



EVOLUTION OF PRISON SYSTEM IN INDIA

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Abstract

Man by nature is a fighting animal hence to think of a crimeless society is a myth. There is no society without the problem of crime and criminals. Prison is a place properly arranged and equipped for the reception of persons who by legal process are committed to it for safe custody while awaiting trial for punishment. Prisons are not a hell and also it cannot be connected to heaven, the prisons may be taken merely to be Gurukuls as Academics for educating the offenders to be civil and cultured.

Introduction

"Crime is the product of a disturbed mind and prison must have the atmosphere of hospital for therapy and care." — Mahatma Gandhi.

The spelling 'jail' is used in American prisons, were first used in England for punishment during sixteen century. According to the prevailing usage in India, the term 'jail' is a generic term which applies to penal institutions. Prison an institution for the confinement of persons who have been remanded in custody by a judicial authority.

According to The oxford English Dictionary, "prison as a place properly arranged and equipped for the reception of persons who by legal process are committed to it for safe custody while awaiting trial or punishment"

According to Cambridge Dictionary, "Prison means a place where criminals are kept as a punishment."

Origin of Prison

The history of prisons and its use as a place of detention for the condemned persons is not of recent origin but it is very old. It is known to have existed in India from the Epic age. In Ramayana, when Bharat meet Ram at Chitrakut, later, he later inquires thoroughly about the governance and well-being of the people in Ayodhya, ensuring to also ask about the conditions in the jail there. References of prisons are also found during the period of Mahabharata During ancient times, prisons were referred to as 'Kalagriha.' There were also brutal punishments, such as being fed to animals and various forms of mutilation, branding, hanging. Krishna's parents were imprisoned in Mathura, the place where Krishna was born. Therefore, "The origins of criminal

jurisprudence in India can be traced back to 4000 BC, in inscriptions and scriptures such as Rig-Veda, Ramayana, Mahabharata and Manav Dharamshastra etc”.

In Kautilya's Arthshastra there exist elaborate references relating to construction of prisons and prison management. The Archeological Survey of India has found the jail in which Ajatastru confined his father named as Bimbisara the capital of Magatha. During the Pre-Buddist the jails were said to be very cruel. Hence, the inmates were kept in chains and under heavy loads.

Old castles and forts were used as ordinary jails during the Muslim era.

Development of Prison system in India

After the discussion of foundation of jail system for historic instances it is important right here to throw mild upon the development of jail system in India. The development of prisons was started in 1835 when British colonial rule marked in India. The contemporary prison administration in India is a legacy of the British Rule.

- **Lord Macaulay Commission Report, 1835**

In the year 1835, it was brought to notice by Lord Macaulay of the Legislative Council of India the disgraceful circumstances that existed within the Jails of India. He suggested the appointment of a review panel "for the intent of accumulating data as to the condition of Indian Jails and of gearing up an enhanced strategy of prison practice to recommend such restructuring than may create the setting (the jail at Alipore) a framework for other prisons." The Legislative Council of India accepted Lord Macaulay's proposal.¹

- **The Prison Discipline Committee, 1836**

Lord William Bentick appointed the second committee on Jan. 2, 1836. The council decided to take Lord Macaulay up on his suggestion and established a panel called "The Prison Discipline Committee," with the honorable H. Shakespeare serving as its president. The committee called upon the notice of the English authorities of India to a variety of failings in the management of Indian prisons for the very first time.² They submitted a report in 1838 to Lord Auckland. The major observation of this report was to abolished the practice of prisoners working on roads. Another notable step of this committee is to establish the office of 'Inspector of General of Prisons'.

- **First Jail Reform Committee, 1838**

The conditions of jail should be horrible and their environment was polluted in the beginning of 19th century. The First Jail Reform Committee in India was established in 1838, stemming from a 1835 minute by T.B. Macaulay highlighting the inhumane conditions in Indian prisons. This committee, also known as the Prison Discipline Committee, was tasked with recommending improvements in prison discipline. Its report, submitted in 1838, recommended increased rigor in treatment and rejected humanitarian needs and reforms for prisoners. Central prisons were later constructed based on the committee's recommendations between 1836 and 1838.³

¹ Available on <https://www.jusscriptumlaw.com/post/historical-evolution-of-prison-system-in-india> assessed on 17 April 2025.

² Ibid.

³ Available on

https://www.google.com/search?q=%E2%80%A2+First+Jail+Reform+Committee%2C+1838&eq=%E2%80%A2%09First+Jail+Reform+Committee%2C+1838&gs_lcrp=EgZjaHJvbwUyBggAEEUYOTIHCAEQIRigATIHCAlQIRigAdIBCTE3MTVqMGoxNagCCLACAFEF8C1AQvI5mtE&sourceid=chrome&ie=UTF-8 assessed on 21 April 2025.

In 1846, in response to the suggestions made by the committee, it was in Agra where the Central Prison was built. Following the establishment of this first Central Prison in India, further Central Prisons were built in the following cities: Bareilly in 1848, Allahabad in 1848, Lahore in 1852, Madras in 1857, Bombay in 1864, Alipore in 1864, Banaras and Fatehgarh in 1864, and Lucknow in 1867. Along with its endorsement of the philosophy of punishment in prison management, this was the constructive effort that was the spearhead of the movement toward jail reformation in this nation.⁴

- **Second Jail Reform Committee, 1864**

The Second Jail Reform Committee was constituted in the year of 1864 to minimize the high death rates in prisons. The Second Jail Reform Committee recommended a certain minimum space for each prisoner inside the prison, better clothing and food, and regular medical check-up of prisoners.⁵

- **Third Jail Reform Committee, 1877**

The Third Jail Reform Committee of 1877 appointed to reviewed jail administration generally. The recommendations made by this committee proved quite unproductive.

- **Fourth Jail Reform Committee, 1888**

The Fourth Jail Reform Committee was appointed by Lord Dufferin to inquire into the facts of prisoners and suggested changes in rules of prison administration. This committee recommended separation of separation of under trial prisoners and classification of prisoners into habitual and causal. Most of the recommendations of this committee were incorporated in the Jail Manual of various Provinces.⁶

The work of committee was supplemented by All India Committee, 1892. It resurveyed the whole jail administration and laid down further detailed rules. Thus, the reports of the committees appointed in 1889-1892 led to the passing of the Prison Act of 1894.⁷

The Prison Act of 1894 came into being which governs all the prisons in the country. The Act restricted and regulated the use of whipping, cellular confinement and penal diet. It provided the classification of different offenders and tried to secured uniformity of treatment of all the offenders in the jails. The year 1897 made a landmark in the history of prison reforms in India. In that year, Reformatory School Act was passed. In that year, Reformatory School Act was passed and according to this Act courts were directed to send youthful offenders below 15 years to Reformatory Schools instead of prisons. Then, the Prisoners Act of 1900 was passed.⁸

⁴ Available <http://www.penacclaims.com/wp-content/uploads/2018/08/Rishabh-Bhargava.pdf>> assessed on 13 April 2025.

⁵ S.M.A. Qadri, Ahmed Siddique's Criminology and Penology, Eastern Book Company, p 170.

⁶ Amarendra Mohanty, Narayan Hazary, Indian Prison Systems, Ashish Publishing House, p 25.

⁷ Ibid.

⁸ Supra note of 6.

- **Indian Jail Reforms Committee, 1919-1920**

Sir Alexander Cardio led the Indian Jail Reforms Committee in 1919-20, which made recommendations to reform Indian prisons. It was also suggested that every jail's maximum intake capacity be regulated based on its structure and form as part of prison reform. A commission was formed to provide recommendations for changes to Indian prisons in 1919-20, and Alexander Cardew served as its chairman.⁹

After reviewing the situation of prisoners around the world, the commission concluded that institutions should not only have evolving theories, but also a rehabilitation strategy. In its report, the committee stressed the need for a reformatory approach to convicts and condemned the practice of physical punishment in prison. According to the committee, prisoners should be put to constructive use. A key part of the Committee's recommendations was the importance of post-release rehabilitation programs for freed convicts.¹⁰

- **Jail Reforms after Independence in India**

After independence of India, the work on the development of prisons speeded up. It was accepted that prisoners are also human beings and they are having right of humanitarians. So in 1956, the punishment of transportation (Kala-pani) was substituted by imprisonment of life. Various steps had been taken for the treatment of offenders. In 1949, Pakawasha committee was appointed who gave the permission to take work from the prisoner in making of road and for that, wages shall be paid. During the period of 1947-1977 a lot of corrections and developments had been taken place in the prison system. During this period in almost all the states have given the prison a new role in the form of open prisons and started to grant Remission, Pardons, Commutations of Sentence, Parole and Furlough. As a result, since 1978 the judiciary has played active role in recognizing the Rights of prisoners. The Constitution of India included jail in the 7th Schedule of State List.

- **Role of Judiciary in Prison Reform and Development of Prison**

The Supreme Court of India through various judgments enumerated several rules related to the prison administration.

Justice Krishna Iyer observed “Every Saint has a past, and every sinner has a future” in the case of **Mohammad Giasuddin v. State Of Andhra Pradesh**¹¹

In the case of **Hiralal Malik v. State of Bihar**¹² the court upheld the same ruling and stated that the rehabilitation of prisoners and reformation of prisons is a duty of the state government.

⁹ Historical Evolution of The Prison System In India, Indian Journal of Integrated Research in Law, Volume II Issue II | ISSN: 2583-0538.

¹⁰ N.V. Paranjape, Criminology & Penology with Victimology, Sixteenth Edition, Central Law Publications, pp 470,479

¹¹ (1977) 3 SCC 287

¹² AIR 1977 SC 2237

In another case **Charles Sobraj v. Superintendent of Tihar Jail**¹³, it was stated that the court would intervene even in prison administration when constitutional rights and statutory prescriptions are transgressed to the injury of prisoner.

The case of **Sunil Batra v Delhi Administration (II)**¹⁴ shows out in our lawful history as a landmark judgment which is correlated to the rights of Prisoners. It was one of a kind in a large number of ways; in this case the petitioner was a convict of death penalty being. It exposed a serious issues face by prisoners in the jail, including the conflicts between different rights of Prisoners and the Prison Act, 1874. Moreover, it uncovered the barbaric treatment of detainees, with many being liable to torment and sexual maltreatment. It went far in revealing insight to the disturbing way of treatment by jail officials towards the prisoners.

In **State (Delhi Administration) v. VC Shukla**,¹⁵ the Court said that the main object of the Act was to provide for the speedy trial of certain classes of offences.

The conditions are jail is pitiable. To improve the conditions in prisons, the Supreme Court has made several suggestions in **Rama Murthy v. State of Karnataka**,¹⁶ that is the court has emphasized upon reducing overcrowding in prison and upon giving proper medical care to the prisoners.¹⁷

In the case of **Sheela Barse v. State of Maharashtra**¹⁸, the SC issued certain directions regarding the lodging of under trial prisoners, legal aid to them and keeping up of the female prisoners, their interrogation and medical examination etc.

In **Maneka Gandhi v. Union of India**¹⁹, the Supreme Court of India interpreted Art. 21 and deeply influenced the administration of criminal justice and prison administration. In number of cases, the Apex Court has expounded several propositions with a view to humanize the administration of criminal justice in all its aspects.

The Indian apex Court in **Ramamurthy v. State of Karnataka (1996)** brought to the forefront an urgent need for bringing uniformity in laws relating to the prisons and has directed the Central and State Governments to formulate a new Model Prison Manual. Earlier, the All India Committee on Jail Reforms (1980-83) had also emphasized the need for a consolidated law on prisons. Accordingly, with the approval of Ministry of Home Affairs, the Bureau of Police Research and Development constituted a Model Prison Manual Committee at the national level for the formulation of a Model Prison Manual. The Committee submitted the Model Prison Manual in the year 2003. Prison administrations being a state subject the state governments have framed Prison

¹³ (1978) 4 SCC 104

¹⁴ AIR 1980 SC 1579

¹⁵ AIR 1980 SC 1382

¹⁶ AIR 1997 SC 1739

¹⁷ Available on <https://www.bbau.ac.in/dept/HR/TM/Justice%20to%20Prisoners.ePathshala.pdf> assessed on 22 April 2025.

¹⁸ 1983 (2) SCC 96

¹⁹ AIR 1978 SC 597

Rules under the Prisons Act which are more or less similar with slight modifications in view of the local conditions.²⁰

The Supreme Court's decision in **In Re: Inhuman Conditions in 1382 Prisons** delivered on September 25, 2018, marked a pivotal moment in the discourse on prison reform. It is a powerful reminder of the need for significant reform in the Indian prison system. It calls for urgent attention to overcrowding, legal aid, under trials, and prison management. By mandating the implementation of specific laws and efficient fund utilization, the Court has paved the way for better treatment of prisoners, ensuring that their basic human rights are respected and upheld.²¹

The Supreme Court of India held in the case of **Sukanya Shantha v. Union of India & Ors.**²² that caste-based discrimination within the prison system is unconstitutional for violating equality principles (i.e., Articles 14-16 of the Constitution) along with other fundamental rights.²³

Instead of these cases, there are numerous case laws under which the judiciary has played a very important role to the reform the prison.

Recently in the 21st century, the government has made significant strides in prison reform as following²⁴

- **The 2016 Model Prison Manual** was introduced to standardize prison management, focusing on prisoner classification, medical care, and vocational training.
- **In 2018, the Prisons Development Fund** was launched to modernize prison infrastructure and support state-level improvements.
- **Model Prison Act, 2023** includes provisions for managing high-security and open jails, ensuring prisoner welfare through legal aid, parole, and good conduct incentives, and utilizing technology for transparent prison administration and security.

Conclusion: in the last, the prison system in India as started from ancient period and developed in the British era. The offenders are sent to jail for their corrections and for others to be the examples of the consequences of the criminal acts. Various workshops had been organized by the state government in collaboration with NGO's to bring reforms in the current prison system.

‘Prison is a land in which no sun rises with heat of life and no moon appears with the comfort of sleep’.

²⁰ Supra note 17.

²¹ Available on <https://thelegalshots.com/blog/supreme-courts-landmark-judgment-reforming-inhuman-conditions-in-indian-prisons/> assessed on 23 April 2025.

²² Writ Petition (C) No. 1404 of 2023

²³ Available on <https://blog-iacl-aidc.org/2024-posts/2024/12/5/the-case-of-caste-based-discrimination-in-indian-prisons-a-new-constitutional-right-to-overcome-prejudice#:~:text=On%20October%203%2C%202024%2C%20the,along%20with%20other%20fundamental%20rights>. Assessed on 23 April 2025.

²⁴ Available on <https://www.drishtias.com/daily-updates/daily-news-editorials/transforming-india-s-prison-system> assessed on 22 April 2025.