



## Historical Review of Prison Reforms in India and recommendations of All India Jail Committee(1919-1920)

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**Abstract :** Broadly speaking, the existence of prisons in our society is an ancient phenomenon since vedic period where the anti-social elements were kept in a place identified by the rulers to protect the society against crime. Prisons were considered as a ‘House of Captives’ where prisoners were kept for retributory and deterrent punishment.

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John Locke, the great English political theorist of seventeenth century expressed that men were basically good but laws were still needed to keep down ‘the few desperate men in society’. The aim of the society as expressed in its criminal law is to safeguard its own existence to maintain order and to make it possible for all citizens to lead a good life, free from molestation of others. The law enforcement agencies have been given the powers by the society to curtail the freedom of its citizens by taking them into custody in connection with their deviant conduct.

**Introduction :** Before the 1700’s, governments seldom imprisoned criminals for punishment. Instead, people were imprisoned while awaiting trial or punishment. Common punishments at that time included branding, imposing fines, whipping, and capital punishment (execution). The authorities punished most offenders in public in order to discourage other people from breaking the law. Some criminals were punished by being made to row the oars on ships called galleys.

However, English and French rulers kept their political enemies in such prisons as the Tower of London and the Bastille in Paris. In addition, people who owed money and defaulted on payments were held in debtors prisons. In many such cases, offenders’ families could stay with them and come and go as they pleased. But the debtors had to stay in prison until their debts were settled.



## **Historical Background :**

During the 1700's, many people including British Judge Sir William Blackstone criticized use of executions and other harsh punishments. As a result, governments turned more and more to imprisonment as a form of punishment.

The Pennsylvania System was the first attempt to rehabilitate criminals by classifying and separating them on the basis of their crimes. As a result, the most dangerous inmates spent all their time alone in their cells. In time, however, the system failed, chiefly because overcrowding made such separation impossible.

During the eighteenth century, New York prison officials developed two major systems of prison organization—the Auburn System and the Elmira System. The Auburn System, introduced at Auburn (N.Y.) Prison in 1821, became widely adopted. Under this system, prisoners stayed in solitary confinement at night and worked together during the day. The system emphasized silence. Prisoners could not speak to, or even look at one another. Prison officials hoped that this silence and isolation would cause inmates to think about their crimes and reform. They believed that the prisoners' spirit must be broken before reform could take place. However, the system failed partly because the rigid rules and isolation drove inmates insane.

The contemporary prison administration in India is a legacy of the British Rule. Lord Macaulay, while presenting a note to the Legislative Council in India on December 21, 1835, for the first time, pointed out the terrible inhumane conditions prevalent in Indian prisons and he termed it as a shocking to humanity. He recommended that a committee be appointed to suggest measures to improve discipline in prisons. Consequently, on 2nd January, 1836, a Prison Discipline Committee was constituted by Lord William Bantick for this purpose. The committee submitted their report in 1838 to Lord Auckland, the then Governor General which revealed prevalence of rampant corruption in the subordinate establishments, the laxity in discipline and the system of employing prisoners on extramural labour on public roads.

The committee recommended more rigorous treatment of prisoners and rejected all notions of reforming criminals lodged in the prison through moral and religious teaching, education or any system of rewards for good conduct. Sir John Lawrence, a renowned jurist, again



examined the conditions of Indian prisons in 1864. Consequently Second Commission of Enquiry to look into prison management and discipline was appointed by Lord Dalhousie. The commission in their report did not dwell upon, the concept of reformation and welfare of prisoners. It, instead, laid down a system of prison regimentation occasioned with physical torture in the name of prison discipline.

The Fourth Jail Commission was appointed by Lord Dufferin in 1888 to inquire into the prison administration. This commission reiterated that the uniformity could not be achieved without the enactment of a single Prisons Act. Again, a consolidated Prisons Bill was prepared providing some rigorous prison punishments such as gunny clothings, imposition of irons on hands and feet, penal diet, solitary confinement and whipping. This Bill was circulated to all local Governments by the Home Secretary to the Government of India on 25th March, 1893 with a view to obtaining their views. It was later presented to the Governor General in Council and ultimately Prisons Act of 1894 came into existence which is the current law governing management and administration of prisons. It has remained into force for over 112 years including 58 years after our independence. It has hardly undergone any substantial change during all these years despite lot of new thinking having emerged respecting objectives, management and administration of prisons.

### **Recommendations made by All India Jail Committee**

The process of review of prison problems in the country, continued even after the enactment of Prisons Act, 1894. The first ever comprehensive study was launched on this subject with the appointment of All India Jail Committee (1919-1920). It is indeed a major landmark in the history of prison reforms in India and is appropriately called the corner stone of modern prison reforms in the country. For the first time, in the history of prison administration, reformation and rehabilitation of offenders were identified as one of the objectives of prison administration.

#### ***The committee made following recommendations: -***

- (i) The care of prisoners should be entrusted to the adequately trained staff drawing sufficient salary to render faithful service.



- (ii) The separation of executive/custodial, ministerial and technical staff in prison service.
- (iii) The diversification of the prison institutions i.e. separate jail for various categories of prisoners and a minimum area of 675 Sq. Feet (75 Sq. Yards) per prisoner was prescribed within the enclosed walls of the prison.

The constitutional changes brought about by the Government of India Act of 1935, which resulted in the transfer of the subject of prisons in the control of provincial governments, further reduced the possibilities of uniform implementation of the recommendations of the Indian Jails Committee 1919-1920 in the country. However, the period from 1937 to 1947 was important in the history of Indian prisons because it aroused public consciousness and general awareness for prison reforms at least in some progressive States like, West Bengal, Tamil Nadu, Maharashtra etc. Efforts of some of the eminent freedom fighters who had known first hand the conditions in prisons succeeded in persuading the governments of these progressive States to appoint committees to further enquire into prison conditions and suggest improvements in consonance with their local conditions.

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