(1) பக்கங்களின் எண்ணிக்கை 120

(2) புதுக்கித் திருப்பிய நாள் 9-88

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பாதுகாப்பு பணித் துறை

அரசாணை எண். 2502 அச்சகம்
மு. கோப்புத் தாள் எண். பலவகை

நாள் : 9. 10. 1884

வோ கண்டபடி கையாளவோ கூடாது

கா-1—18,006—15-6-87.

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GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General Establishment.

READ—the following papers:—

From the Superintending Engineer, I Circle, dated 7th August 1884, No. 144 G.L.
" " " II " " 27th June " " 257 N.L.
" " " III " " 13th " " " 534.
" " " IV " " 17th July " " 337 E.W.
" " " V " " 18th June " " 1087.
" " " VI " " 29th May " " 344 T.J.
" Consulting Architect to Government, " 27th " " " 301.
Office note from the Examiner, Public Works Accounts, dated 9th Sept. 1884, No. 422.

ORDER—dated 9th October 1884, No. 2502 W., Public Works.

In G.O., No. ~~1504~~ 1054 W., dated 25th April 1884, the decision of Government, that convict labor should be utilised on the construction of jails whenever practicable and should be given to this service without charge, was conveyed to officers of the Public Works Department. Subsequently, the Examiner brought to notice that, under the circumstances, definite rules should be laid down in regard to the sanction of estimates and the mode of accounting for the value of such unpaid prison labor. In this view he formulated certain draft rules which were circulated to the Superintending Engineers for opinions as to the suitability of the same.

2. After fully considering the Examiner's proposals and the opinions of the Superintending Engineers thereon, the Government determine to issue the following brief rules for guidance. These, it is thought, will sufficiently meet the practical requirements of the Public Works Department:—

I. The estimate for jail works to be executed wholly or in part by convict labor, given without charge, will be framed at normal rates, and will be sanctioned for the full amount. It will be unnecessary to note thereon the value to be contributed by convict labor, as such value cannot be definitely known beforehand; but in applying for allotments for the work, it will be necessary for the Superintending Engineer, in communication with the Jail authorities, to base his demands for funds solely on the quantity of free skilled and unskilled labor that is likely to be required.

II. When the work must be carried out by mixed gangs of ordinary and prison labor, the Public Works officer or subordinate in charge will ascertain at fixed intervals from the Jail authorities what convicts, skilled and unskilled, can be supplied for certain periods. Such periods may advantageously be synchronous with the usual departmental periodical returns of work. The convicts, on being mustered each day by their warders and marched to the ground, will be told off to suitable portions of the work by the officer or subordinate, who will endeavor, with the aid of the warders, to ensure that a reasonable amount of work is obtained from them. But he will keep no nominal muster rolls of these prison gangs, nor record their distribution against the different sub-heads. The Public Works staff will be responsible merely for the rolls and distribution of the free or ordinary skilled and unskilled coolies; for the accounting of materials, and for the efficient execution of the work.

III. Measurements of outturn will be taken and recorded in the usual manner; and the normal value of each measured item, less the cash payments for or due to the ordinary free labor employed and for materials, will represent the value of the work done by the convicts.

IV. When the work, or a distinct block or portion of the work, can be executed wholly by convicts, without the intervention of free skilled labor, the duty of the Public Works subordinate in charge will be confined to demarcating the work; supervising the details to ensure their being correctly carried out; and finally measuring up, valuing, and recording the work turned out. In such cases the account of materials issued by the department would be kept in part III of the daily report form, or in such other form as the executive officer in charge may find suitable.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

To Superintending Engineers.
To the Consulting Architect to Government.
,, Examiner, Public Works Accounts.
,, Judicial Department.

Exd. E. Fernandez.
Spare Copies

2502

12-11-92

GENERAL
ESTABLISHMENT.

Govt. of {1884} Madras.

PUBLIC WORKS.

Dated October, 9th.

Recd. *Encl.*

G.O., 9th Oct. 1884, No. 2502 W.

OCTOBER.

Convict Labor

Orders issuing rules in connection with the employment of —.

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THE JAIL MANUFACTURES QUESTION.

ANALYSIS OF PAPER BY MR. W. A. SYMONDS.

In order to check State competition with private enterprise, the Viceroy, in his resolution of the 22nd September 1882, prescribes what may be termed the policy of restriction, which limits jail manufactures to a certain number of authorised industries, makes out-door labor the principal mode of employing long-term prisoners, forbids the use of steam machinery *inside* jails, limits the use of other machinery, and lays it down as a cardinal doctrine that whilst jail labor may be made productive, it should *not* be made as productive as possible. But the merits of the continental contract system are recognised, and permission is given for its partial introduction, *i.e.*, it is suggested that the machinery might be removed from the interior and set up outside (the jail walls) and let, together with convict labor to work it, to contractors.

2. The Bengal Government denies that the steam machinery so largely introduced into its jails injuriously affects private enterprise, and strongly protests against the rules laid down in the Resolution. Generally speaking, the other local Governments insist upon necessity for wide discretion in carrying out the policy of restriction; but to concede such discretion would, it is apprehended, create confusion and open the door to abuses. The Secretary of State does not approve of so radical a change as is contemplated by the Viceroy; takes exception to the principles laid down by Government of India, and thinks they ought to be subordinated to requirements of prison management; recommends that jails should supply other departments of State, and interprets suggestion that machinery be removed outside jail to mean that it is contemplated to remove it to a distance and set up factories to and from which convicts should be daily marched, whereas Viceroy only intended machinery should be removed just outside the jails, as in the case of the Penitentiary Workshops. [It may be observed that experience has shown that even this last would be more objectionable than the admission of contractors' *employés* inside the jails.]

3. Both the policy of restriction and the policy of the Secretary of State are opposed to sound principles. The Government of Bengal is, too, in error, in asserting that jail manufactures (especially when carried on by steam machinery) are not detrimental to private trade—the contrary is notoriously the case.

4. The remedy for this conflict of views, principles, and interests lies in a combination of the contract system and of a policy of expansion; this combination, whilst open to none of the objections with which all other systems abound, is sound from an economic point of view and possesses the merits—

(1) that it will entirely do away with all competition between jail-made articles and private trade and enterprise;
(2) that it will admit of jail labor being made as productive as possible;
(3) that it will admit of the introduction of steam machinery into all the large jails in the country in a manner which will stimulate the creation of industries and promote their development;
(4) that it renders unnecessary the proposed recourse to the unremunerative and unreformatory system of extramural labor;
(5) that it brings to bear the most practical reformatory influences upon convicts, and qualifies them for obtaining employment on their release—two primary considerations of prison management;
(6) that it furnishes a valuable adjunct to present means of enforcing discipline, which it promotes rather than interferes with; and that it obviates the loss of the enormous sums expended in Bengal on machinery, and the loss, throughout the country, of the work of many years spent in improving jail buildings and prison discipline, the general sanitary condition under which prisoners are kept and their intramural and industrial employment —sacrifices which are, to a great extent, involved by the policy of restriction.

5. It is submitted that the advisability of adopting this combination is conclusively demonstrated in the above-mentioned paper.

W. A. SYMONDS,
Supt. of Prisons for the Town of Madras.

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THE JAIL MANUFACTURES QUESTION.

A PERUSAL of the correspondence interchanged between the Secretary of State, the Government of India, and the local Administrations presents this question in the light of a very complex problem.

2. It may be observed at the outset that the Viceroy's policy, as enunciated in the Resolution of the 22nd September 1882, has been found to admit of misapprehension, and its execution to be attended with difficulties diverse as the circumstances and conditions of the various provinces to which it applies. These may be called local obstacles, but behind them is the primary difficulty of accommodating a variety of interests that ought to be identical, but are, as matters stand, divergent.

3. The interests to be consulted are those of—

(1) The State.
(2) The public.
(3) The tax-payer.
(4) The manufacturing and trading classes.
(5) The convict.

So conflicting are these interests that there exist, even amongst eminent experts, not merely differences of opinion upon the main points in dispute, but various shades and refinements of views. A consideration of principles, however, will probably disclose the clue to a correct conclusion.

4. The Viceroy's policy and the reasons for its adoption have been defined in terms to which no valid exception can be taken. India's greatest economic want being industrial pursuits, it has been declared to be distinctly the duty of the State to do nothing to hinder the spontaneous growth, but, on the contrary, so far as it legitimately can, to stimulate and assist the development of trades and particularly of manufacturing industries. Equally true is it that the competition by jails in various industries is greatly detrimental to private enterprise and trade. Nor can the proposition be impeached that a degree of Government competition, which in England might be harmless, might in India do very serious injury to private trade. The Secretary of State, however, questions the expediency of the principle upon which the Viceroy has proceeded. Lord Kimberley is of opinion that in deciding upon this question economic theories must be subordinated to the objects and requirements of prison management. This view cannot be accepted without anxious consideration, because its apparent tendency is to elevate the interests of a single department above the general interests of the State. Exceptions to the rule that whatever is essentially true and sound in theory may be well adapted in practice being exceedingly rare, very imperative reasons are required for any deviation from sound principle. The Secretary of State has taken it for granted that the necessity for such deviation must, in this instance, be admitted; but that is a proposition it is of the first importance to test by the inquiry whether the supposed necessity for its adoption really exists.

5. Proceeding on the assumption that means exist whereby practice may be assimilated to theory without detriment to the objects of prison administration—a statement it is the object of this paper to make good—we come to the measures taken by the Viceroy to give effect to his policy.

6. In promulgating those measures, His Lordship was avowedly guided by the idea that whilst jail labor should, as a rule, be productive, it need *not* be made as productive as possible. This is regarded by the Viceroy as a "cardinal doctrine," but, apart from the objection that it seeks to cure one departure from true economic principles (namely, State competition with private enterprise,) by instituting another, its soundness is in other respects open to question.

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7. The following were briefly the instructions issued to ensure practical application of the Viceroy's principles :—

(1) That out-door labor on large public works, State or private, should be the principal mode of employing long-term prisoners.
(2) That jail manufactures should be limited to a certain number of authorised industries to be concentrated as far as possible.
(3) That as a rule manual labor only should be employed, the use of steam machinery in jails being declared to be quite indefensible, while European machinery driven by treadmills, capstans, or other applications of convict labor was to be restricted.

8. These rules, objectionable in themselves for several reasons, have been strongly protested against by the Bengal Government and are disapproved of by the Secretary of State, who had not contemplated so complete a subversal of a system built up with great care as the result of many years' experience and at a heavy cost.

9. The arguments made use of for and against the Viceroy's policy render it clear that the golden *via media* has not yet suggested itself to those who have engaged in the controversy. The course of administration at times passes beyond the bounds of sound control, and the retrocession sometimes becomes itself extreme. When this occurs and, as in the present case, a problem is created, we must seek amongst first principles for the clue to its solution.

10. As an elementary principle, the doctrine that every member of a community, bond or free, should be self-supporting seems to commend itself to common sense—nay more, to be a law of nature. That the circumstances of modern society should be so artificial as to make it expedient that when a man has committed crime he should almost entirely cease to be self-supporting seems to indicate an unnatural and anomalous condition. In the rude primeval days, when the *lex talionis* obtained and men's notions of political economy were of the crudest, law-breaking created a *debt* which the transgressor had literally to *work out* by the sweat of his brow. That a state of society should exist under which to the wrong wrought by the criminal should be added the injury of maintaining him at the cost of the community whose laws he had outraged would certainly not have been regarded as evidence of an advanced state of civilisation; and it must be admitted that the existence of such an anomaly in a system, part of a scheme of Government having for its object the greatest good of the greatest number, seems, on the face of it, to show something wrong in the principles on which that system is worked. The average individual man maintains besides himself a wife and children. Yet that, with all the resources of civilisation at its command, modern Government should fail to make the imprisoned convict pay for the barest necessaries of life *plus* the cost of keeping him in confinement seems more than strange. The question then arises whether after all it is not clear that the moderns are wrong and that the ancients were right. Is the human intellect in these latter days so wanting that modern ingenuity, backed by the appliances of science, can devise no system by which convict labor can be utilised in such way as to make the prisoner self-supporting, or nearly so, without at the same time rendering his employment detrimental to the interests of private trade?

11. From these considerations it would appear that the true solution of the question lies not in the restriction, but in the extension of jail industries, whence the following rules may be deduced :—

(1) Subject to the requirements of jail management, convict labor should be made as productive as possible.
(2) That all long-term prisoners should, after undergoing a severely penal course of cellular confinement, be employed on manufactures.
(3) That steam machinery and other economical appliances should be made use of wherever practicable.
(4) That, in order to do away with all competition between jail-made articles and private trade, all the industrial labor in the jails should be let to contractors, with the exception only of that required for the supply of the Jail Department.

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12. No system is so free from valid objections as this. It is the only one under which a uniform policy can be enforced throughout the country. It is injurious to no interests. It is the one system which will not only not interfere with, but will stimulate the growth of private industries. An impartial examination will show that it is far preferable to any other plan that has been proposed, both as a means to the end the Government of India has in view and for the attainment of the objects of imprisonment. This examination may well commence with the important question of

Extra-mural Labor.

13. On the authority of the Surveyor-General of Prisons in England, the Viceroy declares the employment of convicts on large public works to be "the best system ever devised," and attention is called to the fact that the Government of India has repeatedly insisted upon the correctness of this view, and that it was prominently noticed in the report of the Prison Conference.

14. This authoritative announcement is deprived of much of its weight by the fact that out-door labor was hit upon as the best means of avoiding the evils of State trading, and that the necessity of diverting convict labor into that channel would disappear were the scheme now mooted to be adopted. Moreover, it would be a mistake to suppose that, because an application of this system confined to special localities has, comparatively speaking, proved successful in England, it would be expedient to give such general application to the system in India as would be necessary to carry out the Viceroy's instructions, or that similarly favorable results would attend the experiment. India has no busy dockyards in which prisoners could be employed as at Chatham and Portsmouth; the spade husbandry which occupies the convicts at Dartmoor would be found most unsatisfactory and unremunerative in this country; so that, for purposes of comparison, there remains but Portland with its vast quarries affording work from year's end to year's end and justifying the creation of a large permanent establishment. It is only in permanent establishments that it is possible properly to maintain discipline and reformatory influences, together with the sanitary arrangements needful to preserve the health of men segregated in large numbers. This is the vital objection to the plan of portable jails, which are further open to grave objection on the score of the great extra expense they involve. Not only would strong police guards be required, but the pay of the men and officers of the Police and Jail Departments taken from their homes for this duty would have to be increased. But, it is said, "in the case of a public work this extra expenditure might always be fairly charged to the work, and the cost would probably be more than recouped by a saving in free labor." The direct competition here contemplated of convict labor with the earnings of a class which has no other means of support to fall back upon, and consequently requires all the greater protection from the State, would be objectionable on economic grounds; more especially would this be the case if, as suggested, convict labor were given *gratis* to a private company when it was of great importance to open out any particular tract of country. Capitalists interested in keeping *up* the market prices of their products are also interested in keeping *down* wages. To give labor *gratis* to a company would enable it, if not to dictate its own terms to free workmen, at all events to greatly lower their wages. If, again, the labor were let, as directed, either to the Public Works Department or to contractors at low rates, the loss to the Jail Department would be serious. On the other hand, the expenses of camps or portable jails and extra guards, added to the low rate of wages, would probably make the cost of convict labor greater than the market-rate for free labor; and whilst, to whichever Department debited, the loss to the State would be the same, the Public Works Department might fairly object to be saddled with the excess. The same reason would deter contractors from availing themselves of this class of labor. In no part of India is there any practical difficulty in obtaining unskilled labor. In most parts the market for unskilled labor is glutted. It is only skilled labor that is much in demand. Contractors of works running through thinly-populated districts supply themselves from the large and growing class of coolies which supports itself by labor on earth-works, passing from one work to another as soon as one is completed and another becomes available. Another almost insuperable objection to the employment of

prisoners on the construction of railways and canals may be derived from the consideration that, whereas in England, a country of limited area and possessing a healthy climate, such a mode of occupation for convicts has never been suggested, or, if suggested, would never be sanctioned, in India railways and canals traverse vast tracts of country, and it is hardly possible to point to any great work of this description that does not pass through malarious and unhealthy districts in which large bodies of men congregated in confinement would be specially liable to the risk of epidemics.

15. It may be urged against these views that the plan of portable jails has for some time past been the practice in the Bombay Presidency and that the extra-mural system is successful in Assam. It may be remarked, however, that whilst in Bombay it is reported that every available prisoner fit for hard labor is employed on out-door labor, and that the Inspector-General of Prisons (Dr. Cruickshank) thinks it impossible to further extend the practice, it has not been found practicable to so employ more than 33 per cent. of the whole prison population, and of these it would seem a certain number are engaged in small gangs on the public streets and roads, a system condemned alike by Lord Macaulay's Committee of 1838, the Government of India, and the Secretary of State "as the worst which had ever been devised."

16. In Assam the percentage of prisoners employed extra-murally was increased from 18·3 in 1881 to 34·8 in 1882. Small gangs are engaged on roads in seven districts, but the total number so employed does not exceed 430. The conditions and circumstances of this province are, however, reported to be peculiarly favorable to extra-mural labor. They are, in fact, quite exceptional as compared with the rest of the country. The jail population is not violent, not very criminal, amenable to discipline, and accustomed to out-door work. The province is much in need of permanent improvements, particularly of embanked metalled roads on which unskilled labor can be employed to an almost unlimited extent, and supervised by a Public Works Department so organised as to work with civil officers with no departmental friction. It is clear, therefore, it would not be safe to accept the results of extra-mural employment in Assam as a precedent that might be safely followed in other provinces.

17. Labor of all kinds is dear in England; in India it is cheap; but the cost of prison supervision is probably about equal in both countries. Hence the need to utilise the labor of our convicts to the best advantage and to minimise the cost of supervision. It would seem, then, that to deliberately employ the majority of our convicts upon the lowest, and therefore the least paid class of labor,—and that the one requiring the most expensive supervision—would be a measure justifiable only by reasons of Imperial exigency.

18. The minor objections, such as the difficulty of keeping the convicts from communication with the outer world, the danger of escapes and outbreaks, are too obvious to need more than a passing reference.

19. On the whole, the circumstances of this country being so entirely different from those of England, the conclusion would seem inevitable that the extra-mural mode of employing convicts is unsuitable to India and can, in no sense of the word, be made profitable. The absence of any better alternative would alone warrant the enforcement of this system in localities to which it is so little adapted.

The Extension of Jail Manufactures and their Disposal.

20. The Government of India appears to have been under the impression that the great majority of Indian convicts might be employed upon out-door labor, but it has been shown that it is not practicable so to employ more than one-third of the prison population. The use of purely unproductive methods of punishment, such as cranks, shot-drill, the piling and unpiling of logs, having been universally condemned and abandoned, it follows that manufactures of some sort must form the staple means of employment; but, as the Inspector-General of Jails, Madras (Colonel Tennant), has observed, "it is anything but an easy problem to devise suitable industries which, whilst fulfilling the requirements of our prison system, shall, at the same time, be in accordance with the principles laid down by the Government of India." It is clear from the reports furnished by Local Governments that this difficulty is very generally felt,

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and accordingly pleas are put in for the retention of other than the authorised industries, and a wide discretion is claimed in carrying out the details of the policy of restriction. It is worthy of note that, as stated in the Resolution of the 22nd September 1882, the recommendation of the Prison Conference that multifarious manufactures should be everywhere discouraged has been generally disregarded, although it was adopted by Government. It must be manifest that it will be found extremely difficult to give effect to the far more stringent policy that now finds favor with the Government of India. If, then, the application of the principle enunciated in the Resolution is a question of degree and must depend on local circumstances; if it cannot be laid down in hard-and-fast rules in respect to particular industries all over the country; if a large discretion be left in the hands of Local Governments as required; it is obvious that confusion must, to a certain extent, result; that abuses would creep in, and that complaints, more or less well-founded, as to continued competition with private industry would be chronic. It is plain that, if prison labor is to be made remunerative at all, it will clash with private enterprise in exact proportion as it is remunerative and to the number of manufactures pursued. The use of machinery being prohibited, the fixing of the price of jail manufactures so as to include the price of the raw material, the wages of jail labor rated according to the wages of free labor, a percentage for wear and tear of plant, and a percentage, varying from 10 to 25 per cent., on account of profits is an artificial attempt to adjust the law of demand and supply that would probably result in a vast accumulation of wholly unsaleable stock. The simple truth is that, if jail-made goods are cheaper than others, there will be a demand for them that must be detrimental to private trade; if they are *not* cheaper, there will be little or no sale for them. This, however, is but one of the practical difficulties which show, first, that, to make the policy of restriction workable, it must be modified; secondly, that, if so modified, it will be but a half-measure or compromise which cannot be regarded as a satisfactory settlement of the question. What is wanted is an intelligible policy in accordance with sound economic doctrine—a policy that can be laid down on hard-and-fast lines from which no deviation would be admissible nor could reasonably be demanded.

21. Here it may be observed that there has existed amongst English official authorities on this question a consensus of opinion that the Jail Department should supply other Departments of the State with articles of prison manufacture. This rule is, for the first time, it is believed, in the annals of British administration, limited by the Resolution; but the Secretary of State holds that it might, in its integrity, be most advantageously adopted in India. It may be questionable whether this plan is justifiable, on sound economic principles, even in England; certainly no analogy from English practice is applicable in this respect to India, where manufacturing enterprise in its infancy is struggling against the difficulties of insufficient capital, the want of coal-fuel and iron, and inadequate means of transport and communication. In no other country does nascent enterprise stand more in need of State patronage. Government being the greatest consumer, it is not expedient that local manufacturers should be exposed to the risk of losing their principal customer by the competition of a State Department which would check the growth of industries. The Resolution does not, therefore, go far enough. It would be advisable to do away with all departmental competition in the supply of articles for the service of the State, with the exception of the Prison Department, which should, of course, be allowed to supply its own requirements. The fact that at present the supply of Departments of the State affords the principal outlet for jail manufactures is an additional reason for the establishment of a system of letting to contractors all the industrial labor and machinery of our prisons. From the economic point of view the soundness of this system is beyond question, nor can it be doubted that it would be found equally efficacious for the purpose of preventing the least appropriation by the State of profits which might otherwise fall to private trade. It is much harder to imagine substantial objections to this system than to overcome the obstacles that stand in the way of the execution of any other having the same aim. It is apprehended that the contract system might lead to the introduction of prohibited articles and to communication between the prisoners and their friends outside, as employés of the contractors would have to be admitted within the jails. Precautions might, however, be taken that would minimise this evil, which, as an objection,

prisoners on the construction of railways and canals may be derived from the consideration that, whereas in England, a country of limited area and possessing a healthy climate, such a mode of occupation for convicts has never been suggested, or, if suggested, would never be sanctioned, in India railways and canals traverse vast tracts of country, and it is hardly possible to point to any great work of this description that does not pass through malarious and unhealthy districts in which large bodies of men congregated in confinement would be specially liable to the risk of epidemics.

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20. The Government of India appears to have been under the impression that the great majority of Indian convicts might be employed upon out-door labor, but it has been shown that it is not practicable so to employ more than one-third of the prison population. The use of purely unproductive methods of punishment, such as cranks, shot-drill, the piling and unpiling of logs, having been universally condemned and abandoned, it follows that manufactures of some sort must form the staple means of employment; but, as the Inspector-General of Jails, Madras (Colonel Tennant), has observed, "it is anything but an easy problem to devise suitable industries which, whilst fulfilling the requirements of our prison system, shall, at the same time, be in accordance with the principles laid down by the Government of India." It is clear from the reports furnished by Local Governments that this difficulty is very generally felt,

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and accordingly pleas are put in for the retention of other than the authorised industries, and a wide discretion is claimed in carrying out the details of the policy of restriction. It is worthy of note that, as stated in the Resolution of the 22nd September 1882, the recommendation of the Prison Conference that multifarious manufactures should be everywhere discouraged has been generally disregarded, although it was adopted by Government. It must be manifest that it will be found extremely difficult to give effect to the far more stringent policy that now finds favor with the Government of India. If, then, the application of the principle enunciated in the Resolution is a question of degree and must depend on local circumstances; if it cannot be laid down in hard-and-fast rules in respect to particular industries all over the country; if a large discretion be left in the hands of Local Governments as required; it is obvious that confusion must, to a certain extent, result; that abuses would creep in, and that complaints, more or less well-founded, as to continued competition with private industry would be chronic. It is plain that, if prison labor is to be made remunerative at all, it will clash with private enterprise in exact proportion as it is remunerative and to the number of manufactures pursued. The use of machinery being prohibited, the fixing of the price of jail manufactures so as to include the price of the raw material, the wages of jail labor rated according to the wages of free labor, a percentage for wear and tear of plant, and a percentage, varying from 10 to 25 per cent., on account of profits is an artificial attempt to adjust the law of demand and supply that would probably result in a vast accumulation of wholly unsaleable stock. The simple truth is that, if jail-made goods are cheaper than others, there will be a demand for them that must be detrimental to private trade; if they are *not* cheaper, there will be little or no sale for them. This, however, is but one of the practical difficulties which show, first, that, to make the policy of restriction workable, it must be modified; secondly, that, if so modified, it will be but a half-measure or compromise which cannot be regarded as a satisfactory settlement of the question. What is wanted is an intelligible policy in accordance with sound economic doctrine—a policy that can be laid down on hard-and-fast lines from which no deviation would be admissible nor could reasonably be demanded.

21. Here it may be observed that there has existed amongst English official authorities on this question a consensus of opinion that the Jail Department should supply other Departments of the State with articles of prison manufacture. This rule is, for the first time, it is believed, in the annals of British administration, limited by the Resolution; but the Secretary of State holds that it might, in its integrity, be most advantageously adopted in India. It may be questionable whether this plan is justifiable, on sound economic principles, even in England; certainly no analogy from English practice is applicable in this respect to India, where manufacturing enterprise in its infancy is struggling against the difficulties of insufficient capital, the want of coal-fuel and iron, and inadequate means of transport and communication. In no other country does nascent enterprise stand more in need of State patronage. Government being the greatest consumer, it is not expedient that local manufacturers should be exposed to the risk of losing their principal customer by the competition of a State Department which would check the growth of industries. The Resolution does not, therefore, go far enough. It would be advisable to do away with all departmental competition in the supply of articles for the service of the State, with the exception of the Prison Department, which should, of course, be allowed to supply its own requirements. The fact that at present the supply of Departments of the State affords the principal outlet for jail manufactures is an additional reason for the establishment of a system of letting to contractors all the industrial labor and machinery of our prisons. From the economic point of view the soundness of this system is beyond question, nor can it be doubted that it would be found equally efficacious for the purpose of preventing the least appropriation by the State of profits which might otherwise fall to private trade. It is much harder to imagine substantial objections to this system than to overcome the obstacles that stand in the way of the execution of any other having the same aim. It is apprehended that the contract system might lead to the introduction of prohibited articles and to communication between the prisoners and their friends outside, as employés of the contractors would have to be admitted within the jails. Precautions might, however, be taken that would minimise this evil, which, as an objection,

would have greater force if a channel of communication did not already exist in the poorly-paid native warders, who, as a class, are not superior to the temptation of "trafficking" with the prisoners. The contractors' agents would however be few. It might be stipulated in each contract that none should be engaged who could not give security to be forfeited by the breach of any prison regulation, in addition to the punishment provided by law. After a time the best-conducted prisoners, now employed as convict warders, work overseers, and maistries, would become competent to discharge the duties of foremen, the Government would gain by the wages they earned and but one agent for each contractor would then be required. It is not possible to devise any prison system faultless in all its details; but the above—the only solid objection to the contract system—would be much more than counterbalanced by its attendant advantages, not the least amongst which is that it admits of convict labor being made as remunerative as possible by the use of steam and other machinery.

22. Amongst the primary considerations of prison management, the Secretary of State points out that the reformation of convicts, with special reference to their chances of obtaining employment on their release, should be kept prominently in view; but the Government of India think this object is of very limited application in the case of Indian prisoners, and that but little can be introduced into the management of our jails of a direct reformatory character. This opinion is drawn from conclusions arrived at by the Prison Conference which were avowedly based on a very low estimate of the native character and its susceptibility to reclaiming influences. Experience has shown that that estimate was, to a great extent, imperfect, and that, contrary to the anticipation of the Conference, many prisoners do avail themselves of the occupations taught them in jail to earn an honest livelihood after their release. There is, in fact, unanimous agreement as to the beneficial results of intramural industries. For example, the Government of Bengal consider them a valuable means of educating the criminal classes in a way most likely to benefit them. It is well known that the jute mill in the Presidency Jail, Calcutta, turned out a number of trained hands whose labor was in great demand by the owners of jute mills. In Bombay, it is an object as far as possible to qualify a prisoner who has spent some years in jail for earning an honest living after his liberation. But it is considered that the means of attaining this object will be greatly curtailed by the policy of restriction. It is true that this opinion loses some of its force by the fact that but few prisoners are engaged on industrial pursuits in Bombay, but the implied commendation of intramural industries is not, and could not be, applied to the extramural system so generally adopted in that Presidency. From the North-Western Provinces and Oudh it is reported that something has been done by the jails toward supplying trained workmen to private factories, and that carpet weavers and other artizans, all taught in jail, are now to be found earning their living in private factories and offices in occupations comparatively little known and practised. Those who deny the reformatory influence of industrial employment upon Indian prisoners probably speak from the results of by-gone days, when nothing more needed reformation than the prison system itself; when the deficiency of accommodation was such that the number of prisoners crowded into the jails was more than 50 per cent. over the prescribed standard of space; when there were no means of separating the different classes of prisoners; when the supervision was of the most lax description and discipline was neglected; when prisoners were noisy and talkative, listless and slow in obeying orders, and extremely dirty in their persons and clothing, which, together with the matting on which they slept, swarmed with vermin; when, owing to over-crowding and to the want of proper sanitary arrangements, the atmosphere in the wards before the prisoners were let out in the mornings was extremely offensive; when the diet scale was meagre, even supposing prisoners to have received their full allowance—which was doubtful; when the prisoners were kept in irons; when sickness and mortality were great; when, in fact, the jails of India were a disgrace to civilisation. It would scarcely be an exaggeration to say that remedial measures have effected almost as great an improvement upon the *morale* of the prisoners as upon the scandalous state of things that once prevailed. If it cannot be said of Indian, as of Russian prisoners that industrial employment is *the only* means of reformation, it is certainly the most effectual, because it provides the prisoners with work that interests

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and develops their intelligence. The satisfactory results of the introduction of the remission system may also be pointed to as a sign of the success that attends a well-devised scheme of reformation.

23. In the Resolution it is stated that the Governor-General in Council does not suppose that the direct action of Government can do much towards the creation of industrial employments. But, by the adoption of the contract system and the encouragement of steam factories in jails, Government might not merely point the way, but move itself as pioneer in the path of progress. For instance, even as matters stand, it is reported by the Bengal Government that jail manufactures have initiated many industries for private individuals to take up and carry on; by the Bombay Government, that jail operations are useful to trade as an example; by the North-Western Provinces and Oudh Government, that the jail administration has done something towards introducing new industries, the woollen and weaving factories in those provinces having, in some degree, owed their origin to the experiments successfully conducted in the Agra Central Jail. If local committees of experts were convened to ascertain the industries most needed in each district and steam factories were established in jails to carry on the manufactures thus selected, a great impetus would be given to the creation of industrial employments which might be further assisted by holding out encouragement for the formation of companies to utilise prison labor.

24. In opposition to the views held by foreign prison administrators, almost every English authority holds that to make imprisonment and prison labor penal and deterrent is the first essential of prison management, and theorists occasionally complain that this principle is not sufficiently observed. In the case of well-behaved long-term prisoners it is, both in England and India, found necessary somewhat to moderate the rigour of imprisonment as the sentence progresses. Convicts are classified according to their behaviour in jail, and, the longer they remain in prison, the lighter, as a rule, is the labor exacted from them. To economise in the matter of supervision the *best* behaved convicts are made prison servants, *i.e.*, warders, overseers, and maistries. It is too much the practice of those who declaim against the "comforts" enjoyed by the convict as compared with the poor but honest free man to discard all consideration of the dark side of a prison career. The convict's comforts consist of a bare sufficiency of such coarse necessaries as the laws of health demand; these may, in many cases, be superior to those the man is accustomed to outside; but to the average human being they must be only little less attractive than the gilded cage to the wild bird. Add to the deprivation of liberty, family, female society, and all luxuries, the irksome restraints of discipline and the severe course of penal labor to which all prisoners are subjected at the commencement of their sentences, and it must be admitted that our prison system is as deterrent as is consistent with humanity or the possibility of bringing reformatory influences to bear with good results. The hope of being able to improve his position at successive stages of his confinement acts as a stimulus to exertion and exemplary conduct which, it is hoped, will produce a lasting impression for good upon the prisoner's mind. The experiment of introducing into the Madras Penitentiary the English system of cellular confinement has been a success. Beyond a doubt the construction of Indian jails should be altered so as to admit of every prisoner being subjected to separate confinement for a term proportionate to the length of his sentence, whilst undergoing which he should be put to the severest form of hard labor, such as raggi or flour grinding. On emerging from this purely penal and deterrent preparatory stage, every well-conducted man should be eligible for industrial employment in association. It may also be remarked that amongst foreign civilised nations no distinction is drawn between penal and industrial labor.

25. The Government of India has condemned certain industries as not being sufficiently punitive, and, unless this interdiction be withdrawn, it will constitute a great obstacle to the adoption of the policy it is the object of this paper to advocate. But it is thought that the severely penal preparatory course proposed may be accepted as a sufficiently deterrent substitute for the prolonged period of less rigorous treatment the Governor-General in Council apparently contemplates. It may also be observed that several of the industries to which the Government of India has taken exception are certainly not less penal than many on which the male convict in England

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is employed after completion of his term of separate confinement; such English prison industries are tailoring, linen and calico weaving, straw-plaiting, stocking-knitting, twine-spinning, basket-making, carpentry, boot and shoe making, &c.

26. As regards the application of steam machinery to prison industries, the objection that it involves the competition of State with private capital would, as before remarked, be disposed of by the adoption of the contract system. The Prison Conference affirmed the proposition that "the employment of machinery in prisons promotes, rather than interferes with jail discipline at the same time that it enormously increases the profits from manufactures," and decided that Central Jails should be the seats of profitable industries. It was also held that in the interests of the Indian tax-payer prisons should be made, as far as possible, self-supporting. Before the decentralisation scheme came into force and the cost of jails was met out of Imperial funds, the importance of making jail labor as remunerative as possible was frequently urged upon the local Governments, which certainly are now ill able to afford the permanent burden that is cast upon them by the new restrictive policy—a loss that may be obviated by the plan followed by almost all other civilised nations of making jail labor available to private contractors. In only one instance (America) has an unfavorable opinion been expressed of the operation of this plan, due apparently to the corrupt manner in which it is worked. The following précis gives the results of experience in the countries named as recorded by the International Penitentiary Congress held at London in 1872:—

Austria.—Contractors' work is to be preferred, for it preserves the State from great loss and damage, which are unavoidable when the work is carried on by officials, and it enables these officials to devote themselves entirely to their proper duty, that is, the taking cognisance of the individual while carrying out the punishment, which they cannot do properly when they have to pay attention to the success of the prison labor. With this system in operation, prisoners, after leaving the prison, find it much easier to procure employment than they would had they worked on account of the State. Their technical advancement is furthered more by contractors than by State officials.

Denmark.—About 80 per cent. of the prisoners are employed by contractors in many different ways. The contract system has proved to be the best both economically as well as with regard to its reformatory effects.

France.—The system which consists in awarding to contractors the profits of the industrial labor of the prisons appears to be the preferable one. If the State can produce more, it produces in general at greater cost. Personal interest and the desire of making money are powerful motives with the contractor, besides which an officer of the Government has not the same freedom of action, nor so much practical knowledge of commercial affairs as a business man. It is important to remark that in one of the female central prisons the earnings of the prisoners suffice for the support of the establishment. Another prison pays all its expenses and returns a profit of a centime per day for each convict. The Administration hopes that it will at length attain the end which it has always sought in this regard—that of exempting the treasury from the expenses of the prisoners who are confined in its great prisons for punishment. Penal labor, properly so called, does not exist in the prisons of France. What is desired at present is to punish the criminal; what is sought at the end of his punishment is reformation. Therefore industrial labor is found in the prisons.

Prussia.—Penal labor merely does not exist. Only in urgent cases and to a very limited extent is industrial labor done for the Administration. Usually this labor is conducted by contractors.

Saxony.—The system of giving the work to contractors, who are in entire dependence on the Administration, deserves preference, because the officers cannot be at the same time good tradesmen and good officers, and because the interests of the two would be opposed and conflicting.

Wurtemberg.—There is no distinction between penal and industrial labor. The prisoners are partly employed by manufacturers, who pay a certain sum per day or per piece of work.

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Italy.—There is no labor exclusively bearing a penal character; the aim is to employ the criminal on industries that will overcome his natural propensity to idleness, accustom him to a life of activity and hardship, and give him the means of obtaining an honorable livelihood. The remuneration for convict labor is one-fifth less. The contract system had not, at date of report (1872), been long enough in force for a definite opinion to be formed as to its merits.

Netherlands.—Industrial labor is partly performed on account of contractors, preference being given to those who can offer the greatest variety of handicrafts.

Russia.—Penal labor alone cannot have a beneficial influence. This is nowhere more clearly proved than in Siberia, where the number of escapes may be counted by thousands.

Most intense hatred of authority and the desire of vengeance where penal is not conjoined with industrial labor, which is the only means of reformation.

Industrial labor let to contractors has alone produced good results.

The Administration ought not to interfere with its direct duties by the care of commercial undertakings.

Sweden.—No distinction made between penal and industrial labor.

Penal labor has not had a sufficiently deterrent effect to reduce the number of recidivists. The industrial labor is conducted by contractors under the direction of the prison administration.

America.—The distinction so common in English prisons between *penal* or "hard" labor and industrial labor is almost obliterated. The term "hard labor" still exists in the laws, but almost all the work done under these sentences is industrial.

In general the labor of the convicts is hired by contractors at a fixed sum per day. This system is the least expensive, and in large prisons probably it is indispensable. It is, however, open to abuses injurious to discipline and demoralising to the prisoner when it is not carefully and conscientiously applied.

27. With reference to this last objection, it may be remarked that it would apply to every system wherever, as in the States, official corruption largely prevails. This corruption is, it is well known, attributed to the law under which all, even the lowest, office-holders forfeit their appointments on a change of Government. No such cause of corruption exists in this country, where, on the contrary, Jail Superintendents are gentlemen upon whose probity the Government may and does safely rely.

28. There are one or two minor matters which, in any revision of the present system, are well worthy of consideration.

In some respects the American system compares favorably with the English, particularly so in the preference given to mechanical occupations and in the pecuniarily profitable employment of prisoners in cellular confinement, such occupations being brush-making, sewing and shoe-making by means of the sewing machines, weaving and the lighter kinds of wood-work. Some of these industries might advantageously replace the unremunerative coir-picking, which furnishes employment for prisoners on light labor in Indian prisons. It is also worthy of note that in America convicts are profitably employed in the manufacture of agricultural tools and ornamental iron-works, as saddlers, wheelwrights, blacksmiths, carriage and furniture makers; and that there is a large foundry in one prison situated near a great iron mine.

The concentration of district jails is much needed, the advantages of concentration both as regards discipline, resident supervision, and economy of management being evident. Concentration would also favor the establishment of machinery worked by convicts on the contract system.

In the Minute by the Duke of Buckingham on the steps taken to improve the prison system of Madras during his administration, His Grace observed that he failed to see why a prisoner should not, under proper discipline and close supervision, break as much stone or beat as much coir as a free man. Although it may never be possible to make a man do as much in jail as he does outside, it is undoubtedly the fact that in Indian prisons much time and labor is frittered away that ought to be turned to profitable account.

The great difficulties with which prison officers are at present confronted, namely, the difficulty of providing a sufficiency of suitable labor, and of checks upon the

tendency to scheme and shirk would be done away with by the use of machinery. Under a system that would increase the value of convict labor and incite prison officers to show remunerative returns, every available hand would be turned to account; a reduction would be possible in the number of convicts engaged on jail service, and of those now employed as warders, work-overseers, and maistries, supervision being so much facilitated by the use of machinery. Then, again, to make up for the comparative lightness of working by machinery, the number of working hours might be increased. There remains in its favor the concurrent testimony of the Secretary of State and of Mr. Rivers Thompson as to the many advantages which machinery affords in facilitating the enforcement of discipline, in regulating task-work, and providing employment which is really penal inasmuch as it makes carelessness, idleness, and inattention easy of detection. This, no doubt, is the reason which commends this method of employing convict labor to so strict a disciplinarian as is the Inspector-General of Jails, Bengal (Dr. Lethbridge), and may, in some measure, account for the great number of prison offences shown in the Bengal returns as compared with those of other Presidencies.

29. In coming to a close, no better citation can be made than that from the report of the Famine Commissioners referred to in the Resolution:—

"At the root of much of the poverty of the people of India, and of the risks to which they are exposed in seasons of scarcity, lies the unfortunate circumstance that agriculture forms almost the sole occupation of the mass of the population; and no remedy for present evils can be complete which does not include the introduction of a diversity of occupations, through which the surplus population may be drawn from agricultural pursuits and led to find the means of subsistence in manufactures or some such employments."

The means for a partial application of this much-needed remedy are in the hands of Government. The great want of individual members of the populace is technical instruction; of the country, manufactures; both may to some extent be supplied, and our prisons be made adult reformatories by converting them into steam factories conducted on the contract system proved by the experience of every European State but England to be compatible with the due maintenance of discipline. That system consists simply, as summarised by the Government of India, in allowing contractors to arrange with the jail authorities for carrying on manufacturing operations by means of convict labor inside the jail walls. The whole risk would be the contractor's; his would be the capital employed, and the trade profits would go into his pocket. Discipline, on the other hand, would be entirely in the hands of the jail administration, the officers of which would see that the penal tasks were duly performed. The simple result would be that, in lieu of Government interfering with private enterprise, as it undoubtedly does now, it would place its store of convict labor at the disposal of private capitalists, and assist, instead of hindering, their operations. The Jail Department would still benefit by the receipt of handsome returns for its labor, while Government capital would cease to compete with private capital.

By the combination suggested may be attained all the objects the Government of India have in view, without having recourse to an extramural system neither remunerative nor reformatory, but fraught with many mischiefs, without sacrificing machinery introduced in Bengal at great expense to the State, "the work of many years spent in improving jail buildings and prison discipline, the general sanitary condition under which prisoners are kept, and, lastly, the intramural and industrial employment of prisoners."

W. A. SYMONDS,
Supt. of Prisons for the Town of Madras.

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Jails

W. A. Symonds.

Proc. of the Madras Govt. S. W. D.
Read the following—

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21st October 1882, No. 1643, Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper:—

Extract from the Proceedings of the Government of India in the Home Department (Judicial), dated Simla, 22nd September 1882, Nos. 20—1406-19.

Read—again—

Home Department Circular letter to Local Governments and Administrations, Nos. 16—1070-79, dated 19th August 1881, on the subject of manufactures as carried on in the jails of British India.

Read—also the replies to the above Circular letter—

From Government of Madras, No. 2398, dated 21st November 1881.
From Government of Bombay, No. 6466, dated 30th September 1881.
To Government of Bombay, No. 1359, dated 14th October 1881.
From Government of Bombay, No. 7175, dated 29th October 1881.
From Government of Bengal, No. 309 P., dated 6th February 1882.
From Government of the North-Western Provinces and Oudh, No. 1348, dated 11th November 1881.
From Government of the Punjab, No. 149, dated 16th May 1882.
From Chief Commissioner of the Central Provinces, No. 2-236, dated 3rd January 1882.
From Chief Commissioner of British Burma, No. 130-175 F., dated 9th November 1881.
From Chief Commissioner of British Burma, No. 586-61 J., dated 19th June 1882.
From Chief Commissioner of Coorg, No. 947-59, dated 20th September 1881.
From Chief Commissioner of Assam, No. 1412, dated 15th October 1881.
From Resident at Hyderabad, No. 382, dated 5th October 1881.

Resolution—

The Governor-General in Council has had under consideration the principles which ought to regulate the action of Government in this country in the matter of Jail manufactures, and has in the course of the inquiry had occasion to examine the systems at present followed in the different provinces of British India, and the discussions which have at various times taken place in connection with this subject. It is not, however, necessary for present purposes to go further back than to the proceedings of the Prison Conference of 1877.

2. The Conference having accepted the principle that long-term prisoners should be located in Central Jails, went on to decide that such Central Jails should be the seats of profitable industries. The nature of these industries was discussed in a paper submitted to the Conference by the Inspector-General of Jails in Bengal, in which it was urged that, in the interests of the "Indian tax-payer," prisons should be made, as far as possible, self-supporting; and it was argued that "the Prison Department had an equal right with any private individual to manufacture articles for sale in the open market," and "to employ State capital and convict labor in free competition with private capital and free labor." "Even" (it was said) "should the case be otherwise, there can be no possible objection to the manufacture of articles required for use by the great departments of the State." "There is thus," the writer of the paper contended, "this alternative open to the Government, either to allow the jails to compete with

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free labor, or to employ them in the manufacture of articles required for consumption by the State." The Conference was invited to affirm this principle, with the further proposition that "the employment of machinery in prisons promotes rather than interferes with Jail discipline, at the same time that it enormously increases the profits from manufactures." The discussion which followed turned principally upon the question of the employment of machinery in Jail industries, and eventually the conclusion come to on this point was that "steam or other machinery might be unobjectionably introduced into jails for the purpose of carrying on manufactures for Government." The general feeling of the members, and ultimately their formal deliverance on the general question, was to the effect that if the labor of prisoners were devoted chiefly to the production of articles required by Government, no serious question need arise as to the competition of jails with private trade. The other specific recommendations put forward by the Conference were—

(1) that multifarious manufactures should be discouraged everywhere, and especially in District Jails, and that Jail Superintendents should be taught to look for profit to one or two industries carried on on a large scale;

(2) that District Jails should be made branch manufactories subordinate to Central Jails, the Superintendents of the latter supplying the former with work, and undertaking to dispose of their manufactured products;

(3) that in view of the large amount of Jail buildings that had still to be undertaken, the Superintendents of Central Jails should train and organise bodies of masons and carpenters for employment where their services might be required.

3. The conclusions arrived at by the Conference were generally approved by the Government of India in their Resolution on its Report, dated the 30th April 1878; and eventually the Military Department and Police Department were directed to give Jail manufactures the preference over goods procurable in the local market, on condition only that the rates at which they were supplied were equal to, or not in excess of, those demanded by local contractors or traders for goods of the same quality.

4. Since these orders were issued, the attention of the Government of India has been more particularly drawn to the importance of removing all obstacles to the spontaneous development of manufacturing industries in India, and it has become necessary to reconsider the whole question of Jail manufactures and the position which the State should take up with reference to these and to the local markets. It is now very clearly recognised that the greatest economic want of India is the creation of industrial pursuits. The Famine Commissioners at Part II, page 175 of their Report, write as follows:—

"At the root of much of the poverty of the people of India, and of the risks to which they are exposed in seasons of scarcity, lies the unfortunate circumstance that agriculture forms almost the sole occupation of the mass of the population; and no remedy for present evils can be complete which does not include the introduction of a diversity of occupations, through which the surplus population may be drawn from agricultural pursuits, and led to find the means of subsistence in manufactures or some such employments."

In the soundness of these views the Governor-General in Council has repeatedly of late expressed his concurrence, and the subject has been pressed upon the attention of all the Local Governments. The only possible remedies for the state of things that prevails throughout agricultural India are, in the first place, the improvement of communications to facilitate the movement of the surplus population from overstocked tracts, and the more general distribution of surplus food; and in the second, the creation of new employments for the superabundant hands. The Governor-General in Council does not suppose that the direct action of Government can do much towards the creation of industrial employments. But it is distinctly the duty of the State to do nothing to hinder their spontaneous growth, and, as far as it legitimately can, to stimulate and assist their development.

5. In this view the Governor-General in Council finds reason to fear that there is much in the present system of Jail manufactures to which objection may fairly be taken upon economic grounds. Not merely are the suggestions of the Prison Conference as regards avoiding multifarious employments generally disregarded, but there is strong

evidence that in many places the products of Jail labor do supplant and compete with private industry in the local markets to a very serious extent. This last fact is no doubt one the significance of which will be differently viewed by those who accept the arguments laid before the Prison Conference, and by those who object altogether to any appropriation by the State of profits which might otherwise fall to private trade. There can, however, be no doubt that the time has come when the Government must look into the question more closely, and endeavour to discover the true limits of State action in this matter of Jail industries.

6. It may be desirable at the outset to notice very briefly one or two of the main arguments which have been advanced in support of the present system.

It is said that by selling articles of Jail manufacture, the Government is, by so much, able to relieve the tax-payers of some portion of the expense which would otherwise be thrown on them in order to support the jails. The value of this contention is to some extent lessened by the necessity of receiving with some caution all departmental calculations of the profits derived from such manufactures. When Government becomes a manufacturer, there is no practical check on the profit and loss account, such as applies in the case of a private trader. The accounts are merged in the transactions of the province and the empire. The officer concerned in no way finds his own private income affected. It is sometimes doubtful whether in the compilation of the accounts of profit and loss all the items that a private trader would have to reckon in are considered, especially when these take the form of capital; and, as above remarked, there is no practical check which would serve to demonstrate their presence or absence.

7. This criticism, however, only affects the detail of the calculations. Another, and more important, rejoinder may be made to the argument now under discussion. It seems to the Governor-General in Council that in that argument the fallacy is involved of only looking to the direct receipts paid into the Treasury, of separating the interests, of the country from those of the Government, and of supposing that any measure which checks the productive employment of capital, and, therefore, the accumulation of wealth in the country, can possibly benefit the Government. If Government, by its own action, hinders the productive employment of capital, and, therefore, the accumulation of wealth, it must inevitably, by so much, render the tax-paying community less capable of bearing any burthens which may be imposed upon it. The receipts on account of taxation will, in some form or another, be less than they otherwise would be. This is quite certain, although it is, of course, impossible to represent, in arithmetical form, the precise results which will accrue. All that can be said is that it is easier to under-estimate than to over-estimate the effect which Government action will produce.

8. This leads up to the consideration of another argument which has been advanced in defence of the existing system. It is alleged that the outturn of articles manufactured by the jails is so limited that, practically, free labor cannot suffer from the competition. This argument can only be accepted with great caution. It is to be remembered that, when once Government begins to compete with private trade, the effect produced is altogether disproportionate to the actual outturn of the Government manufactory. What private traders fear is not only what Government does, but what it might do. If a manufacturer of bricks, or blankets, or carpets, or whatever the article may be, suddenly finds that another manufacturer has started a similar business and has entered into competition with him, he knows, with tolerable certainty, what he has to fear. He knows that he and his competitor will compete on equal terms. He knows especially that if his competitor, in order to undersell him, lowers his prices to such an extent as to realise a loss, he must either raise his prices before long, or become bankrupt. But in competing with Government the conditions of things are wholly different. In this case the manufacturer finds himself in competition with an adversary, possessed of what, for the purposes of this argument, may be considered an unlimited amount of capital, and who can perfectly well carry on his business for years with a total disregard of the ordinary laws which in private life must govern commercial transactions. It is also to be borne in mind that whilst, in most cases, the private trader, against whom Government competes, only carries on his

business at one spot, there are generally several jails in each province. The gain at one jail may, therefore, be made to compensate for the loss at another. For these reasons, Government competition must be regarded from a wholly different point of view from the competition of an ordinary trade rival.

9. Perhaps it may be the case that in a country like England, which possesses very extensive manufacturing industries, Jail competition cannot exercise any very appreciable effect, though even in England the sale of Jail manufactures has admittedly excited a great deal of opposition. But it is impossible in this matter to apply to India without qualification the experience of the working of a similar system in England. The stages of industrial advance in the two countries are very different. Many Indian industries are only in their infancy. A degree of Government competition which in England may be comparatively harmless, might in India do a great deal of harm. It is not the duty of Government, either in India or elsewhere, to foster the artificial growth of indigenous industries by the adoption of methods—such, for instance, as a high protective tariff—which are opposed to sound economic doctrine. But it is the duty of Government in India, even more than elsewhere, to carefully remove all hindrances to the spontaneous development of those industries. The proposition that Jail manufactures, as they are at present carried on in India, do not check the growth of native industries is a very doubtful one. Complaints on this score from private traders are by no means unfrequently heard.

10. There is one further general argument to which reference may be made. In some cases it is admitted in the reports now before Government that Jail manufactures undersell private trades. Thus, in the Central Provinces the Inspector-General of Jail says :—

"Jail Superintendents have always great difficulty in disposing of their stocks of oil, and can often only do so by underselling local manufactures."

In most cases it is alleged that prices are fixed at rates as high, or even somewhat higher, than those which prevail in the local market. So long, however, as there is no actual loss upon the raw material employed in the manufacture, there is nothing practically to prevent such a lowering of prices as would undersell local traders; and when stocks of unsold articles are heavy it is difficult probably to avoid such a result. It is admitted indeed that in fixing prices regard is not always had to economic considerations.

"The price of Jail manufactures," writes one Inspector-General, "is regulated by their market value without reference to the cost of production." "I have it in my power," says another, "to order the acceptance of any rate which may be fixed upon, provided it covers the cost of raw materials."

It is true that a distinction is said to be made between articles sold to the public and those sold to Government Departments, the prices in the former case being higher than in the latter; but it is doubtful whether this distinction is always preserved in practice. In many instances it is to be feared that the prices are fixed in a purely arbitrary fashion for both Government and the public.

Moreover, it is to be observed that whenever the outturn of the jail is considerable—as is not unfrequently the case—the argument that prices may be fixed according to local rates, and thus any interference with private trade may be avoided, must, of necessity, fall to the ground. In such cases the Jail manufactures must to a great extent make the price. It is impossible to say what the local rates would be if no such manufactures existed.

11. Turning now to the consideration of the principles by which the decision of Government on the whole general question must be guided, the Governor-General in Council will say at the outset that he entirely concurs in the view that Jail labor ought, as a rule, to be productive.

There is a universal agreement of opinion amongst the highest authorities on the management of prisons in condemnation of the system of purely unproductive labor. The Governor-General in Council fully accepts that principle. It is, however, necessary to define somewhat more precisely what is meant by unproductive and productive labor. By unproductive labor is meant purely penal labor which does no good to any

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one, such as the treadmill, carrying shot, piling up logs of timber and unpiling them again, and the like.

By productive labor is meant the opposite of all this, that is to say, labor which, in some form or another, leads to an increase of wealth. It is to be observed that, for the purposes of this argument, there is a great distinction between making labor productive and making it as productive as possible. The former process is, and the latter is not, a necessary requirement of prison management. One or two illustrations will make this point clear. Sawing timber is a very proper occupation for prisoners. It is productive labor. When the timber is sawn it may be used for building or other purposes. But if it is desired to make the labor of sawing timber as productive as possible, a saw-mill might be more profitable than manual labor. In this case sawing by hand may be a requirement of prison management, but sawing by machinery is not necessary from the point of view of prison management, and is objectionable from the economic point of view, as it would compete to a greater extent than was necessary with the legitimate trade of persons who have invested their money in saw-mills. Again, at one Central Prison, a large number of prisoners are employed in driving two capstans connected with the machinery for making woollen twist. Whether woollen twist should be made at all in jails by machinery may be a doubtful question; but supposing this special industry to be sanctioned, the driving of capstans is a very proper way of employing prisoners. But if, in order to make the woollen manufactory of the jail in question as productive as possible, steam machinery were substituted for the labor of these prisoners, the change would, in the opinion of the Governor-General in Council, be very objectionable, as bringing Government capital into competition with private capital to a greater extent than is necessitated by the requirements of prison management.

12. Although, therefore, Jail labor may be made productive, it should be carefully directed in such channels as to interfere as little as possible with the growth of private industries. The Governor-General in Council cannot help fearing, on a perusal of the papers now before him, that the minor interest involved in making the Jail manufactories as profitable as possible has but too often been allowed to override the major interest involved in avoiding, so far as the necessities of prison management admit, every hindrance to the spontaneous development of native industries. It is, as already remarked, the plain duty of the Government to abstain most carefully from any action which shall hinder the spontaneous growth of such industries, and this consideration appears to be so important as to throw into insignificance any consideration based on the direct profits which, it is alleged, are derived from Jail manufactures. The amount of those profits, for all India, appears only to amount to about £100,000 a-year.

13. The cardinal principle, therefore, which the Governor-General in Council would lay down is that, although the requirements of prison management necessitate the employment of prisoners on productive labor, yet at the same time that labor need *not* be made as productive as possible, and every endeavour should be made to turn it into channels which may, as little as possible, hinder the spontaneous growth of native industries.

14. Turning now to the practical application of this principle, the first point to which it seems desirable to direct attention is the question of extra-mural labor. "The best system ever devised," says the Surveyor-General of Prisons in England, "for the employment of convicts is that of executing large public works by means of their labor." There can, the Governor-General in Council thinks, be no question as to the correctness of this view. The Government of India has repeatedly insisted upon it. The subject was prominently noticed in Chapter VII of the Prison Conference Report. But the papers on record in the Home Department seem to show that sufficient attention has hardly as yet been paid to the matter by Local Governments, although where the system of extra-mural labor has been tried, as in the case of the Sirhind and Soane Canal works, the results have been satisfactory. Without doubt, there are difficulties in the way of employing convicts extra-murally. In the first place, there is danger in employing the more desperate characters in the manner proposed. A large discretion must, of course, be left to the Jail Superintendents in selecting men for extra-mural employment. In the second place, strong police guards

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are required, which involve extra expense. In the third place, convict camps may have to be formed, as appears to have been done in the case of the Soane Canal works, or the suggestion of the Prison Conference of 1877 may have to be adopted (Report, p. 109), to the effect that portable jails should be constructed. This would, of course, involve increased expenditure. There is, however, no reason for supposing that the extra expenditure either on police guards or on portable jails constitutes an insuperable difficulty. In the case of a public work executed by the State, it would be quite justifiable to charge any such extra expenditure to the work. The cost would in all probability be more than recouped by a saving in expenditure on free labor, and indeed the experience of the Punjab Government in connection with the Rupar Public Works Jail proves that this form of employment is really very remunerative, while the convicts have enjoyed better health than in the ordinary jails of the Province. As regards public works constructed through the agency of private enterprise, an endeavour might very well be made to contract for the employment of convict labor. In the case of a railway passing for a considerable distance through a thinly-populated district, any private Company would not improbably be very glad to employ convict labor. Of course the Company would have to bear any extra cost for guards or for portable jails, but they might, when it was of great importance to open out any particular tract of country, be given the labor either *gratis* or at very low rates.

15. The Governor-General in Council requests that Local Governments will now consider, in communication with its Public Works Department, on what large public works, whether under State or private management, convict labor can be most suitably employed, and that plans for the establishment of convict camps on or near such works may be carefully worked out. Labor on public works should in future be looked upon as the principal mode of employing long-term prisoners throughout British India.

16. It will, of course, be impossible to dispense altogether with in-door employments. For District Jails and lock-ups, for all short-term prisoners, and for the prisoners left in the Central Jails after the drafts to public works have been made, such industries must still be maintained. But the Governor-General in Council is clear that the use of steam machinery in any jail is quite indefensible. Its introduction in future is absolutely prohibited. The jails in which it has been already established are fortunately few in number, and are nearly all situated in Lower Bengal. The Government of India requests that any Local Government in whose jails steam machinery is employed for any purpose whatever will make arrangements for disposing of it to private purchasers at a fair valuation at a very early date. The preferable course would be that the purchaser should remove the machinery altogether from the Jail premises and establish a private factory outside. But if there is any great difficulty in so arranging, the Governor-General in Council would be prepared to consider whether it would be possible, with due regard to the requirements of Jail discipline, to allow a private Company or individual to purchase the machinery only as it stands, and to arrange for the lease to such purchaser of the Jail factory building, on condition of his agreeing to employ convict labor only in his operations and to pay for this at market rates. In such a case the Jail authorities would simply contract to supply labor in certain quantities, but would be solely responsible for the strict maintenance of discipline, the lessee covenanting to refrain from interference with the arrangements of the Jail officers in this respect.

17. As regards European machinery driven by treadmills, capstans, or other applications of convict labor, there is not the same radical objection to this as to steam machinery, provided that it is but sparingly used, and that only those prisoners are employed on the machines who are not fit for heavy manual labor. But it should not be introduced in any jail where it does not now exist, and the Governor-General in Council would prefer that it should be got rid of, where it is devoted to any other purpose than the supply of actual jail requirements.

18. In the next place the Governor-General in Council feels bound to insist upon the adoption of the recommendation made by the Conference of 1877, as to the discouragement of multifarious employments. From the reports received from Local Governments, it would seem that almost every conceivable trade and calling has been introduced into one or other of the jails in India. This should be remedied without

delay. There should be a certain number of authorized industries, and no others should be allowed anywhere without the special sanction of the Government of India. In the selection of these industries careful attention should be paid to their penal character.

In the opinion of the Governor-General in Council the weaving of coarse jute, cotton, or woollen fabrics by means of ordinary hand-looms, the making of coarse matting, brick and tile making, hand-sawing of timber, oil-pressing, stone-breaking, and soorkee-pounding, are the forms to which in-door prison labor should everywhere be limited. The weaving of fine cloths, and the making of such things as table-cloths, towels, curtains, and the like, should nowhere be permitted. Private enterprise can already supply such articles, and the occupation is in any case not sufficiently penal. Carpet and rug-making may be allowed where the trade is already a jail specialty, and until private enterprise shows itself ready to supply the demand. Tent cloth may be woven, but the work of fitting up the tents and making all such accessories as chicks, purdahs, poles, &c., should be left to outside labor. Spinning, twine-making, and making up clothing, &c., should only be allowed in female jails. All such occupations as boot and sandal-making, blacksmith's work, carpentry, rattan work, furniture-making, tailoring, making up horse clothing, book-binding, paper-making, pottery work, sugar-making, silversmith's work, and rope-making, must be discontinued. Jail Superintendents should be instructed by their Local Governments to set themselves without delay to remodel the in-door industries of their jails in order to bring them into harmony with these orders of the Government of India.

19. In some jails printing and lithographing have been introduced. The Governor-General in Council is very doubtful whether these are at all proper occupations for prisoners. The work done must now however be confined to work for Government offices, and as far as possible to form-printing from stereotype blocks. Only hand-presses can under any circumstances be permitted. The work upon these may be made sufficiently penal, but composing of type cannot be considered such. Most of the Government work now done in the jails could be unobjectionably made over on contracts to outside presses, and the Local Governments should be prepared to close their Jail presses whenever satisfactory arrangements of this kind are offered. The printing of current correspondence and of confidential papers can be properly done only in Secretariat or other office presses.

20. There remain for consideration the general questions—to whom Government should dispose of its Jail manufactures, and how it should fix the price of these when disposed of by sale.

The first object to which Jail industries should be devoted is of course the supply of Jail requirements. When these are satisfied, and not before, the question of sale to other departments and to the public will arise. The Governor-General in Council has decided that no obligation ought to be imposed upon other Government Departments to give a preference to Jail manufactures over the goods of private dealers. The jails must be left to compete for custom upon equal terms with other suppliers. But there is no objection to their arranging to furnish Government Departments with any articles, such as they will in future be permitted to manufacture. Sales to consumers among the outside public ought to be discouraged, the jails dealing as a rule only with traders wholesale or retail. In this way the interference with private enterprise will be reduced to a minimum.

The price of Jail manufactures must always include—

(*a*) the price of the raw material;

(*b*) the wages of jail labor, rated according to the wages of free labor of the same class in the neighbourhood.
The practice of rating skilled as unskilled labor should, where it exists, be discontinued;

(*c*) a percentage for wear and tear of plant.
As to this a discretion must be allowed with reference to the nature of the trade and the plant employed. The Local Government should fix it in each instance, after inquiry as to the practice of the particular trade and the circumstance of the case;

(*d*) a percentage on account of profits.

In the case of articles supplied to Government or to wholesale dealers, this may ordinarily be fixed at 10 per cent. on the cost of the raw material and labor; for sales to retail dealers at 15 per cent. on that cost; and for sales to private consumers at 25 per cent.

If the prices thus found are below the ordinary rates at which the goods could be procured by the same class of purchasers in the open market, they must be raised to at least such market rates.

21. The Governor-General in Council trusts that the reforms prescribed in this Resolution will be carried into effect by the 1st of April next, and he desires to have a report as soon as possible after that date from each Local Government showing precisely for each jail in the province on what occupations the prisoners are then employed. It may not be possible to effect satisfactory arrangements for the disposal of steam machinery by the date mentioned, but the Government of India will expect to hear of the conclusion of such arrangements by the 1st January 1884 at latest. Existing contracts for the supply of Jail manufactures must of course be carried out, but no new contracts should be accepted save such as are in accordance with the principles laid down in this Resolution.

If the abolition of steam machinery is found to involve any serious loss of profit to the Local Governments, the Governor-General in Council will be ready to consider the propriety of making some allowance on this account during the currency of the existing provincial contracts and until the deficiency can be made up in other ways.

Order—

Ordered that this Resolution be forwarded to the Local Governments and Administrations noted on the margin for information and guidance; to the Military and Public Works Departments, and the Department of Finance and Commerce for information; and that it be published in the Supplement to the *Gazette of India*.

Madras.	Central Provinces.
Bombay.	British Burma.
Bengal.	Coorg.
N. W. P. and Oudh.	Assam.
Punjab.	Hyderabad.

(True Extract.)

(Signed) A. MACKENZIE,
Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

Order—dated 21st October 1882, No. 1643, Judicial.

Communicated to the Inspector-General of Jails whose careful attention is invited to the several principles of reform prescribed in the foregoing Resolution over the present system of Jail manufactures. A report as soon as possible, after the date fixed in paragraph 21, will also be submitted by him containing the information therein required.

2. Paragraph 15 of the Resolution will be communicated to the Public Works Department for the favor of remarks in connection with the subject therein mooted.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Inspector-General of Jails.
" Public Works Department.

End. J. Wright.

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Précis of replies from Superintending Engineers to G.O., No. 3042 W., dated 16th November 1882, calling for reports as to what large works in this Presidency can furnish suitable employment for Convict Labor.

The Superintending Engineer, First Circle, does not know of any other work in his circle than the Dowlaishweram quarries on which convicts could be employed with success for any considerable time, and even there he would prefer not to employ them, as he has just induced a considerable amount of free labor to come to the quarries from distant places on the promise of long-continued employment. He states that temporary work might be provided for about 500 convicts on the Godávari left embankment if they can be moved frequently and sent some 15 miles or so from Rajahmundry.

The Superintending Engineer, Second Circle, does not think that convict labor could be suitably employed on any of the earthworks of the Kistna completion project. The bulk of these works are drainages to be carried through swamps, and the difficulty of providing proper camp jails would be considerable. He believes, however, that a gang of convicts might be usefully employed on the aqueduct which is eventually to supply the Divi Island. This will be a large work and the convicts could be employed in making and carrying bricks, and in lime, mortar and surki-making, and, if trained men be available, they could be employed in building. A camp jail could be maintained throughout the work, which, however, is not likely to be put in hand for four or five years. All other masonry works in the project are small and not likely to be suitable for the employment of convict labor.

The Superintending Engineer, Third Circle, reports that there are no works in his circle which can furnish suitable employment for convicts.

The Superintending Engineer, Fourth Circle, states that of large works in prospect in his circle, the following are likely to be most suitable for convict labor:—

I. *Wynaad communications.*—Temporary camps would be necessary at suitable places along the different lines of road.

II. The several works * now being investigated by the B Project Division.

III. All Local Fund roads.

* Barur Tank.
Marandahully Project.
Vanniar do.

The labor on these works would have to be directly supervised by officers and subordinates of the Public Works and Local Fund Departments; but Colonel Beatty is of opinion that the wishes of the Government of India might also be met by the jails generally becoming depôts for the supply of building materials to the Public Works Department. He suggests that jails should be utilized, as far as practicable, in the preparation of rough and dressed stone bricks, lime, &c., and especially woodwork. This preparation of materials could go on in, or within a few miles of, every jail, under the direction of the Superintendent, aided by competent maistries.

The Superintending Engineer, Fifth Circle, considers that the only large public work in his circle, suitable for the employment of convict labor, is the Buckingham Canal. He presumes that the labor will be given free † of charge, and therefore, before a gang of convicts is engaged for a particular work, the cost of extra guards and hutting will have to be calculated, to see whether it will be covered by the saving in labor. He remarks that, if convict labor be thus utilized to any extent, some additional supervising staff will be required, as works will have to be carefully laid out and watched.

† Such is evidently the intention of the Government of India Resolution.

The Executive Engineer of the Buckingham Canal reports that convicts could be suitably employed in the excavation of earthwork on the several contemplated diver-

sions of the canal, and in preparing broken stone for concrete required for flood gates and masonry works. The labor could be concentrated by employing convicts from Madras prisons on the basin works and the reach to Ennore, while prisoners from Chingleput and Nellore could be employed on the Pálár and Pennér flood embankments.

The Superintending Engineer, Sixth Circle, is of opinion that the question as to convict labor cannot be answered in a satisfactory manner until it is authoritatively laid down what modifications of the present jail rules will be allowed, and under what new rules and restrictions the convicts are to be employed. He presumes that the Public Works Department will pay * only for work turned out at market rates, and that the cost of hutting, guards, &c., will be deducted from the value of the work, while the cost of extra superintendence will be met by the Jail Department. In this case Colonel Mead fears that the direct return in employing convicts on public works will be very small indeed, for, unless the work is in one place and likely to last for some time, it would not be worth while to incur the heavy expenditure in hutting both for convicts and their guards.

* The Government of India Resolution clearly indicates that convict labor will be given free of charge, while the cost of guards, hutting, &c., will be charged to the work.

Colonel Mead proceeds to name the following works in the Fourth and Sixth Circles on which convicts might be employed:—

(1.) *Nilgiris.*—A large gang might be employed in re-making the road from Ootacamund to Naduvatam and the Gudalúr Ghât.

(2.) *South Canara.*—A gang of about 100 convicts might be permanently employed in quarrying and dressing laterite at Mangalore for use as required on public works and also for sale to private parties.

(3.) *Malabar.*—No public work available, but a laterite stone quarry might be established near Calicut.

(4.) *Coimbatore.*—No work available, unless the Bhaváni scheme be found practicable and is sanctioned. A large gang of probably 400 could be advantageously employed on it, but a portion of them would have to be placed in portable jails.

(5.) *Salem.*—No work available. The irrigation works under consideration are too small and scattered for convict labor.

(6.) *North Arcot.*—No work available. The Pálár works are not adapted for convicts.

(7.) *Trichinopoly.*—No work available.

(8.) *Tanjore.*—A gang of about 100 might be employed in quarrying stone, making bricks, &c., for the Cauvery and Vennár regulators, and the Tanjore jail will afford work for some little time.

(9.) *Madura.*—No work available; but if the Periyár project be sanctioned, a large gang of about 400 could be advantageously employed for six months in the year. Should the Pámban channel work be carried out, a very large number of convicts could be employed.

(10.) *Tinnevelly.*—No work available except the jail, which will afford work for a short time. The irrigation works in the district are not adapted

Colonel Mead thinks that in all districts of the Presidency the Jail Department might, with advantage, take up the maintenance of Local Fund and Municipal roads on contract to within a distance of, say, three miles of the jails. He also names the Sangam project as a work on which a large gang might be advantageously employed. He remarks that it is only on very large public works which will take many years to complete that convicts can be employed with any saving to Government, but he believes that, if the present stringent jail rules be relaxed, there are many places where gangs of about 80 men might be advantageously employed for one or more years. He states that if he is informed under what general rules as regards accommodation, guards, hours of work, &c., the convicts would be employed, he could make definite proposals for their employment in the Sixth Circle.

The Consulting Architect to Government reports that there are no works under his charge which would afford a suitable field for convict labor.

The Superintendent of the Madras Harbour Works does not think that convicts could be advantageously employed on the Harbour Works. Certain divisions of the

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work which are merely manual would be suitable, but the work is so hard and continuous and the hours are so long that it is necessary to employ two relays of men, and to allow each relay a full day's pay for the apparent half day's work. From the late hour at which convicts are brought to work, the early hour at which they are taken away and the long midday rest allowed them, it is not possible to obtain a full day's labor from them, and it is almost impossible to employ them in relays. The experience he has obtained in England leads him to believe that convicts cannot be advantageously employed on large public works unless, indeed, the work is undertaken purposely to give them employment. The Consulting Engineer for Railways states that there is no work at present, nor is it likely that any will be soon undertaken which would afford suitable employment for convicts on either the Madras or South Indian Railways.

No. 72 W.

MEMORANDUM.

Employment of Convict Labor.

There is one great obstacle in the way of the employment of convicts on irrigation works. Most of our work is done against time, during the closure of canals, or after the cultivation season and before the early rains, and I do not suppose that if we employ convicts we could enforce a daily task.

Another obstacle of lesser moment is the necessity of keeping the convicts altogether apart from the ordinary laborers, and this effectually bars their employment on concentrated works, such as the construction of the Cauvery and Vennár regulators, and the Sangam head works.

There are two descriptions of works on which I think convict labor could well be employed—

(1.) Quarrying where the work to be done consists chiefly in excavating and breaking up stone and delivering it at a fixed point.

(2.) The excavation of portions of a canal or large channel in dry soil where work can be carried on throughout the year.

It is possible that a third head might be added to the above, viz., the preparation of materials for a large work, but this would entail some of the labor employed being skilled labor, which might not be available among the convicts.

Under the first head I think perhaps the Dowlaishweram quarries might be worked, now that there is likely to be a continuous demand for stone, and possibly a quarry in connection with the Sangam works. I can think of no others, the Kistna quarries being so closely connected with the head works and demanding the employment of skilled labor, but the Superintending Engineers' replies may show that there are others available.

Under the second head there may be a section of the Bank Canal, Eastern Delta, Kistna Delta, which could be handed over and some part of the Sangam channels. There is no other extensive earthwork that I know of to be undertaken; a small channel would not do, as it would necessitate frequent moves of the camp and add greatly to the expense, but here also the Superintending Engineers may have suggestions to make.

No information is given as to the charge to be made for the labor. It is stated that, in the case of a public work executed by the State, it would be quite justifiable to charge any extra expenditure on Police guards or portable jails to the work. It will be evident that, in the case of our large works, most of which are classed as "Productive Public Works," any extra charges in addition to the labor rates would necessitate the revision of the estimates and the preparation of fresh accounts. We are in these cases tied down and cannot go beyond our maximum rates, and it has to be seen whether these rates would cover all charges for convict labor.

KURNOOL CANAL,
7th December 1882.

(Signed) J. O. HASTED, Colonel, R.E.,
Ag. Chief Engineer for Irrigation.

To the Secretary to Government, Public Works Department.

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Memorandum by the Chief Engineer.

Under paragraph 2 of G.O., dated 21st October 1882, No. 1643, Judicial, the question of employing convict labor on Public Works having been referred to me for remarks, it appeared necessary to consult the several Superintending Engineers, and I have now the honor to submit a précis of the replies by these officers.

2. This supplies all the information which it is at present possible available, and though in some respects meagre and even conflicting, it will perhaps meet the immediate object in view as showing generally the classes of work in this Presidency which may be considered suitable or otherwise for convict labor.

3. The main difficulties in regard to the employment of convict labor are of two kinds—one connected with the payments for work done, the other with the provision for temporary shelter on comparatively small or scattered works.

4. The method hitherto usually followed of paying for convict labor, according to the strength of the parties supplied, instead of by results, has always and must till altered prove a stumbling-block, and render this method of executing public works unpopular with officers of the department. The convicts often arrive late and leave early, cannot be worked like ordinary coolies, in fact are not sufficiently in hand. Extra guards, &c., have to be paid for, special arrangements made to keep the men apart from the hired work-people, &c., all of which involves a great deal of real trouble and not unfrequently leads to unpleasant discussions with the Jail authorities. To crown all, progress is slow and it may also happen the rates turn out higher than were estimated for.

5. Under the second head the difficulties connected with the provision of temporary shelter are such that it may be doubted whether it would be in any way desirable to work convicts on any such small undertakings as would give constant employment to any body of less than 100 convicts, daily working strength, for say, four or six months.

6. Till both of these points have been very thoroughly sifted and worked out by the Inspector-General of Jails, it would be almost useless to consider the question of extramural labor for convicts, though as regards the preparation of materials in the way of sawing timber, manufacture of bricks and tiles, road metal, &c., there would appear to be ample scope.

7. All such work classed as intramural presents apparently no difficulties, and, so far as I am enabled to judge from the experience I have had as Superintendent of the Moulmein Jail in 1858-59, I should be disposed to think that the first of the difficulties to which I have above drawn attention could be overcome by giving complete freedom of action to both the Superintendent of the jail and the Executive Engineer to deal with each other in respect to the execution of works simply as contractor and employer, the Engineer to pay for work as turned out at departmental rates and have nothing whatever to say to the times of coming or going, extra guards, &c.

8. As regards the second difficulty, this also I should think might find a somewhat similar solution under such general rules regarding the class of shelter, strength of parties, &c., as the Inspector-General might frame. In any case I venture to think that this plan might be tested by experiment in one or two selected divisions.

13th January 1883. (Signed) R. H. SANKEY, Colonel, R.E.,
Chief Engineer, P.W.D.

Order thereon, 16th Nov. 82

No. 3042 W.

Communicated to the officers of the P. W. D., named below, with request that they will, with reference to para 15 of the Govt. of India Resolution, report what large Public Works in this Presidency can furnish suitable employment for convicts.

(True Extract)

[redacted]

Sy. Under Secy to Govt. P.W.D.

Chief Engr. for Irrigation

Consulting Engr. for Rys

Supdy Engrs.

Consulting Architect to Govt

Supdt. M. A. Work

Ex. Engr. B. Canal 2nd (thro' Sr. E.)

Govt. of {1882} Madras.

JUDICIAL.

Issued

Recd. Encl.

G.O., 21st October 1882, No. 1643.

OCTOBER.

Jail Manufactures.

Communicating, with instructions, Resolution of the Government of India laying down certain principles of reform in the present system of —, so as to allow more scope for the growth of native industries.

2502

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From Colonel T. E. TENNANT, Inspector-General of Jails, to the Chief Secretary to Government, dated Ootacamund, 28th June 1883, No. 166.

With reference to Judicial Proceedings, No. 1643, dated 21st October 1882, I have the honor to report that, in accordance with the orders of the Government of India on the subject of jail manufactures, a circular was issued on the 25th October to all Superintendents promulgating revised instructions for the employment of convicts in the Madras Jails.

Circular No. 438, copy enclosed for information.

2. Not many alterations in existing rules were involved, as in this Presidency it has always been a well-understood principle that no competition with private industries or local trades is allowable, and our endeavours have been directed to devote prison labor to the furnishing of articles required by Government departments, rather than to enter the market as sellers of goods to private individuals.

3. Owing partly to the faulty construction of some of the old District Jails and partly to the difficulties of providing suitable in-door employment for prisoners whose sentences are short, a large proportion of the convicts in District Jails have always been employed on extramural labor, thus the new rules will not involve any appreciable change of system in these jails. Excepting weaving of cloth and a little mat-making as a mode of employing certain prisoners whom it may not be desirable to send outside the prison, manufactures have not been carried on generally in our District Jails; for, when a prisoner's sentence is very short, there is obviously no time to do much in the way of teaching him a trade, consequently the prisoners have been employed on such out-door works as quarrying, stone-dressing, digging gravel, carting stone and lime, road-making, and excavating tanks and wells, &c. On some occasions gangs are given to Municipalities, with the sanction of Government, without charge. Convict labor has also been employed on Public Works at Ootacamund; as an example of the style of work done by the prisoners at this hill station may be mentioned—the reclamation of swampy ground near the head of the lake, the building of reservoirs for the supply of water to Ootacamund, the drainage and improvement of the lake, the works in connection with Government House, and the new approach road, &c. Prison labor has also been successfully applied to the buildings of the Lawrence Asylum and on the Government Cinchona Plantations. In the statement appended will be found full accounts of the different employments at which the prisoners are now engaged.

4. In our Central Jails, which are complete so far as the present standard of jail discipline requires, the labor may be described as intramural, the farm lands and buildings attached to most of these jails being surrounded by an outer wall or other enclosure. The convicts are largely employed in the cultivation of the enclosed farm lands, such labor being very suitable to the classes of criminals composing the bulk of our prison population. There is, however, a large proportion of convicts in every Central Jail who must, for obvious reasons, be employed within the prison walls, and it is not possible to dispense altogether with in-door labor. It therefore becomes necessary to consider in what way these convicts can be most suitably employed. In

the selection of industries to be carried on, I have endeavoured, as far as possible, to meet the wishes of the Supreme Government, but it is anything but an easy problem to devise suitable industries for a Central Jail, which, whilst fulfilling the requirement of our prison system, shall, at the same time, be in accordance with the principles laid down by the Government of India.

5. There is no steam machinery in any of the Madras Jails, so the observations of the Government of India on this subject have no application to this Presidency. In the Penitentiary Branch of the Government Printing Press at Madras, the printing machines are worked by motive power from the treadmill, and the hand presses by convicts; but further than this the prisoners have nothing to do with the printing establishment. The printers and compositors are free men attached to the Government Printing Establishment and work quite apart from the convicts. The treadmills are highly useful as providing first-class hard labor for the class of offenders committed to Presidency Jail.

6. In the Central Jail at Coimbatore some power-looms and weaving machinery were procured from England in 1872 under instructions from Lord Napier. The power-looms are used for weaving cloth for prisoners' clothing and for the Police Department. The looms are worked by treadmill and crank, and afford suitable hard labor for convicts during their probationery period; there appears no objections to the present system of working, and I strongly recommend the retention of the power-looms and treadmills. It is proper to mention that a centrifugal pump, intended to be worked by a small steam engine, was brought out from England by Colonel Bowen, Acting Commissioner of Police, at the time he purchased the weaving machinery. The pump and engine were transferred from the Madras Penitentiary to the Central Jail at Coimbatore along with the weaving machinery; they are not used nor required in the jail, and may be sold if a purchaser can be found. In the other Central Jails the weaving of prison and Police cloth and the making of coarse cotton and woollen fabrics is done by the ordinary native hand-looms.

7. In regard to the authorized industries. It may be mentioned that the manufacture of woollen and cotton carpets, which for many years has been a jail speciality at Vellore, Salem, and Rajahmundry, has not been disturbed; there is no reason to suppose that any private firm is ready to supply the existing demand for rugs and carpets of the same texture or design as manufactured in jails, nor is the manufacture of carpets or woollen fabrics in the jails of this Presidency carried on beyond the limit prescribed by the Supreme Government. Next, as to tent-making—an industry taken up at the time of the Afghan war at the special request of Sir Neville Chamberlain, Commander in Chief of Madras, and with the sanction of Government—it should be pointed out that there are no tent manufactories in this Presidency similar to those in Northern India. By putting a stop to this industry in jails, officers will have to procure their tents from Northern India as formerly—a considerable hardship—as the cost of carriage in many cases exceeds the value of the tent. Great attention has been paid, especially by the Superintendent of the Vellore Central Jail, to tent-making, and the Vellore tents are now pronounced quite equal to the tents made at Jubbulpore, and are spoken of with the highest encomiums by the purchasers. The Salt Department has been supplied with a large number of tents, and the Commissioner has expressed himself as satisfied with the outturn. Tent-making ought to be continued until private enterprize shows itself ready to supply the demand. We still continue the weaving of cotton cloth, the making of woollen blankets, and working in leather for the Police Department. All the linen uniform, sandals, and blankets required for the whole Police force are manufactured in our jails. This system has been in force for the last ten years and has given satisfaction. Moreover, the furnishing of these articles provides suitable, continuous, and profitable labor for a large class of prisoners, such as Burmese lifers, desperate characters and others, who must be employed within the jail walls. Coir work, equivalent to "cakum picking," is given to men in cells, and a little rattan cane-work is allowed as occupation for aged prisoners and certain Chinese convicts. Sales to consumers amongst the outside public have been discouraged, in fact the prices at which goods are now sold have reduced such sales to a minimum.

8. I will now proceed to consider the steps that can be taken to give effect to the views of the Government of India regarding the employment of convicts on Public Works. A list of the various works, as furnishing appropriate labor for convicts, has been submitted by the Chief Engineer in accordance with the orders of Government. It will be seen that these projects divide themselves almost entirely into schemes for the excavation of canals or channels, and for the quarrying of stone and the preparation of materials for building purposes. The works are, for the most part, small undertakings or of short continuance, giving employment to less than 100 convicts working, say, for four or six months. No large public work, giving employment for a large number of convicts for a long time, is proposed.

9. As far as concerns the schemes for the formation of canals and channels, it is evident from the nature of the work that the prisoners would be employed in small scattered parties, that the work would be irregular, involving frequent moving of the prisoners. The supervision would be difficult, and the security of the prisoners endangered. Much expense would be entailed in moving the prison frequently, as the works would not take long to execute; the Police guard required to watch scattered parties of convicts would also involve heavy extra expense. As regards the second suggestion of employing convicts in the preparation of building materials and in carpentry, &c., this scheme is inadmissible as opposed to the principles laid down by the Government of India.

10. No doubt the employment of convicts on large public works, carried on under efficient superintendence and under restrictions essential to prison discipline, is by far the most satisfactory way of utilizing convict labor. But to secure success it is essential to concentrate a large number of prisoners and keep them occupied on one work, day after day, and year after year, without the necessity of moving the establishment every few months, as must be the case in works of a minor character scattered over different parts of the country.

11. In reading the minutes of evidence taken last year before the Committee on the employment of prisoners at home, I observe that the Committee, without hesitation, expressed a preference, over all other schemes, to the employment of convict labor in the construction of harbours, and Sir John Coode stated that for the last seven or eight years a large number of convicts had been employed under his direction in constructing the harbour at Colombo and in Table Bay. At Colombo about 550 convicts were employed, 320 of whom were engaged at the quarry, and the remainder at the harbour in the construction of concrete blocks. Sir John Coode also stated that the construction of these works by convict labor entirely satisfied the expectations of the Colonial Governments.

12. The Madras Harbour is now in the course of construction. If convict labor has been used with such success at Colombo, may it not prove feasible to employ convict labor on the Madras Harbour Works? There will probably be a difficulty in finding a suitable site for a prison in the immediate vicinity of the Harbour Works, and there are obvious objections against marching gangs of prisoners a distance of two or three miles through the crowded streets and bazaars lying between the Penitentiary and the Harbour. Moreover, the employment of convicts in the construction of the concrete blocks, &c., might not meet with the approval of the Supreme Government as interfering with private enterprize and the labor market.

13. But many of these disadvantages would be avoided by employing the prisoners in quarrying rough rubble stone at Pallávaram, a distance of about twelve miles from the harbour, and from whence stone is now brought by railway. There is ample ground in the vicinity of the quarries for constructing the necessary prison buildings and housing the staff. I understand that there would be work for some years for the prisoners, and there would not be the same difficulties and disadvantages in connection with sanitary considerations as there would be in locating the prisoners at Ráyapuram.

14. There is yet another project on which convicts might be employed, it is the Harbour Works at Cocanada, which, I understand, are about to be undertaken. Should Government approve, convict labor might be given gratuitously, whereby the

outlay in money would be considerably reduced. I shall not attempt to go further into these schemes, but merely indicate that if some such large public work can be given to the convicts, I see no reason why the policy of the Government of India cannot be carried out in this Presidency.

15. At the same time it is my duty to point out that there is at present no necessity, so far as the prison department is concerned, of seeking employment for our convicts on public works. The jail farms and works connected with new jails by the extension of the cellular system will provide ample work for our convicts for some time to come without having recourse to employment on public works. The public work prisons will be additions to our present accommodation, requiring extra guards and additional staff, thus adding enormously to the cost of the jail administration of this Presidency. Our Central Jails have been constructed with care and forethought, and possess the means of carrying out a strict system of discipline and punitive labor; further, the statistics of mortality show that our prisoners are duly cared for in all that pertains to health. To employ our convicts on jobbing work scattered in gangs over the country, and worked in chains, will neither be reformatory nor remunerative, and it is more than doubtful whether the mortality will not largely increase under such a system. Under these circumstances, it becomes necessary to consider whether any change of system in the employment of convicts is called for so far as this Presidency is concerned, and whether the change contemplated will not entail a heavy and unnecessary financial loss to the State.

ENCLOSURES.

CIRCULAR No. 438.

Jail Manufactures.

With reference to the Resolution of the Government of India, Home Department, dated 22nd September 1882, Nos. 20—1400-19, republished in the *Fort St. George Gazette* of the 3rd instant, the undersigned has the honor to request Superintendents of Jails will consider and report without delay, how the convict labor of their jails can be most suitably employed so as to meet the wishes of the Government of India.

2. The Government of India have determined that labor on public works shall in future be looked upon as the principal mode of employing long-term prisoners. It will, of course, be impossible to dispense altogether with in-door employments, but after the drafts to public work gangs have been made, it is evident that the numbers in the Central Jails will be much diminished, and the prisoners left will probably have enough to do to turn out articles for Government consumption without manufacturing for the open market.

3. With regard to intramural labor, it will be observed that the Government of India specially direct that multifarious manufactures should be discouraged. A certain number of authorized industries will be laid down, and no others will be allowed without special sanction. In the selection of these industries careful attention ought to be paid to their penal character. The production of one or two industries carried on on a large scale will make supervision easier and avoid much laxity of discipline, and whilst utilizing the labor of prisoners to the best advantage, the Jail Department will not be exposed to the reproach of interfering with free labor.

4. The first object to which jail industries should be devoted is the supply of jail requirements. When these are satisfied, the supply to other departments may be considered, but jails are not to undersell the local markets, and must compete for custom on equal terms with other suppliers. There is no objection to their turning out certain authorized articles for Government consumption, provided a proper price is charged for labor, wear and tear of tools, &c., in addition to the value of the raw material, which, in other words, will bring jail outturn up to the market price. With regard to percentage on account of profits, the Government of India have laid down that in the case of article supplied to Government or to wholesale dealers, this may ordinarily be fixed at 10 per cent. on the cost of the raw material and labor, for sales to retail dealers at 15 per cent. on that cost, and for sales to private consumers at 25 per cent.

5. In paragraph 18 of the Resolution certain forms of in-door prison labor are indicated. Superintendents should, therefore, set themselves without delay to remodel the in-door industries of their jails, in order to bring them into harmony with the orders of the Government of India. Existing contracts for the supply of jail manufactures will be carried out, but no new contracts should be accepted save such as are in accordance with the principles laid down. The existing arrangements for the supply of Police clothing will continue for the present. The manufacture of cotton and woollen carpets, which is already a jail speciality at Vellore, Rajahmundry, and

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Salem, will be allowed until further orders. Tent-making in the Central Jails at Vellore, Rajahmundry, and Coimbatore will continue until private enterprise shows itself ready to supply the demand. Woollen horse-blanket making is a jail speciality at Bellary, and may be carried out on the principles laid down by the Government of India.

6. There is no steam machinery in any of the Madras Jails. As regards the European machinery driven by treadmill and crank, special orders will be issued on the subject. The Penitentiary Branch of the Government Press, where the printing machines are worked by motive power from the treadmill, and the hand presses by convicts, will continue until further orders.

7. In regard to present stocks of manufactured articles, they will be sold off, at present or reduced prices, so as to clear the stocks on hand by the 15th December 1882. Existing stocks of raw material will be worked up without delay, and no fresh purchases will be made except for authorized industries. All outstanding bills due by private individuals to jails are to be adjusted without delay. In future, sales to consumers amongst the outside public ought to be discouraged. The prices at which goods are to be sold (which are to include 25 per cent. profit) will, it is believed, reduce such sales to a minimum.

(Signed) T. E. TENNANT, Colonel,
25th October 1882. *Inspector-General of Jails.*

MADRAS JAILS.

STATEMENT showing on what Occupations the Prisoners are at present employed in the Jails of the Madras Presidency.

Russellkonda Hill Jail.—This jail is used for prisoners belonging to the hill tribes, principally Khonds and Sauras. The prisoners are employed in repairing roads and jail buildings, in gardening, quarrying and carting stones, and in the menial duties of the jail.

Berhampore District Jail.—The prisoners are worked on the farm lands and garden. They are also employed in digging and carting gravel and in menial duties connected with the jail.

Vizagapatam District Jail.—The prisoners are employed in quarrying stone and in building the boundary wall to the jail enclosure.

Parvatipur Hill Jail.—Like the jail at Russellkonda this jail is used for prisoners of the hill tribes. Under the special sanction of Government the labor is entirely at the disposal of the civil authorities for the improvement of the station Belgaum-Parvatipur.

Rajahmundry District Jail.—The prisoners work as a branch of the Central Jail at Rajahmundry. The whole of the grain for both jails is cleaned, winnowed, and ground by the District Jail prisoners. The convicts are also employed in gardening and in hauling gravel and stone for the District Jail buildings now under construction.

Guntúr District Jail.—With the exception of the prisoners required for the service of the jail, all are given for the improvement of the station under the direction of the Municipality or the Local Funds Board.

Nellore District Jail.—The prisoners are employed on the conservancy of the casuarina plantations, in gardening and fencing the jail lands, and in repairing roads and jail buildings.

Kurnool District Jail.—For the last two years the labor has been entirely at the disposal of the Municipality for the improvement of the station.

Cuddapah District Jail.—The labor of this prison is principally employed by the Municipality and the Local Funds Board.

Bellary District Jail.—This is the only District Jail in which the prisoners are employed in manufactures; there being long termed prisoners as well as short-sentenced prisoners in this jail. Woollen blanket making is a jail speciality at Bellary. This prison supplies a large number of jails with woollen blankets, the Police Department is supplied with cumblies, and horse blankets are made for the Commissariat Department. But the manufacture of woollen fabrics in this jail is not carried beyond the limits prescribed by the Supreme Government. The prisoners are also employed in gardening and in other suitable out-door work.

Chittoor District Jail.—The prisoners are worked on the roads of the station and in gardening.

Chinglepat District Jail.—The convicts are principally employed on road-making, digging and carting of gravel, and other suitable extramural occupations.

Cuddalore District Jail.—Formerly weaving was carried on extensively in this jail, and the demand for the Cuddalore Jail cotton fabrics was large. Manufactures have now been entirely stopped, and the looms and raw materials disposed of. The prisoners are now employed in gardening and in digging stone and laterite for the Municipality, and occasionally gangs are let out on hire to work for private individuals.

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Tranquebar District Jail.—The prisoners are employed in repairing roads, in cleaning the drains in the town, and in the menial duties of the jail.

Tanjore District Jail.—With the exception of the prisoners required for the service of the jail, all are employed on the new jail works under the direction of the Public Works Department.

Trichinopoly District Jail.—The prisoners are employed in road-making, in carting stone and gravel, and in cleaning, winnowing, and preparing the grain for the consumption of the prisoners in both jails.

Madura District Jail.—Manufactures have been entirely stopped in this jail, and the prisoners are now worked on the roads.

Tinnevelly District Jail.—The prisoners are employed in gardening and on the new jail works under the direction of the Department of Public Works.

Calicut District Jail.—The prisoners are employed on the reclamation ground near the jail, in cultivating the garden, and sinking a well therein.

Tellicherry District Jail.—The prisoners are employed on the station roads and in cultivating the garden.

Mangalore District Jail.—The prisoners are principally employed in quarrying and cutting laterite; the stones are sold to the Municipality and to private individuals. The quarry forms suitable and continuous work for the convicts.

Coimbatore District Jail.—The convicts are worked at stone-breaking, digging, hauling gravel, and works connected with the farm.

Cuttacamund District Jail.—With the exception of the prisoners required for the services of the jail, all are employed in the improvement of the station. A gang of 80 or 90 prisoners are supplied daily to the Public Works Department, and a gang of 30 or 40 is engaged in cutting away a large embankment at the back of St. Bartholomew's Hospital.

Rajahmundry Central Jail.—Employment is found for a large number of prisoners in farming and in cultivating the jail lands. The Nankin or fawn-colored cotton is largely cultivated on the farm. Attention is also paid to sericulture, and large plantations of mulberry trees are being formed. The extramural labor also consists of hauling stone, Godávari silt and sand-digging, stone-dressing, carting lime and gravel. The prisoners are also employed in assisting in building and in digging a well at the Superintendent's quarters. The undermentioned manufactures are also carried on in the jail:—Weaving cloth for prisoners' clothing; coir mat making for prison use; carpentry and blacksmith's work in connection with the jail buildings; woollen and cotton carpet weaving, boot and sandal making for the Police Department; a little rattan work gives occupation to the Burmese convicts.

Vellore Central Jail.—The extramural labor consists in building the residence for the Superintendent of the Jail; in excavating and blasting rock; in carting and hauling building materials; in stone-breaking, stone-dressing, digging, quarrying, and gardening; also in hauling and preparing building materials for the cellular close prison. The undermentioned manufactures are carried on, viz.:—Weaving cloth for the Police Department and for prisoners' clothing; woollen blanket or cumbly making, tent-making, sandal and boot making for the Police; cotton and woollen carpet weaving, basketing for the use of the jail. This jail manufactures articles almost entirely for Public Departments, and, with the exception of tents and cotton carpets, there are no sales for private individuals in India. The woollen carpets are exported to England and France.

Salem Central Jail.—The extramural labor consists of gardening, farming, road-making, and repairing jail buildings. The intramural manufactures consist of weaving cloth for prison use, boot and sandal making for the Police Department; rattan basket making for work connected with the jail; woollen carpet weaving. These carpets are principally sent to New York. None are now made for sale to private individuals.

Coimbatore Central Jail.—There are about 200 acres of land under cultivation in the farm. The lands are being ploughed and got ready for the cultivation of the Chinese Tzemiewha or Nankin cotton for the purpose of making khakee-colored cloth. The cultivation of this cotton is very important, and the Superintendent will give his attention to the subject. It is proposed to have a filature for spinning the thread, which will be woven in the power-looms. The prisoners are also employed in hauling and preparing building materials for the cellular close prison about to be commenced. The in-door manufactures are confined to weaving cloth for prison and Police use, boot and sandal making for the Police Department, and in woollen blanket making for the various prisons. This jail, being conveniently situated, near the Anaimalai teak forests and the timber depôts, is preparing all the wood-work, doors, windows, &c., required for the Superintendent's house at Vellore, thereby saving a large sum of money.

Trichinopoly Central Jail.—Owing to the sickness and mortality in this jail, I have transferred large bodies of prisoners to other jails, and there are only about 450 prisoners left in this jail, of whom nearly 250 are employed on extramural labor, such as gardening, drawing water, and on suitable occupation about the jail farm. The lifers and Burmese convicts are principally employed in making sandals for the Police. The rest of the convicts are engaged in the jail service.

Cannanore Central Jail.—The Cannanore Central Jail is used as a convict establishment for life and term transportation prisoners, who from time to time have been rejected by the Medical Committee as unfit for deportation to the Andamans. There is danger in employing many of these convicts outside the jail walls, but apart from this these men are for the most part too old, or are otherwise unfit for severe extramural labor on public work gangs. The industries carried on in this jail have already been sanctioned in G.O., No. 137, dated 17th January 1883. No further alterations are at present required.

(Signed) T. E. TENNANT, Colonel,
Inspector-General of Jails.

ORDER—dated 20th July 1883, No. 1916, Judicial.

The Inspector-General of Jails and the Public Works Department were requested in October last to report with reference to the Resolution of the Government of India, Home Department (Judicial), dated 22nd September 1882, dealing with the subject of Jail Industries. The above papers form the answer to that reference.

2. His Excellency the Governor in Council observes that in the jails of this Presidency convict labor has nowhere been assisted by steam power, and that only in the case of one jail has any expenditure been incurred on elaborate machinery. The labor of the convicts has generally been, as far as possible, directed into channels where private industries would be affected in the least degree. The alterations, therefore, which have been made in the industries carried on in the various jails, in consequence of the policy enunciated in the Resolution of the Government of India, of September last, have not been considerable. It appears from the statement appended to the letter of the Inspector-General, that, in all the District Jails, with one exception, manufactures have ceased. In the Bellary Jail, woollen blankets are still made for the Police and Commissariat Departments, but the manufacture of them is by ordinary hand looms, and therefore not contrary to the intentions of the Government of India. The supply of the above two departments was obtained by tender in the open market, and the jail blankets were selected as being the articles which best fulfilled the required conditions. As regards Central Jails:—In the Rajahmundry Jail, the manufactures have been reduced, and are almost entirely confined to the supply of jail requirements. In the Vellore Jail, the only manufacture still carried on, which would appear to be considered by the Government of India as not suitable for convict labor, is that of tent-making. The industry was commenced at the instance of the late Commander-in-Chief, when in consequence of the Afghan war a large demand sprung up for tents. Since then, owing to the re-organization of the Salt Department, that department has required a considerable supply of tents, for which, in the absence of the industry at Vellore, requisition would, of necessity, have been made to the tent manufactories of Northern India, whence the rail carriage adds enormously to the cost of the article supplied. His Excellency the Governor in Council is of opinion that this manufacture may well continue to be carried on in this jail. The carpets made at the Salem Jail are made by hand looms, and are not supplied to private individuals in the country, but are sent principally to dealers in New York. In Coimbatore Jail, the manufactures have been much restricted, and are now confined to the supply of articles for the Police Department. In Trichinopoly Jail, no manufactures are at present going on, and in Cannanore Jail, the state of things is exceptional, necessitating much intramural labor. It is observed that the minor manufactures which are carried on in the jails are necessitated by the existence in the jails of certain foreign convicts, natives of Burma and China.

3. With regard to the expediency of employing convict labor on large engineering works, there are, no doubt, considerable difficulties in the way. But His Excellency the Governor in Council would wish to see the employment of convicts on one work, tried as an experiment, and the Inspector-General of Jails will report, after communication with the Public Works Department, whether he can recommend the employment of convict labor on any specific public work. The suggestion made in

paragraph 14 of the letter from the Inspector-General, that the Cocanada Harbour Works may form a project suitable for such labor, appears a good one, and further inquiries should be made relative to it. In conclusion, His Excellency in Council is glad to recognize the satisfactory spirit with which the changes made in consequence of the suggestions of the Government of India have been carried out by the Inspector-General and Officers of the Jail Department.

(True Extract.)

E. F. WEBSTER,
Acting Chief Secretary.

To the Inspector-General of Jails.

LETTER—to the Secretary to the Government of India, Home Department, (Judicial), dated Ootacamund, 20th July 1883, No. 1917, Judicial.

With reference to paragraph 21 of the Resolution of the Government of India, Home Department (Judicial), dated 22nd September 1882, Nos. 20—1406-19, I am directed to transmit, for the information of the Governor-General in Council, the accompanying * Proceedings of this Government, in which is recorded a statement showing on what occupations the prisoners in the jails of this Presidency are now employed.

* Dated 20th July 1883, No. 1916.

2. I am directed further to state that this Government have now before them various reports from the Superintending Engineers of the different Divisions of the Presidency, which contain information as to large engineering works on which convict labor may suitably be employed. His Excellency in Council has still under his consideration the best mode of forwarding the policy laid down in the Resolution in this direction.

E. F. WEBSTER,
Acting Chief Secretary.

Exd. C. Venkatasubbier.

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Govt. of {1883} Madras.

JUDICIAL.

Issued

Read. Encl.

G.O., &c., 20th July 1883,
Nos. 1916, 1917.

JULY.

Jail Manufactures.

Passing orders on reports from the Inspector-General of Jails and Public Works Department with reference to the Resolution of the Government of India laying down certain principles of reform in the present system of —, so as to allow more scope for the growth of native industries.

5TH SEPTEMBER 1883, No. 2369, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department (Judicial), to the Acting Chief Secretary to Government, dated Simla, 21st August 1883, No. 1152.

I am directed to acknowledge the receipt of your letter, No. 1917, dated the 20th ultimo, forwarding, with reference to Home Department Resolution, Nos. 20—1406-19, dated the 22nd September 1882, regarding jail manufactures, a copy of the Proceedings of the Government of Madras, in which is recorded a statement showing on what occupations the prisoners in the Jails of that Presidency are now employed. It is stated that various reports containing information as to large engineering works on which convicts may suitably be employed are now before the Madras Government, and that His Excellency the Governor in Council has still under his consideration the best mode of forwarding the policy laid down in the Resolution in this direction.

2. In reply, I am to express the satisfaction of the Governor-General in Council at the manner in which the Government of Madras are taking up the general question. The report, I am to observe, shows however that in most of the District Jails prisoners are largely employed in small gangs extramurally on station roads and such like out-door labor. His Excellency the Governor-General in Council is doubtful whether such employment can be made consistent with discipline, and it was strongly condemned by Lord Macaulay's Committee of 1838. I am to express a hope that such industries as oil pressing and coarse hand-loom weaving may be found feasible even in District Jails.

3. With regard to the employment of convicts on large public works, I am to request that you will be good enough to move His Excellency the Governor in Council to consider whether, by the establishment of portable jails, the difficulties referred to by the Inspector-General of Jails in paragraph 9 of his letter forwarded with your letter under acknowledgment might not be obviated. I am to suggest also that the Government of Bombay may be usefully consulted on the subject. Very satisfactory arrangements for the employment of large gangs extramurally have been adopted in that Presidency. If, however, large harbour works can be undertaken, they would entirely satisfy the conditions of out-door work for convicts that the Government of India desire to see carried out.

ORDER—dated 5th September 1883, No. 2369, Judicial.

Communicated to the Inspector-General of Jails.

2. The Inspector-General will report, after communication with the Jail Authorities of Bombay, on the best scheme for the establishment of portable jails.

(True Extract.)

for Acting Chief Secretary.

To the Inspector-General of Jails.
" Public Works Department.

Exd. J. Wright.

Net chargeable to the P.W.D. .... Rs. 0 - 0 - 0

2. By these arrangements the total cost of the work, the amount contributed by convict labor and the cost borne by the Department will be clearly brought out; and any re-adjustment of the value of convict labor, should Government hereafter desire it, can be readily effected.

3. If you concur in these remarks, I shall be glad of your issuing the necessary instructions so as to have the proposed arrangements carried out.

The opinions of Superintending Engineers are invited on the proposals of the Examiner for showing in estimates and accounts the value of such convict labor as will hereafter be contributed free of cost to the P.W. Department.-Vide G.O. 1054 W dated 25th. April 1884.

Should any practical difficulties in carrying out the Examiners proposals suggest themselves to Suptg. Engineers, it is requested that the exact nature of the difficulties may be clearly stated.

(By Order)

C. Bowen. Major R.E.

Dy Chief Engineer P.W.D.

To

Suptg. Engineers
Consg. Archtt. to Govt.

To W.

2502

Note from Examiner regarding G.O. No 1054 W of 25th April 1884 and procedure to be followed in accounting for free convict labour.

I think that, as proposed by C.S.A.W., this may very well remain over till replies come in from S.E's who have been called on to report to what extent the proposed employment of convict labour can be carried out in 84-85.

When it is decided what works can be so carried out, it will be time to consider the accounts part of the arrangement.

As regards the accounting too I would be disposed to recommend that the opinions of the S.E's & E.E's immediately concerned be invited.

I do not go altogether with C. in his recommendations, which may involve more accounts & returns than are absolutely necessary.

In I. for instance he wants the amount estimated to be contributed by convict labour to be distinctly noted. Why? and how can the P.W.D., or for the matter of that the Jail Dept., tell what amount and kind of convict labour will be available during any the next 12 months?

The E.E., Trichinopoly, will have a hard task in managing the business well, and should, in my mind, be left as untrammelled as possible by unnecessary forms & returns.

C.S.
9-5-84

[illegible]

Approved
[illegible]
13-5-84

X Convict Labor.

3916

2502

Office note from C.

No 81 d/ 7.5.82,

relative to adjustment

of value of Convict

labor employed on

Public Works.

The C's proposals

might perhaps be

disposed of together

with the replies ex-

pected from Supdtg

Engrs to para 6 of

G.O. No 1054 W of

25.4.82.

C.

8/5/82

1/28

27/26 Ord/W

Acty 9/5/84 1.16-3.84

808

Draft order

2802

Convict Labor.

In G.O. No 1054 W, dated 25th April, 1884, the decision of Government that Convict Labour should be utilised on the construction of Jails whenever practicable, and should be given to this service without charge, was conveyed to officers of the Public Works Department. Subsequently the Examiner brought to notice that, under the circumstances, definite rules should be laid down in regard to the sanction of Estimates and the mode of accounting for the value of such ~~free~~ gratuitous labour. In this view he formulated certain draft rules which were circulated to the Superintending Engineers for their opinions as to the suitability of the same.

After fully considering the Examiner's proposals and the opinions of the Superintending Engineers thereon the Government determine to issue the following brief rules for guidance. These, it is thought, will sufficiently meet the practical requirements of ~~the~~ the P.W. Department ~~concerned~~.

I. The Estimate for Jail works to be executed wholly or in part by Convict Labour, given without charge, will be framed at normal rates, and will be sanctioned for the full amount. It will be unnecessary to note therein the value to be contributed by convict labour, as such value cannot be definitely known beforehand; but in applying for ~~annual~~ allotments of funds for the work it will be necessary for the Superintending Engineer, in communication with the Jail authorities, to base his demands for funds solely on the

808

X Convict Labor.

quantity of free skilled and unskilled labour which is likely to be required.

II.] When the work must be carried out by mixed gangs of ordinary and prison labour, the P.W. officer or subordinate in charge will ascertain at fixed intervals from the Jail authorities what convicts, skilled & unskilled, can be supplied for certain periods. Such periods may be advantageously synchronous with the pre-usual Departmental periodical returns of work. These, on being mustered each day by their warders and marched to the ground will be told off by tasks to suit the portions of the work by the officer or Subordinate who will endeavour, with the aid of the warders to ensure that a reasonable amount of work is obtained from them. But he will keep no muster rolls of these prison gangs nor record their distribution of the different subheads. The P.W. Staff will be responsible merely for the selection and distribution of the free or ordinary skilled & unskilled coolies, for the security of materials, and for the efficient execution of the work.

III. Measurements of out-turn will be taken & recorded in the ordinary books and the annual value of each measured item, less the cash payments for the free labour employed & for materials, will represent the value of the work done by the convicts.

IV. When the work, or a distinct block or portion of the work, can be executed wholly by the convicts, without the intervention of free skilled labour, the duty of the P.W. Subordinate in charge will be confined to demarcating the work, supervising the details to ensure their being correctly carried out, and finally measuring up, valuing, & recording ~~[illegible]~~ the work turned out. In such cases the account of materials issued by the Department would be kept in Part III of the Daily Report Form, or in such other Form as the Ex: Officer in charge may find suitable.

2502

To Supply Engrs
Cons[illegible] Chief Engr
Gov[illegible]
Judicial Dept

28

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X Convict Labor.

25 D 2

To W

I now submit for your considera-tion a draft G.O. in which are embodied the rules I would propose for accounting for jail works to which convict labour will henceforward be contributed free of charge.

If you approve of the same and it is accepted by the Judicial Depmt as sufficient, I think the requirements of the question will be met.–

Details I have not attempted to go into, as these can best be settled by the S.E.'s + local officers concerned.

CS.
25–9–84

The draft G.O. has been initialled, and can now go to the Chief Secretary, Judicial Dept., for approval.

W.
29.9.84

CS. 29/9

30
29

Resubmitted W. 2-10-84 7-10-84
[illegible] 27-9-84 2-9-[illegible]

808

ad

02 X Convict Labor.

S.A.W.

Please have this typed after looking through it. Let me know if you see any flaws or deficiency or redundancy in the rules, as I am anxious they should be as clear & full as possible.

CB

25.02

~~30A~~ 53 80

808

Resubmitted [illegible] 2-10-84
Bellary 27.9.84 [illegible] 2.10.84

[illegible] for LV Od.

Bellamy 27.9.84

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Resubmitted 66 : 2-10-84
Bellamy 27.9.84 7 : 2-10-84

Dear

2502

Convict Labor -

The proposed draft order appears to be complete in all points as representing the views of this office -

The proposed rule II however clashes with Code paras 1092 & 1530 which direct that the value of convict labor to be employed on a work should be shown in the estimate -

There is another point which may, or may not be worthy consideration, in connection with the proposed rule III.

A bid whose price may charge excessive rates for the free labor & materials employed on a work - Yet the total cost of these two items be then deducted from the total normal cost of a completed work [illegible] to secure

31

Labor should be treated as

the value of the convict labor, the latter would be shown at much less than its real value.

On the other hand, a good subordinate may get work executed at the cheapest possible rates. If all free labor were employed, a saving would be effected on the estimate — but when part of the labor is supplied by the jail dept. the ~~only effect~~ result of working at rates cheaper than the estimate would apparently be to enhance the supposed value of the convict labor.

I submit these ~~for~~ remarks for consideration prior to having the rough draft ~~be~~ typed — Cu

23.9.84

Resubmitted W6 2.10.84
Bellary 27.9.84

2302

S.a.W.

When drafting the rules I considered paras 1092 & 1550, but I take it that they refer to works on which convicts are not given free of charge, but to which the Jail Dept agree to give beforehand a certain supply of jail labour at certain fixed rates.

As regards the bad subordinate the effect would be such as you mention, but his free labour & materials will be shown in his Daily Reports & it will be the duty of the Divisional Officer to check them. The check will, it is true, be more difficult than in the case of all free labour, and he will have a standing excuse for high rates, but that I fear can in no way be helped. It will be for the Ex. Engineer to scrutinize carefully his charges & value of work turned out, &c.

It will rarely, if ever, happen that a good subordinate will, in such cases of mixed gangs, work at rates less than the normal ones. Free labour helped by convicts necessarily deteriorates and the tasks of the former are seriously diminished by the imperfect & unwilling assistance rendered by the prisoners. So this point need not be considered.

Your objections are otherwise sound. For such works it is difficult to frame perfect rules that will meet all contingencies. Experience after this new system has been fairly tried, will teach us when & how to modify what is now laid down.

I think the draft may now be typed for W. — O.S.

808

Labor should be treated

as

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Resubmitted [illegible] 2.10.84

2502

X

Convict Labor.

Abstract of replies from Supdg. Engineers and Consg: Architect to Govt to Circular No. 1020 C dated 19th May 1884 inviting opinions on the Examiner's proposals for showing in Estimates and accounts, the value of Convict Labor contributed free of Cost to the P.W.D.

Supdg. Engineer I Circle

Approves of the proposals of the Examiner.

Supdg. Engineer II Circle

Considers the proposals to be not practical. Nominal Muster rolls of Convicts are unnecessary and information as to the number of Convicts sent to work daily will do. Convict Labor should be treated

as

as a petty Contract and the work turned out separately measured and Charged off at the Estimate rates in the 10 day reports to be valued subsequently deducted from the total. This work should be valued by fixing an arbitrary daily rate for each Convict and it is unnecessary to burden the P.W. Accounts with these details. The officer in Charge of Convicts must, where a definite task can be fixed, make daily measurements, to see the task has been done and the quantities must be entered at once at normal value in the 10 day reports. If nominal muster rolls must be kept it should be authoritatively settled whether the P.W. or the Jail offices should

should fix the daily rate for each Convict.

2502

Supdg. Engineer III Circle

Considers the proposals unobjectionable and may be adopted; but it would be better if the value of Convict Labor can be shown in a single entry in the Ten Day Reports to be instead of nominal muster rolls being posted in detail.

Supdg. Engineer IV Circle

Considers the proposals objectionable, since the 'market value of Convict Labor' is unknown. Convicts have neither the interest in doing, nor do they in practice a fair day's work, and Come to work not at hours usual with free labor but at prison

34 hours

hours and generally un-
skilled Convicts have
to be employed to assist
skilled free labor to the
disadvantage of the latter
in rendering a fair day's
work. H

The only fair way of
accounting for Convict
Labor is by actual measure-
ment of the work turned
out. The rates allowed for
the valuation of work of
this kind must, as usual
with free labor vary ac-
cording as it is "Skilled"
or "unskilled" labor that
is thus supplied.

Supdg. Engineer V Circle.
anticipates no practical
difficulty in Carrying
out the Examiner's
proposals.

Supdg.

2502

Supdg. Engineer VI Circle
states that it is not practical
nor advisable to work
Convict and free labor
together. Executive Engineers
should not be given the
trouble of having nominal
rolls of Convicts employed.
A Simple entry of the
number employed on each
item will do.

Convicts must be em-
ployed, as till now, entirely
under the Jail Deptt. in-
structed by the P.W.D., the
former making their
own arrangements regarding
discipline &c. The outturn
of work can be measured
and a petty Contract
bill made out for its
value, the bill to be
brought in the accounts
and the amount of it to
be deducted, the labor
being supplied free.

35 42 Conv.

Consy. Architect
Considers the proposals unobjectionable.

Kg.
4/9

B. No 3042 W. d/ 16-11-82
" 3040 W. 26-10-83
" 3832 W. 5-11-83
No 1020 C. 19-5-84
" 1574 D. " 5-9-84

Keep with Genl. No.

dated 18 .

Received WO 2-10-84
Resubmitted to B. Reg 27-9-84
C. 15-9-84

[Exr. Wks. Form No. 111.]

GOVT. OF MADRAS. 1884. P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

(12)

Madras, 4th. SEPTEMBER 1884

Office Note No. 410.

To

2502 Encs: —

G.O. NO. 1158 C. DATED 24TH. JUNE 1884.

PLEASE INFORM ME IF ANY DECISION HAS BEEN ARRIVED AT IN REGARD TO THE MODE OF ACCOUNTING FOR VALUE OF SERVICES OF CONVICTS FOR JAIL WORKS OBTAINED WITHOUT COST TO THE P.W. DEPARTMENT.

C.

R. No. 389.
6. 9. 84.

No 1574 D 5th Sept/84

To C/

The replies from Supty Engineers on the subject with a brief abstract, + a copy of

1020 C dated 19th May 1884, are forwarded herewith, for any further remarks you may desire to offer.

C.I.

D.W

5-9-84

No. 422 of 9th Sept/84

To W. Encs 9.

Your Office Note No. 1574 D.
dated 5th. September 1884.

The proposals I submitted dealt with

I. The Estimate and sanction thereto.
II. With the accounting for free Prison Labor.

2. Of the seven Officers to whom the proposals were sent for opinion only one, the Supg. Engineer 1st. Circle agrees to the Estimate question none of the others offer an opinion.

3. The Supg. Engineers 1st. and 5th. Circles, and the Consulting Architect approve of the proposals for accounting. The Supg. Engineer

2502

3rd. Circle approves, except so far as the keeping of Muster Rolls.

4. The Supg. Engineer 2nd. Circle prefers that Prison Labor be accounted for as Petty Contract Work given out at Estimate rates, but does not appear to have borne in view that finished work includes Materials as well as Labor, and he does not say that Materials will be supplied by the Jail Department as well as the Labor, or how he proposes to arrive at the cost of the labor and Materials separately, so that the former alone can be deducted from the cost of the work each month.

5. The Supg. Engineer 4th. Circle has not, I think, quite understood the intention of G.O. No. 1054 W. of 25th. April 1884.

6. The proposals of the Supg. Engineer 6th. Circle are in effect, that the Jail Department should be Contractors for work done by Prison Labor- but he says nothing about the manner in which the cost of Labor alone is to be separated, nor how the value of the work done by such Contractors shall be arrived at.

37 46

7. The main objection to my proposals seems to be the idea of keeping for Prison Labor the initial Muster Rolls. If Prison Labor employed on different sub-heads of work, on one single building or on a block of Jail buildings, is to be charged to the sub-head on which it is employed, so that the proper cost of such sub-head shall be comparable with its estimated cost, then some arrangement is absolutely necessary whereby it shall be known what number of Prisoners is to be charged to excavation, to brickwork in walls, to roofing, etc. and as far as I can see this is to be done by maintaining Muster Rolls.

C.

To

W

2302

Convict Labour

In Memo no. 1020 C of 19th. May the opinions of Superintending Engineers were invited on the Examiner's proposals regarding the estimates & accounts of jail works on which free convict labour is to be employed. The reports having come in were forwarded to C for such further remarks on the subject as he wished to offer, and the file is now complete for disposal.-

S.Es. I, III, V, & C.A. agree with the Examiner- S.Es. II, IV, &VI disapprove, more or less, of his suggestions.

It seems to me that anyone who has had experience of convict labour must agree generally with the remarks of Mr. Rundall, of Col. Beatty, & Col Mead..

It is, in my mind, utterly useless to this Department to keep Nominal muster rolls of the convicts employed. The jail authorities may, and no doubt will keep such; but the P.W. Staff should be altogether relieved

of a to them wholly unnecessary burden.

It is also useless, I consider, to bring the convict labour into the ten-day Reports, or work abstracts, or Registers, or work vouchers.

To objections raised by S.E. Vl.C replies in para 7 of his note of 9th. instant, but, in my opinion, flies wide of the mark. This Department do not want to record, nor for the matter of that, do Government want to know I think, what Sub-heads, or particular buildings, or blocks, certain convicts have been employed on from day to day, or how exactly they have been distributed over different items. And what is the "Value of convict labour" that C considers should be deducted from total value of work done on a Sub-head or building? How is it arrived at by his method?

The proper procedure, when free & convict labour are employed together on the same work building, or Sub-head, will be for the Officer or Subordinate

in charge to notify to the jailor periodically the number of convicts he will require for the next 10 days or so. These are brought to work by the warders. The number will of course be probably 80 to 100 per cent more than the number of free coolies that would be required. The Overseer, beyond trying to get the warders to insist on theconvicts doing something, need have nothing to say to them. He need keep no rolls, or distribution in reports, &ca, for them as for his free bricklayers. Then, at the end of a fixed period, & after measurement of work, the Total value at normal rates of the work done, less the wages of the free artisans & cost of materials supplied by the Department, would be the value of convict labour.

It is of course desirable to avoid, when possible, the mingling of free & convictlabour. When any particular item of work or part of a building can be undertaken by convicts alone, the duties of the Officer or

Subordinate P.W.D. would be simply confined to marking out, general supervision to ensure decent quality, & measuring up & recording work done.

When a work is finished, then let us take it as a whole. The measurements give us the value of work atestimated, I.e. normal rates. The wages paid to free labour, + amounts paid by Department for bricks, lime, wood, &ca, + supervision, give us the net chargeable to P.W.D. The former, less the latter, the value for which the jail Department can take credit. This, deducted from the jail charges for maintenance & superintendence of the convicts employed (as per the jail rolls), will give the cost to Government of the convict portion of the work.

I have not touched yet on Examiner's proposal 1. The sanction to an Estimate for a jail work should certainly be for the full amount; but what the "market value of the convict labour" included means exactly I don't know. The words probably do not express G's meaning.

2502

In communicating sanction to such an Estimate, the amount estimated to be contributed by convict labour is to be distinctly noted. Why? and how is the Estimate for an unknown quantity to be arrived at?

It seems to me that a short G.O., embodying a few brief & tentative rules as above indicated, would meet this case. In a matter of this sort it is desirable to hamper the local officers as little as possible with formal rules & regulations, especially as the employment of convicts free of charge as now proposed has only as yet reached the experimental stage. The economical success of the measure must depend on the arrangements made by the Executive Engineers & Jail Officials in concert, and it is undesirable as yet to bind them down to any hard &fast system of accounting in minute detail. After the work at Trichinopoly Jail has well advanced, we shall be in a better position to judge; & Government can then lay down wider & more general detailed

40

rules.

But before issue of orders it will be for you to decide whether the Jail Department should not now be consulted.

Cl

Dy W.

15 - 9 - 84

To D.W.

I concur generally in the above remarks.

The simplest course now seems to be - to draw up the proposed rules, and to refer them for consideration in the Jail Dept.

Will you be so good as to take the necessary action

[illegible]

17.9.84

(12)

[illegible] 2542

[illegible]

4/10/84

2502

o[illegible]. 12/9 Resubmitted [illegible] 2.10.84 [illegible] 9.10.84

Resubmitted to [illegible] 27.9.84. 2.10.84

[illegible] 15.9.84 [illegible] 19.9.84

To [illegible]

2502

~~44~~
41

3045 W 2/28-10-83
3132 W dy 5-11-83
"A" No. 1054 W dy/25-4-84

[Exr. Wks. Form No. 114]

(15)

GOVT. OF MADRAS. } 1884. { P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 7th MAY 1884

OFFICE NOTE No. 87

To No: 1020 C dy 19-5-84

Encs: —

W.

G.O. NO. 1054 W. DATED 25TH. APRIL 1884.

WITH REFERENCE TO THE ABOVE, IT IS DESIRABLE THAT DEFINITE RULES SHOULD BE LAID DOWN IN REGARD TO THE SANCTION OF ESTIMATES AND THE MODE OF ACCOUNTING FOR THE VALUE OF PRISON LABOR WHICH IS TO BE GIVEN FREE FOR JAIL WORKS IN FUTURE, & I WOULD PROPOSE THE FOLLOWING:-

I. THE SANCTION TO AN ESTIMATE FOR A JAIL WORK TO BE FOR THE FULL AMOUNT OF THE ESTIMATE INCLUDING THE MARKET VALUE OF THE CONVICT LABOR, WHICH, BUT FOR THESE ORDERS, WOULD HAVE TO BE PAID FOR BY THE P.W.D. IN COMMUNICATING SANCTION TO SUCH AN ESTIMATE HOWEVER, THE AMOUNT ESTIMATED TO BE CONTRIBUTED BY CONVICT LABOR TO BE DISTINCTLY NOTED..

II. THE CONVICT LABOR TO BE RECORDED IN SEPARATE NOMINAL MUSTER ROLLS FROM THOSE KEPT FOR FREE LABOR.

III. ALL LABOR, BOTH CONVICT & FREE, TO BE BROUGHT INTO THE TEN-DAY REPORTS, AND POSTED INTO THE WORK ABSTRACT, REGISTER OF WORKS & WORK VOUCHER, SO AS TO SHOW THE TOTAL VALUE OF THE WORK AS COMPARED WITH THE SANCTIONED

KEEP WITH Genl. No.

dated 18 .

Acty 9/5/84

SANCTIONED ESTIMATE.

IV. THE VALUE OF CONVICT LABOR TO BE THEN SHOWN AS A DEDUCTION ENTRY IN THE ABOVE MENTIONED ACCOUNTS, THUS:-

'TOTAL VALUE OF WORK DONE.....RS.0-0-0'
'DEDUCT VALUE OF CONVICT LABOR....RS.0-0-0.'
'NET CHARGEABLE TO THE P.W.D.....RS.0-0-0.'

2. BY THESE ARRANGEMENTS THE TOTAL COST OF THE WORK, THE AMOUNT CONTRIBUTED BY CONVICT LABOR AND THE COST BORNE BY THE DEPARTMENT WILL BE CLEARLY BROUGHT OUT; AND ANY RE-ADJUSTMENT OF THE VALUE OF CONVICT LABOR, SHOULD GOVT. HEREAFTER DESIRE IT, CAN BE READILY EFFECTED.

3. IF YOU CONCUR IN THESE REMARKS, I SHALL BE GLAD OF YOUR ISSUING THE NECESSARY INSTRUCTIONS SO AS TO HAVE THE PROPOSED ARRANGEMENTS CARRIED OUT.

C.E.

Ccl.
6/5

No: 1020 C

P.W. Department
19th May 1884

2502

Memo:

Office Note from the Examiner P.W. Accounts No: 81 dated 7th May 1884.

The opinions of Superintending Engineers are invited on the proposals of the Examiner for showing in estimates and accounts the value of such convict labor as will hereafter be contributed free of cost to the P.W. Department - Vide G.O. 1054 W. of 25th April 84.

Should any practical difficulties in carrying out the Examiner's proposals

suggest themselves to Supdg. Engineers, it is requested that the exact nature of the difficulties may be clearly stated.

14 E.W

No: 1020 C dy 19-5-84

Supdg. Engrs.
Consg. Archt. to Govt.

P. W. DEPARTMENT.

No. 1020 C dated 19th. May 1884.

2502

MEMORANDUM.

Office Note from the Examiner P.W.Accts.No.81 dated 7th.May 1884.

O.No. 1054 W dated 25th. April 1884.

With reference to the above, it is desirable that definite rules should be laid down in regard to the sanction of estimates and the mode of accounting for the value of prison labor, which is to be given free for jail works in future, and I would propose the following:-

I. The sanction to an estimate for a jail work to be for the full amount of the estimate including the market value of the convict labor, which, but for these orders, would have to be paid for by the P.W.D. In communicating sanction to such an estimate however, the amount estimated to be contributed by convict labor to be distinctly noted.

II. The convict labor to be recorded in separate nominal muster rolls from those kept for free labor.

III. All labor, both convict and free, to be brought into the Ten-day Reports, and posted into the work abstract, Register of works and Work Voucher, so as to show the total value of the work as compared with the sanctioned estimate.

IV. The value of convict labor to be then shown as a deduction entry in the above mentioned accounts, thus:-

Total value of work done.....Rs. 0 - 0 - 0

Deduct value of convict labor.....Rs. 0 - 0 - 0

Net chargeable to the P.W.D. .... Rs. 0 - 0 - 0

2. By these arrangements the total cost of the work, the amount contributed by convict labor and the cost borne by the Department will be clearly brought out; and any re-adjustment of the value of convict labor, should Government hereafter desire it, can be readily affected.

3. If you concur in these remarks, I shall be glad of your issuing the necessary instructions so as to have the proposed arrangements carried out.

The opinions of Superintending Engineers are invited on the proposals of the Examiner for showing in estimates and accounts the value of such convict labor as will hereafter be contributed free of cost to the P.W. Department.-Vide G.O. 1054 W dated 25th. April 1884.

Should any practical difficulties in carrying out the Examiners proposals suggest themselves to Suptg. Engineers, it is requested that the exact nature of the difficulties may be clearly stated.

(By Order)

C. Bowen. Major R.E.

Dy Chief Engineer P.W.D.

To

Suptg. Engineers
Consg. Archtt. to Govt.

NO. 144 Gl

FROM,

THE SUPERINTENDING ENGINEER

FIRST CIRCLE. 2502

TO,

THE CHIEF ENGINEER ~~FOR IRRIGATION~~ P. W. Department

DOWLAISHWERAM, 7th August 1884.

Despd 8th

SIR,

With reference to your Memo No 1020 C. dated 19th May 1884, I have the honor to inform you that I approve of the Examiner's proposals for showing in estimates & accounts the value of such convict labor as will hereafter be contributed free of cost to this Department.

I have the honor to be,

Sir,

Your most obedient Sert.

[signature]

Lt Col R.E.

Supt Engr 1st Circle.

45

G.S.

From

The Supdg Engineer
1st Circle

To

The Chief Engineer
P. W. Deptt
Madras.

Dated 7th }
Desp'd 8th } August 1884
Rec'd }

No. 144 Gl
Enclo. —

Compile with replies to
P.C. No. 1056 W. 25-4-84
[illegible]

[illegible]
14-8-84

Convict Labor that will be contributed free of Cost to the D.P.W.
Approves of the Examiner's proposals for shewing the value of the — in Estimates & Accounts.

No. 257 W.

Superintending Engineer's Office,
2nd Circle, Camp Bezwada
27th June 1884.

2502

From

The Superintending Engineer,
2nd Circle.

To

The Chief Engineer,
Public Works Department.

Sir,

I have the honor, with reference to your No. 1020 C: of the 19th May, to report on the proposals of the Examiner for exhibiting in Estimates and Accounts the value of the Convict labor, contributed free of Cost.

2. I have consulted Captain Henderson R.E., the only Officer in the Circle who has had much to do with works where Convict labor has been employed. He considers that the Examiner's proposals are not practical.

(1) As regards nominal muster Rolls of convicts, we certainly do not want to know their names, and it seems to me it is useless to record them. All that

(47)

seems to me to be necessary is that the Officer in charge of the jail should notify to the Officer in charge of the work the number of men sent to the work each day.

(2) Convict labor should be treated as Petty Contract, the amount of work turned out by Convict labor being se=parately measured and charged off at the estimate rates in the 10 day Reports, Register of works &c and subsequently de=ducted from the total.

3. If Government desire the cost by Convict labor to be ascertained, it can only be done by fixing an arbitrary daily rate for each Convict employed, and there seems to be no reason to burthen the Public Works Accounts with these details.

4. When the Convicts are doing work on which a definite task can be fixed the Officer in charge of the work must make daily measurements to see whether the task has been done, and the quantities, at normal value, can be entered at once in the 10 day Report.

5. If it is decided, that nominal muster rolls are to be kept, it must also be authoritatively settled as to who is the proper Officer to fix the daily rate for each Convict, the Public Works Officer or the Jail Officer. If this be not decided there would probably be constant difference of opinion as to the rates at which Convicts should be entered in the Muster Rolls.

I have the honor to be,

Sir,

Your most Obdt Servant.

2502

Jno. Rundall

Superintending Engineer,

2nd Circle.

~~3H~~ 48

Comp: J.S.

Delh 5595
7/4/11

From/
The Superintending Engineer
2nd Circle

To
The Chief Engineer
P. W. D.
Madras

Dated 27th June 1884
Despd 30th do
Recd 4/7/84

No. 2502 W a/9th Oct/84

No. 257 W

Convict Labor, contributed free of cost — proposals of the Examiner for showing in Estimates & Accounts the value of — Expresses his opinion as to the —

Compile

CS

57 D.W.

SUPERINTENDING ENGINEER'S OFFICE,

No. 534

Camp - Ramandroog ~~MADRAS~~, ~~Chepauk~~, 13th June 1884.

From Lt. Col. H. M. Vibart R.E.

~~THE~~ SUPERINTENDING ENGINEER,

III ~~1st~~ CIRCLE,

2502

To

THE Chief Engineer
P. W. Department
Madras.

SIR,

Enclosures.

With reference to your Memorandum No. 1020.C, dated 19th May 1884, I have the honor to report that the mode of accounting for the value of prison labour suggested by the Examiner seems to me unobjectionable and may be adopted.

2. It would however be better if instead of the nominal Muster Rolls for Convict labour being posted in detail into the Ten-day Reports, the value of such labour was shown in a single entry in these accounts;

W. R.

for the former Method will entail an amount of clerical labour without Commensurate advantages.

I have the honor to be
Sir
Your Most obedient Servant
[signature] Lt. Col. R.E.
Superintending Engineer
III Circle

2502

~~33~~ 50

From

The Superintending Engineer,

3rd ~~1st~~ Circle,

To

The Chief Engineer

P. W. D.

Madras

Dated 13th }
Recd. } June 1884.

ENCLOSURES.

No. 534

Convict Labour

Reporting that the mode of accounting for the value of ——— as suggested by the Examiner may be adopted.

Complete

C.S.

Cy

N° 337 / E.W. Supg: Engineer's office IV Circle
Coimbatore 17th July 1884.

2502

From

The Superintending Engineer
IV Circle

To,

The Chief Engineer
P. W. Department.

Sir,

I have the honor to express my opinion as to the best way of accounting for the value of Convict labor:—

2 I consider the Examiner's proposal objectionable because the "market value of the Convict labor" is unknown. Convicts work in chains; have no interest in doing a fair day's work, and in practice do as little as they can; come to and leave the work, not at the hours usual with free labor but, at prison hours; and usually, as there is little or

no

87 ~~38~~

From
The Supg. Engineer
4th Circle.

Dated 17th July 1884

No. 337
E. W.

Enclosure-

Convict labor.

Reports about the System of accounting for the value of—

Compiler

SUPERINTENDING ENGINEER'S OFFICE,
5TH CIRCLE, MADRAS,
Chepauk, 18th June 1884.

No. 1087

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

2502

To

THE Chief Engineer
S. D. D.

Sir,

Enclosures,

With reference to your Circular No. 1020 C. dated 19th May 1884, I have the honor to state that there will be no practical difficulty in carrying out the Examiner's proposals regarding the accounting for the value of Convict labor which is to be given free for Jail Works in future.

I have the honor to be
Sir
Your Most Obedient Servant.

W. H. Preston Lt. R.E.
Offg Superintg Engr
5th Circle

53 26

From

THE SUPERINTENDING ENGINEER,

5TH CIRCLE,

To

THE Chief Engineer
P. W. D.

Dated 18 } June 1884.
Recd. }

ENCLOSURES.

No. 1087

Convict Labor—

Stating that there will be no difficulty in carrying out the Examiner's proposal regarding

Complete

Cy

19.6

No. 344 T.J. Supt Engr's office 6th C
Kodaikanal 29: May/84.

Known.

2502

The Supt Engineer
6th Circle.

To,

The Chief Engineer
P. W. D.

Sir,

With reference to your memo No 1020 C dated 19: May 1884. I have the honor to report that I consider the Examiner's proposal as excellent in Theory but as it is not practicable or advisable to work convicts + free labour together, I do not think the proposal ower that can, with any advantage, be carried out and in any case, I cannot see why Executive Engineers should be given the trouble of having nominal rolls of the convicts employed; these nominal rolls would be utterly useless, a simple entry of the number of convicts employed on each item is all that is necessary should the convicts work with free labour which is not likely

5Y 3Y

to be the case.

2. Works are now carried out chiefly by contract and I see no reason why convicts should not be employed as they are now (but I trust to a much greater extent) that is entirely under the Jail Department instructed by this Department and the out-turn of the work done valued and credit given for it. This plan enables the Jail Department to make their own arrangements as regards discipline &c and also is the only one as far as I am aware has proved successful.

3. What I would propose is that the convicts should work entirely under the Jail Department; the work to be done by them (say excavation, carriage of material and in a few cases ordinary building) to be marked out or shown by this Department: as soon as the work is completed, a measurement to be made and a petty contract bill made out for the value of the work done; this bill to be brought into the accounts but the amount of it to be deducted as of course no money has to be paid nor any credit given for it to the Jail Department. 2502

I believe this will meet all requirements of the account Department and will, as regards the accounts, give the Executive Engineers little or no trouble.

The Examiner has nothing to do with the number of convicts employed and as this is the case, it is as well I consider that only the value of the work turned out by them should be shown in the accounts.

I have the honor to be

Sir

your most obt. servt

Lieut Col. R.E.

Superintending Engineer

55 36

No. 4002

From

The Supt. Engineer

6 Circle.

To

The Chief Engineer

P. W. D.

No. 3447.

Dated 29 May

Rec'd. 31 May 1884.

Convict Labor:—

Report on the—

Complete

CS

4/6

P. W. D.

Consulting Architect's Office,

Chepauk, Madras,

27th May 1884.

No. 301.

2502

From

The Consulting Architect to the Government of Madras.

To

The Chief Engineer, Public Works Department.

Sir,

Enclosures.

In reply to your Memorandum No. 1020 C. dated 19th May 1884 on office Note from the Examiner P. W. Accounts relating to the accounting of Convict labor contributed free of cost to the Department I have the honor to state that the Examiner's proposals appear to me unobjectionable.

I have the honor to be

Sir

Your most obedient Servant

J. T. Morant Major R. E.

Offg: Consg: Archt. to Govt.

1325

P. W. D.

Roads and Buildings

From

THE CONSULTING ARCHITECT

TO THE GOVERNMENT OF MADRAS,

To

The Chief Engineer

P. W. Department

No. 301

Dated 27th May 1884

Received

No. of

Subject.

Regarding the accounting of Convict labor

Public Works Department

No. 2502 W

Proceedings of the Madras Government

Under date the 9th October 1884.

Read the following

2502

From the Suptg. Engr. 1 Circle H.E.No.1446.L. dated 7th.Aug'84

From.....Do.....11 Circle....No257 N.L. dated 27th.June 84

From.....Do.....111 Circle No.534 dated 13th.June 1884.

From.....Do.....1V Circle No.337 dated 17th.July 1884.
E.W.

From ....Do.....V Circle No.1087 dated 18th.June 1884.

From.....No.....Vl Circle No. 344 T.J. dated 29th.May 1884

From the Consg Architect to Govt.No. 301 dated 27th.May 1884

Office Note from the Exr.P.W.AcctsNo. 422 dated 9th.Septr 1884

In G.O. No. 1054 W, dated 25th. April,1884, the decision of Government that convict labour should be utilised on the construction of Jails whenever practicable, and should be given to this service without charge, was conveyed to officers of the Public Works Department. Subsequently the Examiner brought to notice that, under the circumstances, definite rules should be laid down in regard to the sanction of Estimates and the mode of accounting for the value of such ~~free~~ unpaid prison labor. In this view he formulated certain draft

III. Measurements of out-turn will be taken and recorded in the usual manner; and the normal value of each measured item, less the cash payments for the free labour employed& for materials, will represent the value of the work done by the convicts.

IV. When the work, or a distinct block or portion of the work, can be executed wholly by the convicts, without the intervention of free skilled labour, the duty of the P.W. Subordinate in charge will be confined to demarcating the work; supervising the details to ensure their being correctly carried out; and finally measuring up, valuing, & recording the work turned out. In such cases the account of materials issued by the Department would be kept in Part III of the Daily Report Form, or in such other Form as the Executive Officer in charge may find suitable.

To

The Suptg. Engrs.

Cong. ARcht. To Govt.

Examiner. P.W. Accts.

Judicial Department.

2502

Govt. of (1884) Madras.

PUBLIC WORKS.

(58)

10 July 84

Recd 11-10-84
9 Oct

Dated

Read.

Encl.

G.O. 9 Oct 1884, No. 2522

Convict Labor

Orders giving rules in connection with the employment

190/14