Chapter 5

Managing the Convicts – Co-opting the Deviant

It cannot be too clearly laid before the governing authorities that the Settlement is not, and never can possibly be, a Jail.... In other words, every dhobi, every sweeper, every barber, every pahrawala over a plantation, sluice-gate, godown or barrack, every driver of every dark runner, and so on ad infinitum, must have a man in charge of him. This is, and always has been, an impossibility. To carry the rule out to the letter would moreover involve the entertainment of a body of Petty Officers so large that the supply would not be forthcoming even if the money required was. What has been done is to carry out the spirit of the rule so far as circumstances have permitted.1

Introduction

Segregating the convicts according to the time of their sentence, point of origin and the status within the penal hierarchy and keeping them under constant surveillance were the integral components of the colonial penal ideology by the latter half of the nineteenth century. However, the geography of the Andaman Islands made the application of the management techniques of segregation and surveillance near to impossible. Co-opting the convict in the colonial political hierarchy was the basic element of the system of convict management in the Andamans. The co-option of the convict was necessary for not simply controlling and disciplining the convict. It was a measure of political expediency imposed on the Settlement officials by the geography of the Andaman Islands. The administration of the colony depended heavily on the co-operation of the convicts, who at most times, outnumbered the Government officials by thousands. The convicts were inveigled into political consanguinity by the administration where they were made to watch over, conspire and inform against, beat up and keep under control their fellow convict brothers. What could have possibly occasioned such consanguinity? In Satadru Sen’s view the convicts participated in the regime out of ‘perceived self-interest’. Given the nature of political ideology of the colonial state, which was based on uncompromising racial differences and hierarchy, it was difficult to induce an Indian subject to completely identify with the interest

1 A note by R. C. Temple, 'Memorandum on the Supervision of Labour in Port Blair' on 7 Jan 1895.
of the regime. The absence of a symbiotic identification with the state, in Sen's view, naturally precluded self-surveillance and self-policing. However, he further argues that the subject could be manoeuvred into a political consanguinity, through the devices of punishment and reward and made to police other minions; while actually preventing any genuine integration of State and society. Two points arise out of Sen's exposition. While he does proffer a plausible reason for the participation of the convicts in the colonial administration, he does not shed light on the actual character of punishments and rewards which elicited such co-operation. And secondly, the 'incomplete political and ideological identification' that Sen talks about was not specific to the colonial situation and did not necessarily preclude self-policing or self-surveillance. It is a condition, which could exist under any kind of State system. What specifically sets apart a 'colonial' condition from another has not been marked out by Sen. Moreover, there did not exist a uniform all-compassing 'colonized self', which was opposed to the colonial interests. Had this been the case, the Indians would have never joined the British Indian Army or police or for that matter the Indian Civil Services. Following is an account of the problems that arose in enforcement of the standard penal management techniques in the Andamans and the actual character and reasons that contributed to 'rewards and punishments' becoming effective instruments of coercion.

Inadequacy of Customary Penal Devices: Surveillance and Segregation

The utility of the customary penal management techniques was severely put to test in this island colony, and they were found to be miserably wanting on all scores.² In the Andamans, segregation and surveillance as management techniques were inextricably linked to each other. Segregating the various classes of convicts and keeping them apart from the free population on the Islands was an important ingredient of surveillance and, conversely,

² My view here is completely contrary to the one taken by Satadru Sen who feels that the 'legal and procedural feasibility of surveillance in the Andamans was in a sharp contrast to the situation on the mainland', where enforcement was surveillance was extremely difficult. In Sen's account, there is complete silence regarding the lack of the government's success in enforcing the avowed aims and the consequent changes thereby in the functioning of the administration. His narrative remains a documentation of policy statements rather than their actually working.
effectual segregation was not possible without proper surveillance. In the Andamans, therefore, the failure of one spelt doom for the other.

The Superintendents, in the early years of the Settlement, had relied on a system of spying by free native subordinates. For instance, J. P. Walker had used the services of a free native assistant called Muthra Dass. He had been the Jail Darogah at Agra and was induced by an addition of fifty rupees to his pay to follow Dr. Walker's fortunes in the Andamans. He worked in close association with Walker and it was believed at one time that 'his presence seems almost necessary to the prosperity of the Settlement'. The visiting officials who came at intervals for the inspection of the Settlement did not frown upon such a practice by any means and, instead, urged the use of spies in this manner. For instance, Henry Norman in his report remarked:

One element is wanting, which at one time I believe it was intended to supply. I allude to detectives. The presence of a few thoroughly good detectives at Port Blair would be invaluable. Not only might they obtain timely information of designs amongst the convicts, but as there are criminals from all parts of India, they might possibly obtain clues which would be of the greatest value to peace and security of India itself.4

The absence of a greater number of Superintendents taking kindly to this approach, suggestions were made for photographing of life-convicts in order to be able to exercise greater supervision over them. Following much discussion, photographing was experimentally introduced in 1875.5 However, the reproduction of the photographs of the convicts posed an insurmountable problem. The cheapest carbon process for the reproduction of the photos, known as the 'autotype by double transfer' entailed heavy costs.6

The utility of photographing the convicts was still in its experimental stage and its utility as a surveillance device was always under constant debate. It was believed by some that 'the possession of photographs of escaped convicts will not prove of any material assistance in

3 Home, Judicial, 29 July 1859, 1-20, NAI and Home, Judicial, 6 Jan 1860, 7-23, A, NAI.
4 Home, Port Blair, August 1874, 75, NAI.
5 Home, Port Blair, January 1879, 30, NAI.
6 Home, Port Blair, August 1875, 47-48, NAI.
their recapture'. The system, the others argued, was instituted not simply for enabling the recapture of escaped convicts but for starting 'a system of registering the worst offenders, which may prove of much value to judicial, police and jail authorities'. Finally, following the annual review of the photographing system, it was felt that in the tropical climate the photos changed colours very fast and the appearance of the convict altered between the time the photos were usually taken and the time he arrived in Port Blair, making the photos useless. The establishment in Port Blair also began disfavouring this policy because it did not find the photographs useful in recapturing or identifying the convicts, besides the high costs of production.

Surveillance, therefore, was one aspect of the local administration, which was difficult to enforce, given the character of the Settlement. This was also evidenced in the large number of escapes the convicts effected throughout the history of the penal settlement. This, in turn, made the success of the system of segregation also quite uncertain. The administration wished to enforce segregation at two levels: one, between the various classes of convicts; and the other, between the convicts and the free population (consisting of free residents and ex-convicts who had chosen to remain in the Settlement on their release). Segregation amongst the convicts was an imminent need of the administration not only from the view of convict discipline but also the safety of the Settlement. The killing of Lord Mayo by Sher Ali in February 1871 was one such instance of failure of the Settlement officials to keep the individual convicts under surveillance. A combined rebellion by a group of convicts was also an ever-present possibility. This fear of the officials came true when a plot to murder the Superintendent R.C. Temple was unearthed in 1896. The conspirators were convicts who had been convicted in the same case in India, but had been sent to the Andamans at different dates. Such convicts, in theory, were supposed to be kept segregated. However, as a result of 'an oversight', which was the official explanation for this incident, the convicts from one gang got a chance to be together and plan their 'mischief'. The actual reason for such a lapse was that it was difficult to find a connection between convicts of this kind, when they arrived in the Andamans, unless the local government sent this information. This raised questions about the 'method adopted to keep convicts in the same case segregated while in

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7 Home, Port Blair, July 1876, 25, NAI.
transportation'. R.C. Temple, smarting from the discovery of the conspiracy to kill him, groused over the state of affairs in the Settlement:

There are stringent sections in the manual as to the correspondence of convicts, but on a case arising last year showing that correspondence was carried on inspite of the sections, I found that no practical system of preventing had been worked out.... Similarly, in the cases of preventing persons from landing or departing without the knowledge of the authorities and of residing without a license, no definite arrangements had ever been made.9

Thus, the Settlement was failing miserably on account of surveillance. The Settlement officers also wished to keep the rebel mutineers apart from the ordinary criminals convicted of dacoity and murder. But this was also a proposition that they found difficult to fulfil:

Till recently his settlement was a depot intended for Rebel and Mutineer convicts only and on its being determined that the settlement should become a receptacle for all classes of offenders, the government was pleased to direct that the new class should be kept entirely apart from the former. Practically, this can not take place as at present we have no cleared space sufficient to admit of such separation.... A very large portion of them are sentenced for ordinary crime... it does not appear therefore probable that government with this information would desire the separation of these men from the later importation.10

While the Settlement officials admitted to their failure to segregate the ordinary criminals from one another, the segregation of female and 'habitual convicts' also remained a source of constant concern for the administrators. For the purpose, time and again, rules and regulations were made and their enforcement was urged. The failure at this level was noted by the Lyall and Lethbridge Committee of 1890, which quite vociferously recommended the 'segregation of habituals and convicts convicted for the first time, of convicts addicted to

8 Home, Port Blair, Jan 1879, 30, NAI.
9 Home, Port Blair, Oct 1896, 1-5, NAI.
10 Home, Judicial, 6 Jan 1860, 7-23, A, NAI.
unnatural crime, and of the female convicts'. The recommendations of the Lyall and Lethbridge Committee with regard to female convicts was immediately enforced, whereby the employment of the women outside the female jail was entirely discontinued. The hitch in enforcing the segregation of the habitual criminals was that the definition of what constituted this category continually evaded the Settlement officers. There was one category of habituals within the Settlement, who were characterized as such because of indulgence in homosexual acts, either as 'perpetrators' or as 'recipients'; and the other category of habituals were convicts who never gave up their tendency to commit crime, and were generally seen as 'incorrigibles'. The exasperated officials finally decided that the latter category of habituals shall be distinguished from the date of their arrival by the substitution of red stripes in their clothing for blue striping used for other convicts and that, if at the end of five years no thefts had been reported against them, they would be allowed to wear the same clothing as the other convicts. And the former category of habituals were to be confined separately in cells at night in order to prevent them from perpetrating or being subjected to sexual misconduct.

The segregation of the convicts from the free population was even more troublesome to enforce. Both the classes of people often inter-mingled and even inter-married. The segregation of the two was desired not only because of penal reasons but their intermixing was believed to discourage the released convicts from settling down in the Andamans. The villages of the self-supporters were located in the southern district of the Settlement. During Colonel Horsford's time an attempt was made to forcibly move the self-supporters to the northern districts and the free settlers, from the northern to the southern districts. This was done in order to keep the convicts under constant surveillance by quarantining them on a part of the Island. This policy, besides leading to chaos also affected the temper of the

11 Home, Port Blair, June 1890, 74, NAI.
12 Home, Port Blair, March 1894, 5, NAI.
13 A committee was constituted in 1905 to consider the question of habitual criminals in India. In September 1907 one of the members of the council got hold of the New South Wales Act of 1905 for the detention and the control of the habitual criminals. It prescribed the circumstances under which a judge may declare a person as habitual. Even that was found unworkable for India. And, finally, the government decided not to introduce any changes at all in the system, in Home, Port Blair, Dec 1910, 80-93, NAI.
convicts. According to Temple, 'mere separation by residence is not sufficient to ensure the segregation of free settlers and convicts as long as they can have easy access to each other by road or by sea'. As a result, Colonel Horsford and Temple passed orders which made it necessary that any person, be it free or self-supporter, who went out of his sub-division had to do so with the knowledge of their Settlement officers. The Government of India also desired a strict enforcement of segregation but the local officers found it difficult to follow the Central government's diktat. Also, in principle the local officers were not always in favor of the measure. The reason that Temple gave was:

I have misgivings as to the effects of their severity. I have always understood it to be an axiom in regard of the successful management of oriental population that, among other things, there are two things that must be done: interference with freedom of movement, and interference with petty profits made in internal trade. Now it is just those things that I and my predecessors have been obliged to do in pursuance of the policy we have been called upon to carry out. Of the extreme unpopularity in Port Blair of the action taken I have had many local evidences, and one of the results has been to discourage the Settlement in the place of released convicts. There is no doubt that they do not come forward now as freely as they did before this policy was inaugurated, and the reason is that in Port Blair the free and the self-supporters live greatly on each other, buying and selling each others’ produce that restriction in movement which the lower class Native of India detests, but it also prevents his making as readily as he otherwise might, those little profits which mean to him success in life.15

Inspite of misgivings, attempts were made at enforcing segregation until about 1908 when Colonel Browning felt that these strictures could be relaxed, as the self-supporters would be encouraged to perform better if they lived amongst prosperous free people. And most of the self-supporters came from the class of dhobis, barbers and shopkeepers that were complementary to the already settled community. A very small number belonged to the class of agricultural self-supporters. In Colonel Browning’s view, if, the Government of India desired ‘to develop colony in Port Blair’ then ‘every obstacle was to be removed which was

14 Foreign, Internal, Sep 1891, 35-36, B, NAI.
likely to deter released convicts from remaining in the Settlement', and segregation was one such obstacle.16

This was the line of thought which dominated until the arrivals of Lt. Colonel M. W. Douglas, in 1915, who suggested that segregation once again be enforced and also that the policy of encouraging the released convicts to settle down be suspended. This argument was being put forward in view of the limited agricultural capacity of the Settlement. The Superintendent felt that the released convicts appropriated most of the good land by having a higher bidding capacity than the self-supporters. And, in fact, it was the self-supporters who had done the pioneer work in opening the country. Further, he was urging the policy of segregation not on the basis of moral standards (unmarried convicts living in the vicinity of women of the free population), but the free convict was often in a position to exploit the self-supporter. This, he explained, on the basis of a few cases which had come to light in which the free convicts had managed to engage the self-supporters in 'illicit trade of liquor and prostitution of former's wife and then lead him into trouble and in the end the latter was sent back to the labouring gang'.17 The Government agreed to his proposal to suspend the retention of ex-convicts on a temporary basis.

The messing system, another essential ingredient of the system of segregation, also came with its own peculiarities. For the three classes of convicts different systems were in use. The lowest grade or the third-class convicts were messed, the food being cooked by Brahmin convicts. The second-class convicts were given dry rations along with some allowances to buy extra food items. The first-class of convicts was given food allowances and were also free to become self-supporters and earn their living. The system however, was not thoroughly enforced. For instance, the convicts of second-class convicts sometimes had to be supplied with cooked food because they were engaged on a particular labour work or on a station from where they did not have enough time to return to their own station in order to cook their meal. Similarly, the third-class prisoners sometimes had to be supplied with dry rations because it was not possible for the cooked food to reach them in time for their meal.

15 Home, Port Blair, Jan 1896, 111, NAI.
16 Home, Port Blair, July 1915, 1, NAI.
17 Home, Port Blair, Feb 1918, 39, NAI.
So the system was enforced according to local contingencies. The second-class convicts sometimes misused the system by selling the dry rations supplied to them. The first-class convicts obtained rations from these convicts at a much lower rate. The Settlement officials once contemplated doing away with the system of dry rations and replacing it by a single system of giving out money allowances. This idea was finally not implemented because it had the danger of increasing gambling and crime in the settlement.\textsuperscript{18}

Thus, the administration favoured the system of messing over that of dry rations or money allowances. But messing was also fraught with problems as there were not enough Brahmin convicts to serve as cooks and then food for the Muslim convicts and the Burmans would have to be cooked separately. Moreover, it was felt that convicts would object to the withdrawal of the system of giving dry rations, not because of their religious scruples, but because it would mean the loss of money that would come from the sale of the dry ration. The administration did not look at this trade in dry rations askance mostly because they felt that no convict would sell at the cost of going hungry. However, they had to admit that it had led to a general decline in the health of the second-class convicts. This was because there was not enough vegetables, fish and other dairy products, available for them, to buy in the Settlement. The history of the system had gone through the various phases with one system being preferred over the other, messing, dry rations or money allowances. However, there were practical difficulties in allowing one system to be enforced.\textsuperscript{19}

\textit{Co-opting the Deviant – the Convict Warder \\& Chowkidari System}

The employment of convicts as petty officers or warders was by no means unique in the Andamans. They were not only being used in an extremely popular way in the Straits Settlements but also in the jails of India.\textsuperscript{20} In the Andamans, it became a measure which served the administration in several ways. It led to huge savings as it cut down the additional

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\item \textsuperscript{18} Home, Port Blair, March 1915, 6, A, NAL
\item \textsuperscript{19} ibid.
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costs of the hiring of free officers. And, it worked as a kind of a reward and an incentive for
the convicts to behave well and to comply with the official diktat and, lastly, this co-option
secured the safety of the officers and the Settlement. The convict petty officers – tindals,
jemadars and umedwars kept the convicts in barracks and labour under watch. There was
one jemadar to every station containing more than a hundred convicts, and on every
hundred convicts, there was one tindal, six peons, and two umedwars. The jemadars and
tindals got paid in cash, while the peon was given marks. The overseers arranged with the
station jemadar for the distribution of the men on the next day’s work, to prevent any delay
in the morning parade. They accompanied the labouring convicts on various works during
the day and lived in their barracks by night:

All immediate supervision of the convicts at work or in barracks is effected by convict
petty officers and orderlies, and the free police act merely as guards – not brought into
immediate contact with the prisoners... in all the fixed stations the barracks are well
constructed and afford good means of looking after the convicts, and keeping them in at
night, lamps being kept lighted and petty officers and convict orderlies on duty with
doors shut and latrines attached to each building for night use.21

Colonel Man, with his experience in the Straits Settlement, believed in the unsurpassed
merits of this method of surveillance. However, others would have liked to square the use of
convict warders with free native police or European guards. This was because co-option of
the convicts for the task of supervision and adapting it to the rigors of penal discipline was
not easy. For instance, the Campbell Report, which was otherwise appreciative of the
methods used by Man, would have liked the use of convicts to be tempered with free police:

Such a system of entire reliance on convict police and guards... (was) allowed without
the due consideration and merely on account of financial saving.... If discipline has to
enforced, there must be armed, i.e., free, police at hand, and officers doing their duty
amongst convicts ought not to be without proper protection.... The free police should
supply orderlies for all officers when at out-stations.... Orderlies in attendance on

21 Home, Port Blair, August 1874, 75, NAI.
officers be invariably armed with heavy batons attached to their wrists in such a way that they could not be deprived for them by ill-disposed men. At present it is a habit of all officers to go about unarmed, and for no orderly to carry even a stick. It follows that in case of an attack by a determined ruffian, the attendants, though they have the will, have not the power to stop the attack without an amount of self-sacrifice that we have no right to look for. 22

Moreover, the faith that the administration put in convict warders was open to be exploited by the warders against the convicts of lower classes. It was commonly believed that there was laxity in the maintenance of the discipline by the convict petty officers, especially the ones in charge of the extra-mural gangs at Port Blair. 23 Despite criticism, and the official desire to balance the presence of convict warders with that of free recruits, this condition was not easy to fulfil. This was because bringing free staff from the mainland would have entailed prohibitive costs. The free labour was also difficult to find for such work because, in spite of inducements of higher wages, few people could be found willing to undertake the work of jungle cutting and swamp clearing.

The government had also experimented with European convict warders and the use of military police as overseers at the different stations instead of convict guards. This experimentation was done in order to make the discipline much stricter and equivalent to an Indian jail. The use of European convict overseers had initially borne satisfactory results. 24 However, by late 1860s, the inexpediency of sending European convicts to the Andamans was beginning to be debated. 25 On the other hand, the performance of the military police was found satisfactory inside the Cellular Jail, but at the stations in the Settlement, they were known for misconduct and inefficiency. This was because most police guards saw their

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22 Home, Port Blair, August 1874, No. 52, NAI.
23 This has been discussed in Chapter 7, on the abolition of transportation.
25 Home, Judicial, Proceeding Volume, Sep-Dec 1868, 11-12, NAI.

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work, as overseers, a temporary assignment. The best and the most intelligent sepoys preferred to remain in the police and wished to rise to the post of non-commissioned officer. The police guards who opted for settlement duties did so to fill their pockets and avoid police duty. It was felt by all the Settlement officers that convict jemadars and tindals who had risen to the position after 10 to 15 years of good conduct and work were much more efficient and controlled the convicts far better. As a result, a suggestion was made to abolish this system of police sub-overseers because the experiment had not yielded the intended results.26

The use of the Indian convict warders was finally preferred. The Settlement officers were far more satisfied with the convicts, who exerted themselves and rose into a class where they could become petty officers; than relying on free assistants, or military overseers, whose loyalty and familiarity with the system was always under question. Consecutive officials visiting the Islands from the subcontinent also favoured the system.27 In his inspection report submitted in 1885, Alexander Mackenzie, also waxed eloquent on the benefits of the system:

The convict system is... to a large extent self-managed. As a class petty officers are said to work satisfactorily, most of them being up-country natives of a soldiery type who make good task-masters. They are restrained from bullying by fear of the consequences to themselves, and neglect of duty by the constant inspection and check of the paid overseers and the Settlement staff. The convicts could no doubt easily break barrack, and still more escape from the works during the day, but they could gain nothing by doing so. If they wander into self-supporting villages they are seized and given up. If they take to the jungle they are attacked by the Andamanese and Police and run the risk of being shot by the Jarawas. They cannot get boat because every jetty is watched by the police guard, while no boat is allowed to put off even by day without examination, and (save the canoes of convict fishermen) no boat can be moved without at least one free man on board. At Ross the barracks are inside a ramp and palisade which is guarded at night by

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26 Home, Port Blair, August 1905, 101, NAI.
27 According to Clare Anderson, the use of convict petty officers was a way of 'integration of convicts within the hierarchy of command', to give the colony greater social stability.
troops and police... the barracks are not under any direct armed guard, though the Police thannas are so distributed as to form a check upon any concerted outbreak. 28

J. P. Hewett, Secretary to the Government of India in 1896, also felt that the convict warders could be relied on to manage the convicts. According to his experience, a convict officer, when properly selected, suitably rewarded for his work, and removed from intimate association with convicts, could be as thoroughly relied upon as any paid official. This was because, in his view, the convict officer had nothing to gain from the convicts and has everything to lose by their misconduct. 29

Another reconstituted innovation for the management of the convicts was the Chowkidari System. It was set up in the late 1870s, in the villages, in which the self-supporting and released convicts settled. The immediate reason behind the institution of this practice was an increase in 'violent crimes', within the Settlement, towards the close of the 1870s.

Table VI
Statistics for the Growth in Crime Rate30

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The year 1879 was particularly marked by two deliberate attempts on the part of life-convicts to murder Settlement officers, the only previous case of the kind in the history of the Settlement was the murder of Lord Mayo. Escapes also began to show a very large increase in numbers, from 27 to 97. 31 The Superintendent attributed the increase in crime to the large number of conditionally-released prisoners in the Settlement, some of whom were believed to have been dacoits in their own country. It was felt that a proper remedy would be to enforce more careful police supervision over the conditionally-released convicts, rather than

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28 Home, Port Blair, July 1886, 98, NAI.
29 Home, Port Blair, March 1896, 39, NAI.
30 Home, Port Blair, March 1880, 25-27, NAI.
31 Home, Port Blair, Feb 1881, 36-38, NAI.
'to deny the convicts generally the prospect of a boon which must act as an incentive to good behaviour'. This was the beginning of the chowkidari system in Port Blair

The main reason, thus, for the instituting of the chowkidari system was that of the detection and control of crime in the Settlement, 'a want of detective ability'. The main responsibility, therefore, of the village chowkidari organization was the reporting of crime, which, it was hoped, would lead to some improvement in detection and bringing down the number of thefts.

Their duties are to report all crimes occurring in the villages and to aid the Settlement Officers and the Police in the investigation of crime and the apprehension of offenders, to go night rounds and ascertain that all self-supporters are in their respective huts after 8 p.m., to watch all bad characters, and convey to chaudhries and the Police immediate intelligence of any suspicious persons who may be in the habit of visiting their villages.

Chowkidars were appointed in a district in proportion of one per fifty-six houses. The officials also quartered additional chowkidars 'at the cost of the inhabitants in convict villages in which crime was reported to be unusually prevalent'. They were selected from released or conditionally-released convicts or from the self-supporting convicts of first-class. The village chowkidar was subordinate to the village chaudhari to whom he had to report daily and he was expected to report to the police station of his village on a weekly basis. The local officials put great faith in the system:

In many parts of India with which I have been connected, the village chowkidari system is looked upon very much as a necessary evil, because it is to some extent based on the principle of setting a thief to catch a thief. This system is generally been found impossible to materially improve. It is now in force in this Settlement, and although

32 Home, Port Blair, Aug 1883, 76-78, NAI.
33 Home, Port Blair, March 1880, 25-27, NAI.
34 Andaman and Nicobar Manual, 1908, pp. 263.
35 Ibid.
36 Home, Port Blair, Aug 1883, 76-78, NAI.
convicts with known thieving propensities are not appointed as chowkidars, still the chowkidars are all condemned felons, and their entertainment in this position is... a necessary evil. The system, however, works well on the whole, and no better can be suggested.\textsuperscript{37}

The introduction of the chowkidari system, however, was accompanied by difficulties in procuring 'good petty officer'. The reason being 'that most of the best petty officers obtained full pardon on 1 January 1877, and that the convicts now sent to Port Blair are of a worse type than those formerly transported'.\textsuperscript{38} The officials soon overcame the problem by appointing the most 'mischievous' criminal as the head of the village and the person in-charge of the chowkidari system. This brought down the crime rate and made the social life of the settlement considerably stable. Convict watchmen were also appointed to watch over government buildings and property, stores, coconut plantations and haystacks.\textsuperscript{39}

\textit{Punishing Convict Offences}

The State had instituted various kinds of punishments for, what they termed 'convict offences', that is, offences for the breach of discipline on the Settlement. These punishments were of mainly three kinds: punishing through dishonour and shaming the convict; punishment by infliction injury, pain or starvation on the body; and the pain of solitary confinement. In comparison to surveillance and segregation, punishing and rewarding the convict for offences and good behaviour was a much more 'effective' tool of management. Their 'efficacy' was defined by a greater ability to control, manage, and discipline the convict. Moreover, instead of focussing on the convicts collectively, this was a system that concentrated on the actions and the conduct of the \textit{individual} convicts. This lead to a more direct and 'personal' experience of gratification or reparations. As a result, the bestowal of a reward or infliction of punishment influenced the actions and the behaviour of the convicts in more concrete terms. It enabled a convict to identify, distinguish and locate his personal behaviour in the categories prescribed as good or bad by the state, and thereby modulate his conduct.

\textsuperscript{37} Home, Port Blair, May 1881, 3-5, NAI.
\textsuperscript{38} Home, Port Blair, Feb 1881, 36-38, NAI.
\textsuperscript{39} \textit{Andaman and Nicobar Manual}, 1908, pp. 264.
What is significant about the kinds of punishments used by the Settlement officials is that there was no linear scale of punishments, where a particular offence begot a specific punishment. There did not exist a graded scale of penalty with equivalence or proportion between the offences and punishment, a similar offence could beget different punishments for different convicts. Moreover, any punishment could be given to a convict, irrespective of his class or the number of years that he had spent on the Islands. The punishment was dependent on the view that the Settlement officer took of the convict and his offence. The Settlement Manual only listed the various acts of convicts belonging to different classes, which could be deemed as 'convict offence' without actually specifying the equivalent punishments, and all the Settlement officers were invested with the power to punish. Furthermore, the punishment of the convict did not end with the infliction of the particular penalty. Every punishment was entered against an offender and considered when he either became eligible for an indulgence, or when, his case was being considered for release.

There were five grades of punishment if a convict in the Settlement was found guilty of breaching any rules or orders or committing an offence. They were, in order of severity, withdrawal of indulgences; transfer to punishment gang or ward; solitary confinement; corporal punishment; and lastly, separate confinement in the Cellular Jail. There were three central ideas defining the character of these punishments. These were, disgrace; physical pain; and deprivation from social interaction. Following is an examination of various punishments under these heads.

I. The Pain of Disgrace

Punishing through disgracing the offender was seen as the most potent form of punishment. The main idea behind any punishment was to deter the offender from repeating the offence, and shaming him or her publicly was believed to be the most effective deterrent. For instance, the main form of punishment used for the female convicts was hair cropping or tonsuring. Loss of hair, for the female convicts, carried the association of widowhood and

40 Andaman and Nicobar Manual, 1908, p. 77-88.
social ostracism. As one official stated, 'for badly conducted and idle women, they have devised a very unbecoming costume and a cap which is said to prove deterrent. Cutting off the hair is reserved as the severest punishment of all'. In the view of the British officials, the 'loss of face' or social disgrace, and the consequent pain that the Asiatic convict endured was believed to be the worst kind of punishment ever for the native. They believed that crime, in India, was not a product of 'depravity of character, such as is usually the crime of an English malefactor'. And that the general character of the Indian criminal 'differs less from that of the mass of his countrymen than would be the case in more civilized and moral countries'. Therefore, the Indian convict was still tied down by a certain sense of shame and disgrace, which was believed to be generally absent in the case of the English criminal.

Besides tonsuring and hair cropping, branding was also one such mode of punishment. Branding, godna, entailed marking the name, crime and the date of the sentence of on the forehead of the criminal. This pinned the identity of a criminal in perpetuity on the convict, and thereby, rendered him a social outcaste forever. This was a social disgrace with which the convict had to live permanently. However, branding as a punishment was given up soon after the starting of the Settlement. Thanesari gives evidence for the use of this punishment. In 1870, Colonel Man, who believed in subjecting the convict to severe penal discipline, made suggestions for the re-adoption of the practice of branding in the case of life prisoners. He believed branding to be a 'wise precaution' and a 'valuable auxiliary' towards rendering the sentence of law of permanent effect. 'Both on humane grounds and as an effective assistant in enforcing the awards of law' branding was to be re-instituted. The officiating Secretary to the Government of India, at this time, was A. O. Hume felt this to be a 'barbaric practice' against which the public opinion at home was very strong and the

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42 Inspection Report by A. Mackenzie, 29 Dec 1885, in Home, Port Blair, July 1886, 98, NAI.


grounds on which Man had urged its re-adoption were not strong enough. And this was the end of the all discussion regarding the use of branding for life prisoners in the Andamans.  

Another form of punishment, which was believed to inflict immense social disgrace on the offenders, was flogging. It was the most commonly used form of corporal punishment. J. W. McPherson narrates a conversation with Walker in his Memorandum, which throws light on the indiscriminate use of flogging:

I asked the Superintendent how he had taught them all; his answer was suggestive, 'I have explained to the best of my ability, gave them two days to think about it and then flogged them till they knew their business.' No doubt the statement is epigrammatic and exaggerated, but it lifts the curtain from the other side of convict life at the Andamans. The most respectable employment does not protect a convict instant flogging at the discretion of the Superintendent...and quite a few backs with flogging marks on them showed this.  

The use of flogging in the Andamans presents an interesting case study. In contrast to its uninterrupted and magnified use in the Andamans, in the Indian subcontinent, in keeping with the trend in Britain, flogging was being slowly phased out. One of the significant aspects of the shifts in the contemporary penal ideology was the denunciation of the public spectacle of punishment. It was believed that that the pain of punishment would not necessary be greater if it was continually before peoples' eyes because 'we know that a certain part of the population of London make it a rule to attend at every execution, but it has never been surmised that this is the most inoffensive part of the population'. The idea behind this denunciation was that exposure to public punishments did not necessarily deter

45 Home, Judicial, 10 Dec 1870, 20-21, NAI.
46 Home, Judicial, 29 July 1859, 1-20, NAI.
criminals in any way. The Prison Discipline Committee of 1838 was, thus, unequivocally against it; and, in fact, believed that public exposure contributed to rise in crime in the areas where it was introduced. However, the diminishing role of public punishment, which the historians studying Colonial law have emphasized and Colonial State appears to be supporting, was something that was subscribed to, more in theory, than in practice. 'Spectacle' was an integral part of the Raj. The philosophy of 'spectacle', was something, which the colonial state sought to discredit in rhetoric but continually resurrect in practice. After 1830s the rhetoric of 'rule of law', in keeping with the trends at home, might have been the dominant voice of the day but not necessarily so in practice.49 And the use of flogging in the Andamans presents one such case where its use differed from the Indian jails:

The percentage of corporal punishments at Port Blair is higher than the percentages in Indian jails. He observes that the great majority of the whippings inflicted have been for offences under the head of interrupting order and discipline, and that more than half the number were for malingering.... In Indian jails, it has been laid down that the infliction of corporal punishment should be reserved for the more serious class of convict offences, and that when it is decided to whip a prisoner, the punishment should always be sufficiently severe to act as a real deterrent. At Port Blair, where the life which convicts lead, almost entirely in the open air, is very different from that of the prisoners in Indian jails; it is no doubt difficult to provide suitable substitutes for corporal punishment... this form of penalty may... be restricted in its application.50

Flogging was believed to be the most deterrent punishment for a local offence because stripping the buttocks of any clothing and being striped thereon, was for the native convict, the most demeaning form of punishment. It was tied up with indigenous notions of honour and being punished in such a way exposed the person to ridicule, and also, loss of face. One official stated, that even the death sentence was not as deterrent as flogging because the convicts dreaded 'the disgrace of a public flogging, administered as it is in this Settlement, on

50 Home, Port Blair, March 1894, 5, NAI.
the buttocks'.\textsuperscript{51} It was strictly notified to the officials to inflict flogging only on the buttocks and not any other part of the body. A piece of thin unbleached cloth was tightly stretched round the breech and fastened in front, and a light rattan of half-an-inch in diameter was used for flogging. A health certificate had to be obtained from the medical officer before the infliction of the punishment and not more than thirty stripes could be awarded at one go.\textsuperscript{52} While the Settlement officials attempted to reserve flogging 'for offences of a serious nature', the majority of offences continued to be under the heads of interrupting order and discipline, disobedience of orders, idleness of negligence of work for the male convicts, and malingering in the weaving factory in the case of female convicts.\textsuperscript{53} Flogging was also used to punish indulging in homosexual sex.\textsuperscript{54}

The use of flogging increased over the years especially after the coming up of the Cellular Jail. For instance, the year 1898 showed considerable increase because 1897 was the first year in which the Cellular Jail became operational. The beginning of the use of the Cellular Jail should have ideally led to a decline in the use of flogging but there was an increase because it was felt that whipping was the suitable punishment for the recalcitrant convicts within the Jail as well. Outside the cells they would have been put in the chain gang. Flogging also notched up a rise outside the Jail, as a substitute for chain-gang punishment, especially in relation to the skilled convicts in the Artificer Corps.\textsuperscript{55} The increase in use of flogging, in this period, perhaps can be explained by cost effective of this punishment.\textsuperscript{56} Moreover, sending

\textsuperscript{51} Home, Port Blair, Dec 1880, 59 to 61, NAI.
\textsuperscript{52} Andaman and Nicobar Manual, 1908, pp. 87-88.
\textsuperscript{53} Home, Port Blair, April 1895, 14, NAI.
\textsuperscript{54} A letter from Lt. Col. T Cadell, Chief Commissioner to the Secretary of the Government of India stated that, ‘public flogging has always formed a portion of the punishment inflicted on convicts in this Settlement for unnatural crime, and that I shall take care that the custom of inflicting this punishment in such cases shall not be broken through.’ In Home, Port Blair, Dec 1880, 3, B, NAI.
\textsuperscript{55} Home, Port Blair, Feb 1899, 51-52, NAI; Home, Port Blair, Feb 1900, 27, NAI.
putting the members of the Artificer Corps to chain gang would have entailed loss of vital skilled labour, which the Settlement at all times could ill-afford.

II. Punishing the Body
Punishing of the body of the convict by fettering it, whipping it, depriving it of nutrition (being given only two meals in a day, consisting of one lb. rice, or wheat flour, boiled as porridge and seasoned with salt), or clothing it with rough garments was common mode of punishment employed in the Andamans. Capital punishment was also used in the Andamans but only when a convict was found guilty of murder. Making the convict perform harsh penal labour was likewise meant to punish his body. Removing the recalcitrant convicts to the chain-gang was the most common punishment in this category. The chain-gang or the refractory ward for the male convicts meant the strictest jail discipline, disentitlement to all privileges and corresponding prolongation of transportation in the case of life-convicts. All convicts in the punishment chain-gangs were fettered with irons, with hands and ankles both shackle. The time spent in the chain-gang was added to the number of years that the convict had to spend on the Islands, and the reduction to the chain gang of a self-supporter convict led to the remand of his convict wife back to the female jail. The chain-gang had been originally established as a substitute for jail. It was supposed to have the same effect in terms of discipline and harshness on the convicts. However, since the time it had become an integral feature of the labour regime in the Andamans. By the turn of the century, there were nearly two hundred chain gang convicts employed in labour works.

In 1905, Superintendent Merk was the one to moot the question of the abolition of the chain gang punishment and the confinement of prisoners in the Cellular Jail, thereof. He also acknowledged the view that chain-gang punishment was the worst punishment for a convict, besides that of cellular confinement. He also wished to adjust 'the treatment of the convicts to the natures of their offences and of their characters.' As a result of his

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57 Andaman and Nicobar Manual, 1908, pp. 84-87.
58 ibid, pp.80-90.
59 Home, Port Blair, Proceedings Volume, Nov 1914, 3, NAI.
60 Home, Port Blair, May 1906, 137, NAI.
recommendations, the chain gang was partially abolished. It was retained only in cases where the sentence of punishment was for over a year. This was because the chain gang formed an integral part of the available labour in Port Blair and its total abolition would have lead to constriction of the labour supply. This shortage, the convicts confined in the Cellular Jail, would not have been able to make up, as they were not available for extra-mural labour.\textsuperscript{61}

III. The Pain of Solitude

The scholars of Western penal reform have generally seen the nineteenth century as the age of 'rule of law'. In this age, deterrence was believed to be stemming not from an exhibition of the pain of punishment but from its proportionate character, uniformity and certainty. Imprisonment in this period was seen as the only penalization, which allowed gradations of punishment to be assigned to each offence and each offender and the one, which answered to fundamental theoretical changes in the character and function of punishment in the period. The shift to incarceration as the most favoured punishment also marked a shift in attitude towards \textit{violence} where it was seen as more of a private matter and capital punishment was seen as public violence and thus harmful to society's health.\textsuperscript{62} In India, in keeping with the shifts in the Continental penal ideology, the State began to pay greater attention to the Jail regime, but it was not until the late nineteenth century, that the retreat of public punishment in the form of greater use of penitentiary in Colonial India can be mapped.\textsuperscript{63} The Andamans was amongst the first places to experiment with intra-mural confinement of the convicts. Besides being used as a clearing-house for the newly-arrived convicts it was

\textsuperscript{61} Home, Port Blair, May 1906, 137, NAI.


\textsuperscript{63} Indoor jail labour, inspite of being upheld by the Prison Discipline Committee of 1838, did not evince enough converts immediately. The financial logic of the Colonial State ensured continued use of extra-mural labour for fulfilling the government schemes for building all-weather roads linking the Presidency towns and the ill-equipped jail buildings.
also utilized for interning convicts punished for local offences. R.C. Temple, who served as the Superintendent of the Andamans in-between 1896 and 1901, was of the opinion: 'In the Cellular Jail the life is to form a deterrent punishment not by severity of manual labour but by severe monotony of discipline. Such a form of punishment can be made effective only by unvarying strictness of supervision. It will not be so much the system itself carried out in the jail that will make it a place of deterrent punishment, as the manner in which it is carried out'. Strictures against communication and association combined with harsh discipline were enough to drive some of the prisoners to insanity.

The monographs and letters left behind by the political prisoners of their experience of cellular confinement bears testimony to the harshness of this form of punishment. An official described the nature of the convict’s confinement in the cell thus:

A prisoner in the Cellular Jail occupies a cell to which access is obtained by a solid door, ordinarily fastened, from a corridor in which a warder is on duty. To the left of the door is a contrivance which the warder can open from the corridor to pass in and out small articles consisting chiefly of raw material for coir-pounding. Beyond the corridor is the prison wall with grated openings for light. On the opposite side of the cell, next to the ceiling, is a small opening for light and ventilation only. The inmate is thus precluded from seeing his fellow-prisoners, and works at his task in complete isolation.

And, a prisoner described the confinement in the Jail as:

Our sorrows were many. The greatest of them was the want of company. The orders were strict that we should not talk to each other, even though we might be close together and in the same block. What a wail we smothered in our hearts when we walked together, ate together and worked together and yet could not open our mouths... We accused the gods and chafed and murmured within.

64 Home, Port Blair, Sep 1895, 26-28, NAI.
65 ibid.
Solitary confinement was, thus, the most unbearable and painful of punishments to which the convicts were subjected. The Settlement officials reserved the punishment of solitary confinement for 'serious' offences and for indulging in homosexual sex. The convicts believed to be 'habituals' were mostly sent to the Jail, besides the political prisoners who were permanently incarcerated in the Jail.

Table VII

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Convicts</th>
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<tbody>
<tr>
<td>1902</td>
<td>229</td>
</tr>
<tr>
<td>1903</td>
<td>137</td>
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<tr>
<td>1904</td>
<td>160</td>
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<tr>
<td>1905</td>
<td>268</td>
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<tr>
<td>1906</td>
<td>343</td>
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Rewarding the Convicts

The system of punishment was balanced with a carefully instituted order of rewards. The most common reward was one where the convict was given the permission to be raised to a higher grade, on the fulfilment of the conditions, of the grade that he belonged. This kind of reward was seen as a routine matter and one that nearly all the convicts, with few exceptions, were able to attain. The other level of rewards was the one, which could only be attained by the convicts as a dividend for good work and behaviour. These rewards were charted to enable the convicts to reach a higher grade and attain the self-supporter status or that of a free person, at his earliest. The idea was to mitigate the harshness involved in the life of the convict in transportation by speeding up the process of his release and to encourage the convicts to work harder and behave themselves. The rewards were not always aimed at securing the political collaboration of the convicts but were really in nature of sops, which were associated with the Victorian notions regarding the immense value of 'work'. Laziness and idleness were seen as recipes for crime, and where work was believed to be the only way to mitigate the criminal tendencies. A convict, who worked hard, therefore, in view of the Colonial State, deserved to be rewarded in appreciation of the ideal of work. This was a

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formula, which recoded the hegemonic Victorian ideals into the everyday lives of the convict in the penal settlement.

I. The Promise of Early Reprieve – The Mark System

Giving marks to the convicts, which translated into pecuniary benefits or other indulgences, was one such system of rewards. In the 1870s, the question of enforcing the mark system in the Andamans generated a lively debate. The mark system was being used in the prisons in the Indian sub-continent and was believed by the Settlement officials to be inapplicable to the Andamans. The reason being that the ‘convicts at these Settlements work solely under the supervision of brother-convicts, selected as taskmasters. Such men could not be trustworthy judges of what marks should be assigned’.

There was also the question of the applicability of the mark system to the term-prisoners in the Andamans. According to Lt. Colonel L H E Tucker, there was always the difficulty of the convicts labouring under varieties of head and the consequent difficulty in judging the number of marks given for different types of labour performed. Moreover, a daily record of the work of 12,000 convicts everyday was a difficult task and would entail expenses. However, the Government of India was not in agreement with the views of Colonel Tucker and felt that he exaggerated the expenses and difficulties entailed in enforcing this system for the term-prisoners. The mark system, in the Government of India’s view, would promote discipline amongst the term convicts. No decision, however, was taken in this regard immediately.

By 1891, following the recommendations of the Lyall and Lethbridge report, the mark system was introduced in the Settlement. It was presented in lieu of pecuniary rewards. In this system, convict officers, artificers, and other persons employed in skilled labour in the different departments were allowed to reach the position of self-supporting convicts at an earlier period than ten years, the term fixed for the ordinary well-conducted labouring convict. It was made applicable to the men in the Artificer Corps, male blanket weavers, female weavers of convict clothing, skilled workmen in the Forest Department, and to the

68 J. S. Campbell’s Report, Home, Port Blair, August 1874, 52, A, NAI.
69 Home, Port Blair, May 1889, 8 to 10, NAI.
70 Home, Port Blair, Sep 1891, 33, NAI.
lowest grade of petty officers.\textsuperscript{71} It was also proposed to be made applicable to convicts peons towards promotion to the first-class and second, to life-convicts who were employed as skilled artisans and as petty officers where the marks would be counted towards remission of the sentences or promotion to the first-class. The first category of peons was accepted by the Government of India but the second instance of marks counting towards remission of sentence was turned down because this, it was felt, would lessen the deterrent effect of transportation. Moreover, many a time the Local Governments refused to take back their transported criminals on the completion of their sentences and remissions earned by a convict would put the Government in an embarrassing position. Therefore, it was resolved that the mark system should be reserved to enable the convict to become a self-supporter as early as possible.\textsuperscript{72}

The promise of an early reprieve worked as an important incentive for the convicts to put in their best and follow the rules and regulations of the Settlement. The male convicts took some time to take to the mark system. However, once they realized the benefits that could accrue from the system, they became eager to accumulate extra points. The mark system, however, was not very successful when it came to female convicts. Somehow they were led to believe that it would in no way help them achieve their end, that of attaining the status of self-supporter, sooner than they can. As a result, no one earned even a single mark until the year 1896. In fact, the marks earned by a female convict could make her reach the stage of self-supporter within four years instead of five.\textsuperscript{73}

\textit{II. The Final Redemption – Pardon and Release}

Pardoning and releasing the convicts from the penal settlement in the Andamans and allowing them to return to their homes in the subcontinent was another cherished form of reward, which most convicts hankered after. This particular prize was found to be also necessary for the security of the Settlement. The murderer of Lord Mayo, Sher Ali, was believed to have committed the crime as a result of the despondency and hopelessness engineered by the life in the Andamans, which held no promise of release for him. Following

\textsuperscript{71} Home, Port Blair, Nov 1892, 75-77, NAL.

\textsuperscript{72} Home, Port Blair, Dec 1891, 119, NAL.
the incident, the officials were unanimously of the opinion that, notwithstanding the loss of deterrent value of the sentence of punishment as a result of accounts of the returnee convicts, the system of pardon and release had to be instituted. As Henry Norman stated in his report:

It is .... necessary with bodies of life prisoners, and above all necessary in a Settlement like Port Blair, that some sort of hope, however remote, should be kept alive in the hearts of the majority of the convicts. ... while the hope of pardon and return to India, however distant, is one of the strongest inducements to good conduct, it is represented to me that many who marry and settle down as ticket-of-leave men, do not, in the end care to return to India, and to some extent I believe this is the case; but still to the bulk the prospect of return will always be a most powerful restraint on bad conduct.74

Finally, it was decided by the Government of India to introduce pardon for life convicts to give them some hope of return to their homes. There were two classes of pardon: the first comprised those pardons that were given on extraordinary occasions of conspicuous gallantry or devotion in the service of the government. In the second class of pardons the convict had to have spent at least twenty years on the Settlement. The convicts who applied for release were assessed on the basis of their original crime and the government, with the help of the Port Blair officials, adjudged whether the release of the convicts would be dangerous to public order. If the convict satisfied the above conditions his release was sanctioned.75 The convicts were classified under three main heads for the purpose of determining whether they could be, at any time, be recommended for release. The first category comprised 'thugs or those convicted of the cognate crime of robbery by administering poisonous drugs'. These criminals could never be recommended for release. The second category consisted of dacoits or persons involved in 'organized crime'. These criminals had to have served at least twenty-five years in the Settlement and the local government in the area they were convicted had to be satisfied regarding the suitability of his release, before such a convict could be recommended for release. The third category

73 Home, Port Blair, June 1896, 2, NAI.
74 Home, Port Blair, August 1874, 75, NAI.
75 Home, Port Blair, July 1875, 11, NAI.
contained all the convicts who were not professional or habitual criminals and did not belong to the first two categories. They had to have spent only twenty years in the Settlement before being recommended for release.\textsuperscript{76}

In the year 1876-77, 430 life-convicts (336 men and 94 women) were absolutely released on the occasion of 'the assumption by Her Majesty the Queen of the title of "Empress of India"', and allowed to return home. Eighty-two convicts were conditionally-released but not allowed to leave the Settlement.\textsuperscript{77} This event was received very well by the convicts and in the view of the officials brought about a tremendous change in the behaviour of the convicts:

The recent order to send back to jail in India all prisoners who are about to be released... I fear we must modify the order materially. It will never do to send back to jail men who have been perhaps for years earning a respectable living as self-supporters or who have by their good conduct earned for themselves a responsible position as petty officers in Port Blair... I found that all prisoners are under the impression that on Queen's jubilee they are sure to receive extensive remissions. It was touching to learn the way in which they were building upon this. The Viceroy wishes to have a note made of the fact for consideration at the proper time. I had ample testimony from all sides to the good effect produced in the tone and discipline of the Settlement by our revised remission rules... their introduction seemed to lift the cloud of despair from the whole body of prisoners. Work was more cheerfully done and every man began to hope. The convicts were keenly alive to the prospect of rewards for signal service, and this constitutes the best safeguard against emenades, escapes, and outrages. The first to disclose plots or capture offenders are the convicts themselves.\textsuperscript{78}

Not everyone who petitioned for release was given the privilege because the Government of India saw the release of some convicts who had been involved in dacoity or 'seditious'

\textsuperscript{76} Home, Port Blair, Proceedings Volume, July 1911, NAI.
\textsuperscript{77} Home, Port Blair August 1878, 30-31, NAI.
\textsuperscript{78} Home, Port Blair, July 1886, 98, NAI.
activities as unwise. For such convicts the system of conditional-release was started, whereby these convicts on their release were not allowed to leave the Settlement. Towards the end of 1876, conditional release was given to 303 convicts, out of whom only 170 accepted and 117 declined. Some convicts, when given conditional pardon, declined the offer. This was because some old convicts felt that they were incapable of supporting themselves and earning their own living. Some were afraid that if they accepted conditional release they would forego the opportunity of absolute release; and some, who were already in the position of petty officers, 'preferred to remain convicts and continue to earn their subsistence in that grade to attempting to support themselves as cultivators.'

III. The Virtue of Property
Second to his release, the biggest incentive in the life of the transported convict was acquisition of property. Most official saw no objection to the convicts amassing personal property and possessing the ordinary rights of free men, subject to such checks as their condition may render it expedient to impose on them. It was seen as a great incentive because the convict having propertied interests would also work for the welfare of the Settlement. The convict could acquire personal indulgences but not hereditary property and the convicts who contracted marriages in the Andamans, were seen as having contracted obligations and this, therefore, carried with it certain hereditary rights. The general practice, until the 1880s, was that on the death of a convict any property, which was found in his possession, was sold and the money given over to the government. The convict had no legal claim to the property on which he worked as a self-supporter.

However, the question of the status of the property of the deceased convict became a vexed one for the Settlement officials. It was established that the relatives of the convicts residing in India were not to have any right to the property that the convict acquired in the Andamans. And with regard to his progeny in the Andamans it was suggested that:

79 Home, Port Blair, April 1877, 2 & 4, NAI.
80 Home, Port Blair, August 1874, No. 52, Appendix I, NAI.
81 Home, Port Blair, Proceedings Volume, Jan 1889, 110-112, A, NAI.
Where there is no family, the proceeds of the property have been at the disposal of Government. I propose that, for the future, instead of carrying such proceeds to the general credit of the Settlement, a special fund should be formed, from which, as far as possible, the progeny of the deceased convicts should be supported till they are old enough to make their own living. There are already some 5 or 600 young children in the Settlement, and, although, as far as I could make out, no convict who has children ever died in Port Blair. This cannot go on long, and we must have a number of orphan children left on the hands of the Government, and it is for the support of these that I would set aside any property left by the convicts. The fund will not, I fear, eventually suffice for the purpose, but it will do much towards diminishing the amount which Government will have to pay. 82

As a result of these recommendations, it was decided that in some cases the Chief Commissioner could confer upon a convict, who had served with good conduct for at least three years as a self-supporter, the privilege of making a will of any property which he had acquired in the course of his stay on the Islands. In case a widow or children survived the convict, the property of the deceased convict would belong to them. 83

In the late 1880s, the question of the property of the deceased convict was once again raised as a result of a petition claiming rights over the property of a deceased convict Balgobind, by his brother Kunj Behari Lal. The Superintendent of the Andamans was firmly against the idea of relatives of the convicts inheriting property. It was felt that in the case of convict self-supporters who left behind considerable sums if these were given over to their families or heirs in India it would greatly lessen the dread of transportation. If, the family of the convict resides in the Andamans, then the property is made over to that family, however, this proposition also had no legal foundation. The last, it was felt by the Government, should be retained as it would be an 'incentive to industry which has been the object of Government to foster by allowing convicts to acquire property during the period of their

82 Home, Port Blair, August 1874, no. 52, NAI.
83 Andaman and Nicobar Manual, 1908, pp. 159-166.
Thus the virtue of property was seen as aiding the convicts to rebuild his lost social status and as a crucial instrument in ensuring the convicts' political consanguinity.

Conclusion
A significant aspect of the convict management in the Andamans was that while it was quite harsh, it never resorted to excessive violence as a mode of control. The character of the colony can explain the relative absence of use of violence in convict management. Geographically and administratively distanced from the Indian subcontinent, significantly outnumbered by the convicts, and relying on flimsy infrastructure of communications and transport, the Settlement officials were forced to build ties of political sanguinity with the convicts. Use of excessive violence and force could pose a physical threat to the security of the officials and their families. A carefully graded system of rewards and punishment thus became the lynchpin of the convict management in the Andamans. Their efficacy lay in pinning down the convicts individually. They helped balance the harshness of the life in the Settlement with hopes and dreams of a better future. Moreover, surveillance and segregation, as management techniques were not entirely reliable in a place such as the Andamans. Thus, political accommodation, compromise, and co-existence were the main features of the relationship between the convicts and officials living in the Andamans.

Moreover, the convict experience in the Andamans was a variegated one, which the historiography hitherto has not paid much attention to. A variety of convict voices, detailing completely different experiences on the Islands come down to present-day historians. For instance, a clergyman, travelling on board a ship bound for the Andamans with 180 convicts, described the voyage of the convicts from the subcontinent to the Andamans thus:

It was a curious sight, and filled us with curious feeling, the arrival of our fellow passengers the convicts. The ominous rattle of their chains – they all wore both leg and arm chains – as they descended one by one to the hold was not a pleasant sound to hear. All fears, however, were quieted by the presence on board of a strong guard of Sikh

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84 Home, Port Blair, Nov 1888, 23 to 25, NAI; Home, Port Blair, Jan 1889, 110-112, NAI.
85 This point has been very effectively demonstrated in the works of Clare Anderson on Mauritius.
police fully armed. Twice daily during the voyage, the prisoners came upon the deck to breathe the balmy breeze and to perform their abulations, an almost religious duty, in spite of present adverse circumstances both in position and surroundings; during that time of relaxation the police fixed bayonets, mounted guard on the poop deck, much to the amusement of a Baba passenger, who also mounted guard with his miniature gun and bayonet, a pigmy besides the stalwart Punjabi.

Not only was the voyage a dehumanizing experience for the convicts, the living conditions, of the convicts, were also extremely poor. One report described the conditions thus:

Their Barracks are of a nature which renders either comfort or Cleanliness impossible, - they are raised a few feet from the ground, the floor being of open bamboos. In the space underneath, and in the verandahs where they are any, the prisoners cook; the walls are low of matting, and the roofs of leaves. In Aberdeen one of these Barracks has an upper-story, so that the upper layer of the men inhale the effluvia from those below. As there are no conservancy arrangements, it may confidently be assumed that during the night the prisoners relieve themselves in the drains and space immediately around the Barrack. The Barracks are in close proximity, and although no fires have yet occurred, the destruction of the whole shelter of the Station may be the work of few minutes.86

To these narratives were juxtaposed some of the accounts of the returnee convicts who furnished glowing descriptions of their lives in the Settlement. Following is the story of three returnee convicts as narrated to the superintendent of the prison in their home province:

Immediately on arriving at the Island, their irons were struck off, and they each got a Rupee, to begin the world on. This kept them for the day or two that was spent in ascertaining what work they were fit for.... 150 to 200 beeghas of land have been cleared and sown with seed, and vegetables are already growing in a small plot of ground. Dr. Walker told them that at the end of three years the cleared land would be made over to them to cultivate and have as their own.... The [only] suffering they have is expatriation

86 Home, Public, 1 April 1864, 1-12, A, NAI
and separation from their families.... These men say, the prisoners think that 'are and water' are so good, and the prospects of being able to make a comfortable house for the families so good, that they as suggested to them by Dr. Walker, have written to their wives, &c., to join them. 87

So the only discomfiture that the convicts suffered from was the separation from their home. Otherwise the life in the Andamans restored to them all that the had lost by being convicted and deported. Mohammad Zafar Thanesari describes a totally different experience of his confinement on the Islands from that of the laboring convicts. He says, quite effusively, that from the day he arrived on the Andamans, to the day of his release, he never once saw the convict barracks, convict clothes and food and remained in the Andamans as an 'employee' of the administration. He bade farewell to the Islands by describing the period of his residence as 'khwab-e-khyal', a pleasant dream. 88

In one official report the following anecdotal account was narrated, providing another example of the relaxed nature of the system: In February 1862, one Sheik Hossein landed in Port Blair and was able to wrestle for himself the position of government butcher. In the same year, he contrived the indulgence to marry a lady of his choice and also to reside out of the barracks. The designated lady, for the purpose of marriage, was granted a ticket-of-leave. The couple settled into domesticity and set up a shop in the Ross Island Bazaar. Catastrophe struck when Sheikh Hossein was relieved from his position of government butcher. He was now in a quandary as he was not yet eligible for a ticket-of-leave and not being in government employ meant he had to give up his wife and go back to living in barracks and working in labor gangs. The clever fellow got over this difficulty by getting himself assigned as a servant to his wife, to which she was eligible by virtue of being a ticket-of-leave convict. 89 The above example are a brief glimpse into the lives of the convicts on the Andamans and the thread of their varied experiences. Therefore, the experience of the convict and his management in the Andamans defies neat categorization.

87 Home, Judicial, Proceedings Volume, July-Dec 1859, No. 57, NAI.
88 Mohammad Jafar Thanesari, Kalapani Ya Tarikh-i-Ajeed, "Is tarikh se, tarikh-e-rihai tak humne phir barrack ya libas ya khana kaidyon ka kabbhi nahi dekha... go, 18 baras tak misle-mulziman kalepani mein rahe", p. 58.
89 Home, Port Blair, August 1874, No. 52, NAI.