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Imperial Anxieties and Abolitionist Efforts in Early Colonial India (1770-1850)

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Abstract

This paper argues that the period between 1770 and 1850 saw a dramatic growth in the enslaved population in the Indian subcontinent, particularly due to prolonged climatic instability. While other factors, such as faulty colonial taxation policies, equally contributed to the crisis, it is possible to establish direct proportionality between the worsening environmental crisis and an increase in enslavement. On a conceptual level, I argue that the abolitionist discourse on what constituted a 'legal', 'permissible,' and 'normal' slavery largely depended on colonial anxieties surrounding the governance of this growing enslaved population. This process of legislation was further governed by British territorial aspirations. Looking at case studies from the Rajputana, Bombay, Delhi, and Assam, I argue that the applicability of the abolitionist rhetoric was determined by critical political and economic considerations, such as subsidiary alliances with the Princely States and emerging labour demands of the burgeoning colonial empire.

Avishi Gupta

Introduction

In 1840, the East India Company began the colossal task of compiling and printing a roughly 2000-page-long report on the status of slavery in the Indian subcontinent. Prepared by the Indian Law Commission, this document served as the backbone of *Act V of 1843*, which (at least on paper) outlawed slavery in the Company's territories. Spearheaded by T. B. Macaulay, who was already well-known at this time for his 1835 *Minutes on Education in India,* the Law Commission was formed in response to mounting concerns in Britain about the state of slavery in India. Abolitionists were growing impatient, particularly after the enactment of the Emancipation Act of 1833, which failed to end slavery in India. As a result, their campaigns toward convincing the United States, France, and other international powers to abolish slave systems stood severely undermined. Britain's moral leadership on the matter was under attack and so was its reputation unless it managed to abolish slavery in India.

However, the report was more of a conclusion than an introduction to abolitionist legislation in the subcontinent. This practice of codification, followed by legislation, can be traced as far back as N. B. Halhed's *A Code of Gentoo Laws,* which attempted to consolidate Hindu personal law based on the opinions of Brahmins and the *Shastras* as early as 1776. Several conflicting legislations flowed from Halhed's work. In 1789, Governor General Cornwallis proclaimed that those indulging in the sale of slaves, be it of either sex, or child or adult, would be strongly prosecuted. However, the legislation only existed on paper and was hardly enforced.[1] He went on to contradict his piecemeal assertion with the Cornwallis Code of 1793, which guaranteed that Hindus and Muslims were free to exercise their religion as per their will and had

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[1] Nancy Gardner Cassels, "Social Legislation under the Company Raj: The Abolition of Slavery Act V 1843," *South Asia: Journal of South Asian Studies* 11, no. 1 (June 1988): 65.

the security of person and property.[2] This traditionalist outlook was further consolidated through

the 1795 Act of the Parliament – *35 Geo III c. 155*, which pledged that the Company would observe

and protect the personal religious laws.[3]

At that point, neither the government nor the British public paid much attention to slavery

in India, often deeming it a rather mild phenomenon, in the face of the much more concerning and

deplorable transatlantic slave trade. Moreover, it initially evoked no sense of national guilt or an

urge to remedy past wrongs.[4] Eastern slavery was a mere inheritance, or a disembodied spectre

absolved of British wrongdoings. It also lacked a racial element, as the slave owners and the slaves

generally had the same racial origins and appearance. The absence of overt and barbaric forms of

punishment and torture also led the colonial officials to deem Indian slavery as a benign form of

household servitude. There did exist the element of caste, but the British were quick to ignore it,

because the empire, in its early years, relied on the support of upper-caste local elites—many of

whom were slaveholders.

This begs the question—what were the factors that inspired early abolitionist attempts in

the subcontinent? More so, why did the Company take up the cause of slavery, way before any

other socio-economic problem, when there was little to no public pressure for reform? This paper

aims to move away from simplistic explanations that emphasize British goodwill and missionary

activities as driving forces behind the abolition of slavery in the subcontinent. Instead, it

understands the anti-slavery legislations enacted between 1770 and 1850 in light of the

Company's territorial aspirations and anxieties during this period. It also brings attention aspects

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[2] Ibid, 63.
[3] Ibid.
[4] Howard Temperley, "The Delegalization of Slavery in British India," *After Slavery: Emancipation and its Discontents*, ed., Howard Temperley (London: Routledge, 2000): 169.

of human-environment interaction, which may have exacerbated the problem of enslavement in the region.

The Problem of Definition: East vs. West Conundrum

The problem of linguistic alienation inherent in the British conceptualization of 'Eastern slavery' has been extensively examined by scholars like Howard Temperley, Indrani Chatterjee, and Andrea Major.[5] It started with the categorization of enslavement systems into neat binaries of 'East' and 'West' and culminated in the complete homogenization of competing identities inherent in the enslavement systems in the subcontinent.

By the late eighteenth century, the imagery of extensive plantation farms and haunting trans-Atlantic slave voyages had begun to figure in the definitions of the word 'slavery.' This perception was to solidify in the years to come, with an exponential increase in the historical literature on the African slave trade. For the longest time, a system of servitude, could only be considered barbaric enslavement if it involved the deployment of unfree labour toward concerted capitalist production and had a racial component to it. The transatlantic slave trading network was thus proclaimed the reference model for enslavement practices across the world. When the abolitionists turned their attention to the enslavement practices in the East, they readily adopted the Western example as a metric, judging the severity of enslavement in particular regions based on its ability to emulate the model Europeans were familiar with.

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[5] Temperley, "The Delegalization of Slavery in British India,"; Indrani Chatterjee, "Abolition by Denial: The South Asian Example 1," *Abolition and Its Aftermath in the Indian Ocean Africa and Asia*, ed. Gwyn Campbell (London and New York: Routledge, 2005); Andrea Major, *Slavery, Abolitionism and Empire in India, 1772–1843* (Liverpool: Liverpool University Press, 2012); Andrea Major "Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States," *The Indian Economic & Social History Review* 46, no. 3 (July 1, 2009).

According to Temperley, at a basic level, the two models differed in terms of origin. Slavery in the West was premised upon a labour scarcity model. The European demand for American sugar, cotton, and other commodities coupled with existing labour shortages in the Americas gave rise to a triangular trade network between the African West Coast, the Americas and Britain. In this system, the manufactured goods poured into West Africa in exchange for slaves who ultimately produced raw materials that fed the factories in England.[6] On the other hand, slavery in the East arose out of a situation of resource scarcity, i.e. an abundance of labour but a lack of resources. It exemplified a situation where, in the lack of sufficient resources for survival, the self was commodified as a last resort. This mainly took the form of families selling women and children in times of famine and landlessness or agrestic labourers entering into contracts of debt bondage.

This form of enslavement was entirely devoid of elements of mass production, and it was often considered the wiser option in contrast to leading a life of poverty and destitution.[7] Slavery was thus seen as a protective measure, particularly in times when frequent famines and crop failures created an environment of uncertainty. According to Orlando Patterson, this was the prevailing approach to enslavement in most non-Western societies where a personalistic idiom of power was dominant.[8] A personalistic idiom refers to a power relationship where one set of individuals are directly dependent on the other, as opposed to a materialistic idiom of power, whereby the equations of power are understood in terms of the social relationship between the products of labour, i.e. power over commodities as opposed to power over persons.[9] Thus, in the

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[6] Temperley, "The Delegalization of Slavery in British India," 173-74.
[7] Ibid, 175.
[8] Orlando Patterson, *Slavery and Social Death*: *A Comparative Study* (Cambridge, MA: Harvard University Press, 1982): 27.
[9] Ibid, 18-19.

context of the Indian subcontinent, each individual was defined in relation to the other, and the master was seen as a 'protector' in desperate times.

This perception of enslavement in the subcontinent as a benevolent paternalistic relationship was widely shared by the Company officials. Particularly interesting is Law Commission member Andrew Amos' 1839 Minute, in which he argued,

> Slavery in the East is not like slavery in the West; a system of mere violence and oppression—a system of which the vivifying principle is the dread of the cart-whip. Slavery in the East is a system which seems to be held together by the mutual interests of master and slave, and by the force of habit; it is held together very loosely, no doubt, but still sufficiently to produce practical results. The perpetual and hereditary service of their domestics is what the upper classes in India particularly desire as conducive to that privacy which belongs to their households. On the other hand, the lower classes are glad to bind themselves and their posterity to such perpetual service, in order to be secure of subsistence in sickness and in old age, and in those periods of scarcity which are every now and then recurring. The force of habit, so peculiarly strong in this country, operates also upon both parties to prevent the dissolution of their mutual relation.[10]

Amos dwelt considerably on the resource scarcity model. However, he made a further logical leap, whereby a slave-master relationship is homogenized as benign and dignified solely within the binary of life vs. death/starvation. Situations of famine, debt and impoverishment only represented the conditions that may have propelled individuals to sell themselves or their children. They could not, however, be used as a metric for judging the severity of the resulting bondage.

There is a wealth of scholarship on slave resistance in the Americas, which attests to the fact that there existed varying degrees of control over slaves across the region. By extension, one can only imagine the degree to which master-slave relations differed across a landmass as large as the Indian subcontinent. Why were the Company officials then, so adamant on projecting this binary of ruthless subordination versus benevolent paternalism? Andrea Major has highlighted that

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[10] House of Lords Papers, *Slavery and Slave Trade; Copies or Extracts of Correspondence between the directors of the East India Company and the company's government in India (since 1838), on the subject of slavery in the territories under the company's rule* (1841): 38.

these constructions of 'benign slavery' simply mirrored the Company's policy of non-interference in potentially destabilizing social issues.[11] This oversimplification was 'fashioned selectively out of a more diverse and complicated body of colonial "knowledge" on Indian forms of servitude' and was actively shaped by the Company's own biases and systematic acts of erasure.[12]

At the level of etymology, the term 'Eastern Slavery' served as a convenient placeholder for all the social relations the Company intended to ignore. The system of slavery intersected with social hierarchies of caste and gender, making it difficult to differentiate the roles and services owed. It was difficult to differentiate between caste-specific obligations, such as those in the Jajmani system, where the lower caste groups pledged service to upper caste groups, in exchange for food and other resources, and slavery. At the same time, familial descriptors stood closely intertwined with terms associated with enslavement, making it difficult to distinguish between a marriage and a marriage for the purpose of acquiring a female slave. Under the Peshwa rule (1713-1818) in Pune, the enslavement of women was legitimised as a form of guardianship, whereby a woman went from being a *beti* (daughter) to a *rajbeti* (daughter of the state). The various systems of slavery in the subcontinent were too complex to be just dismissed as 'mild, domestic slavery' for a slave could be used interchangeably in agrestic, domestic, or commercial endeavours.

From the evidence discussed so far, it is evident that slavery in the Indian subcontinent cannot be defined on the lines of plantation-based relations of production. Nor can it be reduced to mere adjectives of 'mild,' 'benevolent,' or 'violent,' for there did not exist a single system of enslavement in the region. Therefore, for further analysis, this paper will restrict itself to the

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[11] Andrea Major, *Slavery, Abolitionism and Empire in India, 1772–1843* (Liverpool: Liverpool University Press, 2012): 43.
[12] Ibid, 132.

characteristics of slavery that were visible in its primary source—the Parliamentary Papers on slavery in British India. Therefore, it will make use of Orlando Patterson's definition of slavery, as, 'the permanent, violent domination of natally alienated and generally dishonoured persons,' as the framework.[13] As shall be discussed through the examples cited hereafter, the resource-scarcity in this period created conditions of mass dispossession for various socio-economically vulnerable populations, thereby uprooting them from their home/existing relations of labour and pushing them into a coercive and commodifying form of slave labour.

Why the Early Nineteenth Century?

Enslavement practices had existed for centuries in the Indian subcontinent and their moral implications were frequently deliberated upon by the ruling authority at any given point in time and place. Therefore, it would be incorrect to attribute the abolitionist impulse solely to evangelical sentiments. To understand the various factors that resulted in abolition, it is important to look at the many ways in which this period could have contributed to an increase in the numbers and visibility of slaves.

In the 1840 volume, *The Law and Custom of Slavery in British India: In a series of letters to Thomas Fowell Buxton, ESQ,* Scottish missionary William Adam estimated the total number of slaves in the British dominion to be at least 500,000 and upon a thorough census, up to a million.[14] However, Adam's account is spread over a broad period of four decades. Most of his population estimates date to the years 1801-05, while his estimates of the number of slaves are inconsistently spread over 1801-1840. The first census was not undertaken until 1881, and Adam himself

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[13] Patterson, *Slavery and Social Death*, 13.
[14] William Adam and Thomas Fowell Buxton, *The Law and Custom of Slavery in British India, in a Series of Letters to Thomas Fowell Buxton, Esq*. (Boston: Weeks, Jordan, 1840): 129.

acknowledged that his calculations might have been faulty in the face of fragmentary documentation. Much like Adam, most missionary and government records from the period fail to provide a year-by-year or even a decade-by-decade analysis of the number of slaves in a fixed geographical context within the subcontinent. This makes it difficult to confidently argue that there was a growth in enslaved populations in this period.

Nevertheless, one can hypothesize an increase by examining whether there was an increase in resource scarcity in this period. This indeed, is borne out by clear evidence. The period between 1770 and 1850, was characterized by four major famines, associated with two major cooling periods of the Little Ice Age and major ENSO (El Niño-Southern Oscillation) years. Global cooling, coupled with a weakened monsoon resulting from El Niño, created extreme drought spells in the region. The years of the famine almost coincide with those of ENSO and global cooling, thereby suggesting the catastrophic impact the climatic conditions had on crops in this period. The Great Bengal Famine, which killed more than 10 million people, coincided with the El Niño year (1770).[15] The conditions were exacerbated by the disastrous economic and fiscal policies of the British, characterized by increased taxation, rapid conversion of forests into arable land, and destruction of the traditional artisanal economy. As a result, the peasantry was left impoverished and unprepared to deal with the consequences of the famine. Vinita Damodaran has noted that more revenue was collected in 1770-71 (the peak famine years) than in 1769-70 (relatively stable years).[16] By the end of the famine, social banditry was at an all-time high, as the dispossessed peasantry and landholders tried to make ends meet through plunder.[17] One can speculate that

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[15] Vinita Damodaran et al., "The 1780s: Global Climate Anomalies, Floods, Droughts, and Famines," *The Palgrave Handbook of Climate History*, eds., Sam White, Christian Pfister, and Franz Mauelshagen (London: Palgrave Macmillan UK, 2018): 525.

[16] Vinita Damodaran, "The East India Company, Famine and Ecological Conditions in Eighteenth-Century Bengal," *The East India Company and the Natural World,* eds. Vinita Damodaran, Anna Winterbottom, and Alan Lester (London: Palgrave Macmillan UK, 2015): 88.

[17] Ibid., 95.

kidnapping for sale may also have increased in this period. The Great Chalisa Famine of 1783-84 killed more than 11 million people in the regions of present-day Uttar Pradesh, Rajasthan Punjab and Kashmir, and the Doji Bara or Skull Famine of 1791-92 killed more than half the population in some districts of the Madras Presidency. These also followed El Niño years.[18] More regional famines were recorded through the first two decades of the nineteenth century (Gujarat-Kutch-Ahmadnagar region 1802-04, Tanjore, Arcot and surrounding region 1804-07, Madura 1812-14)[19] In addition to this, there is evidence of the monsoons being severely weakened by a series of volcanic eruptions—Laki eruption (1783-84), [20] Tambora (1816), [21] and an unidentified but powerful volcanic eruption (1809),[22] which led to drastic atmospheric cooling over the Indian Ocean.

In an interesting example from 1825, the agent to the Governor General on the North-East Frontier issued a proclamation, permitting those in state service in Assam, to sell themselves to private individuals in the wake of a partial famine in the region.[23] This suggests that enslavement in periods of resource scarcity was not only customary for the local communities but also sanctioned by the British government. Therefore, one can expect that distress sales into slavery would have been quite high in this period.

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[18] Damodaran et al., "The 1780s.," 525-26.
[19] Ibid.
[20] Thorvaldur Thordarson and Stephen Self. "Atmospheric and Environmental Effects of the 1783–1784 Laki Eruption: A Review and Reassessment," *Journal of Geophysical Research: Atmospheres* 108, no. D1 (2003): AAC 7-1-AAC, 15.
[21] S. Brönnimann and D. Krämer, "Tambora and the 'Year Without a Summer' of 1816. A perspective on Earth and Human System Sciences," *Geographica Bernensia* G90 (2016): 17.
[22] Claudia Timmreck et al., "The Unidentified Eruption of 1809: A Climatic Cold Case," *Climate of the Past* 17, no. 4 (July 13, 2021): 15.
[23] House of Commons Papers, "Extract Political Letter from Bengal, dated 8th May, 1829," *Slave Trade (East India) and Slavery in Ceylon*, (1838): 2.

Examining the Motivation for Abolition

This increased visibility of the enslaved population did not automatically result in blanket abolition. The process took place in phases, determined by the limits and political exigencies of the empire. For the most part, the discussion of slavery was limited to the aspects of territoriality and economics. Relegated to the realms of paternalistic benevolence, slavery in the subcontinent hardly figured in the East India Company (EIC)'s social legislation. In fact, as late as 1839, Governor General Lord Auckland noted in his minute that if it were up to him, he would steer clear of defining the relations between a master and a slave, particularly the severity of punishment a master could inflict upon the slave, for it would result in a formal recognition of some forms of slavery over the other, instead of complete abolition. [24] Moreover, he noted the dangers of accidentally bestowing legality upon a particular master-slave relation in regions where it did not exist before the legislation or was considered abolished. This position is also reflected in a Judicial Letter from the Madras Presidency, dating to February 1831. The letter argued that the relations between masters and slaves in the region were very loosely defined and it worked to the advantage of the slaves, for most treatment of slaves in the subcontinent was mild. The letter advised:

> We desire that you will be extremely cautious in making any regulation for defining the relations of master and slave. It is our wish to improve the condition of the latter to the utmost extent, and we fear that in defining the power of master, acts of compulsion might be legalized, which, by custom, are not now tolerated, and the slaves might be placed in a worse condition than before.[25]

Auckland believed that slavery would die out over time with gradual reform and did not need exclusive legislation, particularly when it was challenging to define the relations of enslavement in the first place.[26] However, this did not stop the Company from controlling the

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[24] House of Lords Papers, *Slavery and Slave Trade*, 47.

[25] House of Commons Papers, *Slave Trade (East India),* 28.

[26] House of Lords Papers, *Slavery and Slave Trade,* 47-48.

movement of the slaves within its territories or curbing the trade in them. In 1811, the colonial government passed Regulation X or the Felony Act, which aimed to restrict the importation of slaves into British territories. In 1834, this Act was amended to further restrict the movement of slaves from one part of the British territory to another for sale.

Slavery and Territorial Integrity

The process of abolition was largely governed by the EIC's territorial limits and imperial priorities. Its expansion progressed in a phased and strategic manner—the coastal boundaries were secured first; effectively cutting off the inland territories from the sea and by extension, the maritime trading routes, which served as the primary channels of commerce in the region. The cooperation of landlocked states was mainly secured through a series of subsidiary alliances, whereby, the internal affairs were left to the states and their foreign affairs were dealt with, by the British. From the Figs. 1 and 2, it is evident that by 1837, the British controlled most of the coastal borders, apart from Kutch and Travancore. Travancore signed a treaty of subsidiary alliance in 1795, and Kutch became a British protectorate in 1819.

This would explain, to some extent, why the British emphasized the abolition of the slave trade in the early years of legislation rather than slavery itself. While the movement of goods could be easily controlled along internal and external borders, the movement of humans posed a more complex challenge to the territorial limits of the empire.

Indrani Chatterjee has argued that most of the slavery-related regulations in the first few decades of the nineteenth century were directed against the French, Dutch and Portuguese powers in the region.[27] The recruitment of slaves for military use was a known extensive practice among

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[27] Indrani Chatterjee, *Gender, Slavery, and Law in Colonial India* (New Delhi: Oxford University Press, 1999): 178.
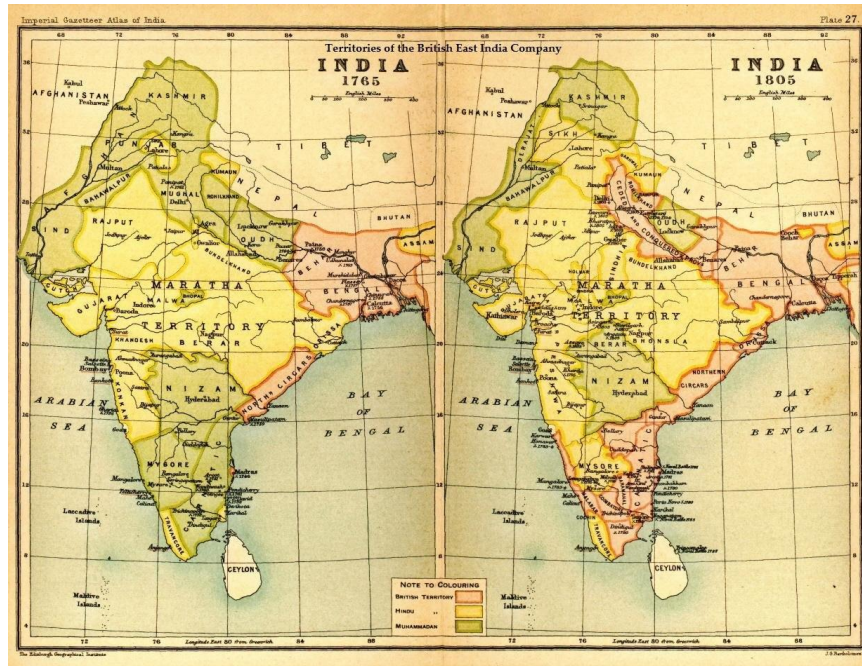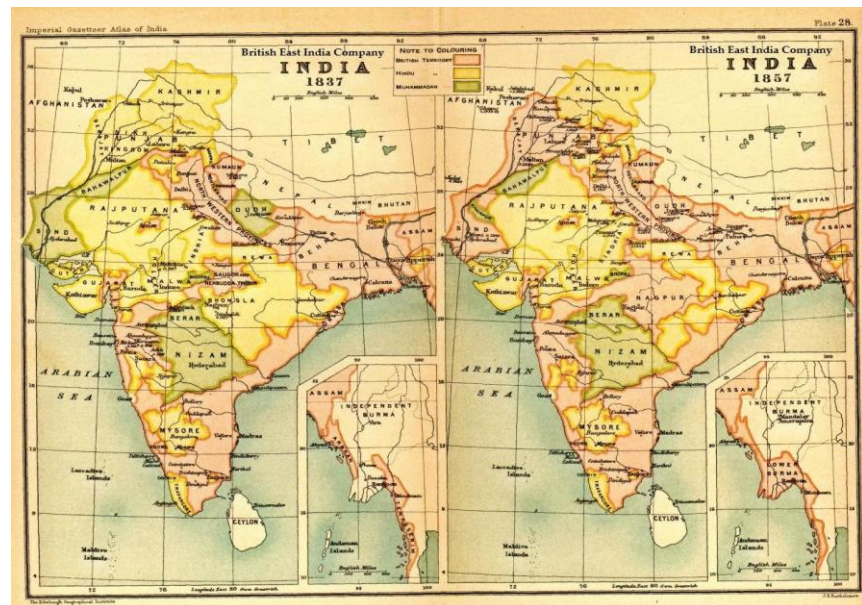
Fig. 1: EIC's Territorial Expansion through 1765-1805.[28]

Fig. 2: EIC's Territorial Expansion through 1837-57.[29]

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[28] Edinburgh Geographical Institute, "Map of India under the British East India Company, comparing 1765 and 1805," *Imperial Gazetteer of India* (Secretary of State for India, OUP, 1907), via Wikimedia Commons, <https://commons.wikimedia.org/wiki/File:India1765and1805b.jpg>.

[29] Edinburgh Geographical Institute, "Image of map of India under the British East India Company, comparing 1837 with 1857," *Imperial Gazetteer of India* (Secretary of State for India in Council, OUP, 1907), via Wikimedia Commons, < https://commons.wikimedia.org/wiki/File:India1837to1857.jpg>.

these three powers, particularly in the West Indies and the same was feared in their settlements in the East. As early as 1780, letters to the Court of Directors of the Company expressed anxiety about the slave-based strengths of the French and Dutch military.[30] Even though the French only controlled small islands and territories in the Bay of Bengal, the EIC was not a stranger to their ability to quickly assemble strong navies and armies. The Company, at the same time, was hard hit by mass desertions by, and deaths of, native soldiers.[31]

Britain's relations with the French were already sour, considering it had only just recovered from the Carnatic Wars (1744-63) and the American War of Independence (1775-83), where France had been a major American ally. Now it stood threatened by the French in Mysore, as they lent support to Tipu Sultan in the Third Anglo-Mysore War (1790-92). Not to mention, the Felony Act legislation came at the height of the Napoleonic Wars in 1811-12. The Proclamation of July 1789 forbade Europeans from removing slaves from the British territories and arranged for implicated boats to be seized. The Act of 1811 built upon this legislation and aimed to restrict the inflow of slaves into British territories. The British anti-slavery legislation, therefore, intended to safeguard the slaveholdings of the Empire and its allies from other European traders, and to check the slave trade carried out by its own subjects with the foreign powers.

Fragments of a Law: Key Issues in Interpretation

Although the terms of the Felony Act clearly stated that the importation of slaves into the Company territories via both land *and* sea was, henceforth, banned, there arose several discrepancies in the

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[30] Chatterjee, *Gender, Slavery, and Law*.
[31] Ibid., 177-78.

interpretation and implementation of the act.[32] Two case studies are of particular importance in this regard—Bombay and Delhi.

In Bombay, the problem arose soon after the British takeover of Peshwa territories. Given the longstanding slave-holding tradition of the Peshwas, the British found themselves swamped by petitions from slaveholders demanding the restitution of their slaves. Many of them, following the fall of Poona in 1818, had fled in large numbers from the Peshwa strongholds, Satara and other nearby princely states, into British territories, seeking refuge and protection.[33] Although the British legally refused asylum to the runaway slaves, the illegal traffic of runaway slaves to British-ruled regions did not stop. As early as 1816, Elphinstone, the Governor of Bombay, wrote to Calcutta, expressing his dilemma over the numerous petitioners requesting the government to locate and recover runaway slaves.[34] He found it difficult to decide whether the government was supposed to provide any assistance to these petitioners or punish them for engaging in the slave trade, as per the new law.

While some legislators in Bombay believed that the Felony Act had intended to ban the slave trade altogether, others interpreted the law as only applicable to the slave trade *via sea* and mostly to export of African slaves to the west coast of India. Partly by the force of habit and partly owing to the increased focus on strengthening the coastal borders in this period, the British had interpreted the act of slave trading as one via sea and only sent copies of the Felony Act to magistrates stationed at seaports.[35] Moreover, the Act vested special Admiralty Jurisdiction to several Indian presidencies, to specifically deal with the importation of slaves via sea. The Act

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[32] House of Commons Papers, "Extract, Bengal Judicial Consultations, 6th August 1811," *Slavery in India* (1828), 99.
[33] Ibid., 332.
[34] Ibid., 330.
[35] Ibid., 326.

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further stated that similar offences which may not be cognizable in the Court of Admiralty, shall be tried in England as per the 6th clause of *52 George III c. 23*.[36] In such a scenario, any case of removal or importation of slaves by land would also have to be tried in England, thereby leading to grave administrative complications.

Ultimately, the Bombay Government was instructed by the Governor General to absolutely avoid the discussion on the subject in any form, lest it should be construed as an interference in the existing customs and relations of the natives.[37] The Governor-General further assured that none of the provisions of the acts affected relations between master and slave, where the same had been previously guaranteed by law. Moreover, any attempt to surpass these codes would mean violating those acts of the Parliament which upheld the Hindu and Muslim religious law codes.[38] Further, the Government held that a slave did not become free by merely entering the Company's territory. Their rationale was that slavery under personal law was equally lawful in any part of the country under British jurisdiction. The master, in this sense, had the right to have his slave restored to him.

In Delhi, the case was the complete opposite. In 1812, Charles Metcalfe, the Resident at Delhi, issued a proclamation, stating that the practice of buying and selling slaves, was banned in the region.[39] Immediately, he was served a notice from the Government Secretary, demanding an explanation for this proclamation, which considerably departed from the clause of a simple ban on the importation of slaves. Although Metcalfe apologized for the misinterpretation, he declined to retract the proclamation. His rationale was that slavery had long been understood as abolished in the region, and the proclamation issued by him was in line with the general belief. However, retracting and issuing a new amended proclamation would constitute a legalization of the slave

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[36] Ibid., 328.
[37] Ibid., 335.
[38] Ibid., 326-27.
[39] Ibid., 102.

trade where it was understood to be prohibited. The government, in such a situation, had to give in to Metcalfe's proposal.

Metcalfe, in seeking advice from Fort Williams on how to remedy this mistake, inadvertently highlighted the loopholes in the Act. He wondered what course of action the government recommended in case a slave accompanied an individual as a part of his entourage and was not initially listed for sale. Could such slaves be sold at a later date? Moreover, he enquired whether the Act aimed to regulate the sale of children born into slavery, for if not, a formal ban on importation might lead to an increase in slave breeding.[40]

This anecdote demonstrates how the rhetoric of abolition laid bare the patchwork nature of the EIC's empire. There existed no uniform 'East India' and thus, no uniform law with concrete definitions could be enacted. Moreover, the enforcement of anti-slavery legislation completely depended on the priorities of individual courts. For instance, the outlook towards slavery changed drastically as one moved from South Cuttack to Central Cuttack. While South Cuttack recognized the right of a slaveholder to moderately correct a slave, its neighbouring functionary, Central Cuttack, outlawed the institution of slavery altogether. The Courts in Central Cuttack were instructed to persecute the master and manumit the slave, regardless of whether the proof of alleged mistreatment was substantial or not.[41]

Slavery and Territorial Expansion: The Case of Assam

The 1811 Act remained unchallenged, until the annexation of Assam. This was a slow process, stretching over a decade from 1824 to 1838, as a part of the Anglo-Burmese war. In 1832, upper Assam was formally declared a British protectorate and annexed to the Empire in 1838.

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[40] Ibid., 103.
[41] House of Lords Papers, *Slavery and Slave Trade,* 43.

Previously, a foreign country, and thus, forbidden from exporting slaves to British territories, upon its annexation, the officers wondered if importing slaves from Assam to other parts of British India was now legal. It is important to note that, so far, there was no restriction on the movement of slaves within British territories, or broadly, on their sale and purchase. In 1834, the government decided to amend the law, forbidding the traffic of slaves from one part of the British territory to the other.[42]

This legislation is interesting, for one is left wondering why the government that had so far refrained from amending this Act upon annexation of any other Indian state, was suddenly interested in radically altering the terms of the Felony Act. Perhaps, the answer can be found in the tea plantations of Assam. The first tea plantation in Assam was set up in 1833, just a year before the amendment to the Felony Act was ratified. Reports from this period state that the region was severely underpopulated and numerous cultivable lands lay to waste. As a result, the local agricultural labourers demanded higher wages, compelling the British to draw cheap indentured labour from the Chotanagpur Plateau and the surrounding regions.[43] While no direct links between slaves and tea plantations figure in the historical records, concerns about depopulation, coupled with British interests in the revenue potential of the region, would have inevitably created the need for localising available labour resources.

Slavery, Princely States, and the Rhetoric of Domesticity

It is important to note that British diplomatic relations with neighbouring Princely States were less threatened by equations of import and export and more by the question of runaway slaves. The

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[42] House of Commons Papers, *Slave Trade (East India),* 29.
[43] Rana P. Behal and Prabhu P. Mohapatra, "'Tea and Money versus Human Life': The Rise and Fall of the Indenture System in the Assam Tea Plantations 1840–1908," *The Journal of Peasant Studies* 19, no. 3–4 (April 1, 1992): 146.

frontiers between British colonies and independent states were quite porous, with several villages often falling under conflicting jurisdictions. Therefore, the British tried their best to avoid the illusion that those escaping to British territories were escaping to safety. The Princely States particularly constituted a sphere where the British selectively deployed the rhetoric of abolition. For the most part, the bifurcation of political control in native states into 'internal' and 'external' mirrored the dichotomy of the 'legitimate' public sphere, i.e. the sphere of political and economic influence, and the private sphere, i.e. one of social reform.[44] Slavery in the Princely States was relegated to the latter.

This sentiment is best visible in an 1828 case from Delhi concerning two runaway slaves from the Mughal palace. The two girls were captured by the police while trying to escape. The contention over whether the girls should be sent back to the palace or not arose when the Mughal emperor Akbar II argued that the girls were not slaves but concubines belonging to his son Mirza Salim. The king further questioned what the consequence would be if his begum were to elope the next day and seek protection from the police. Clearly, he had hit one of the more contentious nerves in the British legal framework, for there existed no formal civil law governing marriage or concubinage. The extract details jarring testimonies of kidnapping, abuse, and violence faced by the two women at the hands of their captors and in the palace. Additionally, the Government acknowledged that the mode of enslavement of the two women went against the regulations of the Act of 1811. Despite this, the British officials justified the restitution of slaves on several occasions, on the grounds that the *zenana* and the palace grounds were, after all, the only

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[44] I derive this understanding of colonial spheres for influence from Meera Kosambi, *Crossing Thresholds: Feminist Essays in Social History* (Permanent Black, 2007): 7-11.

remaining bastions of the King's authority and respectability. Ultimately, the final direction of the government was to reinstate the slaves if the royal party could bring proof of legal acquisition.[45]

Naturally, the colonial government exercised extreme care while venturing into the topic of abolition when it came to the Princely States, for it ultimately snowballed into territorial anxieties. For instance, despite the Company's knowledge of extensive slave-trafficking in Rajput states,[46] the abolitionist legislation in the region was piecemeal, given their longstanding alliance with the Rajput kings.

This was completely contradictory to the British attitude towards Kutch merchants. Dating to 1872, i.e., well after the abolition of slavery, and the transfer of power from the Company to the Crown, government officials expressed their anxieties over the involvement of Bania merchants of Kutch in slave trading in Zanzibar. Many of these slaveholders were formally settled in Zanzibar and had not registered themselves as citizens of Kutch for over a decade.[47] A particularly important case in this regard is of a Gujarati slaveholder Kanji Lalji. Lalji had been arrested following reports of mistreatment from six of his slaves. Given that Lalji had resided in Zanzibar for over a decade, the colonial government was adamant on legislating this as an external affairs issue, as opposed to leaving it to the jurisdiction of the Kutch government. The ability to regulate the conduct of citizens living abroad constituted an important aspect of British sovereignty, particularly following the transfer of power from the Company to the Crown.

The matter was treated with utmost urgency and strictness, to the point that the government even refused to yield to the mercy petition for Lalji, from the Sultan of Zanzibar himself.[48]

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[45] House of Commons Papers, *Slave Trade (East India),* 37-43.

[46] Andrea Major "Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States," *The Indian Economic & Social History Review* 46, no. 3 (July 1, 2009): 326.

[47] Command Papers, "Judicial and Legislative No. 3," *Despatches with Respect to the Practice of the Slave Trade by the Subjects of the Native Princes of India* (1876): 3.

[48] Ibid., 14.

However, in an interesting turn of events, the presiding judge on the case declared that the present status of British relations with Kutch did not allow a British high court to legislate upon a case concerning the citizen of a Princely State.[49] This judgement reinstated the boundaries of British legislation, particularly in terms of the Empire's ability to legislate upon matters concerning overseas citizens of Princely States. To quote Indrani Chatterjee:

> Colonial officials tried to play the abolitionist card selectively: stonewalling if it involved the administration in financial and political liabilities, and activating it when ideological buttresses were needed for territorial and administrative annexation.[50]

Conclusion: Abolition by 'Denial'

Ultimately, the Act of 1843, at least on paper, abolished slavery in the Indian subcontinent. Abolition on paper was necessary for the consolidation of the empire's image as a 'civilising entity'. However, this did not always translate into active law enforcement on the ground, as the local understanding of enslavement varied significantly from the broader outlines of the Act. Indrani Chatterjee calls this 'abolition by denial' i.e. slavery did not end, but it effectively disappeared from British vocabulary[51]. A ban on 'slavery' ironically meant a 'ban on any discussion of it', for enslavement practices continued under different tags and relationships. British officials affected this erasure by outright denying that terms like 'bandi' or 'dasi' could be translated to 'slaves.' In most languages spoken in the subcontinent, terms for 'slave', 'servant,' and 'bonded labour' frequently intersected, making it easier for the British to appease the slaveholders by classifying a 'slave' as a 'servant'. The definitions of the word 'slave' were also tactfully omitted from the Indian Penal Code of 1860, making it impossible to determine who

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[49] Ibid., 15.
[50] Indrani Chatterjee, "Abolition by Denial: The South Asian Example 1," *Abolition and Its Aftermath in the Indian Ocean Africa and Asia*, ed. Gwyn Campbell (London and New York: Routledge, 2005): 157.
[51] Ibid., 152.

could be effectively classed as a slave. The ratification of Act V of 1843 freed the colonial government from the pressures of the abolitionists back home and reduced its accountability to the Parliament on the matter. With a written guideline that outlawed the entire practice in simple words and not a singular aspect of it, there remained no room for doubt. Enforcement, as usual, could be conveniently left up to the local bodies, who did not stop colluding with the local elites to restore runaway slaves.[52] The abolition was succeeded by a steady increase in the outflow of indentured labour from India, thereby heralding a new phase of bondage and servitude in the region's history. The British abolitionist project was thus empty rhetoric, fashioned out of the strategic territorial needs and imperial anxieties of the Empire, and achieved through collusion with the local slaveholding elite.

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[52] Ibid., 153.