

Penal Labor in the History of Modern Manipur

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Abstract: *Towards the end of the 19th century when the use of convicts for extramural work was finally disappearing from mainland India, the tiny state of Manipur had its history of using penal labor, which was introduced along with the re-establishment of jail during the latter half of the 19th century. While focusing on the nature of works performed by convicted laborers, this paper seeks in-depth research on the history of penal labor during the latter half of the 19th century and first half of the 20th century. The use of penal labor was further systematized with the intervention of the colonizer having realized the economic values of hard labor at the same time solving problem of scarcity of laborers, heavily contributing to the various projects of the state on building bridges, making bricks, and construction of roads as such.*

Keywords: Manipur, Punishment, Convicts, Penal labor, Extramural work.

'The prisoners are freely employed on the road, &c, outside, which may help to account for the small mortality...' – R. Brown

In pre-modern Manipur, crime and punishment were based on customs and precedents and was based on the idea of vindictive justice and there was neither a formal code of law nor a uniform trial procedure. Okram Rudrababu Singh believes that the traditional system of administering justice was based on the principle of *chatlam lutin*.¹ He further divide crime according to the treatment of criminals into: crime against the state, crime against a person(s), crime relating to property, crime relating to women, crime relating to cattle, religious crime, crime in the hill areas of Manipur.² For these crimes, punishment varies from fines to sentences of death and physical penalties such as whipping, branding, exilement, imprisonment etc. Treason and conspiracy against the Raja remain the gravest offence, in such case death penalty was awarded not only to the chief offender but also to those who conspired with him. Although the degree of punishment for various crimes varies from one ruler to another. For instance, during the reign of Jai Singh (1759-1798 CE), the punishment for treason was

not the capital punishment but severe meeting, but later during the reign of Chandrakirti (1850-1866 CE), the punishment for treason was severe. This form of punishment persisted throughout the pre-colonial Manipuri society.

The early 19th century Manipur witnessed history altering crucial events, frequent Burmese attacks under the Konbaung dynasty, finally culminating into what is known as the Seven Years Devastation. In the annals of Manipur this event is known as *chahi taret khuntakpa*. The event led to large-scale destruction of the valley, making the Manipuri princes seek help from the Britishers. The imperial expansion under the Konbaung dynasty soon led to a clash with the other imperial power, the British. This contestation of power was soon followed by the first Anglo-Burmese war that resulted in the defeat of the Burmese, followed by the signing of the Treaty of Yandaboo, signed on 24 February 1826. Following the war which concluded with the treaty and withdrawal of the Manipur levy, the office of political agent was set up in Manipur in the year 1835, following the signing of the Treaty of 1835, entered between the British and Manipur Raja Gambhir Singh. This marked the beginning of the consolidation of British control over the tiny state.³ Although the office of the political agent was set up to maintain 'the preservation of a friendly intercourse and as a medium of communication with Manipur and as occasion may require with the Burmese',⁴ in later stages this office became more and more powerful as a result of internal conflicts among the princes for the throne, allowing the office of political agent to interfere directly or indirectly in administering the state of Manipur.

The setting up of the office of political agents led to changes at various levels. One of the changes that came to be witnessed as a result of the influence of the British intervention in the state of Manipur was the re-establishment of the jail for offences like theft, debt, murder, gambling, and religious offences, followed by rigorous imprisonment. Although the concept of jail known as *keishumshang*⁵ dates back to the 7th century during the reign of *Meidingu* Naothingkhong (663-763 CE) who is credited for the introduction of jail, it was barely regarded as an important institution to administer justice while preferred over other forms of punishment such as banishment or exile as a more convenient mode of punishment than imprisonment. The royal chronicle *Cheitharol Kumbaba* also made a mention of it while other forms of punishment such as corporal punishments, *khungoinaba*,⁶ *loi thaba*, are frequently mentioned and preferred over it. It was only during the reign of Chandrakirti that jail was re-established,⁷ by setting up three thatched houses to serve as jail which were surrounded on all sides by high wall of sun-dried bricks. Along with the re-establishment of jail was the introduction of penal labour. Although the concept of the use of war captives' power is not new to the study of state-making in pre-Modern Manipur and its neighboring states, *Cheitharol Kumbaba* made various references to conscriptions of war captives into laborious state projects such as digging canal, moats, building defensive walls, dredging etc. For instance, the royal

chronicle of Manipur mentions that in 1534 CE, during the reign of *meidingu* Kabomba (1524-1542 CE), a *Takhenkhong*, *khong* meaning canal was dug by the war captives from Takhen, which was capture during 1532 CE.⁸ Many Manipuris too who were taken as captive to Burma, during the reign of Alaungpaya were also forced to participate in the state making projects by forcing captured Manipuris to renovate the dams and canals and many of the captives without the skill were settled as a farmers to boost the economy of the state.⁹ Towards the end of the 19th century when the use of extramural convict laborers was finally disappearing from mainland India, which began to be viewed with disfavour following the publication of the Committee on Prison Discipline in 1838 with the argument that convicts laborers show gross inefficiency in terms of work and convicts often used the laxity of extramural labor to chat with friends and relatives, or to receive tobacco, food, and money or to escape.¹⁰ However, we can argue that the notion of penal labor was modern in the context of Manipur, for before the 19th century we find no mention of the penal or punitive laborers. Publication of the Committee on Prison Discipline report disfavoring the use of convicts for extramural work barely made an impact on the state of Manipur, which had the beginning of its history of penal labor in second half of the 19th century along with the re-establishment of jail. While focusing on the extramural works performed by convict laborers in the context of Manipur, this paper seeks to explore the history of penal labor during the latter half of the 19th century and first half of the 20th century, which was further systematized with the intervention of the colonizer having realized the economic values of convict laborers, heavily contributing to the various projects of the state on building bridges, making bricks, digging a canal and construction of roads as such.

Survey of Literature

Various works on penal labor have been produced in the last few decades and recent years. Edited by Christian Giuseppe De Vito and Alex Lichtenstein *Global Convict Labour* 'provides the opportunity to explore multiple dimensions of convict labour across time, space, and varieties of state formation.' David Arnold's, 'Labouring for the Raj: Convict Work Regimes in Colonial India, 1836-1939' remains an important work on use of convicts as a source of labor, by transforming the convicts into loyal, orderly and governable subjects in the context of the sub-continent of India. In his other article 'The Colonial Prison: Power, Knowledge and Penology in Nineteenth-Century India,' David Arnold claims how the colonial prison system in India worked as a space to fulfil the scarce labor problem for various state-sponsored projects.¹¹ Following this argument, we will also attempt to look at the functioning of penal labor in the context of Manipur which was further systematized with the state of Manipur becoming a protectorate state following the Treaty of 1833 between the British and Raja Gambhir Singh of Manipur. Concerning Manipur, very few works are

found on penal and labor, with the existing work mostly focused on the study of crime and punishment including the writings of Okram Rudrababu Singh,¹² and Nongmaithem Ibohal¹³ but made no mentions of penal labor. N Ibohi Singh's unpublished thesis titled *The Manipur Administration, 1709-1907*, remains an important work that discussed jail and penal labor, while tracing the origin of jail to the reign of Naothingkhong (663-763 CE). It talks of the various changes that were introduced and of prisoners employed for various state projects such as of making bricks, digging canals, and construction of roads as such. Confining to 1709-1907 CE, it concluded its discussion on jail and penal labor with the regency administration, which came to an end with the installation of Raja Churachand to the throne. Further studies beyond the said period need to be examined and discussed in detail. The present paper is also an attempt to further explore penal labor post-regency years and how it was systematized with interventions of colonizers and how the convicts were compelled to become a part of the larger imperial projects of road construction, constructing tanks, state buildings, digging canal as such and how the extramural work was justified on the ground of health and mortality rate.¹⁴

Penal Labor and Period of Regency Administration

As mentioned earlier, towards the end of the 19th century when the use of the convicts for extramural work was gaining disfavor in mainland India, the native state of Manipur had it beginning of penal labor. Following its defeats in the Anglo-Manipur War of 1891, the state of Manipur lost her independence and was reinstated to its former state on the condition of yet subordinate position by establishing a regency under the office of political agent. Under it a new administrative structure was put into from 1892-1907. During the regency administration, many changes were introduced in the administrative and judicial circle, first and foremost was the issuing of 'Rules for the Administration of Justice and Police in Manipur State' by observing the law as laid down in the Indian Penal Code and other enactments in British India.¹⁵ The changes that could be noticed was the establishment of jail as an important institution for reformation and preventive methods for offences like theft, dacoity, murder, and rape, and with the maximum term of imprisonment in serious offences being seven years of rigorous imprisonment, meaning the use of convicts as laborers in the state related projects. This change was a gradual process, for during the 1850s and 1860's many pre-colonial forms of punishment continued to be noticed. For instance, in the month of January, a man of the Rajkumar family was brought to Garot for committing theft but was released after canning him 13 times,¹⁶ but many changes were also introduced concerning jail. Of the many things that were introduced when the British took over Manipur following the Anglo-Manipur war was to reorganise the state jail that was found to be used as a cattle yard by the Commissariate department. A temporary jail was set up by converting Raja's magazine into jail and soon it was followed by

erecting new wards for prisoners to house the convicts which were employed to performed extramural work for breaking metal for the roads.¹⁷ A new jail was constructed in 1902-03 along with a workshop which can accommodate hundred prisoners and by 1903, following the appointment of jailor, many convicts were employed in jail industries such as *dari* making and oil pressings.¹⁸ Throughout the regency period various state projects were completed through the use of convicts and new jails were built for that purpose. For instance, establishment of a branch jail in 1895 with 25 convicts was meant to undertake works against the inroad of the river Nambol, and also to construct a *serai* for native travelers by using convict laborers.¹⁹ Diary entries of political agents throughout regency period also regularly made an entry on convicts performing works on various state projects. The use of convicted laborers was being justified on the pretext that they were working for the betterment of the state like repairing a river bank, as a result of the rise of water level in the Imphal river or engaging convicts in erecting the mud plinth and forming the compound wall of same *serai* which earlier were built by convicts. Many other state projects under various departments were covered using convict laborers, including the needs of the Raja.²⁰

Reconstitution of the State Under Darbar and Penal Labor

The installation of Raja Churachand in 1907 along with the reconstitution of Manipur State Durbar bring an end to the regency administration. However, as Lal Dena writes this new set up reveals that the position of the raja or his durbar was merely a 'transparent constitutional make-believe'.²¹ Lal Dena further writes that in short, the raja had no sovereign powers and all vital functions and power of the state were taken over or controlled by the paramount British power.²² Under this new scheme of the administrative structure of the state, raja was the president of the durbar having a charge over education, medical and armed state police. The vice-president, an English officer lent from Assam provincial civil service had charge over the hill tribes, finance and revenue of all sorts and the six ordinary members have a charge over judiciary, works, civil police and jail. Although, jail was now under the jurisdiction of an ordinary member of the state durbar and no more under the direct control of the political agent and superintendent of the state, the functioning of the jail and use of convict for intra and extramural works for various state projects continued post-regency period. This led even to a conflict between the members of durbar and the raja, with the latter proposing that free labor should also be provided for palace and Khwairamband polo grounds, palace gardens and compound and for other unforeseen and emergent works.²³ The said proposal was rejected on the argument that there was no budget provision for the said work and 'simply because free labor can be found for it' in the form of convict laborers does not mean he can use them according to his wishes.²⁴ Soon after the reconstitution of durbar, jail members proposal to engage prisoners in making

bricks with the earth dig out from making of pond that surround the compound of Raja was agreed by durbar.²⁵ Further systemization of the functioning of jail took place during this period. In 1913, a proposal to established a special class of prisoners were made by vice president for prisoners whose character were of a more severe character and proposed that they should be never employed outside the jail and should do 3 day *dhan* pounding and 3 day oil mill a week.²⁶ Throughout the first half of the 20th century various state projects of making bricks, digging canal, construction of road,²⁷ schools and various other state related work were continued to be fulfilled by convict laborers. In 1940, a durbar resolution considered a supply of free jail labor for the antimalarial work in Imphal by continuing to supply labor.²⁸ The condition punitive laborers employed for intra and extramural work remain exploitative throughout the 19th century and first half of the 20th century, while escaping in various instances.

Close look at the archival records provides us with an insight on what led to use of convict laborers for state project remain numerous throughout the regency and post regency period at a time when the use of convict laborers for extramural work was finally disappearing from mainland India. Two of the causes could be found in continuation to the use of convict for fulfilling various state projects was the abolition of the *lallup* system, a feudal service rendered by the adult subject between the age of 16 and 60 to the state and king, where it was compelled to give services to state for 10 days out of every 40 days.²⁹ Other reason was the already existing difficulty in recruiting *coolies* and wage laborers from among the various groups. For instance the diary entry of political agent A Porteous on 7th January 1893 record on their to recruit coolies from among the *Tangkhuls* were turned down and was able to obtain none, instead preferring to pay a fine in place of supplying coolies.³⁰ Failures in the attempt to supply coolies on the part of the subadar, who were in charge of supplying coolies also resulting in the suspension of subadar and in place of it sardars were appointed to look into the task of appointing coolies.³¹ The difficulty in recruiting laborers to be used for various imperial state projects from various groups remains a problem from the time of the signing of treaty of 1835 between the British and Manipur Raja Gambhir Singh. Many of those hill laborers involved in building Manipur-Cachar road, also known as Manipur Road began deserting their village and run away, reasons being provided that hill laborers engagement in construction of road have resulted in them not being able to cultivate their fields.³² Urgency, as the cause for employing convicts was too justified.³³ Use of convicts for state projects were also justified in relation to mortality rates, as low mortality rates was recorded, the employment of the prisoners was justified on the ground that prisoners had an 'access to open air', as prisoners were employed on making of roads.³⁴ Thus the scarcity of labor for various state projects was fulfilled by convicts, by sidelining the very stand of the Committee on Prison Discipline of 1838, which disfavors extramural work by convicts and instead

makes them engage mostly in extramural work like digging canals, making state building, making roads, and much miscellaneous work in the case of Manipur. Even in the neighbouring state of Assam, when the use of convicts for oil pressing was abolished on the arguments that it was 'overdue and tiresome',³⁵ in the native state of Manipur, the use of convicts for oil pressing was justified on the ground as a 'way of punishment for serious breach of jail discipline'.

Conclusion

By end of the 19th century, when used of convicts for extramural work in particular was gaining disfavor and disappearing in mainstream India, the native state of Manipur began its history of using convicts manpower for various state projects during the regency and post-regency periods. The rationale behind this choice was grounded in the perception that convict laborers represented a free workforce for the state, effectively alleviating some of the financial burdens associated with hiring laborers in a context where labor scarcity was becoming increasingly acute. The abolition of traditional feudal services, such as the lallup system, which had historically provided a means of labor supply, coupled with unsuccessful efforts to recruit workers or coolies from different demographic groups, compounded the labor shortage crisis. As a result, the state found itself in a challenging position, needing to fulfil essential state projects that require significant manpower. The employment of convict laborers proved to be a practical solution to this problem. Convicts were engaged in various labor-intensive tasks, including brick-making, canal digging, and road construction. These efforts went beyond merely fulfilling state needs and were integral to larger imperial objectives aimed at consolidating and expanding influence over and beyond the sub-continent of India. By utilizing convict laborers, the Manipur state not only addressed immediate labor shortages but also laid the groundwork for various infrastructural developments that were critical for imperial ambitions. Thus, making the strategic use of convict laborers played a significant role in the broader narrative of colonial imperial expansion and power.

Notes and References (Endnotes)

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2. Ibid
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5. Jail was also known by other terms, such as *koidi*, *awashang* or *shumshang*
6. *Khungoinaba* was the highest form of punishment awarded to women. When found culprit of certain offences which was considered immoral such as extramarital

- affairs or abortion were found, she was exposed on a high platform, stripped to the waist and made to walk in bazaars. For crime and punishment to women and Manipur, see W Jibanlata Devi, 'Crime and Punishment: Women in the History of Manipur' in H Sudhir (ed), *Social History of Manipur*, Sunmarg Publishers & Distributors, New Delhi, 2020
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 18. J Shakespeare, *Manipur Under British Management, 1891-1907*, 1907, Shillong, p.5
 19. In 1896, another branch jail was introduced at Bishenpur to complete a road for carts going to that place. See MSA, File No. R-3/S-3, Administrative Report, 1895-1896, p.11
 20. MSA, File No. R-1/S-3, SL-29, October 1893, No.7 of 1893
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 22. Ibid
 23. MSA, File No- R-1/S-3, SL. No-49, Durbar Proceedings, 1922-1923, 9.8.22. p. 48, 49
 24. Ibid
 25. MSA, File No. R-1/S-3, SL.NO-43, Durbar Proceedings, 1909-1911, 25 August 1909

26. MSA, File No. R-1/S-3, SL. No- 39, Proceedings of the Manipur State Durbar, 1912-1914, 8 Sep 1913
27. A letter dated 31st August 1922 from a state engineer was considered by Darbar for employing jail labor on the metalling of the Cachar road. See MSA, File No. R-1/S-2, SL-32, Durbar Resolutions
28. MSA, File No. R-1/S-2, SL- 31, Durbar Proceedings, 1939-1940, No. 7 of 29.5.40
29. The service might be in the form of military duties, developmental or economic work like the construction of the road, working in the king's estate as such. On the occasion of the investiture ceremony of Raja Churachand on 29th April 1892, *lallup* and slavery were terminated and in place of it a house tax of rupees 2 and rupees 3 in the valley and hill were introduced respectively
30. See Diary of Political Agent Maxwell. MSA, File No-R-1/S-3, SL-29, 1896
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