

[For Heads of Departments.]

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

To

Circular No. VI Public Works.

Dated Simla, May 20, 1886.

Received 2/6/86

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GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

To

Simla, May 20, 1886.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, British Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore (Agra), and Lucknow.
The Director General of Telegraphs in India.
The Superintendent of Works, Simla Imperial Circle.

The following is forwarded to the Local Governments, Administrations and Officers marginally noted for information and guidance.

By order,

Under Secretary.

No. $\frac{10}{605-18}$.

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—
under date Simla, the 7th May 1886.

Read again the undermentioned papers on the subject of manufactures as carried on in the jails of British India :—

Home Department Resolution No. $\frac{20}{1403-19}$, dated 22nd September 1882.
Home Department Circular to Local Governments and Administrations, No. $\frac{3}{114-23}$, dated 26th January 1884.
Letter from the Government of Madras, No. 1669, dated 7th July 1884.
Ditto ditto Bombay, No. 1180, dated 16th February 1884.
Ditto ditto Bengal, No. 85 P.D., dated 21st April 1884.
Ditto ditto North-Western Provinces and Oudh, No. 297, dated 29th February 1884.
Letter to the Government of the North-Western Provinces and Oudh, No. 391, dated 13th March 1884.
Letter from the Government of the North-Western Provinces and Oudh, No. 709-VI-79-7, dated 29th June 1884.
Letter to the Government of North-Western Provinces and Oudh, No. 957, dated 15th July 1884.
Letter from the Government of the Punjab, No. 80, dated 14th March 1884.
Letter from the Chief Commissioner of the Central Provinces, No. $\frac{3233}{158}$, dated 7th July 1884.
Letter from the Chief Commissioner of British Burma, No. $\frac{222}{30 J.}$, dated 8th May 1884.
Ditto ditto Assam, No. 686, dated 2nd June 1884.
Ditto ditto Coorg, No. 45-1-7, dated 11th April 1884.
Letter from the Resident at Hyderabad, No. 130 G., dated 24th April 1884.
Despatch to Her Majesty's Secretary of State for India, No. 17, dated 20th June 1885.

Read also—

Despatch from Her Majesty's Secretary of State for India, No. 34, dated 10th December 1885.

RESOLUTION.

In Home Department Circular of the 26th January 1884, a full summary was given of the views expressed by the Government of India and by Her Majesty's Secretary of State on various points connected with the Resolution of the 22nd September 1882, which dealt

Employment of Convict labour on Public Works, Railways, &c.

with the question of jail manufactures in British India, and Local Governments and Administrations were requested to submit a report on the subject generally. In cases where a full report had already been submitted by any Local Government, enquiry was made whether any modification in the views previously expressed was desired.

2. The replies received to the above circular were duly forwarded to the Secretary of State with the remarks and recommendations of the Government of India on the several points under discussion, and the Governor General in Council now proceeds to communicate, for the guidance of the several Local Governments and Administrations and of the Departmental authorities concerned, the final decision arrived at as to the extent to which effect should be given to the orders contained in the Resolution of the 22nd September 1882.

3. As regards the employment of convicts extramurally, it is clear from the tenour of the reports submitted by the Local Governments that, in view of the practical difficulties surrounding the matter, it is scarcely possible to anticipate the time when extramural labour can form the principal mode of employing long-term prisoners throughout British India. The Governor General in Council, however, continues to be of opinion that this form of employment has been allowed to drop too much out of sight, and that convicts may, with advantage, be employed on public works, subject to the conditions laid down by Her Majesty's Secretary of State, that is, in cases where the works are so large and concentrated and likely to last so long a time as to justify the erection on the spot of such accommodation as would be required for the exercise of the same sanitary care and the enforcement of the same system of discipline, penal labour, and classification which are now exercised and enforced in Central Jails. Convicts should not be drafted to public works, where from conditions of climate their regular employment out of doors is not possible throughout the greater part of the year, and they should be only men selected for that class of work on due consideration of their physical fitness and the sentences passed upon them.

4. The employment on railway works of gangs of convicts, lodged in portable jails during the progress of the works, does not meet with the approval of the Secretary of State, who considers it undesirable that Local Governments and Administrations should be directed or even encouraged to have recourse to this system of employing convicts. At the same time His Lordship is willing that it should be left to the discretion of Local Governments to resort to this system of employing convicts should any exceptionally favourable opportunity present itself, provided that, in any case in which the experiment may be tried, its working is carefully watched and specially reported on to the Government of India and the Secretary of State. These orders should be carefully observed.

5. The practice followed in the Madras Presidency and in parts of the Bombay Presidency of employing small gangs of prisoners on station roads and municipal works of various descriptions should be discontinued. Such a system cannot but be detrimental to discipline, and is opposed to sound principles of extramural employment. In Assam and British Burma a similar practice prevails; but, for the special reasons given in each case by the Local Administration, the Government of India is, for the present, not disposed to interfere with it in either of those provinces. The proposal made by the Chief Commissioner of the Central Provinces to employ a gang of prisoners at the Warora Coal mines appears to be open to no *prima facie* objection, and is sanctioned as an experimental measure.

6. With regard to intramural employments, the Governor General in Council admits that in provinces having a completely organised system of central jails, there must be in such jails well-regulated industrial employments on a large scale; but His Excellency in Council considers that jails should not be converted into steam factories. The use of steam machinery in jails will not, however, in future be absolutely prohibited, although care should be taken that limits are set to its employment in individual cases where it is found to be incompatible with the penal character of convict labour, or where there is strong reason to believe that it enables the jails to compete injuriously with private capitalists in the neighbourhood. If any jail industry is proved seriously to injure any local trade, it should be discontinued in favor of some other kind of employment. The existing arrangements with regard to steam machinery in the jails of the Lower Provinces of Bengal will not be disturbed; but His Excellency in Council desires that, in the event of any extension of such machinery being contemplated in that or in any other province, the considerations above set forth will be carefully borne in mind by the Local Government or Administration concerned, and in the case of any extension of magnitude, that the sanction of the Government of India will be previously obtained. The experiment of hiring out jail factories and convict labour to private capitalists does not commend itself to Her Majesty's Secretary of State, and need not therefore be tried.

7. As regards the preferential supply of articles of jail manufacture to Government Departments, Her Majesty's Secretary of State has decided that Local Governments and Administrations should in future adapt their intramural industries as much as possible to the requirements of the public consuming Departments, these Departments being compelled to take articles of jail manufacture which they require, as long as such articles can be supplied by the jails of the same quality and at the same price as they can be obtained in the open market. It is not intended by these orders to preclude the jails from special industries, such, for example, as carpet-making, which have been found suitable as a means of employing convict labour, but for which there is practically no market in the Departments of Govern-

ment. Nor is it intended that these orders, so far as they oblige the public consuming Departments to take articles of jail manufacture, should affect existing contracts, which must be allowed to run for the stipulated periods.

8. With regard to the principles which should regulate the price of articles manufactured in jails, whether offered for sale to the public or to the consuming Departments of Government, Her Majesty's Secretary of State has accepted the view of the Government of India, that the simplest course is to follow as closely as possible the prevailing market rates for similar articles. Where such market rates do not exist, or cannot be ascertained, the procedure laid down in paragraph 20 of the Resolution of 22nd September 1882 should be adopted, care being taken that, in estimating the price to be assigned to jail products, due allowance is made for the admitted inferiority of convict labour to free labour.

9. The Governor General in Council is still disposed to think that sufficient attention has not been given in the past to avoiding multifarious employments in the same jail—a matter insisted on strongly by the Prison Conference,—or to securing an adequate amount of the penal element in jail industries; and these points are again commended to the attention of Local Governments and Administrations. There is, however, reason to hope that on the whole the effect of the Resolution of September 1882 has been to place matters in this respect upon a more satisfactory footing; and His Excellency in Council is content now to leave the matter to Local Governments and Administrations, on the condition that they are careful to act up to the general principle laid down in that Resolution, subject to the instructions embodied in the present orders. It is not desired to lay down any hard-and-fast rule as to the particular jail industries which should be held to be admissible or inadmissible, inasmuch as these must necessarily vary according to local circumstances, and can therefore be better determined by the Local Government or Administration concerned than by the Government of India; but the Governor General in Council would express his hope that care will in all cases be taken that the penal element is fully maintained, and that undue competition with outside industries is avoided.

Madras.
Bombay.
Bengal.
N. W. P. and Oadh.
Punjab.

Central Provinces.
British Burma.
Coorg.
Assam.
Hyderabad.

ORDER.—Ordered, that this Resolution be forwarded to the Local Governments and Administrations noted on the margin, and to the Military and Public Works Departments and to the Department of Finance and Commerce for information and guidance.