

A Comprehensive Study of India's Prison System: An In-Depth Analysis of Structural Development and Capacity Challenges

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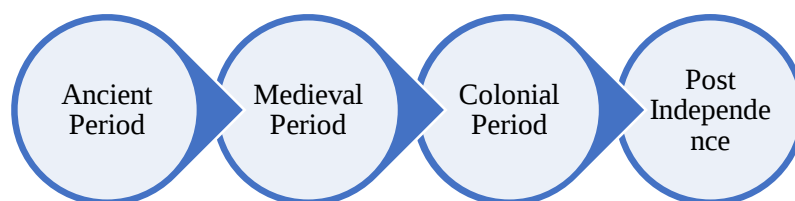
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ABSTRACT

The study of Prison System in India is a multifaceted narrative that reflects the Evolution of Societal Norms, Legal Frameworks, and Governmental Policies. This research provides a meticulous analysis of Prison System in India, spanning from Ancient times to the post-independence era. Tracing the roots of incarceration practices in Ancient India, the study explores the evolution of punitive measures and confinement methods. It studies the impact of British colonial rule on shaping the prison system, highlighting its initial alignment with imperial interests and subsequent attempts at reform during the Pre-Independence and Post-Independence. The consequences of overcrowding are scrutinized, encompassing living conditions, healthcare access, and rehabilitation efficacy. In evaluating recent policy initiatives and international benchmarks, the research identifies potential solutions within India's Socio-Cultural context. By offering a comprehensive understanding of the historical trajectory and contemporary challenges, this study advocates for systemic reforms that prioritize human rights, fairness, and effective rehabilitation within the Indian criminal justice system. The paper endeavors to trace the historical trajectory of prisons in India, spanning from ancient practices to the present day, and subsequently, scrutinizes the challenges faced by the Indian prison system across its history. Exploring the evolution of prisons in India is of paramount importance. It allows us to unravel the roots of the contemporary prison system, shaped by a complex interplay of indigenous practices, colonial influences, and post-independence reforms. The findings contribute significantly to ongoing discussions on prison reform and underscore the urgency of addressing overcrowding for a more equitable and humane legal landscape.

1. INTRODUCTION

A jail is characterized as a location where individuals are detained until their trial or where they are imprisoned as a form of punishment after a conviction. For different individuals, the word 'Prison' might mean different things. It is regarded by the steady legal system as the final destination of criminals. For the offender, it can be a hidden risk or an inevitable humiliation. It serves as a haven for the people who are socially excluded. It can be the only location where some lonely people can find any kind of recognition. The researcher will embark on an exploration of the India's prison system, traversing through distinct epochs that have shaped its evolution.



Beginning with ancient India, the study will investigate the prevalent punitive measures, emphasizing restitution and fines over imprisonment for addressing transgressions. Moving into the medieval period, the researcher will trace the emergence of rudimentary confinement structures under different ruling dynasties, marking an evolution in the approach to incarceration.

The focal point of the analysis shifts significantly during the British colonial era, where the researcher will delve into the systematic establishment of penitentiaries. This period witnessed a departure from indigenous practices, adopting European models that emphasized punitive incarceration. Post-independence, the study will scrutinize efforts to reform the inherited colonial prison system, emphasizing rehabilitation and human rights as guiding principles.

Background and Context: The evolution of prison is a complex tapestry interwoven with threads of societal evolution, legal frameworks, and changing perspectives on crime and punishment. Understanding the historical background of prisons provides crucial insights into the development of the criminal justice system, the treatment of offenders, and the broader societal attitudes towards justice and rehabilitation.

2. ANCIENT INDIAN SOCIETIES AND PUNITIVE PRACTICES

Early Forms of Detention and Penal Practices- In ancient Indian societies, the early forms of detention and penal practices were influenced by the prevailing socio-religious and ethical norms. Punishments were often intertwined with religious concepts and aimed at maintaining societal order. Various texts, including the Dharma shastra and Manu smriti, outlined penalties for offenses. Common forms of punishment included fines, Public Shaming, corporal punishment, and compensatory measures (Tripathi, 2018). Detention, in the sense of confinement as a standalone punishment, was not extensively documented in early texts. Instead, the emphasis was on immediate and tangible consequences for wrongdoing, reinforcing the concept of Danda or swift justice. The inmates were let out of the jail at the time of the royal coronation. Hiuen Tsang claims that the inmates received severe punishment in general. (Nazim & Haider, n.d., 2023).

Historical Evolution of Confinement in Ancient India- The historical evolution of confinement in ancient India was marked by a gradual development of holding spaces for individuals accused of crimes. These temporary holding areas, known as 'Bandhanas' or 'Bandargrihas,' served the purpose of detaining individuals awaiting trial or judgment. The jail's superintendent, Bhandanagaradhyaksa, and his assistant, Karka, were both recognized by their official names. (Veevers, 2016). However, these were not sophisticated prison facilities as understood in the modern context. The emphasis was on the prompt dispensation of justice, and incarceration was often a transitory stage in the legal process rather than a long-term punitive measure (Raju, 2014).

Influence of Dharma Shastra on Early Penal Systems- The Dharma Shastra, a body of ancient Indian legal and ethical guidelines, played a significant role in shaping early penal systems. These texts, including Manusmriti and Arthashastra, provided guidelines for the conduct of individuals in society, outlining moral and legal obligations. The influence of Dharma Shastra extended to penal practices, prescribing punishments for various offenses based on principles of righteousness and societal harmony. The texts detailed the consequences of wrongful actions and outlined the ethical considerations that underpinned early penal systems, shaping the moral fabric of ancient Indian societies (Kumar, 2023).

Additionally, there were no facilities for housing humans and inadequate arrangements for sanitation. The techniques of punishment in the past included fines, incarceration, exile, mutilation, and death sentences. The most typical penalty was a fine, which was assessed to someone who could not pay the bill and who was then sentenced to work as a bondor to pay the balance. Penalties for killing a Brahmin were 1,000 cows, killing a Kshatriya was 500 cows, killing a Vaishya was 100 cows, and killing a Sudra or a woman from any caste was 500 cows. (Garfield et al., 2023).

3. IMPACT OF MUGHAL RULE ON JUSTICE AND INCARCERATION

The Mughal Empire, which spanned much of the Indian subcontinent from the early 16th to the mid-19th century, had a significant impact on the justice system and incarceration practices (Streusand, 2023). Mughal penal practices were largely influenced by Islamic law, known as Sharia. During the Mughal age sources of law and its character was essentially Quranic and remained same (Ali, 2023). The administration of justice was centralized, and the emperor was the ultimate authority. Qazi played a crucial role in ensuring that justice was dispensed in accordance with Sharia principles (Morshed, 2023). The punishments were often severe, including corporal punishments, fines, and even capital punishment for serious crimes. The administration aimed to maintain order and ensure compliance with Islamic legal norms (Faruqui, 2022).

Crimes were divided into three groups, namely, a) Offences against God, b) Offences against State, c) Offences against private persons.

Punishment for these offences were put in three classes, they were,

Hadd- It is an Arabic word which literally means limit and its plural is Hudood. According to Islamic law, Hadd means those punishments whose limit has been prescribed in the Holy Quran. Generally, the punishments under Hadd relate to fornication/adultery, slander, drinking wine, apostasy and theft/robbery. The punishment of Hadd for apostasy is death, for drinking wine or taking intoxicating liquor is whipping 80 stripes, for theft is amputation of right hand from the joint of the wrist (Aykul, 2022)

Qisas- This is also a kind of punishment in Islamic law, meaning 'retaliation and follows the principle of an eye for an eye. In this kind of punishment, Islam allows retaliation by the next of kin of the deceased person. In lieu of it, the next of kin of the deceased may demand and accept blood-money which is called Diyat. Islam allows retaliation and gives the right of pardon to the wronged' person and not to the state. The wronged' person may also forgive the accused (Bardavelidze, 2022).

Tazir- It is also a kind of punishment in which the Qazi or Judge is authorized to fix the term, nature and extent of punishment. Tazir may be inflicted by imposition of fine, imprisonment, death, compensation, admonition or reprimand, etc. Due to the strict and fool proof requirements needed for the imposition of Hadd, the Islamic criminal system is based on a large extent on the doctrine/system of Tazir. The objective of punishment is to prevent the recurrence of crimes and the rectification/reformation of offenders and society (Huraish & Ali, 2022).

The Mughals established a structured system of prisons to deal with criminals and detainees. Prisons were used for the detention of criminals awaiting trial, as well as for punishment after conviction. Forts and citadels often doubled as places of confinement, and their architecture reflected the need for secure incarceration. The Mughals also introduced the use of Diwani Adalat (civil courts) and criminal courts, each with its own set of magistrates. The emperor appointed Daroghas (superintendents) to manage prisons and oversee the implementation of sentences. The development of prisons during the Mughal era marked a transition toward a more organized and formalized system of criminal justice. The only redeeming feature of the prisoners was that: the orders for their release were issued on special occasions. Some rooms in forts popularly known as the Bhandhi-khanas or Adab-Khanas were reserved for prisoners, and culprits who had committed serious crimes were sent to such from different places. During the Mughal period in India the punishment was given mostly as a retribution or deterrence (Ulum et al., 2023).

Mughal society was characterized by a complex blend of various cultural and religious influences. The justice system, including prisons, was shaped by Islamic principles, but it also incorporated elements of local customs. The Mughals were known for their patronage of arts and culture, and this influence extended to the prison system. Prisons often reflected the architectural grandeur of the Mughal era, with intricate designs and structures. Additionally, the societal norms and hierarchical structure influenced the treatment of prisoners, with distinctions made based on social status and the nature of the crime. The Mughal impact on justice and incarceration left a lasting imprint on the historical and cultural landscape of the Indian subcontinent.

4. COLONIAL ERA: EMERGENCE OF MODERN PRISON SYSTEMS

The colonial era in India witnessed a significant transformation in penal policies and the emergence of modern prison systems under British rule. The British, driven by imperial interests and a desire for effective control, introduced new legal frameworks and penal codes to govern the diverse territories they administered. The Penal Code of 1860, often referred to as the Indian Penal Code (IPC), became a cornerstone of criminal law during this period. British influence extended beyond legal codes, as they sought to reshape societal norms and implement a uniform system of justice (Nazim & Haider, 2023).

The British approach to punishment shifted from traditional practices prevalent during the Mughal and pre-colonial periods. They introduced the concept of penology, emphasizing imprisonment as a primary method of punishment, influenced by European Enlightenment ideals. Corporal punishments and executions were gradually phased out in favor of incarceration as a more humane and systematic approach to dealing with offenders. The British also sought to establish a clear distinction between civil and criminal justice systems (Wani, 2023).

The British colonial administration initiated the establishment of modern prisons in India as part of a broader overhaul of the justice system. The Prisons Act of 1894 was a key legislative measure that standardized prison management across

British India. It laid down rules and regulations for the treatment of prisoners, prison conditions, and the responsibilities of prison officials. Colonial prisons were designed to be more systematic and structured, often featuring architectural elements influenced by British prison designs. Panopticon-style layouts, with a central observation point enabling constant surveillance, were implemented in some prisons. The goal was to instill discipline and control within the prison environment (Wani, 2023).

Work and labor became integral components of the colonial prison system. Prisoners were often engaged in various activities, including manufacturing and construction, with the aim of making prisons self-sustaining. The British viewed labor as a means of reforming prisoners and instilling a sense of discipline. The emergence of modern prison systems during the colonial era not only reflected the British approach to law and order but also contributed to a lasting impact on India's justice system. The institutionalization of prisons as a central component of criminal justice laid the foundation for subsequent developments in independent India (Yang, 2023).

5. POST-INDEPENDENCE PRISON SYSTEM

The present prison system of our country is a gift of the British rule. It was a creative creation of the colonial rulers our local penal system with the motive of making imprisonment a terror to wrong doers. There was a great leap in the history our penal reforms as it makes possible the abolition of our old system of barbarous punishment and substitution of imprisonment as the chief form of punishment for crimes. In 1784 the British Parliament gave power to the East India Company to rule over the India. There were some attempts also made to introduce improvement in the administration of the law and justice. There were 143 civil jails, 75 criminal jails and 68 mixed jail presented at that time. These jails were the extension of Mughal rule which were managed by the members of the East India Company. The East India Company made their efforts to maintain peace and security and wanted to establish their trade. The British only believed in keeping the prisoners in custody as economically as possible and with the intention of making maximum profit of the government. The early British Administration formulated its prison policy easily with a view to serve its colonial interest alone (Sharma, 2023).

In 1835 Lord Macaulay drew the attention of the Legislative Councils of India towards the unacceptable conditions of the Indian Jails and proposed to appoint a committee for the purpose of collecting information related to the condition of the Indian prisons and preparing an improved plan of prison discipline and also for the suggestion related to the reforms in the prison due to this the jail will become the model for other prisons. The Legislative Councils of India accepted the proposal of Lord Macaulay and appointed 'The Prison Discipline Committee'. Hon'ble H Shakespeare was the president of the committee and Lord Macaulay was one of the members of the committee. This committee submitted his report in 1838. The Enquiry Committee was the landmark in the history of the penal administration in India. After this the meaning, nature, and character of the prison institution was changed and also got different treatment but this changeset was basically penal in nature (Sahu & Khamari, 2022).

For the very first time, this committee directed the attention of the English rulers of India towards the variety of vices of the administration of the Indian jails. This report criticized the corruption of subordinate establishment, the carelessness of discipline and the system of employing prisoners in extra mural labour or public roads. This committee deliberately rejected all types of reforms which influenced moral and religious teaching, education or the system of giving reward for the good conduct. The focus of the authority of committee is in favor of increased rigor of treatment and also proposed to engaged all prisoners in dull, monotonous wear some and interesting task in which quicker relief was secured by working harder for a time. According to this committee the purpose of prison was to make the prison a place of dread through a brutal process of severe privation, really hard work, solitude, silence and separation (Nazim & Haider, 2023).

On the report, suggestion, and advice and in the pursuance of the recommendations of the committee a Central Prison was established at Agra in 1846. This was the first Central Prison in India after that a central prison was established at Barilley and Allahabad in 1848, at Lahore in 1852, at Madras in 1857, at Bombay in 1864, at Alipore in 1864, at Banaras and Fatehgarh in 1864, and at Lucknow in 1867. This was a positive contribution in the history of the prison reforms in our country, along with its advocacy of the theory of retribution in prison administration. In 1884 the first inspector General of prison was appointed on the experimental basis for two years in the North Western province and tenure was further extended. In 1850 the Government of India made this post as a permanent post and also recommended that each province

should appoint an inspector General of prisons. In 1862 the North Western province employed civil surgeon as a Superintendent of District Jails (Amrit et al., 2022).

The Prison Act was passed by the Government of India in 1870. This Act laid down that there should be a Superintendent, a medical officer, a jailor and some other subordinate officers as the local government thinks necessary. This Act also specified and categorized the duties of the prison officers. This Act also provide provision related to the separation of male prisoners from female, separation of children offenders from adult, and separation of criminal from civil offenders. In 1877 and 1889 third and fourth enquiry committee was constituted. On the recommendations of the committees the Prison Act 1894 was passed. Due to the effect of this Act there was a considerable material progress in the concept of jails during this period (Dimmers, 2023).

In 1919 the British government appointed a joint commission of officials which investigate about the management of jails and suggest improvement in the maintenance of jails. This commission gave recommendations related to the separate institution like Borstal school for juvenile developments. Offenders whose trial is pending should be kept separate from the convicted offender, there should be classification of habitual and casuals' offenders between the adults (Dimmers, 2023).

The report of the committee also through some light on the view of the transportation of offenders to the Andaman Island and recommended to stop this practice. Solitary confinement was also abolished after this report. All convicts who were the below of 29 years of age were to be cared under the adult education programs and libraries were also established in the jails. The quality of food was also improved and two pairs of clothes should be provided to the prisoners. The main idea or purpose of the committee was the reformation of the inmates which was the ultimate object of imprisonment and rehabilitation of prisoners as social necessity (Yang, 2023).

This prison reform system received a sudden obstruction due to the constitutional changes which was brought by the Government of India Act, 1919. This Act transferred the control of the Jail Department from the Government of India to the Provincial Government. After the Independence of India there was increasement in the reforms of prison. Indian leaders were ready with blue print for the industrial development of the country, but the jail reforms could not escape their eyes as all of them passed their prime life in the jail. Under the Indian constitution prison administration was the subject of state. This organization was headed by the Inspector General of Prisons. This organization consist several central prisons, sub jails, district jails. All states adopt different patterns of jail administration. The central jails are intended for long term prisoners who were convicted in court (Kadian, 2022).

6. PROBLEM OF OVERCROWDING IN PRISON

Historically, Indian prisons avoided the extent of overcrowding witnessed in recent times. The evolution of the modern prison system in India, influenced by British colonial practices, initially aimed at maintaining order and rehabilitating offenders. The Penal Code of 1860, reflective of British legal principles, set the stage for mass incarceration during the colonial era. Post-independence, despite transformative changes, the issue persisted due to a slow pace of comprehensive prison reforms and the continuance of punitive approaches. The rapid growth of India's population and an increase in crime rates further exacerbated the problem, overwhelming law enforcement and judicial systems. The historical trajectory reflects a systemic challenge where the evolution of the prison system struggled to adapt to changing societal needs, perpetuating overcrowding. Addressing this challenge requires a multifaceted approach considering historical context, societal factors, comprehensive criminal justice reforms, and innovative strategies for crime prevention and rehabilitation (Ravena & Mahmud, 2019).

7. CONCLUSION

Bernard Shaw had once observed, "If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him. And men are not improved by injuries". Prison System in India has a very long past which can be traced in Rig-Veda, Ramayana, Mahabharata and Manav-Dharam shastra. In Ancient India Prison were there to destroy the enemies of king and to custody the war prisoners. During Mughal and Maratha period also, the Prison System was very barbaric. The outlawed inmate of prison, till the beginning of the century, was never considered fit to claim any right enjoyed by law-abiding persons of the society. He was put in jail only to realize his folly and to pay for it through his

sufferings. In British period due to effort of Lord Macaulay prison reforms begin. Presently with the changing perception towards prisoners, prisons are no longer regarded as a place for punishment. Prisons are now being considered as reformatories and greater attention is being given to ameliorate the conditions in jails so that they have a healthy impact on prisoners in developing a positive attitude towards life and society. In reality till today the condition of Indian prison system is not very pleasing due to various reasons i.e. overcrowding of prisons; poor sanitary conditions; vindictive and harsh treatment by prison staff; ignorance of rehabilitation; lack of educational, legal, occupational, medical and health facilities to prisoners etc. In essence, this comprehensive examination underscores the imperative for a holistic approach to prison reform that addresses the historical challenges while being attuned to the current needs of a dynamic and diverse society. By understanding the past, acknowledging the challenges faced, and embracing a commitment to ethical research and societal progress, we pave the way for a more enlightened and equitable future within the realm of India's prison systems.

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