Chapter 7

Conclusion

This thesis, by making a historical study of convict labour which is central to imprisonment, has attempted to understand the political economy of modern punishment. Right from the initial years of its imposition by the British on the Indian colony till the first few decades after independence, the study has reviewed the changing nature of convict labour policy and has identified reasons for the same. The history of convict labour policy in modern India has travelled a long journey from that of extramural labour beginning from the last decade of the 18\textsuperscript{th} century to emphasis on intramural unproductive penal labour in the late 1830s. Within intramural convict labour policy, there was another shift in the 1860s from unproductive to productive intramural factory labour. After independence, the Indian state emphasized on labour in agriculture and in small scale and cottage industries. All these shifts in the convict labour policy are characterized by interesting and varied rationalities based on the political and economic imperatives of the state and the meaning of punishment/imprisonment has altered accordingly.

From the 1790s till the 1860s, with the existing minimal prison infrastructure, the East India Company regime emphasized on extramural convict labour especially on works of public importance. Thus, convict labour aided the ambitions of the colonial regime by basically constructing public roads which were useful in the movement of troops (for further colonization) and to facilitate trade and commerce. Though in England, the ‘houses of correction’ had witnessed a phase of reforms from the late 18\textsuperscript{th} century, and the convicts there were engaged in intramural labour, in India the colonial regime continued to extract extramural labour from the convicts. The first Committee for prison reforms in India was appointed in 1836. Its recommendations for unproductive intramural labour through the tread-mill and the crank were however not implemented. The Company regime was preoccupied with its expansionary motives and the problems arising from the policy of financial retrenchment imposed by the Home government. The mercantilist colonial governmentality is well reflected in the prison system of these decades as the colonial regime focused more on using convict labour productively to suit its political and economic necessities than on building an effective disciplinary scheme focusing on all aspects of prison life.
An important shift in convict labour policy came in the early 1860s when several new central prisons were built. With the emergence of the modern prison the colonial state laid emphasis on employing convicts on productive intramural factory labour for producing for the various state departments including uniform clothes and shoes for the army and police departments and basically stationery products consumed by the various state departments. This shift to intramural labour also went hand in hand with several disciplinary mechanisms that were introduced in this period, including the system of remission, appointing of convicts as officers, payment of gratuity etc. Most of these disciplinary mechanisms were firmly intertwined with labour. With these mechanisms and intramural labour, the punishment of imprisonment had moved away from punishing by extracting convict labour on public works as was done in the initial decades of 19th century. It now moved to punishing through both discipline and producing for the various consuming state departments. However, it is important to note that this shift in no way altered the over-arching penal ideology of deterrence. Therefore unlike Foucault’s assumption of associating reformatory penal ideology with discipline (except for payment of gratuity which was introduced post reformation), in the colonial context, punishing through discipline was practiced under the penal ideology of deterrence. Thus, without the reformatory ‘incentives’, and with introduction of new kind of labour i.e. factory labour, punishment in this phase was more exploitative in nature. More important is also the fact that at a time when there were few modern industries, the prison, through the imposition of intramural labour, was introducing the natives not only to modern forms of punishment but also to modern forms of wage labour, although without wages.

This system of punishing through engaging in productive labour was markedly different from the way convicts were made to labour in England. Therefore the convicts were by and large engaged in unproductive forms of intramural labour i.e. on the tread-mill and the crank and also on the public works despite suggestions for productive industrial labour (including Bentham’s suggestions made towards the end of 18th century). One of the reasons that can be identified for the same is that in the initial decades of the 19th century the liberal reforms that were being carried out especially under the influence of the Utilitarians were challenged by the Conservatives. Another reason was also the influence of the Evangelicals who endorsed cellular form of imprisonment along with hard labour. But, in the 1870s, the main reason for not introducing productive intramural labour was the apprehensions of prison labour competing with
free labour and private industry. Thus during the 1860s and 1870s public works was introduced as an important form of labour for the convicts.

In imposing productive intramural labour in the Indian colony in the 1860s, the colonial character of the state becomes starkly visible. This reflects not only on the shift of the colonial governmentality but also on the nature of the colonial state. The colonial state had now begun to consolidate itself in India and had begun realizing the importance of the Indian colony as a crucial market for its finished products for retaining its economic supremacy amidst challenges by other European countries and America. Convict labour, despite strong opposition from the private industry as it was in England, carried forward the political and economic imperatives of the colonial state by producing for the state departments. The contestation between the prison and private industry (basically European) was amplified by the peculiar colonial context where the prison anticipated modern industry and due to the effect of such sequential modernity the subtle and interesting correlations between modern punishment and economy were clearly revealed. Such influences on convict labour were mostly seen around on regulating the introduction of machinery in the prisons, on defining the meaning of productive labour in prison conditions, on fixing the prices of the prison products, in seeing through that the minimum of products reach the open market by making the government the largest consumer of such products, on regulating the appointing supervisors to assist prison production, on denying permission to advertise or issue price lists of the prison products etc.

One important development in the history of prison reforms in India came in the 1920s, when deterrence was given up as the primary penal ideology of the colonial state and reformation was accepted it its place. However, the character of intramural productive convict labour did not change much with this shift in the penal ideology as the colonial state continued to extract labour from the convicts. Rather, the context of the World Wars and the economic slump had further increased faith in such engagement of the convicts. Even in England, though the Gladstone Committee of 1895 had recommended for productive intramural labour, it was the context of the First World War which led to the implementation of most of the recommendations of the Committee. In India, the convicts were not simply used to produce for the war related exigencies, but the convicts themselves through the system of Porter Corps were directly involved in performing war related activities. Thus the argument that prison labour performs the role of a
reserve of labour power and acts as an ancillary to the free labour market within the overarching penal ideology of reformation gets further validated.

Independent India witnessed another important shift in the nature of convict labour policy. Though the existing prison industries were continued with, the emphasis of convict labour policy shifted to engaging prisoners in agriculture and handicrafts production. This was mainly because of the due consideration by the Indian state of the fact that most of the prisoners belonged to an agricultural background unlike the colonial state which extracted labour without such considerations. Small and cottage industries was thought of as another mode of engaging the prisoners as they required relatively smaller amount of capital and this would help in rehabilitating the prisoners post release. Such a policy could not however be sustained though it was well intended. Agriculture, because of its nature involves spread of prisoners on large tracts of land and therefore is not suitable to the modern prison conditions which require close monitoring of the prisoners. Thus agriculture could not but be a mode of engaging few ‘well behaved’ prisoners. Also, because of its seasonal nature, agriculture could not ensure full time employment for the prisoners. The cottage industries though could have a high reformative and rehabilitative potential, the history of prisons in independent India shows how there is a lack of determination on the part of the policy makers of the state to engage with and implement the same. Prison Department on the whole continues to receive less priority and is not included in the country’s overall development plan.

Throughout its journey convict labour, of whatever kind it may be, has played a central role in the punishment of imprisonment. Convicts labour performed by prisoners can be grouped under different categories.

a) Maintenance and prison upkeep: Some convicts are engaged in everyday tasks such as that of cleaning and cooing which are considered to be menial by the prison officials. These tasks are not only performed by convicts but also by other prison inmates including under-trails and detainees.

b) Goods produced for self-consumption: Convicts, especially those sentenced for short term are also engaged in activities like growing grains and vegetables for self consumption. They also make furniture and manufacture stationery articles such as paper,
books, ink etc., for use by the prison administration. Some of them also manufacture textiles and stitch uniforms for prisoners themselves. Some others also perform the labour of keeping a watch over other prisoners and thus help in economizing and the smooth functioning of the prison. Thus most of this labour is directed towards the sustenance of the prison institution itself.

c) Goods produced for other state departments and public sale: Convicts especially those sentenced for long term are engaged in producing goods required by the other government departments such as that of furniture, stationery, durries etc., and a minimum number of goods are produced for sale to the public. However, during the time of crisis for instance, a War situation and when there is a requirement of additional labour, then once again convict labour is used to satisfy this additional requirement.

These basic features of convict labour characterize it across variant penal ideologies. As this study covers a long historical period, the broad focus of this study has been on the important shifts in convict labour policy and thus the limitation of this study is also that it has excluded the regional variations within the convict labour policy of each period.

Further as evident from this study, convict labour, be it of any character, is broadly guided by certain politico-economic (at times also sociological) considerations, which can be delineated as follows:

i) The Utilitarian theory on which modern punishment is based, clearly states that the task of punishing the law breakers should be met with incurring minimum costs. In the Indian context, whether it was the Company regime, the British Government, or the Indian state after independence, all efforts were directed towards effectively punishing with incurring minimum costs. Effectively punishing through incurring minimum costs can be further understood by studying the utilitarian principles of less eligibility and relative standard of living. The prisoner as a law beaker is considered to be the least eligible citizen of the state and while undergoing punishment his general conditions of living cannot be better than the worse off law abiding free citizen. These considerations even in the Indian context have played a crucial role in determining the nature of convict labour.
ii) The colonial characterization of the Indian society as caste based, and the utilitarian principle of punishing economically which also results in legitimizing appropriation of labour from the prison through his/her previously acquired skills, gets translated into considering the caste identity of a prisoner in allotting him with particular kind of labour in the Indian context. This study shows how throughout the various shifts and stages of convict labour policy, the menial tasks of the prisoners are awarded to the prisoners belonging to socially backward castes. The concept of sequential modernity further helps in understanding how caste considerations survive even in the modern penal institutions.

iii) Convict labour and its products, in principle, cannot compete with free labour and the products of the open market, as this is seen as going against the free enterprise principle. Otherwise, a least important area of study as most of time this principle is taken for granted, the peculiar colonial Indian context where unlike Europe, the prison anticipated modern industry and therefore there were serious oppositions to the same. This study has shown how both the European private entrepreneurs and later the bodies representing Indian industries opposed modern production in prisons and how the punishment through labour is constantly fine-tuned to pacify such contestation.

iv) The tension between convict labour and private enterprise leads the state appropriate convict labour and its products wherever possible. However, it should be noted that the state not only uses convict labour to avoid its contestation with the private, but also it uses it to serve its purpose wherever necessary. Convict labour in principle acts as a reserve of labour power for the state and the state puts it to use whenever there is lack of free labour or to avoid expenses incurred in engaging free labour.

v) Prison industries are required not to be multifarious. The state ensures that across prisons there exist least varied prison industries not only because it entails more costs on the part of the state and becomes difficult to manage, but also because it affects the penal character of prison labour.

All the above principles result in directing convict labour policy more and more towards the sustenance of the prison institution itself. Therefore, by and large convict labour is of a self sustaining character. It is important to note that even if there is a marked shift in penal ideology
from that of deterrence to reformation these principles influence the character of convict labour. They assume more or less significance also according to the political and economic requirements of the state.

From this study the colonial character of convict labour policy can also be deduced. The following points reveal such character.

a) As pointed out earlier, the colonial regime used convict labour to further its own interests. The imposition of imprisonment along convict labour not only revealed the superior power of the British to the natives but the labour of the convicts was used for economic purposes as well.

b) Though the British rulers constantly borrowed from their own experience in Great Britain there are instances where convict labour policy followed in India differed greatly from that of Great Britain. At one stage (early 19th century), the East India Company made the convicts to labour on public works in India at a time when in Great Britain intramural convict labour policy was implemented.

c) In the next stage (beginning from 1860s) the colonial Indian Government shifted to productive intramural labour, while in Great Britain a mixed policy was followed that of labour on public works and of unproductive intramural labour on the treadmill and the crank. On certain occasions to exploit convict labour, the colonial regime in India overlooked its overall ideology of laissez-fare, as we have seen how from the 1860s till the end of its rule in India, the colonial regime went forward with production in prisons amidst considerable opposition from private entrepreneurs producing similar products, whereas in Great Britain the convict labour policy adopted public works to deal with a similar situation.

By making a historical study of convict labour with a view to understand the political economy of imprisonment in the Indian context this thesis, shows how the nature of imprisonment itself altered according to the changing politico-economic necessities of the state. If the focus of the politico-economic studies of punishment has been to see how different modes of production generate different forms of punishment, this study by making a historical analysis of convict labour policy has shown how imprisonment itself copes with changing economic conditions.
This is primarily because the punishment of imprisonment is not only effective in isolating the offender from the larger society but because it can engage offenders in productive/unproductive labour depending on the necessities of the state and economy. In the Indian context, such a study has not only helped in understanding the history and political economy of modern punishment but it has also enriched our understanding of the nature of the state, both colonial and postcolonial.