M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1413	Press Mis.
201-202. Dated	27-9-19 1864	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th September 1864.

No. 201. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India; to the Secretary to the Government of Fort Saint George, dated Simla, 1st September 1864, Circular No. 2414.

Home Department.
Judicial.

I am directed to transmit to you the accompanying copy of the communication marginally noted, in continuation of Circular, No. 1935 of the 8th instant, regarding the importance of fully utilising prison labour in the construction of Jails.

Extract from the Public Works Department, No. 633C-3751, dated 11th August 1864.

From Lieutenant-Colonel J. T. NICOLLS, R. E., Officiating Secretary to the Chief Commissioner, Oudh, Public Works Department; to Colonel R. STRACHEY, R. E., Secretary to the Government of India, Public Works Department, Simla, (No. 295, dated Lucknow, the 22nd June 1864.)

In reply to your letter, No. 124C-1874, dated the 6th ultimo, inquiring how it was that the value of convict labour in the Jail at Seetapore was only calculated at so small a sum as Rupees 5000, and whether the whole of the mere cooly-labour could not be done by the convicts, I am desired by the Chief Commissioner to forward the enclosed copy of a letter from the Officiating Executive Engineer at Seetapore, No. 2, dated the 24th ultimo, stating the reasons why so small a quantity of prison labour has been employed.

2. I am also to intimate that a copy of the above letter had been sent to the Commissioner of the Hyderabad Division, who was requested to state why the convicts were not better overlooked. In his reply the Commissioner does not advert to this point, but remarks that convicts can only be got to work as hard as free labourers by the stimulus of reward, in which opinion the Chief Commissioner is inclined to concur.

3. The expensiveness of convict labour is no doubt the true reason why it has not been more largely availed of in the construction of the Seetapore Jail, seeing that a convict is charged at two-thirds the rate of a free labourer, and the Executive Engineer calculates that it takes at least three prisoners to do the work of one cooly; the Executive Engineer has, moreover, further pointed out why it was especially unsuited to the work that was going on, there was, too, at the time, the Chief Commissioner is informed, employment for the prisoners on other work; the Chief Commissioner is therefore inclined to think the sum stated, viz., Rupees 5000, probably represents the full value of the convict labour.

From J. H. McRAE, Esq., Officiating Executive Engineer; to the Chief Engineer, Oudh Lucknow, (No. 2, dated Seetapore, the 24th May 1864.)

With reference to your No. 53 of the 12th May 1864, forwarding copy of No. 124C-1874, from the Secretary to the Government of India, to the Chief Commissioner, Oudh, regarding convict labour for Civil Works Buildings, I have the honor to inform you that the reason I believe why convict labour has been but little employed is, because it is so very expensive. I consider it takes at least three prisoners to do the work of one cooly, and a convict being charged at the rate of two-thirds of a cooly makes their labour just double of free labour; another reason is that almost all the kutcha work, for instance, has been done by contract, and therefore there has been no opportunity of using convict labour, as there would have been if daily labour had been used. The kutcha work by contract has been done much cheaper than if daily labour and convicts instead of coolies had been used. The convicts, besides, have iron on their legs, which prevent them being employed on ladders, which alone remove a very large field of labour; but the real truth is, convict labour is not properly organized, but if the men were under proper discipline, a good deal might be made out of them, but when there is no

This is an important consideration.
(Signed) C. J. W.

system of punishment, and each man may do just as he pleases, especially when he is assisted in idleness by the burkundazes, as is the case in the Seetapore Jail, and I believe in every other Jail in India, the convict labour is of no use whatever.

From Colonel R. STRACHEY, R. E., Secretary to the Government of India, Public Works Department; to the Chief Commissioner, Oudh, (No. 632C-3751, dated Simla, the 11th August 1864.)

In reply to your Officiating Secretary's letter, No. 295, dated the 22nd June 1864, I am directed to state that the Governor General in Council cannot regard the reasons adduced for the small amount of convict labour, employed in the construction of the Jail at Seetapore, as at all satisfactory. His Excellency in Council has no doubt that if the Executive Engineer had placed himself in communication with the Officer in charge of the Jail, such arrangements might have been made as would have enabled him to get a fair amount of work out of the convicts.

2. Two reasons are advanced for the small extent to which the labour of prisoners was made available—one is that a nominal addition would have been made to the cost of the works, and the other that there was other useful work in the station for the prisoners. Neither reason can be considered valid. A direct outlay from the public purse would have been saved by the larger employment of prisoners on these buildings, and this should have been done.

3. That convicts can and will work under a proper system of organization is well known. Indeed, it has been found by experience that prisoners employed day after day in gangs on the same kind of work, soon learn to act in concert and with better effect than coolies collected from the bazaar. His Excellency in Council requests, therefore, that you will, in communication with the Commissioners of Divisions and the Superintendent of Jails, arrange for the proper employment of convicts where Jails are under construction. The system should be carefully laid down at first, and judiciously enforced, and any short-comings brought to notice at the time and a remedy applied. The improved accommodation now ordered to be provided for prisoners will throw a very heavy charge on the State, and it is quite essential that all possible use shall be made of prisoners' labour in the construction of Jails.

4. Copy of this letter and of that to which it replies will be sent to the Government of India in the Home Department, with reference to the Executive Engineer's remarks regarding the want of control over the gangs of prisoners while employed outside of the Jail walls.

No. 633C-3751.

Copy, with transcript of the letter to which it is a reply be forwarded to the Home Department for information.

(Signed) R. STRACHEY, Colonel, R. E.,
Secretary to the Govt. of India, P. W. D.

No. 202. ORDER THEREON, 27th September 1864, No. 1413.

Communicated to the Public Works Department, to the Inspector General of Jails, and to all Sessions Judges, in continuation of Proceedings 10th instant, No. 1352.

(True Extract.)

J. D. SIM,
Secretary to Government.

To the Public Works Department.
" Inspector General of Jails.
" Sessions Judge of

Evd. J. Tulloch.

No. 27 Sept. 64 No. 1413.

Communicated to the Public Works Dept., to the Inspector Genl. of Jails, & to all Sessions Judges, in continuation of Pros: 10th Inst. No. 1,352.

The Public Works Dept.
" Inspector Genl. of Jails.
" Sessions Judge of,

Judicial Dept Weekly

Pro = 10 Sept 64
No 1357

From
The Secy to the Govt of India
Home Dept
No 2214

Dated 8th
Rec'd 20th } September

No. 1939

Forwards Correspondence regarding the employment of fully utilizing prison labor in the construction of Jails. —

With Order.

Secretary to the Govt. of India, P. W. D.

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