553
7. Graeme's Report. . . , 1822, p. 16.
8. T.R.Sareen, 'Slavery in India under British Rule , 1772 – 1843', *Indian Historical Review*, Vol.XV , Numbers 1 – 2 (July 1988 and January 1989), p. 259.
9. Sarada Raju, *Economic Conditions in Malabar Presidency, 1800-50*. Madras, 1914. p. 271 – 72.
10. Captain Farmer's letter dated 17th May 1792 on slave trade on the Malabar Coast, *Political and Secret Department Diary, 1792*, vol. 43. Banaji. DR., *Slavery in British India*. Bombay, 1933, p.59.
11. Baber's letter to the Resident of Travancore, 18th December 1811, Fort St. George, 31st March 1812, *Judicial Consultations*.
12. I.M. Macleod, Secretary to the Government, wrote a letter to the principal Collector and Magistrate of Tanjore, dated 9th August 1825. Fort. St. George 9th August 1825.
13. Thurston, Edgar, *Ethnographical Notes on South India*, Madras 1906. P.443.
14. *Ibid.*, p.446.
15. Francis Buchanan, *A Journey from Madras through the countries of Mysore, Canara and Malabar*, London 1809. Vol.II, p. 371.

16. Law Commissioners' Report, 1841, p.127. The Cherumas are absolute property; they are part of the livestock on an estate. In selling and buying land, it is not necessary that they should follow the soil; both kinds of property are equally disposable and may fall into different hands. The Cherumas may be sold, leased or mortgaged, like the land itself or like any cattle.
17. Letter to Marquis Cornwallis, Governor General-in-Council dated October 11, 1793, Para.14, Cited in Baber's Answers in the Evidence taken before the Select Committee, (House of Commons), 1832, p.424. And also Banaji, Slavery..., p.102.
18. Baber's Answers in the Evidence taken before the Select Committee (House of Commons), 1832, p.552
19. Graeme's Report . . . , 1822, p.11.
20. Baber's Answers in the Evidence taken before the Select Committee (House of Commons), 1832, p.564.
21. T.R.Sareen, 'Slavery...', p.260.
22. Fort St. George, 25th Nov. 1819, p. 10646.
23. Colebrooke , The Hindu Law – Quoted in Fort St. George, 25th Nov. 1819. p. 10685.
24. Banaji Slavery..., p. 105.
25. Ibid., p. 103
26. Act V of 1843, dated 7th April 1843. Law Proceedings, April-June, 1843. The first provision was that the sale of slaves or the right of exacting their labour could not be legally enforced by any court. Secondly, the proprietary right of the owners of slaves could not be legally enforced by any court. Thirdly, slaves could not be deprived of property acquired by their own industry or by inheritance. Fourthly, any act considered to be a penal offence against a freeman, was likewise a penal offence when committed against a slave.
27. Graeme's Report. . . , 1822, pp. 15-16.
28. Campbell's Answer in the Evidence taken before the Select Committee (House of Commons), 1832, p.572.
29. Buchanan, A Journey..., Vol. II. pp. 370 – 371.
30. William Thackeray's Report to the Board of Revenue dated 4th August 1807. Major Walker's Report on the Land Tenures of Malabar, 1801., C.A.Innes and F.B.Evans, Madras District Gazetteers, Malabar., K.N.Panikkar, Against Lord and State, New Delhi, 1992., Viswavinjanakosam, (Malayalam) NBS, Kottayam, 1972. Vol. IV., Dharma Kumar, Land and Caste...



31. Graeme's Report . . . , 1822, p. 16.
32. The term 'right' used by Dharma Kumar is criticised by Tanika Sarkar, for she uses the word 'customary expectations' and that too depending on the master's willingness.
33. Graeme's Report . . . , 1822, p. 18.
34. Law Commissioners' Report of 1841, Appendix IX, p.137.
35. Dharma Kumar argued that, in this sense the slaves were not landless. This is not true. Occupancy right would not give any right of ownership or right to sell the land.
36. Baber's answers in the Evidence taken before the Select Committee, (House of Commons), 1832, p. 559.
37. Ibid., p.560
38. The custom of Makkathayam is the inheritance by sons to the rights of their fathers. Marumakkathayam is inherited by sons to the rights of their mothers.
39. Graeme's Report . . . , 1822, p. 20
40. Dharma Kumar, Land and Caste..., p. 147.
41. Ibid., p. 148.
42. E T Thompson, "The Climatic Theory of the Plantation", Agricultural History, Jan., 1941, p.60( in Eric Williams, Capitalism and Slavery, London, 1994, p.22) Although plantations have been explained as conforming to the climate theory, Edgar Thompson argues that it is merely a way of rationalizing "an existing social and economic order".
43. Baber's Answers in the Evidence taken before the Select Committee (House of Commons), 1832, p.422.
44. Ibid., p. 558. The worst instances, Baber recollected were on the persons of some of Mr. Brown's slaves, whom I had cited to give evidence in a case of murder, several of whom bore the marks of severe flogging, one of them in particular, upon whose back and shoulder's where several deep sores, and the flesh of their legs much lacerated.
45. T.H. Baber resided in India for a period of 32 years and had wide experience in different departments like Public Service, Revenue. Police. Magisterial, Judicial and Political.  
A.D. Campbell had been the Secretary, Member of the Board of Revenue at Madras, Superintendent of Police at the Presidency, Registrar. Judge, Collector etc.. for about 22 years.  
Rev. Joseph Fenn had been a missionary in Travancore for about a decade.  
Colonel James Welsh was a military officer who had temporary residence in Malabar. Captain Henry Bevan who had 23 years of Military service in India stayed in Wynad and Malabar.

46. James Walvin, *Black Ivory, A History of British Slavery*. London 1992.p.312
47. The Act of 1843. dated 7th April, Law Proceedings. April - June 1843.
48. William Logan, *Manual of Malabar, Madras, 1867*, p. 157.
49. British abolitionists had their pick of places to wax angry about. Slavery was ubiquitous. India was a case in point. Millions of slaves languished in Indian slavery (mainly as domestic slaves). The Subcontinent yielded enough horror stories to sate the moral outrage of the most fanatical abolitionist. Howard Temperley, *British Antislavery, 1838-1870*, London, 1972, p.108
50. Benedicte Hjejie, 'Slavery and Agricultural Bondage in South India in the 19th century', *Copenhagen, 1967*. p. 68.
51. J C Ballagh, *A History of Slavery in Virginia,Baltimore, 1902* p.42 in Eric Williams, *Capitalism and Slavery*, London, 1994, p.16)
52. Jan Breman. *Taming the Coolie Beast - Plantation society and the Colonial order in South East Asia*. New Delhi, 1989, p. 90.
53. Kermial Singh Sandhu. *Indians in Malaya*. London. 1969, p. 141
54. Hugh Tinker, *A new system of Slavery*, London, 1974. By 1841, 7,000 had been imported into the West Indies. Despite objections from the powerful abolitionist body in Britain (its strength revitalized by the success of 1838), the scheme won official approval. With agents in India to recruit and regulate the trade, an organized migration of poor Indians developed, continuing until the First World War, by which time more than a quarter of a million Indians had been imported into Guiana, some 134,000 into Trinidad. 33,000 into Jamaica, with scatterings in the smaller islands. By the time it ended, the indentured immigration scheme had brought more than half a million Indians into the British Caribbean.
55. Guha A.. *Planter Raj to Swaraj: Freedom struggle and Electoral politics in Assam. 1826- 1947*, New Delhi, 1977, p. 17.
56. Jan Breman. *Taming . . .*, p. 143.
57. *Ibid.*, pp. 193 - 194.
58. Hugh Tinker, *A New system of Slavery, the Export of Indian Labour Overseas, 1830- 1970*, London, 1974,p.10.
59. Jan Breman, *Taming. . .*, p. 283.
60. Planters found that they could no longer get the labour they wanted, as and when they wanted it. . . From their demands for fresh supplies of labour to take the place of the departing ex-slaves there evolved that peculiar, new migration of imperial peoples – the indentured labour scheme from India. James Walvin. *Black Ivory* ..... p.327



61. . Dwarakanath Ganguly, *Slavery in British India Calcutta, 1972*, Ed. by S.K. Kunda. pp. 2-3. quoted in Tanika Sarkar. *Slavery . . .* , p. 115 - 116.
62. Jan Breman, *Taming. . .* , p. 150.
63. *Table of the slave population of the district of Malabar(1856)*, Source : Benedicte Hjejje, '*Slavery. . .*' , p.112

# FIHRM

FEDERATION OF INTERNATIONAL  
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