SYNOPSIS

Prison and Convict Labour in Colonial and Postcolonial India

This thesis is primarily a historical study of convict labour policy in India which is central to the punishment of imprisonment. Beginning from the late 18th century British colonial India when for the first time imprisonment with hard labour was imposed, this study analyses the evolution of convict labour policy and the different political and economic rationalities that resulted in important shifts within it.

In the process of the narration of the evolution of convict labour policy, the study attempts a comparison between the policy adopted in India and Great Britain and look for differences and similarities between the two. In India as labour was closely associated with caste, the study looks at how the colonial regime dealt with it when it came to imposing a certain kind of labour on convicts. It further probes whether shifts in the political rationalities of the colonial regime which lead to shifts in convict labour policy affected the colonial stance on caste vis a vis convict labour. Finally this thesis discusses Independent India’s approach to convict labour policy and look for the colonial continuities and discontinuities within it.

Studying prison and convict labour

1) Convict labour is central to the punishment of imprisonment. It is largely around this labour that modern penal ideologies of deterrence and/or reformation take shape. It acts as an instrument which helps in maintaining discipline and thereby renders imprisonment more manageable. Also, apart from helping the prison institution sustain itself, convict labour acts as a cheap reserve of labour power which is readily available for appropriation by the state. If convict labour was identified as a cheap reserve of productive labour, then such labour could be used in several productive/exploitative ways in the colonies. That labour plays such a crucial role in the functioning of the prison, and that it was imposed on the Indian colony, makes the evolution of convict labour in India an interesting area of study.
2) Also as imprisonment was introduced in a society which not only saw very few of the western modern developments such as industrialization and values of citizenship, liberty etc. and also as such institutions were introduced piecemeal, convict labour in British colonial India is likely to acquire a different form, from that of the experiences of metropolitan modernity which witnessed a concurrent development of modern institutions.

3) Moreover, because the natives were subjects, unlike citizens of the metropolitan modern, who on several occasions challenged the growing influence of liberalism, it is interesting to explore whether there were instances of experimentation in more liberal reforms in convict labour than in Great Britain itself.

4) Also, as penal institutions reaffirm state power and represent its repressive face, the study of the prison and specially convict labour deserves attention. Study of convict labour in the Indian context though has received some attention, there is still a wide scope to explore the same

Methodology

Though informed by the different perspectives on punishment, in figuring out the broader historical explanations for different convict labour policies and the changes within it, this study adopts a political economy approach. It explores how the convict labour policy reflected the political and economic imperatives of British colonialism. As imprisonment is believed to be indicative of a more humane form of punishment and as convict labour is central to it, adopting such a methodology would help in understanding how the political and economic rationalities of state power impinge on the character of such punishment.

Important studies on convict labour such as those of Michael Ignatieff (1978) and Alex Lichtenstein (1996) and Chitra Joshi (2009) have by and large studied convict labour more as a continuation of forced labour in the context of its formal abolition and have located it in the transition from feudal to capitalist modes of production. This study apart from taking this into consideration, also studies convict labour in the context of the consolidation of the capitalist system itself. David Arnold’s study looks at the prison that emerged in British India as a material
adjunct to the colonial purpose says that convict labour in British colonial India was a way of mobilizing scarce labour. My study further probes how convict labour helped in acting as a material adjunct and looks at the question of mobilizing scarce labour in greater detail. Other important studies on convict labour in British India especially those of Satadru Sen (2000) and Aparna Vaidik (2009) are in the context of transportation of convicts to the Andaman Islands. My study focuses only on convict labour as practiced through the punishment of imprisonment and not through transportation.

The study of George Rusche and Otto Kirchheimer (1980) looks at convict labour from the perspective of the labour market. They argue that when demand for labour is more and supply is less, as was the case in the mercantilist period, the state and its penal institutions are less ready to dispense with the valuable resources which their captives represent, and are more likely to put their offenders to work in one form or the other. The current study argues that with the emergence of imprisonment as punishment, even in times of excess labour supply, physical exclusion of the prisoner does not seem necessary. This is because imprisonment effectively aids the economy, as it not only succeeds in isolating the criminal from the normalised society, but also generates conditions of engaging convict labour in productive activity or lack of it.

However in understanding certain disciplinary mechanisms which were closely knit with convict labour such as systems of remission, convict warder and payment of gratuity this study will be using the Foucauldian framework of looking at punishment through the prism of discipline and where power is largely seen as diffused and not simply as flowing from the broader political and economic rationalities. Also as identifying the “colonial difference” in convict labour policy might not capture the changing objective of power itself, this study will also draw from David Scott’s (2000) idea of colonial governmentality.

This study which is largely an analysis of archival documents relies on both, statutory records and episodic records dealing with convict labour. The statutory records include reports of the various committees and commissions and also periodical reports on prisons by the Government of India and other prison authorities in different provinces. The episodic records include correspondence between the government and the prison authorities and vice-versa. Most of these documents are collected from the National Archives of India, Tamil Nadu State Archives and
from the India Office Records at the British Library, London. A few visits to prison in Karnataka and conversations and unstructured interviews with prisoners and prison authorities on convict labour helped me to refine my thoughts and approach the question of convict labour from a different dimension.

**Chapterisation**

This thesis is organized into seven chapters. It begins with an Introduction to the study of convict labour which states its objectives, purpose, perspectives, methodology and chapterisation.

The second chapter *The Genesis of the Prison and Extramural Convict Labour: The Mercantilist Rationality* presents an introduction to the imposition of punishment of imprisonment with hard labour in the later decades of the eighteenth century by the Company. It acted as a symbol of the imposition of law and the punishment which was considered “superior” to the preexisting Indian forms of punishment. In fact the Company itself continued to impose such forms of punishment such as whipping, branding, payment of fines etc. as imprisonment came to be accepted as the most common form of punishment to be imposed only in the late 1830s.

It is worth noting that the ‘houses of correction’ in Great Britain during the same period had witnessed several stages of reforms under the leadership of John Howard and Elizabeth Fry and there the stress was by and large on intramural convict labour. Emphasis on extramural convict labour in the first half of 19th century through the formal institution of the Public Works and even before that reflects the mercantilist rationality of the Company regime and convict labour served the colonial requirement of building infrastructure that allowed for the easy movement of troops and for purposes of commerce.

Overall imprisonment in this period stressed more on labour than on other modes of prison discipline such as rationing of food, dress or imparting moral training or education etc. On the question of caste, the colonial authorities as early as 1796 held that to compel high-caste convicts to work on the roads alongside 'common criminals' would be for both, them and their families 'much more severe than a sentence of death' (Arnold 1994:77). Also as this would be seen as a human regime of punishment, it was believed that this would enhance the legitimacy of the legal system instead of making the offender an object of pity. (Singha 1998: 231-232). Of the
prisoners confined for definite periods in District Goals, a certain number were employed in keeping their goals clean, and in other necessary work of that sort; but these were selected on consideration of the caste of the prisoners so employed. In general, only those who were physically unfit for out-door labour, and the small number of low-caste men necessary for keeping the goals clean were employed within doors.

It is important to note that the colonial discourse on convict labour hardly pays any significant attention to the question of employment of female convict labourers. Most of the reference to their employment is expressed in terms of passing remarks. In the period of our reference, women prisoners were rarely sent on outdoor work but were engaged in “feminine” activities of cleaning food grains and spinning.

With regard to European convicts the Company regime held that to employ European convicts in a similar way as the natives would be cruel. And if not cruel it would be impolitic as it was necessary for their national character’ to 'stand high in the estimation of the inhabitants of India. As such separate prison wards were reserved for Europeans and at Ootacamund a jail was built exclusively to house European(and Eurasian) prisoners and from the very beginning till the whole of colonial period they were engaged in light intramural labour.

If the second chapter was about the genesis of imprisonment itself and convict labour in that period, the third chapter *The Birth of the Modern Prison and Intramural Convict Labour in Colonial India: Inducing Convicts to Discipline and Labour* studies convict labour after the birth of the modern prison in the second half of nineteenth century. The new political rationality that guided the establishing of modern central prisons can be largely traced to the liberal current which spearheaded the movement for administrative, legal and penal reforms in India, the influence of Utilitarians and in general in the colonial enterprise’s overall policy in India which moved in the direction set by the development of the British economy. This was also aided by the new kind of knowledge that the colonizers were producing of the colonized. When the Indian Government began to proceed with the construction of railways, roads, telegraphs, irrigation works, docks and public buildings, growing demand for a wide range of goods was generated that led to the emergence of the three ‘great consuming departments’- the Railway, Military and the Public Works Departments as well as the Civil Departments which purchased
their requirements. These increasing necessities generated by emerging colonial governmentality prompted the Government to think on lines of using the prison for supplying to some of its departments.

With the emergence of the modern prison there was a shift in convict labour policy from that of extramural to intramural factory labour which served the requirements of the consuming departments and also reflected the post mercantilist governmentality that was being introduced. Also the notion of labour had now changed from merely producing a deterring effect to a principle means of enforcing discipline.

More importantly given the fact that there were only few modern industries with latest machinery in India, on the one hand the prison can also be seen as an initiator in introducing modern form of wage labour. On the other hand, it is interesting to see that the Utilitarian theory around which the modern prison system is based, is also based on individualism. But as this theory legitimises extraction of labour on the basis of previously acquired skills by the convict, the Superintendent in the Indian prisons granted tasks to prisoners based on the same, which invariably resulted in bringing caste distinctions in allotting labour.

With the modern prison and intramural convict labour, the system of remission, appointment of convicts as warders and payments of gratuity to prisoners were introduced. These systems were increasingly made self-rewarding and self-perpetuating and to avail the benefits of which one had to prove ones good conduct and labour. As these forces are embedded in wider disciplinary practices their influence on prison labour is overwhelming and their study helps us to understand how actually power reaches the individual convicts. For example in the system of remission, marks were awarded for good conduct and labour on the basis of which the convict would get his sentence remitted. Approximately if the convict followed all prison rules and regulations, and did the necessary amount of labour or two years then his sentence would get remitted by 58 days.

One of the most striking facts is also that convict labour policy in Great Britain at around the same time was quite different from what was being practiced in India. In fact with due qualifications one can say that colonial Indian convict labour policy at this stage was more
liberal than in Great Britain itself where emphasis continued to be laid on unproductive intramural labour through the treadmill and the crank, and labour on the public works.

The fourth chapter titled *Contestation to Intramural Convict Labour: Prison and Private Industry* studies the contestation that arose to intramural labour right from the 1870s especially by the few European entrepreneurs who were producing similar products and who constantly complained to the authorities about how the prison made goods were competing in the market. This contestation against productive convict labour lead to three distinct shifts in colonial prison labour policy *vis-a-vis* private industry. They are:

1) Firstly it was the prison Conference of 1877 which openly asserted the prison industry as being a rightful competitor in the market.

2) As the colonial regime soon realized the problems with such assertion and therefore through the 1882 Resolution it decided on a total withdrawal from production by switching on to extramural labour

3) However as the switch over to extramural labour could not be sustained as it was a mismatch to the governmentality of the colonial state and it passed another Resolution in 1886 which decided on having a well regulated prison industry.

These shifts reflect interesting strategies adopted by the colonial regime to effectively manage the prison industry and they also reveal subtle links between the nature of punishment and economy. However the questioning of this policy by the European industrialists in particular and post 1920 (reformation policy) by the industrial bodies in general, continued. The effects of this questioning and the colonial state’s accommodative position are reflected in the prison labour policy around; questioning and re-questioning as to what should and what should not constitute convict labour, choosing of what goods to be produced, limiting the kinds of goods produced to one or two, limiting prison production for the public departments and not for the open market, careful assessment before the introduction of machinery in the prisons, regulating appointing of supervisors to monitor production, preventing advertisement, preventing the issuing of price lists or maintaining of catalogues, charging high profits on goods sold to the public so that it can be restricted to bare minimum, and so on.
The third and fourth chapters broadly focused on the crucial shift from extramural labour to intramural labour in the second half of the 19th century and the considerable contestation that it led to. It is also important to note that this major shift had not in any significant way altered the overarching penal ideology of the regime and the official subscription continued to stress on deterrence. The fifth chapter *The Political Economy of Reformation and Convict Labour* focuses on the crucial shift in the penal ideology from that of deterrence to reformation which happened with the Indian Jail Committee of 1920, and its effect on convict labour policy in the initial decades of 20th century. It critically studies the colonial imperatives for introducing the same.

The context when this major shift came about was after the post First World War experience when there were noticeable alterations in the overall organization of state and economy since 1857. Most important was the fact that the colonial state faced the problem of supplying a modern war from a base with only rudimentary industrial infrastructure. This realization of the weakness of the pre-war model resulted in the first Industrial Commission which was set up in 1916 which chalked a detailed and subtle plan for industrial development in India.

First of all it should be noted that reformation became a penal ideology in India almost 25 years later than when it was introduced in Great Britain. As stated earlier the Indian Jails Committee of 1920 was the first prison committee of India to state that reformation of the prisoners was to be the primary goal of imprisonment and thereby convict labour had to perform the major reformative role. Emphasis was laid on productive labour. Profit extraction and deterrence through labour were relegated to secondary importance and all forms of purposeless labour such as treadmill and the crank were to be eschewed under such a scheme. Even the scheme of paying of gratuity to convicts was recommended. As the jails were held responsible for supplying articles suitable to the needs of the consuming departments the jails were to be equipped and staffed to be able to turn out articles as good as those procurable in the open market and for which purpose machinery was thought to be indispensable.

With this overarching penal ideology of reformation, convict labour was used for War purposes in two ways. Firstly convict labour was producing articles in the prison factories as necessitated by the War. Secondly and much more directly well behaved and short term prisoners in Indian Jails were granted a conditional remission of their sentences and thereby employed as labourers
in the subsidiary services of the war front through the Jail Corps that was launched in 1916. Such use of convicts was practiced in other countries including Great Britain. Though reformation policy was introduced in Great Britain in 1895 most of the implementation of such policies happened only at the time of the First World War. The most important point to be noted here is that not only the introduction reformatory policies are political but also that reformation and use of convict labour as available source of cheap labour can go hand in hand.

The sixth chapter *Independent India and Its Convict Labour Policy* is a critical review of independent India’s approach to convict labour. The focus here is on documenting the continuities and discontinuities in convict labour policy from the colonial to the postcolonial regime. I will be limiting my study to the three decades following independence not only because few files related to convict labour have been transferred to the archives after this period but also because the latest major attempt at an all India level towards prison reforms was made in 1983.

To begin with it is important to note that the independent Indian state accepted to continue with imprisonment, simple and rigorous as the most civil form of punishment. The most important discontinuities with regards to convict labour are basically two:

1) Firstly, as most of the prisoners came from agricultural background, in Independent India’s convict labour policy agriculture and allied activities gained some importance, and in the following decades, development of agriculture and allied occupations was treated as an important aspect of prison administration. This one can say is one of the interesting developments which perhaps is more Indian and less colonial in character. Broadly the colonial regime beginning from the 1860s stressed on industrial labour and agriculture or work related to agriculture was generally only limited to small prison gardens as it was held to be impracticable and it did not suite the overall ideology of the prison. This excitement for agriculture though suitable to the occupational backgrounds of the Indian prisoners which was found in the initial decades needs to be questioned especially on the grounds of the feasibility to involve most of the prison population on such occupations. The modern prison based on Benthamite principles had its origin in a certain history which requires indoor labour. Agriculture then becomes almost a
primordial entity which is being tried to be fitted with the modern and therefore on itself the sustenance of agriculture as a primary method of engaging prisoners is doubtful.

2) Secondly, with regard to industrial labour if the colonial regime at least from the Committee of 1864 constantly stressed on industrial labour based on modern machinery, the convict labour policy in independent India have emphasized more on cottage and small scale industries and one of the important stated rationales was that post-release employment in such sectors was more easier to find then in modern industries which at that time were not existing in large numbers and also it was more easier for convicts to start their own enterprise which required small investments.

However the conditions of convict labour continued to be deplorable in both these sectors. Most of the agricultural land continued to be underutilized and old and outdated methods continued to be followed. Similar was the case with prison workshops which witnessed lack of investment in physical infrastructure, using outdated methods of production and so on. The Committees of 70s and 80s apart from pointing out at these failures, identify another greater cause that ails prison reforms in general and prison industry in particular. This was the failure to include prisons in the overall development plan of the country. As prisons as such came in the State list, it was said that it was important to give grants to this institution under the national development plan.

Regarding whether jail industries should be run in collaboration with a private enterprise the Committees have held that as long as prisoners work in a state enterprise in the capacity of free worker and draw full wages, the dignity and discipline of States’ award of punishment was not injured. But as soon as a private enterprise begins to share with the jails its manpower on equal basis, the rehabilitative value of jail life disappears. Therefore the convict labour policy in India can be seen as being largely insulated from the broader economic policy shifts that the Indian state has witnessed.

The concluding chapter is a detailed review of the political and economic rationalities that have influenced convict labour throughout its evolution. The history of convict labour in modern India has travelled a long journey from that of extramural labour beginning from the last decade of the 18th century to emphasis on intramural penal labour beginning from the late 1830s. Within
intramural labour there was a shift in colonial thinking from unproductive intramural labour of the initial days to productive intramural factory labour beginning from the 1860s. In independent India we find the emphasis shifted from factory labour of the colonial rule to that of agriculture and cottage and small scale industries. All these major shifts we have seen are characterized by interesting and varied political and economic rationalities.

Throughout its journey, convict labour of whatever kind it might be, has played a central role in the punishment of imprisonment. Convict labour performs at various levels. At one level we can see that certain amount of convict labour is necessarily of maintenance character where the prisoners are engaged in everyday menial tasks such as that of cleaning, cooking etc. At another level convict labour is of a self sustaining character which includes the construction and maintenance of physical infrastructure of the prison, growing grains and vegetables for self consumption, making furniture and manufacturing stationary articles such as paper, books, ink etc., for use by the prison administration, manufacturing textiles and stitching uniforms for prisoners themselves, few prisoners also perform the labour of keeping a watch over other prisoners and thus help in the smooth functioning of the prison. At the third level convicts are engaged in construction of physical infrastructure for the state, producing articles required by the other government institutions such as that of furniture, stationary, durries etc., and the minimum of articles are produced for sale to the public. These basic features of convict labour continue to characterize it even when there are major shifts in penal ideologies from that of deterrence to reformation. During the times of crisis such as War convict labour is used to satisfy this additional requirement. In India convicts were used not only to produce factory made goods but also used as porter corp.

More important is the fact that whether the nature of convict labour is extramural or productive or unproductive intramural labour, and/or whether it is performing under the penal ideology of deterrence or reformation, there are certain principles which influence convict labour. They are:

a) Achieving the task of effective punishment and putting the convicts to labour with incurring minimum costs.
b) In the Indian context, the above mentioned principle gets translated into taking into consideration the caste identities of the prisoners as they are made to labour according to previously acquired skills by them.

c) The principles of less eligibility and relative standard of living whereby prison life is made markedly made more unpleasant than the conditions of life experienced by the lowest strata living in free society. It ensures that all efforts to reform the punishment are inevitably limited by the situation of the lowest socially significant proletarian class.

d) Convict labour is also seen as a reserve of cheap labour which can be appropriated by the state

e) Convict labour and the products of convict labour should not compete in the free market or labour market

f) Convict labour cannot be of a multifarious character not only because it becomes difficult to manage but also because it affects its penal character.

Lastly I would like to say that by studying convict labour this study has shown how the nature and meaning of punishment alters according to the political and economic imperatives of the state. Because convict labour operates under such principles and the limitations set by these convict labour largely remains to be of a self sustaining character.