

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	511	Press
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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
12th April 1864.*

Read the following letter from the Secretary to the Government of India, Home Department, to the Chief Secretary to Government, Fort Saint George, dated Fort William, 10th March 1864, No. 1690.

The attention of the Governor-General in Council has been drawn to the accompanying extract from the *Madras Athenæum* of the 20th ultimo, and he desires me to request that, with the permission of His Excellency the Governor in Council, you will state how far the facts mentioned in the extract are well-founded.

2. The Governor-General in Council can hardly suppose that the statement regarding the leasing out of convicts to planters and to the Railway Company can be correct; but apart from this he would wish to know to what extent it is true that the Government of Madras has been compelled to sanction large recourse to the employment of convicts on public works in consequence of the overcrowding of the Jails, and under what system this is done as regards precautions both for the safe custody of the convicts, and also for their protection from undue hardship and exposure.

3. His Excellency the Governor in Council is probably aware that, for many years past, it has been the constant aim of the Government to substitute for out-door labour a uniform system of intramural labour, with the view of securing a better and stricter prison discipline, and the Government of India would regret to see the principles which have been laid down on this point respecting the management of convicts set aside unless under a temporary emergency.

Extract from the "Madras Athenæum" of the 20th February 1864.

Convict Labour.—The question of employing convict labour on the numerous public works of the Presidency has, if we mistake not, been more than once before urged upon the consideration of Government, but has never hitherto met with any encouragement. It is, notwithstanding, a step that, if adopted, would result so much to the benefit of the State, that it is matter for wonder that Government have not availed themselves of it for better purposes than road patching, brick-breaking, and such like. The question has now, however, we understand, been again brought seriously to the notice of Government, by no less a person than Mr. Rhode, the Inspector-General of Prisons, and we are glad to learn that Government have at length given way, and at his representation, have issued instructions to Heads of Departments and all Superintending Engineers, that arrangements have been made to employ large gangs of convicts on public works in all parts of the Presidency. The representation made by Mr. Rhode is certainly a very urgent one; he complains that twice the average number of prisoners are in the Jails all over the Presidency, and he does not know how to employ them. So Government have resolved not only to employ them on their own public works, but also, as labour everywhere is scarce just now, more especially in the Wyand country, to lease out the convicts to planters and to the Railway Company, as has been already done on the North-West Line of Railway, and found to work so successfully. This latter decision is an excellent one, and the carrying out of it will conduce as much to the benefit of the individual convict as to the State. At present many an idle vagrant wilfully commits a crime for the especial purpose of getting into Jail; and once there, he is sure of his daily food with comparatively no work. But by leasing them out to private Companies, it is certain that a "fair day's labour" will be extracted for a "fair day's wage," and the convict will soon begin to learn that it will cost him as much to work honestly for his livelihood, with his liberty to boot, as without it, of which he has wilfully deprived himself by his own idle propensities. Another consideration arises from this representation of Mr. Rhode. He states that all the Jails are filled with twice the usual number of prisoners!

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12th April 1864.

Would it not be worthwhile to inquire whether this fact is attributable to the increase of crime, or to the energy and vigilance of Mr. Robinson's model Police?

(True Extract.)

(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

To the Secretary to the Government of India, Home Department, dated Fort Saint George, 12th April 1864, No. 511.

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter of the 10th ultimo, requesting to be informed how far the statements made in an extract from the *Madras Athenæum* newspaper, regarding certain orders passed by this Government with reference to employing convicts on large public works, and leasing out their labour to the Railway Company and to Planters, are correct.

2. In reply, I am directed to state, for the information of His Excellency the Governor-General in Council, that the facts stated in the extract in question are substantially correct; and that in consequence of the over-crowded state of the Jails, the Madras Government have been compelled to order the employment of large gangs of convicts on public works in various parts of the country. The over-crowded state of the Jails in this Presidency, to which allusion was made in my letter of the 12th November last, submitting the opinion of this Government on the Whipping Bill, has, for some time past, been a source of grave anxiety to His Excellency in Council. In the early part of last year, serious outbreaks of cholera occurred at Salem and Calicut, which, in both cases, were attributed by the medical authorities to over-crowding; and in his report on the outbreak at Salem, the Inspector-General of Hospitals urged upon the Government the necessity of permanently reducing the number of prisoners in all the Jails, and suggested, as the only way of affording immediate relief, the encampment of large gangs and their employment on public works. Orders were accordingly issued for the employment of gangs of convicts on the works then about to be commenced on the Neilgherry Hills in connexion with the Lawrence Asylum, and on the road between the Coimbatore Railway station and the foot of the Hills, at both of which places there was, and still is, a great scarcity of free labour.

3. The latter gang was not healthy, and has lately been removed; the prisoners belonging to it being transferred to the Lawrence Asylum works, on which 400 prisoners, to be increased shortly to 500, are now employed. The experiment, so far, has answered extremely well. The prisoners are healthy. They are employed under an efficient Officer of the Public Works Department, who was for some time in charge of the gang at Paumben, and they are worked far more effectively and more profitably to the State than the great bulk of the prisoners confined in the Jails. Employment on these works is, of course, unpopular with the prisoners, who look upon it very much as they would view a sentence of transportation, separating them, as it does most effectually, from their friends and relatives; and from the position of the works, it is in a great measure free from the objections which ordinarily attach to the employment of prisoners on out-door labour.

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12th April 1864.

4. Under present circumstances, and until a certain number of well-planned Jails shall have been erected, it is almost impossible to establish any effective system of prison discipline in the Jails of this Presidency; and, in the opinion of His Excellency in Council, it is certain that the objects of a sentence of rigorous imprisonment will be more fully carried out by the employment of the prisoners on detached works of this character, than they can be in the Jails.

5. The case will be different when Central Jails have been erected for the reception of long-sentenced prisoners. Three such Jails are now in course of erection, including the existing Jail at Salem, which has been built on an improved plan, and, by the addition of an upper story, will shortly be available for use as a Central Jail. The other two, one at Rajahmundry and one at Coimbatore, have lately been commenced.

6. But even when the amount of available Jail accommodation is more adequate and better adapted to ensure effective prison discipline than it is at present, His Excellency in Council considers it questionable whether it would be advisable to insist on any stringent rule against the employment of convicts on out-door labour. He is of opinion that wherever, as is the case in many parts of this Presidency, there is a great scarcity of labour, it would be well to utilize the labour of the convicts by employing them in large gangs on public works; and this, he feels satisfied, may be done without any material departure from the principle that the due enforcement of the prisoner's sentence, and not the return to be derived from his labour, should be the main object to be kept in view. It is, of course, essential that prisoners so worked shall only be employed in healthy localities, and that they shall not be exposed to any risks to which they would not be liable when confined in a Jail. I am to add that, in the opinion of the Madras Government, there must always be the greatest possible difficulty in providing really hard labour within the walls of the Jails for any considerable number of prisoners.

7. In regard to leasing out the labour of convicts, I am to observe that the plan has been tried on the North-Western Railway in the immediate neighbourhood of Cuddapah. It originated in a suggestion made by the Civil Finance Commission to the Inspector-General of Jails in this Presidency, who, in 1861, was authorized to try the experiment to a limited extent. The prisoners employed on the Railway near Cuddapah are housed in buildings approved by the Inspector-General. The extra charges entailed by keeping them beyond the precincts of the Jail are defrayed by the Railway Company, who also pay for their labour at a fixed rate. The arrangement has been a great relief to the Cuddapah Jail, which otherwise would have been much over-crowded; and there can be no question that as much work has been exacted from the convicts as they would have been required to perform if kept in the Jail. Here, as on the Lawrence Asylum works, the gangs are made up of prisoners whose sentences have not long to run, and who consequently have but little inducement to escape. The gang at Cuddapah is frequently visited by the Officer in charge of the Jail, and the warders are under his orders. The Police guards are appointed by the Inspector-General of Police.

8. The plan of leasing out the labour of convicts to private individuals has not been tried, nor is the Governor in Council at all sanguine that it would prove

*Proceedings of the Madras Government, Judicial Department,
12th April 1864.*

feasible. In the order alluded to in the extract which accompanies your letter, the Inspector-General of Jails was directed, with reference to the over-crowded state of the Jails throughout the country, to inquire and report whether any relief could be afforded in this way, and his attention was drawn to the case of Wynaad, where the scarcity of free labour is very great, and where it was deemed possible that satisfactory arrangements might be made with some of the coffee planters for the employment of convicts whose sentences had not long to run.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

E. & J. Wright.

No 91.

3
Cuddapah
8th April 1864.

To,

*The Chief Secretary
to Government
Madras.*

Sir,

*As desired by your Telegram
received here on the 2nd March I have
the honor to forward the account of
the Number of Prisoners Employed on
the Rail way with the gross receipts -*

I have the honor to be,

Sir,

Your Most Obedt. Servant,

*M. S. Siva
Session Judge*

Number of Prisoners on the Railway in both places the Gross Receipts in Rs. in 1862, '63, & in this year,

Years	Number of Convicts	Amount
In 1862	54000.	3397 9 4
1863.	50256.	4212 8 "
1864.	3884.	321 10 8
	<u>108140</u>	<u>7931 12 "</u>
Convicts or 172.5. per working daily — Rs. or 150.5. per — Rs. — Rs. up to 31st January 1864 or 149.3. per Rs. — Grand Total.		

Waddahack }
8th April 1864 J.

W. S. S. S.
Deputy Judge

Revenue 1864. Dec 1864
From the Deputy Judge of
Waddahack
The Chief Secretary to Govt.
Madras
Dated 8th April 1864.
Received —
Forwarding the account of Prisoners
of Prisoners in the Rail way
with the gross receipts as per bill.

Memorandum

In the crowded state of the jails it was decided to employ Convicts on public work where ever suitable buildings could be found, provided Officers desired to take them at a rate of two thirds that charged for free labor and the distance from the Jail Station would allow of occasional visits from the Officer in charge of the Jail. The Engineer Officers of Government were generally adverse to the employment of Convicts on their work, but at Bussahpah the Railway Engineer was induced to try the experiment, undertaking all extra ordinary expenses of housing, guarding, conveyance ^{from} ~~of~~ and paying for the labor at the fixed rate. The number of guards is determined by the ~~Superintendent~~ Police and all above the usual complement paid for by the Railway. The extra warders are appointed by the District Judge and are subject to his control only, but paid for by the Railway; the buildings have been subjected to the inspection of the Inspector General of Jails by whom improvements were directed; the jails have been sufficiently secured for the class of Prisoners transferred to them, only one escape ^{in 2 years} having been effected from the jail and one from a working party, in the former the Prisoners were reapprehended the

Same

Pro. Secy. Genl.
No 715

same day in the latter the prisoner was at the date of my report still at large

2 In furnishing prisoners to such gangs a selection of short term men is made, such as have already undergone larger portion of their sentence being preferred, The same course is adopted in respect of prisoners furnished to the Laurence Ayland and to the Madapollim Road under Officers of the R.F.M. who however are specially vested with the control of the Prisoners

3 Mr Bate the manager of the Negapatam and Trincomopoly Railway has been invited both by note and in conversation to employ convict labor on the extension but has difficulty in finding lodging for the prisoners

Arhammo
off. of. Insp.
Genl. of Jail
30th March 1854



Inspector General of Jails

To The Chief Secretary
to Government.
of Fort St George

disps. per
Steamer "Sydney"
12/4

Judicial Department

N^o 511.

The Secretary to the Government of India,
Home Department.

Sir,

I am directed by His
Excellency the Governor, in
Council to acknowledge
the receipt of your letter of
the 10th ultimo, requesting to
be informed how far the
statements made in an
extract from the "Madras
Athenaeum" newspaper,
regarding certain orders
issued by this Govern-
ment with reference to
employing Convicts on
large public works and
leasing out their labor
to the Railway Company
and to Planters, are correct.
2. In reply, I am directed
to state, for the information
of

[Handwritten initials and marks]

Judicial 1882 No 511

S L M 511

[Faint handwritten notes]

Recd 21st 12th 1882

No 714

[Faint handwritten notes]

His Excellency the Governor
General in Council, that
the facts stated in the Ex-
tract in question are sub-
stantially correct; and that
in consequence of the over-
crowded state of the jails,
the Madras Government
have been compelled to
order the employment of
large gangs of convicts
on public works in various
parts of the Country. The
overcrowded state of the
jails in this Presidency,
to which allusion was
made in my letter of the
12th November last submit-
ting the opinion of this
Government on the Whipping
Bill, has, for some time
past, been a source of grave
anxiety to His Excellency
in Council. In the early
part of last year, serious
outbreaks

outbreaks of Cholera occurred
at Salem and Calicut, which,
in both cases, were attribu-
-tuted by the medical autho-
-rities to overcrowding; and
in his report on the outbreak
at Salem, the Inspector
General of Hospitals urged
upon the Government the
necessity of permanently
reducing the number of
prisoners in all the jails,
and suggested, as the
only way of affording im-
-mediate ^{relief}, the encampment
of large gangs and their
employment on public
works. Orders were accor-
-dingly issued for the em-
-ployment of gangs of
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Asylum, and on the road between the Coimbatore Railway Station and the foot of the Hills, at both of which places there was, and still is, a great scarcity of free labor.

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have been erected, it is almost impossible to establish any effective system of prison discipline in the jails of this Presidency; and, in the opinion of His Excellency in Council, it is ^{certain} ~~probable~~ that the objects of a sentence of rigorous imprisonment will be ^{more} fully carried out by the employment of the prisoners on detached works of this character, than they can be in the jails.

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that in the opinion of the members of the Committee, there must always be the greatest propriety in providing really hard labor within the walls of the jails for any considerable number of prisoners.

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Railway in the immediate neighborhood of Cuddapah. It originated in a suggestion made by the Civil Finance Commission to the Inspector General of Jails, in the Presidency, who, in 1861, was authorized to try the experiment to a limited extent. The prisoners employed on the Railway near Cuddapah are housed in buildings approved by the Inspector General; ~~and~~ the extra charges entailed by keeping them beyond the precincts of the jail are ~~discharged~~ paid by the Railway Company. The arrangement has been a great relief to the Cuddapah jail, which otherwise would have been much overcrowded; and there can be no question that as much work has been exacted from the Convicts

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Yours

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Your letter, the Inspector General of Jails was directed, with reference to the overcrowded state of the jails throughout the Country, to enquire and report whether any relief could be afforded in this way; and his attention was drawn to the case of Wynaad, where the scarcity of free labor is very great, and where it was deemed possible that satisfactory arrangements might be made with some of the Coffee Planters for the employment of convicts whose sentences had not long to run. —

Fort Saint George
12 April 1854

24 copies

Employment of gangs
of convicts on public
works, and leasing
of convict labour.

1851-52

571
Judicial 1864 & 1865

No. 571.

To the Secy: of the Govt
of India

Dated 12th April 1864

Enclosed

W. C. C. C.