M.R.O. 1—20,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 489 Press ~~Mis.~~

68-69

Dated 13. 4. 1861 ~~Ep~~ .

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th April 1861.

No. 68. Read the following letter from J. ROHDE, Esq., Inspector General of Jails, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 23rd March 1861, No. 135.

1. I have lately received a letter from the Civil Finance Commission suggesting the leasing out the labor of Convicts, as it appears to have been successfully done at Lahore.

2. The Government is aware that my end has been the introduction of such a system of penal discipline as should justify the reduction of our monstrous sentences, the deterring from crime by the strictness of imprisonment and discipline instead of by mere physical restraint to the individual, the value of the labor of the prisoner being a secondary consideration not influencing the prisoners state in the first stages of his imprisonment, and I have had the satisfaction of the approval of the Government both here and at Home to the system, the introduction of which is, however, necessarily deferred.

3. Under these circumstances I should wish, before giving a reply to the letter referred to, to know whether the Government would approve of the system of leasing the labor of Convicts under the following rules and restrictions:—

1st. That the labor of all Convicts should be available for employment on private manufactures within the walls of the Jail, or within a building detached from the Jail to be first approved of by the Inspector General of Jails—provided 1st that no other labor be permitted in association with that of the Convicts.

2nd. That with the exception of instructors, the owner of the work or manufactory or one of his principal clerks, approved by name by the officer in charge of a Jail, no person shall be admitted to the building during the hours of labor, or to intercourse with the prisoners.

3rd. That the Officer having charge of the Jail, or the Inspector General of Jails, if he thinks fit, shall have authority summarily to interdict the admission of any persons with or without the approval of the person employing the Convicts.

4th. That no less than 36 Convicts shall at any time be so employed within inspection by a warder from a convenient spot.

5th. That the entire control as regards enforcement of tasks and maintenance of discipline remain with the Officer in charge of the Jail, and that it shall not be optional with the person employing the prisoners to hold out an inducement not previously sanctioned by the Officer in charge of the Jail.

6th. That before leasing out prisoners as proposed, the number required; the period of labor; the nature and extent of the work; the period for which the prisoners are required, and the place of labor shall be distinctly stated in the tender together with the terms of agreement, and that the same shall, before the agreement is concluded, be subject to the approval of the Inspector General of Jails.

2nd *Rule.* That the labor of all well conducted Convicts two-thirds of whose term of sentence has expired shall be available, with the sanction of the Inspector General of Jails, for employ beyond the precincts of the Jail for labor, on payment, either on Government works, for which sanction of a specific sum has been given, or for labor on private work on such terms as the Inspector General of Jails may approve, and it shall in the case of such Convicts, two-thirds at least of whose sentence has expired, be left to the Inspector General to determine the extent to which imprisonment shall be relaxed, together with the place of confinement; the bounds within which the Convicts shall be restricted; the proportion of Convict maistries to the gang; the number, pay and description of Officers in charge, and the Rules and terms under which they shall be employed: provided that in this case the whole cost of the gang shall be defrayed by the person or Department employing them.

4. I have only in one instance had a direct offer for Convict labor, this was at Cuddalore, and I said the gunnies should be woven and sewn at 7 Rupees per 100 bags—but I think I can get contracts elsewhere. I had at one time thought of proposing to the Railway to furnish Convict labor for heavy cuttings, if the Company would place secure but unfinished station buildings in the vicinity at my disposal for their accommodation.

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6th. That before leasing out prisoners as proposed, the number required; the period of labor; the nature and extent of the work; the period for which the prisoners are required, and the place of labor shall be distinctly stated in the tender together with the terms of agreement, and that the same shall, before the agreement is concluded, be subject to the approval of the Inspector General of Jails.

2nd *Rule.* That the labor of all well conducted Convicts two-thirds of whose term of sentence has expired shall be available, with the sanction of the Inspector General of Jails, for employ beyond the precincts of the Jail for labor, on payment, either on Government works, for which sanction of a specific sum has been given, or for labor on private work on such terms as the Inspector General of Jails may approve, and it shall in the case of such Convicts, two-thirds at least of whose sentence has expired, be left to the Inspector General to determine the extent to which imprisonment shall be relaxed, together with the place of confinement; the bounds within which the Convicts shall be restricted; the proportion of Convict maistries to the gang; the number, pay and description of Officers in charge, and the Rules and terms under which they shall be employed: provided that in this case the whole cost of the gang shall be defrayed by the person or Department employing them.

4. I have only in one instance had a direct offer for Convict labor, this was at Cuddalore, and I said the gunnies should be woven and sewn at 7 Rupees per 100 bags—but I think I can get contracts elsewhere. I had at one time thought of proposing to the Railway to furnish Convict labor for heavy cuttings, if the Company would place secure but unfinished station buildings in the vicinity at my disposal for their accommodation.

Proceedings of the Madras Government, Judicial Department,
13th April 1861.

No. 69. ORDER THEREON, 13th April 1861, No. 489.

The Government do not anticipate that any advantage would result in this Presidency from leasing out the labor of Convicts.

2. They will not however object to the experiment being tried in one or two instances under the restrictions suggested by the Inspector General of Jails; the result being reported to Government in due course.

3. Mr. Rohde will clearly understand, that the charge for prisoners is on no account to be increased, and indeed nothing is to be done unless there be good reason to expect that the State will, in a pecuniary point of view, be a gainer.

4. With respect to that part of the 2nd Rule which provides for Convict labor on *Government works* being given *on payment*, Mr. Rohde is referred to the Orders of the Government of India, 14th August 1857, No. 3,911, communicated to him by Extract Minutes Consultation, 7th September 1857, No. 1,155, Judicial Department, from which he will perceive that no actual money payments are to be made, but that "whenever Convict labor is employed in the execution of Public Works, the value of such labor is to be duly charged for in the accounts of the work, and a corresponding credit allowed in account to the Civil Departments by which the Convicts are supplied."

(Signed) T. PYCROFT,
Chief. Secretary.

Exd, T. O'Connor.

2

of Jails.

2nd Rule. That the labor of all well conducted convicts two thirds of whose term of sentence has expired shall be available with the sanction of the Inspector General of Jails, for employ beyond the precincts of the Jail for labor, on payment, either on Government works, for which sanction of a specific sum has been given, or for labor on private work on such terms as the Inspector General of Jails may approve and it shall in the case of such convicts two thirds, at least of whose sentence have expired be left to the Inspector General to determine the extent to which imprisonment shall be relaxed together with the place of confinement, the bounds within which the convicts shall be restricted, the proportion of Convict

Maistries

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4 Issued only in one instance had a direct offer for convict labor, this was at Kadalore and I said the gunnies should be covered and I knew at 3 Rupees per 100 bags - but I think I can get contracts elsewhere. I had at one time thought of proposing to the Railway to furnish convict labor for heavy cuttings if the Company would place some disused unfinished station buildings in the vicinity at my disposal

For

(3)

I see no objections to the course proposed in this letter - I do not see any advantage to follow your suggestion of Government undertaking the removal of the Prisoners to the Headland - the cost would be the same in either case

Last - Last words the Note is to be a Question in a Secretary Board of View - Nothing is to be done now

Sea Jr Grosvenor
Gov

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Inspector General of Jails.—

(Rec'd 23rd March 1861, No. 135)

Order thereon 13th April 1861, No. 489

I do not think that we should make much out of the I do not however object to the attempt being made - with a view to prisoners being employed on Gov^t works. I look to the amount of labour Government-labour as being equal to 2/3 of free, and can only propose to credit the Convict Establishment with the actual value of work done. Deducting Guards & Superintendents &c

The Government do not anticipate that any advantage would result in this Presidency from leasing out the labor of Convicts.

2. They will not however object to the experiment being tried in one or two instances under the restrictions suggested by the Inspector General of Jails,

Explained that the Rents ordered to be suspended for the month of August 1857

Jails, the result being reported to Government in due course.—

3. Mr. Rohde will [Lieutenant] clearly understand, that the charge for prisoners is on no account to be increased and indeed nothing is to be done unless there be good reason to expect that the State will, in a pecuniary point of view, be a gainer.

J.P.

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Sec.

Sec: Mins: Cons: 7 Sept[r] 1857 No. 1155 Judicial Dept. from which he will perceive that no actual money payments are to be made, but that "whenever Convict labor is employed in the execution of Public Works, the value of such labor shall [is to] be duly charged for in the accounts of the work, and a corresponding credit allowed in account to the Civil Department by which the Convicts are supplied."

J.P.

To the Inspector General of Jails. 13/1

Ports of April

Judicial
Department 1861.

No. 189.

Proceedings of the Madras

Government.

Dated. 13 April 1861 —

Read 1132/164

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C. S. Office