Convict Labour: In the 19th century, it was the aim of the prison administration to use prison labour for ensuring economy in administration. Reformation of criminals was not its aim. The Jail Commission, 1889, recommended that prison labour should be used to diminish the cost of maintenance of prisons and jail land should be cultivated as it would be economic. It also recommended that prisoners may be employed in preparing dal and paddy-husking. These recommendations were accepted by the Government of Assam.

The Medical officer must examine the labouring prisoners from time to time and record their weight. If a particular type of labour is injurious to the health of a prisoner it must be changed under the direction of the Medical Officer.

The Indian Jails Committee, 1919-20, also laid stress on prison labour but it pointed out that in the selection of prison labour the main objective should be the reformation of the criminal. There should be intramural employment for long-term prisoners. The Committee recommended that each jail should conduct two or more industries. A market should also be provided for jail products. While manufacturing goods in jails due attention should be paid so that private enterprises are not injured and no competition arises between jail-products.

2. Prisons Act, 1894, Section 35.
and private-products. It is also recommended by the Committee that the employment of prisoners outside jail should be discontinued. Convicts may be employed in large outdoor projects where climatic conditions are favourable. The Government accepted most of the suggestions of the Jails Committee, 1919-20. The object of prison labour is clearly laid down in the Manual of 1934. The principal purpose of prison labour must be the reformation of prisoners. Purposeless and non-productive labour must be avoided in jails. Prisoners while employed in industries must be given up-to-date instructions. The All India Jail Manual Committee, 1957-59, also made similar suggestions.

Jail labour is classified as hard, medium and light. The Jail Superintendent determines the form of labour in which a prisoner should be employed. When there is no scheduled task for a prisoner it is to be allotted by the Superintendent. Whenever a prisoner has to perform a work which requires skill, sufficient time is given to him to acquire necessary qualification. Tasks must not generally be allotted to convicts against their caste prejudices. High caste Hindus might be employed in conservancy work if they volunteer to do it. Except on medical grounds work of a prisoner cannot be changed frequently as it will not give him the privilege of learning a trade and acquire necessary skill for its performance.

Labour in a jail may be intramural or extra-mural. Labour which is performed within the outer main-wall of a jail is

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5. All India Jail Manual Committee Report, 1957-59, paras.
is called intramural. Labour which is performed beyond it but not ordinarily beyond the limits of jail is called extramural.  

**Hours of labour** - The Jail Manual, 1934, has laid down the hours of labour as directed by the Prisons Act, 1894. No convict can be made to labour for more than nine hours on any day except on an emergency. Without the written permission of the Superintendent, no convict can be employed beyond scheduled hours. A female or a juvenile convict must perform three-fourths of an adult male convict's daily labour.

Female convicts are employed in the preparation of food and food-articles for the females. They are also taught knitting and needle works wherever possible which may be of use after their release. Juvenile convicts are engaged in light work.

It is the duty of the Jailer to see that sufficient number of convicts are trained so that they can replace the released convicts. Otherwise, on the release of skilled convicts an industry may suffer a lot. As far as possible jail labour must supply the jail-needs and they should not be purchased in the local market. Menial work in a jail is performed by convicts. Regarding the employment of convicts in such work a restriction is imposed. More than 10 per-cent of the convicts cannot be employed in menial work. This restriction has been imposed to prevent misuse of prison labour and provide suitable employment for prisoners in other productive work which is economic for the jail administration and of educative value for the prisoners.

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7A. Ibid, Rule 409.
8. Ibid, Rule 424.
Many restrictions have been imposed upon the jail officials for the use of prison labour for their domestic needs. Under no circumstances convicts can be employed as private servants. Prisoners must not be employed either by private persons or by jail officials except as provided by rules.

Generally a gang of sweepers and water-carriers is maintained to supply water and to perform sweeping work in the quarters of the jail officials. The Jailer is allowed a regular gang of four convicts to maintain his garden if he has got one. A convict cannot be left alone in the quarter of a jail official to perform domestic work.

But there is a general criticism against jail officials that they make use of convict labour even in their domestic work. It is condemned by one and all. The misuse of prison labour can be checked only by exercising proper control over the officials. Prisoners may also refuse to perform those works which do not come under the rules.

Certain classes of convicts cannot be employed outside the walls of the jail without the sanction of the I.G.P., for instance, convicts who have not served one-fourth of their sentence; if the unexpired portion of a sentence is more than two years; if an appeal is not disposed of; if any other charge is pending against him; if the convict is a resident of a foreign territory and if the convict is a member of the criminal tribe.

10. Ibid, Rule 425.
Before employing a prisoner outside the jail-walls the Jailer must satisfy himself that the above conditions have been fulfilled. From this we come to the conclusion that convicts who are honest are employed extramurally.

It may also be noted that only healthy prisoners can be employed in extra-mural labour. Convicts are employed in brickmaking, gardening, building, repairs, alterations of the quarters of the jail officers and in other works. Convicts may be employed in the works of the Municipalities and local boards with the sanction of the I.G.P. Convict labour may also be supplied to the P.W.D. During the period, 1874 to 1940, convict labour was supplied to the P.W.D. and to the municipal boards very frequently. But at present it is seldom done. Convicts cannot be employed at a distance of more than three miles from the jail without the sanction of the I.G.P.

When the services of convicts are lent outside to local bodies and to the P.W.D. necessary wages must be paid by these authorities for the work done. The amount is credited to the 'Jail Fund'.

When prisoners are employed on extra-mural labour, arrangements for guards are made so that they cannot escape from their work. It is the duty of the Jail Superintendent to see that no prisoners escape while they are at work outside the jail-walls. Security personnel, one paid warder and one convict warder, are appointed for every ten prisoners when they are engaged in extra-mural labour.

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12. Ibid, Rule 434.
Cleanliness and sanitation in a jail are looked after by a sanitary gang. An anti-malarial gang is trained for the prevention of malaria in jails. Generally short-term prisoners are selected for this job.

The Jail Manuals of 1899 and 1934 provided for the employment of illiterate prisoners in office work as peon, sweeper or punkhamaan. But they strictly forbade the employment of literate prisoners in office work and prevented their access to official records in the jail office or store-room. But at present, in most of the jails literate prisoners are allowed to work as writers in jail offices and they have got easy access to jail documents. Of course, from the employment of literate prisoners in office works no evil effect has followed. It is because of the fact that only those convicts whose character and movements are beyond doubt are engaged in this work.

From the beginning, it was very difficult on the part of the jail administration to find remunerative labour for prisoners within jails and lock-ups. Oil pressing was a common intramural labour for prisoners. But this type of labour was very hard for the prisoners and as such people criticised the administration. Moreover, oil-pressing was not a profitable labour. So, stone-breaking, soorkee-grinding and floor grinding were also made use of in many jails. In some jails, brick making, cloth and gunny weaving and carpentry were carried on. Temporary Public Works Jails were established in many places and prisoners were employed there extramurally. The Chief Commissioner of Assam tried to extend tile-making in some of the jails in Assam.

17. Resolution tabled by Dr. M.N. Saikia and Purna Dhar Sarma in the Assam Legislative Assembly, September 15, 1937.
So far as prison labour is concerned, the conditions of lock-ups were very miserable. In most of them, prisoners could not be employed intramurally and prison rules had to be relaxed for the employment of prisoners extramurally.

The problem of employment of prisoners in remunerative labour continued to exist throughout the history of jail administration. In most of the jails prisoners were employed in unremunerative labour. Convicts were kept busy in some works or other.

Although a large number of prisoners are employed, it should be noted that all prisoners are not fully employed for obvious reasons. First, sufficient land is not available. Second, prison population is increased enormously. Finally, free labour is available and therefore local authorities and the P.W.D. do not require convict labour.

**Jail Industries**: The Government of India recommended that before establishing an industry in a jail it should be seen that jail labour was utilised for jail purposes; that wants of other consuming departments were also met as far as possible and that the number of industries was limited.

The Government of Assam incorporated all these principles in the Jail Manual of 1899. The Assam Jail Manual of 1934 carried them forward. It went further when it said that if jail industry proves to be injurious to a local trade it should be discontinued in favour of some other trade which is not likely to compete with private industry. No new industry.

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can be started without the permission of the I.G.P. Thus, the aim of jail industry is not to compete with open market products but to use jail manpower properly for jail requirements and train them convicts for their after-release occupations.

It is the duty of the Jailer or the Assistant Jailer in charge of industries to supervise the work of the convict labourers and see that all convicts perform their allotted task. Convicts who did excellent work were given gratuities at the time of release. At present, prisoners are given daily wages for the work done by them.

Bamboo and cane work, smithy, carpentry, soap-making, tailoring and weaving are the main industries of the major jails in Assam. Tezpur, Jorhat and Gauhati Jails are famous for their cane and bamboo work. But the number of persons employed in these industries is very limited. So, most of the prisoners cannot be engaged in industrial work. Many jails do not have modern implements to run their industries. In many jails there is no instructor to train the convicts in different vocations.

In 1928, attempts were made to improve jail industries. But the result was not satisfactory. The I.G.P., in his report in 1931, remarked that when the jails were in a position to turn out articles and materials of quality equal to similar goods obtainable in the open market and if the price of the jail products was fixed at a reasonable rate, the government departments would definitely purchase jail-made articles.

In 1955, an industrial scheme was introduced in the District Jail at Jorhat for the reformation of prisoners under the supervision of a whole-time officer. The Special officer of Jail Industries joined his post on February 18, 1955. Bamboo and cane works were started with 37 long-term prisoners in a separate yard. The agricultural section was started with 10 long-term prisoners under the supervision of a part-time Agricultural Instructor. The Carpentry section was started with 7 prisoners. Wages at the rate of 19 paise were paid to all the prisoners employed in the industrial section. The industrial scheme has been functioning properly since then in the Jorhat District Jail. Thus, it is the only jail in Assam where different industries are carried on in a systematic manner and a small section of prisoners is trained in them. In other jails, industries are introduced subject to the condition that raw materials and expert prisoners are available.

Industries in jails were not profitable for different reasons. First, jail industries were not brought to the notice of the public. Second, Government departments were not sympathetic towards jail industries. Third, the dearth of skilled labour and the small size of the jails were also responsible for the poor condition of the industries. Moreover, financial condition of the State Government did not permit it to start new industries and enlarge existing ones. As a result of that, the object of giving industrial training to the convicts was not successful.

Jail dairies -: Dairies exist in some jails. Before Independence, a lot of income was derived from them. But at present it is not a profitable concern. It cannot employ many prisoners. Moreover, it is also not of educative value. Hence, dairy industry is decaying.

A small number of cows may be maintained in a jail to supply milk to sick prisoners. But the maintenance of cows must be economical and subject to sanitary requirements.

Jail garden -: Prisoners in all jails require a huge quantity of vegetables for consumption. If these vegetables are purchased from the market, the cost of maintaining prisoners will be high. Therefore, attempts have been made to meet the jail requirements by growing vegetables with the help of convict labour.

For the cultivation of vegetables, there is a small garden in each jail. It is the duty of the Jailer to see that the jail garden is maintained properly and that it contains a sufficient quantity of vegetables. Vegetables of different varieties are cultivated throughout the year by the prisoners so that the jail garden can supply vegetables for jail consumption continuously without any break.

In case vegetables have to be purchased in the market, the Jailer should give necessary reasons for the failure of the jail garden to supply a sufficient quantity of vegetables. In the beginning, it was the personal duty of the Jailer to keep the jail garden full of vegetables with...
with the help of convict labour. Should he fail to do so he had to pay compensation for the purchase of vegetables in local market.

Garden refuse are properly utilised for manuring vegetable plants. The garden is also kept neat and clean. The Jailer makes arrangements for the supply of water to vegetable plants. Jail land must be utilised properly.

A limited number of prisoners may be employed in gardens the maximum not exceeding one-tenth of the total jail population. Surplus vegetables are sold to public. The sale proceeds are credited to the 'Jail Account' in the Treasury.

Almost all the jails in Assam were self-sufficient in vegetables some years ago when the jail population was not much. At present, it is common to purchase vegetables from the market for jail consumption. Because, it is very difficult to feed a large number of prisoners. Existing jail gardens are very small. There is also no scope for their expansion. As a result of that, there is no other alternative but to purchase vegetables which has resulted in the rise of cost of maintenance of prisoners.

During the period under review employment of convicts in profitable enterprises was a problem. In recent years, it has become an acute problem with the increase of jail population. This problem can be solved by establishing open air institutions, extending the area of jail gardens and by reorganising industries. The aim of jail administration is to reform the prisoners. If they are trained in suitable trades, it would be of great benefit for them after release. The released prisoners can start these trades with necessary help from the government. Moreover, it will also ensure economy in jail administration.

32. Ibid, Rule 740.