CHAPTER - II

HISTORY OF PRISONS AND SOME GREAT PRISON REFORMERS
History is the creator of all events. Without knowing the past, one cannot proceed successfully with the present happenings, in and around any given environment. In such circumstances prisons with their long and eventful history and development from time to time, which have been in existence since ages along their records connected with many good and bad developments that occurred. It would therefore be appropriate to present here a brief historical background of the genesis of prisons, which accommodates anti-social elements - both civil and criminal offenders in its cells without much discrimination.

The basic historical background of the treatment of the offenders may be said to be as old as human compassion in society. As stated by Torsten Erikson, majority of the eminent philosophers felt too much concerned with the increased problems of punishment, and thereby many of them thought in similar way that are reminiscent of the modern ideas of reformation.

This may be true, if we fall in line with what Plato (427-347 B.C.) said in his "Law" Book .... for no penalty which the law inflicts is designed for evil but always makes him who suffers either better or not so much worse as he would otherwise have been.” Plato looked at the criminal as a sick man whose recovery must be a concern.\(^2\) Seneca, another great philosopher of his time, equally believed that punishment should not humiliate the offender. This proposition is in tune with the prevailing modern ideas towards the individual offender as the focus. Jesus Christ, the founder of Christianity, said in the Holy Bible that He had come into the world to redeem sinners. Thereby he advised his followers to visit prisons (I was in prison, and ye came unto me’, Mathew Chapter 25:36-37).\(^3\)

Spiegel in his programme of the treatment of offenders in any correctional centre has pointed out that the functions of the houses of correction would not be merely punishment but also correction of the inmates lodged therein. So any treatment afforded to the prisoners should not be designed to

\(^2\)Ibid. op.cit. p.3. (1976)

\(^3\)Holy Bible, Mathew Chapter 25, Verses 35 to 37
humiliate them but to restore them to health, teach them moderation in eating and drinking, etc.  

Now at the end of the second century attempts are being made to achieve breakthrough at the conceptions which elementarily ceased on the work ethic of the reformation, resocialization and greater step of the treatment of the individual criminals. The person to pursue this conceptualizations and to bear the responsibilities that might go with it was an Englishman by name Peter Jean Mabillion - 1632-1707. Mabillion as generally known today, concentrated his foremost attempt on monastic way of life, whereby he brought out four essential rules of conduct - Isolation, Work, Silence and Prayer. Added to his credit, Mabillion recommended the individualisation of punishment long before any one else had done anything in the matter. Mabillion said that proper consideration should be given to the physical and spiritual needs of the offenders in determining their penalties.  

By quoting the statement of Sellin, "if these ideas had only been known and disseminated at the time they were written, Beccaria sun might never have risen and John

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Howard might have been born too late." This suggests that the search for individualized treatment to the criminal convict had persisted for quite a long time in the history of human existence in society. But till today, the search has never met the end, there is still scope for undertaking more work on the subject.

In the long span of the history of individualised treatment of the incarcerator the year (1840) might be presumed to be the period perpetual experiments, on how to treat the inmates of prisons.

Sir Alexander Maconochie an Englishman came with a handful of expectations. He introduced a new prison and prisoner rehabilitation experiment in the North-East of Sydney in Norfolk Island in Australia. This island was discovered by Captain Cook in 1774. It was used by the English as a penal colony. The central purpose of punishment as propounded by Maconochie was to reform the individual if possible, or at least to teach him self discipline. He presented his forensic proposition in this way: "Society's right to punish is

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self evident but the convict shall be punished for the past and trained for the future."7

However, punishing the criminal should always aim at strengthening his/her character and not simply to degrade the individual human being. So in the final and concluding words of Maconochio, the gradual training of the prisoner should be aimed at his freedom and lastly, the sentence should be indeterminate duration.8 Another great Englishman who threw light on prisons and prisoner rehabilitation in those early days was Sir Walter Frederick Crofton (1815-1897).9 He was the then Director of Irish Prison Administration and he happened to introduce a system of individual treatment known as "the Irish Progressive System". The foundation on which Sir Crofton System was based comprised of three elements: These were application, incapacitation and reformation. Mathew D.Hill, 1857, said no one has so far stated this third point, i.e. reformation of individual inmate better than Maconochie in his declaration of principle.10 This is the modern target

7Ibid, p.82. (1876).
8Ibid. op.cit., p.86 (1976)
to assist the individual to regain in the free society the lost social value when discharged.

John Howard is another Englishman who should be given the credit or distinction for the modern prison system and rehabilitation of prisoners. Howard saw the conditions of many jails and prisoners. He visited some of the jails in England and some other countries of Europe and found that the conditions and the environment in them were not conducive for human habitation.

The prisoners were generally and badly handled and ill-treated. John Howard's accounts, "many prisoners died due to prison fever and the prevalent hardships in the jail". In his book titled "The State of Prisons", John Howard has narrated what all he saw in the jails and has given some suggestions and measures for the amelioration of the miserable conditions. It must be stated that no person has done more to improve the treatment of prisoners than John Howard.\footnote{Ibid, p.42 (1876).} By observing closely the conditions in the prisons he suggested measures for reformation, resocialization and rehabilitation of the individual offender detained in the institution. The name that
usually strikes our attention in this connection is that of Elmira Reformatory in the United States of America. Previously two systems existed. Those were the 'Separate System' at Pennsylvania and the 'Silent System' at Auburn. The two methods followed in those institutions for the treatment of the convicted offenders did not yield much fruitful results. Rather they multiplied the problems of crime and punishments in the community. The Elmira Reformatory came to replace the two existing systems in operation. The main objective of the Elmira Reformatory was to concentrate on the treatment of the individual inmates by providing normal facilities for meeting the needs of the inmates. Initially, some progress was achieved and recorded in the jail register. After sometime, it declined like other measures adopted to solve the problems. However, credit must be given to C. Lombroso an eminent Penologist and criminologist for leaving records giving a vivid account of the actual historical background of the empirical and scientific study of the individual criminal. Lombroso believed that the individual offender was socially weak to his environmental, psychological and economic influences.

Imprisonment as a penal sentence grew as a substitute for the death penalty, transportation for life, exile and public
degradation. As something had to be done in place of the cruel death penalty and other similar sentences, work houses, houses of correction and penitentiaries came to be established to take care of the unexecuted and unpardoned criminals.\(^{12}\) As Gandhji observed, jails must be converted into hospitals for the treatment and cure of prisoners. The jail staff should be transformed into physicians. The prisoners should be made to fool that they are the friends of the jail staff.\(^{13}\)

Prisons were in existance as early as 1597. But the jails in those days were in miserable conditions which easily provided opportunities for further crimes.

In the opinion of F.J.C.Hearshaw, prisons were "totally unlighted and unwarmed, damp and vermin infested, devoid of sanitation and quite bare of furniture. They were veritable antechambers of the grave."\(^{14}\)

The prisons in earlier days were quite different from those in modern times, which they functioned as centres for

\(^{12}\)Ibid, p.122.
\(^{14}\)M.J.Sethna (1980) — Society and the Criminal, p.251, 4th Ed., Dr.F.J.C.hearshaw, Quoted
receiving extortion. The central and the main aim behind (or attach on - prison was to give the deserved criminal maximum physical and mental pain. This aim was based on the theory that criminals were possessed by the soul of the devil and the evil spirit had to be driven away through extreme bodily and mental torture.

Human nature is indeed strange. No amount of oppression, repression and suppression nor any amount of coercion, extortion and torture can cow down, subdue and humble the human spirit. As a matter of fact, repression leads to intensification of those very instincts and tendencies which are sought to be suppressed.15

Previously, prisons were used as places for detaining undertrials, persons who were guilty of some political offences and criminals who failed to pay their debts or fines. The motive for this was to extort confession from the person or to force their relatives to pay the debts to the concerned party. Conventionally, it was held that imprisonment should be employed for the "Safe Custody" of offenders until such time that seemed necessary to deal with them. Prisons in the modern

sense of the term, were unknown in the mediaeval times. A person could be incarcerated while trial was pending.\textsuperscript{16} Imprisonment as a form of punishment is of relatively recent origin and got prominence as a result of the decreasing use of capital punishment and transportation in most of the countries during the last century or thereabout.\textsuperscript{17} The impact of political, economic and social changes at the end of the eighteenth century had much to do with the establishment of convict prisons as places in which to serve a sentence.\textsuperscript{18}

It was around 18th century and latter part of nineteenth century that cellullar prisons were built and the notion of bringing about some changes in punishment administration was escalated. However, it is still difficult to establish firmly when the first long-term convict prison came up. In one respect, the Maison de Force, a house of correction constructed by Hypolyto Vilain in Ghent a port in North West of Belgium in 1775, could be considered one of the first such prisons because it initiated the famous octogonal plan of construction.\textsuperscript{19}

\textsuperscript{16} Allan, A.B. (1976), The Psychology of Punishment, p.15.
\textsuperscript{17} Ahmad Siddique (1960), Criminology, p.75.
\textsuperscript{18} Walter C. Reckless (1971), The Crime Problem, p.546.
\textsuperscript{19} Ibid, p.546.
With the progress of man in society and advancement of knowledge, it also helped to ameliorate conditions of prisons. Penology today advocates imprisonment as a possible measure and gateway to rehabilitate and reform the criminal convicts. Therefore, the prison institutions as they are today are no more detention centres for the convicts, but the institution seems to be a place for resocialization, correction, rehabilitation and individual reformation and treatment programme and home to the inmate for his future life in the free society.

By all humanitarian perspectives, the modern theory of punishment emphasises correction, rehabilitation and reformation of the criminal convicts while in the institution. The singular and general theories of punishment of imprisonment presently focused mainly on subjective and objective views of prison being moral treatment home for the socially and morally sick individual of the society.

The prison system in India also underwent similar process as it did in other parts of the world in the late eighteenth and early nineteenth century. However, before we discuss prison process in India, a survey on the historical background of prisons in other parts of the world is presented below.
1. Irish and Dutch Prison Systems - 19th Century:

It is of great interest to see the development of penal servitude in Ireland. It was under the influence of Sir Walter Crofton, then Director of the Convicts Prisons in Ireland.

In the Irish System of Imprisonment the convict inmate was separately confined for a normal period of 9 months and after that the duration of the sentence was reduced on achieving good progress on each stage. Credits must be given to Walter Crofton who introduced the "Mark System", whereby marks were assigned to the inmates according to the work performed and completed effectively and efficiently. Although this "Mark System" was first thought of for the welfare of the inmates by M. Alexander, it was Sir Crofton who actually implemented the system to treat the inmates. The Irish system consisted of indeterminate sentence, the work system as a method of measuring good behaviour in prison, and a form of parole. According to this system the first part consisted of a reduced diet and monotonous work. After this tedious stage, the prisoner progressed to the next stage which was not too

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tedious to cope with. The second stage was composed of assignment to public work. The prisoner had to promote himself through numerous grades in tune to the mark system. At this time also, the inmate wore a special badge to display his status amongst others. In the third stage, the inmate was sent out to Luckor Smithfield. This was a sort of preparation for release for his future life. Here, the prisoner worked without supervision and was exposed to ordinary temptations of freedom.\(^\text{21}\) The real concept behind the mark system in Ireland Prison and the progress through grades was to shorten the length of duration of the sentence and the main purpose of the disciplinary measure was to enable the prisoner to return to the former stage. According to Walter C.Reckless, Crofton actually put into operation a system of prison administration that attempted to place the responsibility for self improvement on the prisoner himself. This particular system of changing the mode of imprisonment introduced by Crofton was later on transferred to Danish Prisons as the system appealed to them. In the Danish System, the prisoner was first put in a cell where he was asked to do work under guided instructions. This would last for about three to four months. After this he

would be put in another grade. There again, he would be detained for another period of 6 months with wages paid. All these activities were carried out with the sole objective to restore the moral character of the inmate when paroled out of the institution so as to enable him to lead a normal life.

2. The American Prison System:

There were jails and houses of correction in American Colonies, established soon after the settlement period. During this period, America saw an era of barbarous and deterrent punishment for the criminals. Initially, the prison house in America was designed mainly for the detention of offenders who were awaiting trial of their case. Later on the initial object was discarded, and the prison served or was made to serve multipurposes, that is, both for undertrials and also a place of punishment for criminals after the sentence was pronounced. Hence, the offenders lodged in the prison were brutally and mercilessly tortured. There was no regard for minor or major offence. All were given same severe treatment, like branding, death, whipping, public mockery, mutilation and others. The life in American Prisons in those days was obviously too hard, irksome, unbearable to the offender. Regardless of all odds, as human civilization
continued to improve from stage to stage, public and self awareness were created in the people. At this juncture, public opinion was raised against the primitive way of handling the convicted inmates in American prisons. However, this resulted in the famous Penn's charter of 1862. The concern of the charter based on humanitarian point of view, and to bring to an end the brutal method of punishment.

Penn's Charter of 1862

1. The practice of releasing the prisoner on bail should be introduced.

2. Compensation should be allowed to persons who were wrongfully imprigoned and this amount should be double the amount actually suffered by the victim of the offender's act.

3. The pillory, that is punishing the offender in public places must be abolished. Now that society was aware, what type of look the prison and the prisoner should be seen, other movements, organizations of humanitarian thinkings emerges from other corners.

The result was the Quaker's Movement of 1775, which attempted to remodel Philadelphia prison on a new pattern.
Nevertheless in this era, the inmates were classified under two main categories as under.

a) Incorrigible or hardened criminals.

b) Corrigible or ordinary criminals who were capable of reformation.

The individual prisoners were subjected to isolated confinement in cells, by not providing them any work. Whereas the corrigible inmates were lodged together either in rooms or hostels like accommodations. Sometime they were asked to work in stores and shops in day time. In similar process, women offenders and vagrants were lodged in separate well fenced quarters for their protection. The prison reformation system on transit this time was generally known as labour and humanitarian treatment of offenders' period.

Thus, two model prisons were proposed and set up in America. These were: one at Pennsylvania and the other at Auburn.

A The Pennsylvania System (Isolation):

In the year 1790, a group of intellectuals who were highly concerned about the conditions in prisons came out with a new system of treating the criminals. This new system was
tried in Walnut Street Prison in Philadelphia. Here the prisoners were kept isolated in separate cells both day and night. The expectation was that by doing so, the criminal would be able to reflect on his problems internally. Thereby, he was expected to find opportunity to change his anti-social behaviour.

The system was designed to bring immediate reformation of the individual inmates as regards life in confinement. Food, essential to human growth was served inside the cell without seeing the person who served it. Thus the system encouraged a great deal of miserable and monotonous life, many died in suffering to survive or unable to bear the hardship confined in the prison system. Even when work was later introduced in the system, it was carried out in secret.

B Auburn System: (Silent)

On the demand of Governor John Jay for the improvement of the criminal law of New York State, a Commission was sent to Pennsylvania in 1794 to study the new prison system. The system which was adopted in this prison after the year 1823

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came to be known as the Auburn System. By the act of 1821, the prisoners in Auburn were divided into three classes - the first class composed of the "oldest and heinous offenders". They were to be kept in Solitary Confinement continuously. Those in the second class were to be kept in their cells three days a week and the others one day a week. In consequence, the usefulness of the Auburn system lay mostly on the adoption of forced silence and separation at night. In the day, work in shops was carried on under congregate system. By quoting the words of Prof. Gillin that the most serious and hardened criminals were kept in solitary confinement in complete isolation so that they could spend their days in penance and repent for their crime." So, hard labour by the inmates in shops in day time was considered necessary and essential in the interest of the physical and mental fitness of inmates, whereas perpetual enforcement of silence in groups was assumed as a measure of punitive reaction to crime commission.

Whenever attempts to break silence were made the violator was immediately punished by flogging. Receiving visitors, even if they were family members, was forbidden.

Professor Gillin characterised the Auburn system as "a system of discipline by repression and labour under fear". Although the system yielded productive results and silence while at work or during leisure prevented unhealthy activities of prisoners. But it was undoubtedly a brutal method of treating the offenders and it hardly had any reformative effect on them. The system as a whole provided no exercise, play or social ability. The warden himself had no conversation with the prisoners until just before their release, when the inmate was given three dollars and advice.\textsuperscript{24}

The Elmira Reformatory in America: It was around 1930's when individualisation of prisoners claimed as the central objective of punishment. From here on, the prisoners were classified not according to their sex, age, dangerousness but according to their individual needs and opportunity of reformation.

The system of isolation of inmates in solitary cells entailed working in day time and reformation through religious sermons. These were the basic principles of the Auburn and the Pennsylvania system upto 1870. This system was different

\textsuperscript{24}Taft and England (1964), Criminology, 2nd ed. p.408.
from the other two System adopted in Pennsylvania and Auburn. The main purpose, at Elmira was reformation of the criminal, restoration of the criminal to the free society as a normal being once again. Prisoners here were graded through award of marks for the work well-done.

With the new developments in the field of Penology gaining ground in the early periods of the twentieth century, the prison institutions never again remained the dumping houses of the convicted criminals. Now, they were viewed as places of industrial training centres for the inmates, to master some skilled work before he would be paroled out of the jail. Certainly, it served a dual purpose - first, it assisted in rehabilitation of the criminals and secondly work programme in jail kept the criminal convict fully engaged for the years spent in prison house. It made them to be mentally and physically fit to join back the free society after completion of their sentence. The system of indeterminate sentence was consistent of Elmira Reformatory system. However, the system lay more stress on the moral training and education of the inmates as to change his mind from anti-social acts.

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unacceptable to the community he belonged to. On the whole, the opening of a reception centre in Wionia in 1933 marked the beginning of reformatory era in American Prison System. Proper attention was paid to the cells. They were well ventilated and given adequate provision for light. Being a reformatory institution, the health conditions and sanitation were improved. The prisoners were provided reading and writing facilities in the cells. The sentence of solitary confinement and maintenance of silence while working was abolished.

3. The British Prison System:

In the same background as in the United States of America, prisoners in England prisons were horribly treated. The punishments imposed were very barbarous in nature. A good number of philosophers came up to criticise the English government for their harsh treatment of the unfortunate human beings. John Howard was the first person with humanitarian feelings to criticise the English Penal System through his work, "The State of Prisons".

The English prisons, according to John Howard, were dump and vermin infected. The places were full of filth, corruption, sex indulgence and all sorts of vices. This statement of John Howard gives a true description of the
English prison when transportation of prisoners failed to materialise to the credit of the people. The next alternative available was to illtreat the criminals to their own care and allowed to die.

According to Penner Brockway, "the supreme stupidity of the prison system lies in the fact that it takes criminals of every type and treats them in the same way. It matters not whether a man is a thief, a drunkard, a child-assaulter, a political offender, a debtor, a forger, a bigamist or is guilty of man slaughter. In all essentials they are dealt with alike."\textsuperscript{26}

Boccaria was the first criminologist in the early days to level an attack against the penal system and inflicting harsh and painful treatment of the criminals in jail.

Another notable person was Pope XI who advocated the cause of humane treatment of the inmates. Thereby he crowned his effort by establishing a Cellular Prison in Ghent. This was within Papal state. It was aim to create an opportunity for the inmates to spend sometime in meditation to reform himself

\textsuperscript{26}Brockway, A. A. (1928), New Way With Crime, p.113.
or themselves, to be back to society as full law abiding citizens.

In 1778, an Act was passed in British Parliament which marked the beginning of prison reforms in England in its actual sense. The Act contained so many provisions dealing with the principles of inmates' rehabilitation and reformation of prison administration.

From here on, though the inmates were allowed to work together still they were kept in solitary confinement during nights. As a result of the improvement in 1833, inmates were permitted to meet their relatives, friends at some fixed interval. This facility was denied to them before. After a gap of some years, a new committee was set up to study the deteriorating situation in prison administration and management. This was in 1894 and it was generally called Gladstone Committee. The Committee, among other things, recommended the immediate abolition of unproductive labour in prisons and laid more emphasis on the need for purposeful work. The committee also recommended the classification of prisoners and separate reformatory institution for juvenile offenders.
The result of the committee promoted the Prison Act of 1898 as also the Children Act of 1908.

However, transportation of prisoners to Australia proved to be a great obstacle and failure to the British. It proved to be quite averse to the British interests as time lapsed. Civilization was now gaining momentum. People began to know the ill effects of the transportation colony which the Britishers created for their own self aggrandisement. Another aspect was the huge amount it involved to transport a prisoner. The total system therefore proved to be detrimental to the good interests of the free British settlers in Australia. Those transported to Australia were mainly men and no women. This was another problem created by the British in the settlement.

Those who were free settlers never accepted the British notion that the prisoners should be allowed to settle permanently in Australia. There used to occur frequent clashes between both parties and created more and more unexpected problems to the British administration. At least the system was abandoned. In 1925, another person by name Sir Arthur Walter who was then the Chairman of the Prison Commission for England and Wales made a suggestion to the International Penal
and Penitentiary Congress that a set of general rules should be drawn up, governing the treatment of prisoners in all the member countries. Ho and his colleagues were assigned the task of drafting the Rules. His work and suggestions resulted in the "Standard Minimum Rules for the Treatment of Prisoners". These rules were accepted by all the member countries. Sir Fox Lionel was another great person in the history of prison reformation. Lionel Fox's contribution in the area of prison rehabilitation in England is more known, most of the prison techniques adopted today are his suggestions. He propagated two nutshell ideas towards the smooth running of prison administration. These are: first, public should always be informed concerning the work inside the prison. This would be through intensive reporting and arrangements for pressmen and social workers to get closer to the prisoners. Added to this, he said the prison administration should aim at reconciling conflicting objectives. He strongly emphasised the obvious conflict between these two objectives, namely, deterrents and reformation can be resolved only if it is acceptable that the deterrent in punishment lies fundamentally not in severity of punishment but in certainty of detention and punishment'. Thus, in his view, the deterrent element inside the prison was
to be found in the fact of imprisonment and not in the severity of prison regime.27

By way of educational work in the English Prisons, there were evening classes where voluntary teachers taught a number of useful instructive and moral subjects.28

For good conduct and hard work, prisoners got remission of a portion of their original sentence. Male convicts could get a quarter and women convicts one-third, on convict prisons.29 In the English prison, the staff consisted of what are known as "Superior" and "Subordinate" Officers.30

In the same way as stated by Calvert, the first offenders and casual offenders were classed as prisoners of "Star Class". Such offenders were usually kept in the prison at Maidstone, recidivists were kept at Chelmsford Prison.31

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It was now boon accepted by the Prison Commissioner that though the ideas of prison administration and prison rules may be admirable, yet it is on the proper application of these rules by the prison officials who come into contact with the prisoners that success of the prison system will depend. Hence, the importance of care in the selection and training of prison officers.

4. Prisons in Russia:

Russian Government operated different systems of prison administration compared to American and the English prisons. They have been operating different system of prisons from the inception of their independent era. The core of prison management in Russia is more towards individual inmate reformation, correction and rehabilitation oriented. They claimed, it could be achieved only through proper channelling of educational programs to the inmates.

In Russia, prisons are called "Miesta Lischen Ja Svobodi" i.e. places of withdrawn freedom. One of the modern

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32 Ibid, p.53.
33 Ibid, p.54.
ponologists, Lenkon von Koerbor, in her book titled, "Soviet Russia Fights Crime" provides an interesting report of the conditions inside Russian prisons. According to her, a prison sentence is never less than a year so as to provide adequate training to the inmate. There were open farm colonies where prisoners were left on trust, like free men.\textsuperscript{35}

Prisoners were given full freedom, not handcuffed, nor kept behind lock and key.\textsuperscript{36} Below are mentioned the five places of detention:

1. Isolators for those under investigation.
2. Deportation prisons.
3. Corrective colonies.
4. Institutions where measures of medical nature are applied. Institutes of psychiatric examination, colonies for tubercular and other patients.
5. Institutions for minors such as factory schools, of the industrial and agriculture type.\textsuperscript{37}

\textsuperscript{36} Op.cit. p.23, (1934)
One good feature of the Soviet Russia Prison system is that prisoners are allowed wages for the work done by them. The system of payment to the inmate for the work done is well incentive to encourage the convict to work more hard both for his well being and money value as well. When the prisoners get 2 to 5 percent of the wages of a free worker as per the rules two-third of the amount is paid directly to him, one-third credited to his account which will be paid to him on release.

Generally, skilled workers earn more and those who are illiterate before conviction are taught reading and writing. As a reformatory centred motive of the entire prison system in Russia, attitude of co-operation, exists. There is in every prison, a council of culture elected by the prisoners themselves. There is also what is known as "Comrades Court" in the prison. This is where house offence are tried by the prisoners amongst themselves.

The prisoners are being allowed certain amount, independence and self-government. These are necessary for

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their character and moral reformation.\textsuperscript{39} Prisoners in Russia wear their own dress, free speech is allowed, and there is no such thing as an artificially severe prison discipline to crush the prisoners. Solitary confinement does not exist. The prisoner is allowed to be almost always with his comrades.\textsuperscript{40}

However, as pointed out by Sethna, a good point or suspect of the Soviet prison system is that no social stigma is attached to prisoners after their release. Soviet life does not condemn them as ex-convicts, but offers them opportunities for rehabilitation.

V. PRISONS IN JAPAN:

In Japan, in the early days, the prison system attempts were made towards segregation of inmates through scientific outlook. The classification adopted was dominated by the following. Sex, age, the seriousness of the offence and the impact on society. The parole system is the greatest characteristic of the progressive treatment system which aims at "not only allowing prisoners to receive mitigated treatment but also requiring them to accomplish their responsibilities in accordance with the progress of their grade through which

\textsuperscript{39} Koerber, L. (1934), Soviet Russia Rights Crime, p.10.
\textsuperscript{40} Ibids., p.287, 4th ed., 1980.
they are encouraged to reform by themselves. This act of self reformation independently is more encouraging in the Japanese system. They can rehabilitate and return to society as healthy minded independent citizens when released. There are ten types of classification of prisoners in Japan as under:

1. Class A: For those who are only casual or habitual or incidental offenders and can be corrected.
2. Class B: For habituals who cannot be corrected easily.
3. Class C: For those being sentenced to long terms.
4. Class D: For Juveniles under twenty years of age.
5. Class E: For young persons over twenty years but under twenty three years of age.
6. Class F: For those under twenty five years of age among the incidental offenders.
7. Class G: For mentally disregarded, namely, the psychopath the Neurotics, the feeble minded, et al.
8. Class H: For the physically diseased or defective or needing medical treatment or psychopathic care or psychological care due to infirmity or old age.

10. Class J: Females.42

The Japanese way of classifying the criminal is more modern than ancient. Therefore, it is worth emulation, although historically, prison system usually starts with the primitive punitive way to deter the antisocial being. So, the prison system in Japan has gone from the stage of primitive treatment to the modern views of individual inmate treatment. The classification system adopted is aimed at creating opportunity for the inmates to get themselves reformed.

PRISON SYSTEM IN INDIA

Administration of prison activities is the sole duty of the entire society through the ruling class of that period. As crime and punishment are acts of ages, so equally society devises means to agree on how to handle such situation when it arises. The purpose of a country's prison administration is, therefore, determined apart from its financial capability by social and moral consciousness of the commodity concerned.43

43 Jaytilak - Guha Roy (1982), Prisons and Society, p.2.
Before the institution of jail, the system of punishment did not require any financial burden on the part of government. History could reveal to us that a well-established system of prisons existed in India from the early times. In order to give justice to all and also to curb committing of crimes some sort of penal system existed to give punishment for various crimes. The following system of punishment was enforced in the olden days in India:


The details of these punishments to be awarded for different crimes have been discussed in the book "History of Dharmasastra" by P.V. Kane and "Kautilya's Arthasastra" translated by R. Shamasastty. The central purpose behind imposition of punishment in the early times of Hindu and

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Mughal era in India was to deter offenders from repetition of crime. Secondly, during this period the prisoners were socially ill-treated, tortured and subjected to inhuman treatment. Many a time they were kept under strict surveillance and control. The prisons in fact were places of horrible terror and torture. More so the keepers were very serious to carry out their duties rigorously. So in order to comprehend the historical background of the Indian Jail, the following survey will be useful.

1. PRISONS IN VEDIC PERIOD:

Vedas, as we are told, are the only source of information concerning vedic prisons. We do not find any penal system similar to the one existing now, although justice was given a place of pride. There was the conception of hell and heaven which played a crucial part or role in the legalist thinking of the day, in that view, to be just was divine. People were expected to go to heaven or hell depending upon their mundane needs. However, there was no mundane prison. There was conception of heaven and hell as places of reward and punishment. It was the general belief then that the individual who did bad will go to hell his mundane death.
2. PRISONS OF SMRITI KALA OR PERIOD:

In the epic period or smriti period, the prison system had already been evolved. All the necessary information about crimes and penal systems of this particular period may be had from the Manusmriti. Manu drew distinction between "Dharma" and "Adharma" that is, "Righteousness" and "Unrighteousness". So, by "Dharma" was meant an act which was, according to law, and "Adharma" the act against or violative of the law. The lawful was contributory to the social interests and welfare and the unlawful was that which was harmful to the social welfare and subversive of social order and organisation. As a result, for different crimes, different kinds of punishments were given. It is also stated that during this age, consideration was as well given to caste in the awarding of punishment. A Brahmin was entitled to lesser punishment than the Sudra for the same type of offence if committed.

3. PRISONS OF EPIC PERIOD:

By the work or term Epic period, the investigator means the period of Ramayana and Mahabharata. As said, by the time of Mahabharata the institution of jails had fully developed,

Imprisonment was the main approach of awarding punishment. This is explicitly clear by the story that Lord Krishna was born in a prison house. Provision of Imprisonment and prison had existed in Ramayana time also. The penal system then was more or less on the same basis of retribution, and deterrence to the offenders. There is no evidence of prevention of crime through right encouragement to the victim of social circumstances as we can observe from the stated facts.

4. BUDDHIST PRISONS:

In Indian prisons of the pre-Buddhist period were terrible indeed. There were dungeons where the prisoners were kept under chain and heavy load and whipped on the slightest pretext. Dr. M. J. Sethna states that the prison system had reached a level of great sophistication during Buddhist period in India.

5. MEDIAEVAL PRISONS:

In the days of King Chadragupta, the prisons were very much in vogue. Places such as old forts or those old forts that did not possess any strategic value were employed as prison houses. Kautilya in his Arthasastra, has given a good

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account of these jails. According to his opinion, the prison institutions should be closer to public parks, temples and other places of enjoyment. By so doing, it will enable the public to see and watch needy, wretchedness of criminals in the prison. This might act as a deterrent to those who were tempted to commit any offence as such. It was also recorded that life term imprisonment was awarded for major offences such as rebellion and murder.

Now let us take a close look how the principles and purposes of criminal justice have evolved from the ancient to the present day in India. According to Kautilya's Arthasastra a jail house should be constructed in central part of the capital with separation of men and women. We can also conclude that the modern principle of classification was practically in existence in ancient India in those days.

The king in ancient India was the central point of justice and to award punishment was considered as a sacred duty of the king, not taking into consideration the legal processes.

The king in those days was called Dandara the holder of 'Danda' that is the power of punishment or an incarnation of
the god, Yama, the judge of the souls of the dead. It was then strongly affirmed that "if he ceases or stopped to punish his subjects who swerved from the part of duty the whole world would be destroyed. The Sudra will rule the world and the strong will roast the weak on the pit like fish".

The punishment awarded was to be in accordance with Dharma. It is the dark, red-eye God, the son of the creator of the world under whose mighty rule the world feels itself secure. Punishment protects mankind and keeps watch during sleep. The whole world is held in order by means of punishment, for a auttoss man is very rare. Even the gods and demigods are driven to perform their duty by fear of punishment. Bearing the harsh law in mind, the ancient law-givers in India prescribed severe punishments for commission of crimes.

In spite of the severe and brutal punishment prescribed by the law-givers, from historical accounts which are left by foreign travellers, we learn that the most heinous penalty being death, and such other kind of corporal punishment, were rarely inflicted in ancient India. The King, says Fa Hein, in

the administration of Justice inflicted no corporal punishment but each culprit was fined money according to the gravity of his offence and even in cases where the culprit had been guilty of repeated attempts to excite rebellion they resorted to the cutting off his right hand. Hiuen Tsang and Sung Yun also confirm this statement. Megasthenes refers to cropping of the hair as a punishment “If one is guilty of a heinous offence, the King ordered hair to be cropped. This was an infamous punishment in the last degree.\(^5\)

Casteism played a domineering role in every aspect of an individual’s life in Hindu society of ancient India. The administration of criminal justice was somehow interfered with taking caste into consideration and tailored by this same thread to run the day to day social affairs. Due consideration was accorded to the status of the offender and the victim of circumstances according to the hierarchy of the caste, in order to award punishment.

As an example, a Brahmin accused of theft remained unpunished even if he took away the property of his Sudra slave. Then stealing of gold by a Sudra from Brahmin on the

other hand was considered to be an offence punishable by death.

Reacting to this outstanding feature of the administration of legal justice in earlier Hindu society, an eminent researcher on ancient Indian History writes: "Although every member of the society had a locus standi in the courts, the idea of equality before the law was not fully developed in ancient India".

A modified form of privilege ran through the whole system of Hindu Jurisprudence. The law was not the same for all, but depended upon the status of the person concerned.  

However, from the above stated accounts we can partially say that there was no regular prison system in ancient India. Since most of the punishments were executed outside prison and imprisonment as the very key to punishment was not regular to be seen in existence. It may be affirmed that the main objective of imprisonment or prison in traditional ancient India was solely the detention of offenders awaiting trials or execution of sentence. Another secondary purpose might be to

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deter others from committing crime by exposing the prisoners to public gaze. If by comparison of prison in the contemporary sense, we may conclude that: 1. there were no prisons in the modern sense; 2. there was no separation of prison service from civil service; 3. there was no description about the internal arrangements and the types of prisoners sent to prison and their relation with the outside world. Even during the Mughal rule in India the cruel and too harsh penal policy of the pristine India continued unabated. Under the Mughal administration of justice, the only law recognised by all in the country that is India is the quranic law, which prescribed brutality to any and every offender.

This particular quranic law developed outside India again. To say briefly, it was an imported law to the people of India. It was developed in Arabia and Egypt. These were the two major centres. From now onward we will see that the Indian society was being ruled by imported legal system which was not only be draconic but replaced the Hindu legal system as well.

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In accordance with Muslim law there were but only two categories of crimes in those days. These were crimes of human and private nature and were subject to the law of talion and Reinson. The second category are the crimes of theft, brigandage, extra marital sexual relationship, apostagy and wine drinking.\(^{53}\)

The Muslim law prescribed four types of punishments, thus: Hadd, Tashir, Guisa and Tazir. Dr. Satya Prakash Sangam in his book "Crime and punishments in Mughal India" has discussed in detail these punishments, and also Ibn Hassan elaborated on the same subject in his work, "Central structure of Mughal Empire".\(^{54}\) During Mughal period imprisonment as punishment was commonly applied, although according to R.N. Datir, imprisonment was a very common form of punishment in Mughal India, there were no specific rules governing it.\(^{55}\)

The chief feature of this punishment system was that no period was fixed for it. The Quazi and the Magistrate had a

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\(^{53}\) Encyclopaedia of Islam II, pp.187, 1038.
\(^{54}\) IBN HASSAN, Central Structure of the Mughal Empire, p.2, 1967, Delhi.
right to send any one to prison for the offence or crime for which the punishment could be awarded and the accused had to show signs of repentance to secure his freedom. 56

In the days of the Mughal era, there used to be three noble prisons or castles. The first noble prison was located at Gwalior and the second at Ranthambore and the third at Rothas respectively. Any prisoner who was lucky to be sent to neither of jails might die after two or three months, sometimes it depended on how healthy the person was before being sent to the prison. The Governor as the over-all power, brought these prisoners together after giving them a dish of milk, soon after they drank, they were cast thrown down from the top of the wall, and died while falling on the rocks. 57

In ancient India, any thing could be used as prison institution, provided it protected the criminal from escape. Majority of the punishments was death execution after public humiliation, and many died due to hardship, unable to withstand it. No respect was given to human dignity, as one committed crime was liable also to face whatever might be the down consequences.

56 Prakash Sangam, Opp. CIT. pp.30-34, 37,74-75, 93-98. 57 Early Travels in India, p.145.
PRISON REFORM IN INDIA

As reformation, rehabilitation and treatment of the inmates was the new world order in the western world, in the later part of eighteenth and early nineteenth century, India in like manner entered the race also. They started to contemplated on the possible means to bring about changes in the existing penal policy in the country.

Prior to this period, jail treatment in India was extremely obnoxious, barbarous in nature and the prisoners were inhumanly treated. The principles of free-will dominated the scene. Nobody cared as to whatever happened to the prisoner once he was convicted of a crime.

India being a British colony, the Britishers who came to rule them attempted to bring changes in the administration of prison system through East India Company. The prisons in India at the time of takeover of the country by the East India Company were in terrible conditions. The British prison officials made strenuous effort to improve the condition of Indian jails and the prisoners. For this purpose they

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58 Ahmad Siddique, Criminology, (1990), p.100.
introduced radical changes in the then existing prison systems bearing in mind also the sentiments of the natives. In consequence attempts to bring about prison reforms into force were vigorously pursued after 1836. After examining the available records concerning development of prison activities in India, it may not be wrong to say or emphasis that the idea of modern prison and attention towards problems of individual inmates was not in sight until the coming of the British rule. This proposition might be supported by what Dr. R.N. Datir said, "Prior to the arrival of the British, the modern Prison system was not in existence in India. The emergence and the changes in the modern prison system are the result of different commissions appointed from time to time." 59

Due consideration to the question of prison reform was given in the year 1836, with the arrival of Lord Macaulay as a member of the Indian Law Commission.

According to Lord Macaulay, "the best criminal code be of very little use to a community unless there be a good machinery for the infliction of punishment". In his minute dated 14th December, 1835, he stipulated, Imprisonment is the

59 Ibid., p.5. 1978.
punishment to which we must trust. It will probably be resorted to in ninetynine cases out of every hundred. It is therefore of the greatest importance to establish such regulations as shall make imprisonment a terror to wrong doers and shall at the same time prevent it from being attended by any circumstances stockiing to humanity. Unless this be done the code whatever credit it may do to its authors in the opinion of European jurists will be utterly useless to the people for whose benefit it is intended.60

The committee or council accepted in total the proposals of Lord Macualay and appointed the "Prison Discipline Committee" with HON. H.Shakespeare as the president and Lord Macualay as one of the members. The report of this committee came out in 1838 with mixed disappointments. Hence some essential aspects of the suggestions were ignored.

Before this committee was constituted the general situation in Indian jails were quite deplorable, miserable. By quoting the statement of Verma P., "a prison sympolises

60 Macaulay T.B., Minute dated 14th December, 1835, Howell A.P. Undier secretary to Govt. of India, Note on jails and jail discipline, p.1, Quoted in R.N.atir, Prison as a Social System, (1978), p.56.
evil and therefore evil doors find themselves in perfect harmony inside the house of evils".

This was the main objective of confining one in jail previously. No thought was given to his future life after release. That is, in case, the survived the harsh discipline imposed in the environment that he is a member now. This committee contributed to the introduction of the immediate abolition of prisoners working on road construction in public places, equally condemning the insanitary conditions of prison life which escalated epidemic diseases. They also lambasted the prison official on corruption charges and suggested setting up separate ward for men and women.

In the absence of such arrangement, it was feared that women prisoners might be molested and subjected to continuous sexual abuses.  

The committee in its recommendations deliberately rejected all reforming influences such as moral and religious teachings, education or any system of rewards for good conduct. Instead, they suggested the building up of central prisons where the convicts might be engaged not on productive

61 Ibid, p.235, 1979-80
work which it condemned but in some dull, monotonous and uninterested work. From the above stated views, we can say that the committee was mostly influenced by the existing ideas of deterrent punishment which was reigning high in England then. If by any deviation from this principle of deterrent which appeared essential for the proper execution of justice by the parliamentarians would mean defeat of British rule in her own colony. The second prison Reform Committee is generally known as 1862 committee. This committee was appointed to investigate the causes of many deaths and sickness amongst the convicts and to suggest possible solutions to the problem of health care of the prisoners. This Committee came out with good recommendations such as a certain minimum space for each prisoner inside the prison, better clothing and food and regular medical check up of the convicted inmates.

In the year 1876, the third committee was constituted by Lord Lytton to attempt a general review of the prisons and in

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particular to suggest ways for introducing more uniform regulations and for making short sentences more deterrent.\textsuperscript{64}

The Committee was composed entirely of officials actually engaged in prison work. It reviewed the jail management generally and mostly concerned itself more with the matters of detailed prison administration.

The plan adopted as remarked by the Indian jails Committee 1919-1920, was embodied in the Report long account of discussions, the arguments pros and cons and opinion even of the individual member, with the result that actual conclusions arrived at were buried under the mass of previous deliberations of the Indian Jails Committee.\textsuperscript{65}

In the year 1888, when Lord Dufferin was in the chair serious attention was given to various aspects of prisons. In order to back it, two officers of experience were appointed to visit the jails of different states and to investigate on the spot the questions concerning healthy discipline and general

\textsuperscript{64}The Imperial Gazetteer of India, The Indian Empire, Vol.IV-Administrative p.399.

administration. However, the report was a business-like report covering nearly the whole field of internal management of jails and laying down rules for prison management. The committee among other things, recommended, the separation of under trial prisoners and the classification of prisoners into casuals and habituals.

According to R.N. Datir and others, although different commissions appointed up to 1888-1889, suggested certain changes in the prison system, the Indian prison system lagged behind on the reformatory side of prison work. It had failed to regard the prisoner as an individual and conceived of him rather as a unit in the jail administrative machinery. As pointed out, the prison system lost sight of the effect which, humanising and civilising influences might have on the mind of

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66 The Appointment of two officers 1 Dr. Walkar, Officiating Surgeon General and Sanitary Commissioner with the Govt. of India and 2 Surgeon Major A.S. Lethbridge, Inspector General Jails, Bengal was made under Govt. Home Department, Resolution No.326/1888, dt. 5th Sept. 1888. Report of the Commission of 1889 on Jail Management in India, p.1.
67 p.399. Ibid., p.399.
68 1919-1920, p.20.
the individual prisoner and focused its attention on his material well-being, his diet, health and labour little or no attention was paid to the possibilities of moral and intellectual improvement.

As we can see from all indication, all the Indian Jails Committee from 1888-1889, were mainly influenced by the Report of Indian Jails Committee of 1838 and thus in turn was greatly influenced by the conception of England, where the principle of deterrent punishment was very much in the mind of the Parliamentarians.

In order to overcome the series of hurdles in the prison administration in India, the result was the formation of the fifth Committee in the year 1919. This new committee focused its attention on the new problems facing prison policy in the entire country. The Committee members travelled to some countries to study and acquaint themselves with the progress of prison policy and the handling of the inmates, these countries, were: England, Philippines, Hong-Kong, Scotland, United States of America and lastly Andamans, (the land where

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70 The fifth All India Jail Committee was appointed by the Government of India under Home Department (Jails) Resolution No.63, dated Simla, the 2th April, 1919.
Indian Political Prisoners were sent for detention). The Committee came up with a huge piece of work. They made 584 recommendations. The publication of their report brought immediate impetus to prison reforms throughout the country.

In response to this, the Government of India, without hesitation, considered the recommendations seriously and without wasting time passed instructions to all the State Governments to implement the suggestions of the Committee. Not only were the prison departments affected but penal reform also received a great fillip. The enactment of the Borstal Act, the Children and the Probation Acts and the Punjab Good Conduct Prisoner's Provisional Release Acts were undoubtedly the direct or indirect results of the general interest aroused by the report. The report, it may be remarked, "Laid the foundation stone of modern prison system in India". A setback impeded the good proposals of the Committee to fruitful implementation of it. This was caused by the constitutional changes, which provided in 1949 when the jail department was taken away from the control of the Government of India to that of the state or provincial government, under

schedule seventh of the constitution. The responsibility of prison policy now is with state governments to determine on their own. The Central Government may only pass on suggestions wherever it is necessary to do so.

In 1892, an All India Committee was constituted by the Government of India. This Committee attempted to re-examine the whole prison process in India and finally brought out some useful proposals on prison offences and punishment.

The Report given by this Committee was generally accepted by the Government of India, which brought about the enactment of the Prisons Act, 1894. This Act fixed nine hours labour a day for a criminal prisoner sentenced to labour or employed on labour at his own desire. The same Act equally defined what might constitute prison offence and it laid down punishment as well. It was observed that the legislators did not take any cognizance of the painful aspect of prison life. Rather they were more obsessed with the working of the prison system. Disregarding any conception of treatment to the inmates, all their concentration was on the perpetuate imposition of punishments on any violation of prison, rules.
Progressively, the Indian Jail Committee in 1919-20 recommended that prisons should be under the superintendence and control of the committee under a superintendent well versed in penology. And other prison officers should be well skilled in social welfare work. Secondly, that a central jail should not exceed the maximum limit of 1,000 prisoners at a time. As to avoid contamination by follow inmates, unnatural offenders, sexual perversions, corrupt conversations and gambling were prohibited amongst inmates. As most of the committee members instructed individual inmates to be under confinement at night for the safety of the prisoner as also from them. This would allow the time on their antisocial behaviour. The question of changes in the prison system was pursued by the popular Ministry once again when it assumed office in 1946 and the Bombay Jail Reforms Committee was appointed in this year. Why the Bombay Government appointed the Committee can be seen from the contents of the Resolution. Government consider that the reformation of the prisoner is of paramount importance in jail administration.
and is of opinion that the existing provisions of laws and rules in respect of prisoners should be revised so as to achieve this object in the best manner.  

Dr. Kumarappa, in his evidence before the committee stated, "we must discard all our notions about the criminal being considered a criminal at all. He must be considered a victim of social circumstances, a person requiring treatment rather than punishment." Many changes have now been effected in the administration of prisons in India. The individual prisoner was never the focus of attention earlier. The various committees set up merely deliberated on the policy of improving administrative disciplines as to deter others in future.

Looking at the series of problems of prison policy, the Government of India deem it much necessary to find a means to solve the problem of making prison and the prisoner worth the opinion of modern criminologists and penologists. In an attempt to push the issue further after independence in 1947

they chalked out a plan to provide "Uniform Prison Programmes" for the reformation and rehabilitation of the adult offender in jail. With this objective in mind, they immediately mapped out a plan and thereby they sought assistance from the world body, that is the U.N.O. (United Nations Organization) to provide and formulate modern principles of how to treat the criminal offender, who is socially sick!

Therefore, in 1951, the Government of India requested Technical Assistance Administration of the United Nations, demanding urgently for the services of an expert who would be able to train the Indian Jail Officials on the new outlook of prison administration. It may be pointed out that treatment of prisoners on psychological and psychiatric line arrested attention as a means of prison rehabilitation and correction oriented centres around 1950's. As stipulated by Government, the rehabilitative activities of the modern prison are generally of two kinds, namely psychological and psychiatric treatment and educational or vocational training programmes. The case work service is the operating instrumentality that makes these more specialised forms of treatment effective in practice.76 Bearing in mind the fruitfulness of making a good

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76 Vold, G.B. Theoretical Criminology, 1958, p.293.
change the demand by India from U.N.O. was responded without too much delay in 1952.

Dr. Walter C. Reckless came to India with the object of observing, suggesting and recommending ways to bring improvement to the existing reform system in India, which was partially neglected. After all, in his investigation, he strongly emphasised the need for transformation of jails into reformation centres. He suggested establishment of new prisons to do specific functions. Some of the suggestions and recommendations made by Dr. Reckless are: separation of delinquent from adult prison, specialized training programmes for correctional personnel of different ranks or category; the introduction of Aftercare service and fulltime probation officers. Later, in 1957, a Committee was appointed to prepare an All India Jail Manual on the basis of the recommendations of Dr. W.C. Reckless and the All India Conference of Inspectors-General of Prisons. Some of the recommendations dealing with the reformative and rehabilitative problems of the convicts were as follows:

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S.P. Srivastava (1977), *The Indian Prison Community*, p. 49.
1) The correctional services should be integrated together under a Director or Commissioner under the control of the Home Department in each state.

2) Greater use of probation system to be implemented to avoid too much pressure on prisons.

3) Creation of a Central Bureau of Correctional Services at the centre.

4) Establishment of State After-Care Organisation in every state.

5) Abolition of Solitary Confinement as a mode of punishment.

6) Classification of prisoners according to their needs in terms of personality.

7) Periodic revision of the Jail Manuals in the states.  

However, according to Ahmad Siddique prisons administration being a state subject the above recommendations are not of mandatory in nature and only provide guidelines to achieve some uniformity in all the states. Most of the states are failing in line with these recommendations. As to crown the success of Dr. Rockloss, the Government of India opened

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some "Open prisons" - one at Uttar Pradesh, while in other states, Prison Welfare Officers were appointed, Jail Training Schools were also started in some other states.

In 1960, the first Model Prison was set up in Uttar Pradesh, where all experiments, regarding the Modern prison policies were tried. The Centre for Correctional Services was set up in 1961. This was as a Central Technical Advisory Board to the states with the explicit objective of evolving modern policies in social defence areas as was known then.

This was not all the responsibility entrusted to the Department. They were also to supervise the day today affairs, such as gathering of facts, data, statistics, professional training information exchange from state to state. And lastly executing research projects and publication of completed works. However, the Bureau was under the direct control of Government of India, through Ministry of Home Affairs, upto 1964. Later it was under the Department of Social Security and recently changed or renamed as Ministry of Social Welfare. Nevertheless in 1975, another change was made, which stands now as National Institute of Social Defence (NISD), with greater responsibility given to it as far as correctional services are concerned in the country.
In the year 1955, the first World Congress on the Prevention of Crime and Treatment of Offenders was held in Genova under the auspices of United Nations. In Geneva, the Congress appreciated and adopted the U.N.O. "Standard Minimum Rules" for the treatment of prisoners, urging the member nations to change their attitude towards the prisoner and change their national existing practices accordingly, for the good of all human beings in society. India also sent delegates to the Congress in Geneva.

Taking note of all the problems relating to prisons, the Government of India has always been trying to keep along with any latest developments. Therefore, in India prisoners are classified on the basis of age, sex, mental health, nature of offence and whether a habitual or a casual prisoner. Casual prisoners are sub classified into (i) star and (ii) general; and habituels into (i) non professional and (ii) professional. A casual prisoner is "one who is a first offender and who lapses into crime not because he has a criminal mentality but on account of his surroundings, physical disability or mental deficiency. Casual prisoners whose previous character was

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good, antecedents not criminal and whose crime did not indicate grave cruelty and moral turpitude or depravity of mind, were classified into the 'Star' sub category.\textsuperscript{81}

Thereunder, if going or diligently through the whole annals of prisons and the great prison reformers, one would assert that the entire process is purely based on the psychological principle of "trial and error". Upto the present time, no one particular approach has claimed total success regarding the treatment of individual inmates. The search is still on.

After having perused literature concerning the jails of some countries of the world in general and jail conditions of India in particular, now let us proceed to have a general view of the jail which we have chosen here for our study the Hindalga Jail.

Hindalga Central Prison is one of the five central jails in the state. It was previously at Veerabhadranagar. The old jail was established and constructed before 1869 by the then British Government of India to house both political prisoners and real criminals. At this time, the jail had 8 (eight)
Barracks, 3 (three) big cells called as Lahore cells, where prisoners from Punjab, Baluchistan and others were lodged. In the old centre of the prison, there was a big quarry to engage the inmates with hard labour sentence and those of violent inmates.

However, it was around 1920's as there was more increase in the population of the inmates, the Government found it necessary to construct a new prison to serve the very purpose and to avoid over crowding in one single cell. On this special inkling, a land was acquired in Hindalga village which is about 5 kms on the outskirt of Belgaum city. The area of the land acquired is 100 acres, which will specifically accommodate all the necessary requirements as Government may want it, such as land for agricultural work, facility for factory and other essentials to the inmates in the jail.

The area within the parameter of the prison wall is around 20 acres with ten barracks of big size, 15 buildings of different sizes as well as to accommodate all types of inmates.

The authorised strength of the jail is 1162 in normal circumstances. But during emergency period, it provided
accommodation for about 2500 inmates. The jail also has provision for executing 3 offenders at a time, with the old traditional method of Rope Hanging System. As a result of the new jail built in 1923 at Hindalga, the old jail staff quarters and the buildings were allotted to different government departments and the police headquarters, shifted to the old jail area. During the 'Freedom Struggle' time, many eminent leading personalities in politics against the colonial masters, were lodged in this jail. To mention a few names, former Prime Minister of India late Sri.Morarji Desai, Sri.Gangadhar Rao Deshpande, Sri.Annu Guruji and last but not the least Smt.Manubhai Patel.

Previously Hindalga jail was under the direct control of Bombay Presidency upto 1956. In 1956 as a result of reorganization of states Bombay state was divided and the four districts viz., Belgaum, Dharwad, Bijapur and Karwar were merged in Karnataka. Some people of Belgaum were against it. Therefore they agitated. Large number of people like Dajib Dosai, Baburao Thakur and many others were lodged in this jail to maintain law and order in the city. During 1975-76, emergency was declared by the former Prime Minister of India, late Smt.Indira Gandhi, many leading personalities in the state were also lodged in Hindalga Central Prison, namely

The prison institution has four different sections within the inside wall, one section for men convicts. Getting closer to it is under trial section for men also. The next section is for women convicts. Adjacent is female under trials, since both convicts and under trials cannot be mixed together as per the rule of jail.

The government has also constructed a High Security building in the jail to accommodate more dangerous and security risk prisoners and under trials. A close circuit television system has been set up in the jail under modernisation of jails system, in order to monitor the good and bad activities of the prisoners day and night hours.

The prison has quarantine centre, where newly admitted inmates are lodged for sometime for their examination and observation in case of any communicable or venereal diseases and AIDS (Acquired Immune Deficiency Syndrome). After completion of such intensive examinations the prisoners will be allowed to go and join his fellow inmates freely.
Hindalga Central Prison has its own hospital with 3 (three) Medical Officers and operation theatre which serves both inmates and prison officials' family members. It has an independent water supply system since 1923, by which there is hardly any shortage of water supply in the jail throughout the year. Nevertheless, presently water supply has become quite inadequate, due to less amount of rainfall and secondly the old pipelines are not properly cared for as before. Therefore, it will be more appropriate to install a new water supply system in the jail to assist to solve the water problem. During morning and evening hours, facilities to listen to radio programmes are provided to the inmates, that is music and news broadcasting to keep them aware of the happenings in the outside world etc.

In addition to the progress of this jail, two inmates who were very much interested to continue their studies were given the opportunity to do so. One was allowed to do B.A. Part-I, external and the other one to do B.A. Part-I internal in a nearby college. Their books were provided by the prison authority. Recently the jail superintendent has made another proposal to the Inspector General of Prisons (IGP) in Bangalore to establish a branch of the Indira Gandhi National
Open University system in the jail (IGNOUS). In the next few days or months if the proposal is accepted, it will be another milestone to the credit of the inmates to utilise the opportunity to gain knowledge before their release.

However, there exists some setbacks in the jail in day today routine activities. This is as a result of frequent financial crisis. The maintenance work is not properly done. The disposal of drainage is seriously affected.

The prison requires some modernization, being one of the maximum security jail of the Central Government of India in Karnataka state.
CENTRAL AND STATE PRISONS IN KARNATAKA - INDIA

CENTRAL PRISONS

1. BANGALORE
2. BELGAUM
3. BELLARY
4. GULBARGA
5. MYSORE

STATE DISTRICT PRISONS

1. BIDAR
2. BIJAPUR
3. KARWAR
4. MADIKERI
5. MANGALORE
6. RAICHUR
7. SHIMOGA

DISTRICT HEADQUARTER SUB-JAILS

1. CHICKMAGALUR
2. CHITRADURGA
3. DHARWAD
4. HASSAN
5. KOLAR
6. MANDYA
7. TUMKUR

SPECIAL SUB-JAILS

1. DAVANGERE
2. K.G.F.
3. BORSTAL
4. J.J.
5. OPEN AIR JAIL
   (KOLAR SCHOOL)
   (DHARWAD)
   (KORAMANGALA)
   (BANGLORE)