

# An Analysis of Some Aspects of Prisons in the Nineteenth Century Colonial India

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**Abstract:** *The objective of this article is to affirm the position of the nineteenth century colonial prisons in India as Repressive State Apparatus, albeit the ideology of the colonial administration was to reform the criminals rather than to solely inflict punishments on them. Ostensibly the abolition of the inhumane tortures directed at the body-whipping, branding, the stocks, and public hanging-might seem to be a sign of progress and civilisation, however, in reality the new institution-the prison-where the criminals and deviants were confined there the physique of the inmates were assailed with no less atrocious punishments, only that its site had been relocated and its forms modified. Through overt and covert means the colonial prisons exploited and extorted the convicts and far from transforming criminals into honest citizens, they served only to manufacture new criminals and to drive existing criminals even deeper into criminality.*

**Key Words:** *Enlightenment, Power, Prison, Repression, Punishment, Labour, Foucault.*

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## Introduction

In the tradition of Enlightenment, enlightened thinking has been understood as an opposition and counterforce to myth. The program of Enlightenment was the 'disenchantment of the world'; Enlightenment contradicts myths and thereby escapes its violence. It opposed the force of authoritarian normativity of a tradition interlinked with the chain of generations; as a counterforce it was supposed to break the spell of collective powers which oppressed people for ages. 'Knowledge is power', the meaning of this phrase was fathomed for the first time in its holistic sense. It was firmly believed that knowledge obtained through enquires would liberate men from their servile position in society, as they lived under lords and kings: 'the sovereignty of man lie hidden in knowledge'. Knowledge, like bourgeois economy, became open to men without illustrious pedigree, and Kant in this age proclaimed 'Sapere Aude!'

The desire to know, to demystify the nature, had its due impact in political sphere, it precipitated a vastly ambitious program, a program of secularism, humanity, cosmopolitanism, and freedom, above all freedom from the tyrannical institutions and the barbaric practices of the Ancien Regime. Thus the eighteenth century Europe saw an epistemological break, a rise of a new consciousness which loathed blatant exercise of power. Unsurprisingly therefore changes also came in the forms of punishment and repression which the state inflicted on criminals and deviants: the transition from the inflicting of penalties to the imposition of surveillance. As Foucault wrote, the period from the eighteenth to the beginning of the nineteenth century in Europe "was a time of great 'scandals' for traditional justice, a time of innumerable projects for reform. It saw a new theory of law and crime, a new moral and political justification of right to punish; old laws were abolished, old customs died out. 'Modern' codes were planned or drawn up: Russia, 1769; Prussia, 1780; Pennsylvania and Tuscany, 1786; Austria, 1788; France, 1791, Year IV, 1808 and 1810. It was a new age for penal justice."<sup>1</sup> The outcome was dramatic. The tendency to make public spectacle out of a criminal's tortured body completely disappeared. 'Punishment of a less immediately physical kind, a certain discretion in the art of inflicting pain, a combination of more subtle, more subdued sufferings, deprived of their visible display'<sup>2</sup> and whose target was no longer the criminal's body but the soul of the convict, constituted the new penal regime and also marked *the birth of prison in Europe*.

## I

In the eighteenth century India the judicial system which the English East India Company administration adhered to was a medley of some recently introduced laws grounded on

the Enlightenment principles along with old traditional customs and practices that they had inherited from the previous regimes, but which were being modified or replaced at a steady pace with the aim of creating a standardised, homogenised judicial system. At this time the punishments inflicted on criminals such as branding, mutilation and whipping, were also targeted for reformation as they were increasingly regarded as inhumane practices and incongruous with the spirit of the enlightened regime which the company rule was believed to have heralded. In 1790 Lord Cornwallis abolished mutilation and substituted a sentence of seven years hard labour for amputation of one limb and fourteen years for the loss of the two.<sup>3</sup> One of the consequences of the abolition of mutilation, as later branding, was to encourage greater reliance upon imprisonment. What precipitated this transformation was neither merely a disdain of the enlightened consciousness of British administrators towards ‘barbaric’ practices prevalent in India, nor their humanity as such, but they deemed incarceration as a more expedient form of punishment, more effective in dithering criminal activities. “‘Imprisonment’, commented T.B. Macaulay in December 1835, ‘is the punishment to which we must chiefly trust. It will probably be resorted to in ninety-nine cases out of every hundred’. It was accordingly of greatest importance to establish such regulation as shall make imprisonment a terror to wrong-doers’, while, at the same time, preventing it ‘from being attended by any circumstances shocking to humanity.’”<sup>4</sup>

However like in Europe, where Foucault located advances and retreats in the process of reforming the penal system, so in India the ‘barbaric’ forms of punishments were not abolished overnight. The changes in penal practice were slow to follow the humanitarian ideas, even when political will was conspicuously present. The public display of executed criminals continued until 1836; a public gallows stood outside Madras Penitentiary as late as 1880’s. The practice of branding the forehead of convicts (known as ‘godena’) only ceased in 1849.<sup>5</sup> In fact, imprisonment was far from being ubiquitous form of punishment, rather it ran parallel with full-fledged renderings of ‘summary executions, whippings and collective fines, the confiscations of land and other property used by the British virtually until their final days in India.’<sup>6</sup>

## II

Before delving further into the analysis it is indispensable to affirm the difference between the position of prison in Europe, as one of the apparatuses (dispositifs) through which social order was constructed, and the colonial prison as only a repressive apparatus for controlling crimes and intimidating physically and/or symbolically- symbol of the prison itself- both actual and potential enemies of the colonial regime.

To elaborate further, in the societies of Europe, which can be characterised following Foucault as disciplinary society, social command from the end of the eighteenth century is constructed through a diffuse networks of dispositifs that produce and regulate customs, habits and productive practices. Putting this society to work and ensuring obedience to its rule and its mechanisms of inclusion and/or exclusion are accomplished through disciplinary institutions- the prison, the factory, the asylum, the hospital, the university, the school, and so forth- that structure social terrain and present logics adequate to the 'reason' of discipline.<sup>7</sup>

The logic of this form of power is perfectly rendered by the appellation that Foucault coined: micro-physics of power. According to this concept power is not imposed as an alien force from above over the multitude whose oppressive weight they continuously feel, rather power functions subtly as it reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourse, learning processes and everyday lives. Thus subjugation of the body, its constitution as labour power 'is not only obtained by the instruments of violence or ideology; it can also be direct, physical, pitting force against force, bearing on material elements, and yet without invoking violence; it may be calculated, organized, technically thought out, it may be subtle, make use neither of weapons nor of terror and yet remain of a physical order'.<sup>8</sup> Prisons in Europe, at the disposition of the dominant class, operates the micro-physics of power and ensures that the socially deviants are reshaped to serve it.

Colonial prisons, on the other hand, did not function to imbue its inmates with the logic of docility and install in them an ethical code that would directly organize their brains and bodies. In reality the colonial powers actually had no use of such an apparatus because their rule was maintained in the colonies through effective exercise of coercion over the masses ('dominance without hegemony') and the prison as a repressive apparatus suited that purpose better. Thus it is in this very intention and the real tactics of rule that the actual difference and the reason for the difference in the position of prison with the entailing history of reforms in metropole and colony can be located.

The desire to reform a convict from within, to transform his soul, was an important consideration that acted as an impetus in ushering radical reforms of the prison institution in Europe and America. However in colonial India such concerns to reform the criminals were ephemeral, emerging and then after a while dissipating as well. It became a firm belief that the Indians were incorrigible, that the social environment within which these convicts grow up and where they would eventually return after serving their terms in prisons, was capable of only fostering immorality and criminal

behaviours; thus any attempt of reforming them would only be futile, rather it was felt much more expedient to make the prison a place of such dread that it would act as a deterrent against crimes. Hence prison in colonial India had an altogether different purpose, a different objective of existence. As a pure repressive apparatus, it did not care to work on the souls of its inmates. Nor were physical tortures in any means limited inside prison, both directly and indirectly, through punitive assaults and hard labour and abominable infrastructure prison took a toll on the body of the convicts.

### III

The ‘despair’ of reforming the felons, however, did not hold back the prison administrators from utilising the productive labour power of the convicts in order to dispense the prison budget. In the name of disciplining the inmates, the prisoners were put to hard menial labour, both inside jails, and outside on the construction jobs. Inside Harinbari, a prison in Calcutta, Bengal, the most common form of punishment for those sentenced to rigorous imprisonment, was the treadmill— a large mill turned round and round by the prisoners. It came to be known in common Bengali diction as *ghani-tana*: ‘moving a grinding wheel to press out oil from mustard seeds.’<sup>9</sup> Prisoners were also grouped into chain gangs and then deployed for such works as building and mending roads. The plight of such convicts attached with the chain gangs was recounted by one of the British official, a surgeon name James Hutchinson, who, after visiting the Harinbari jail in the 1830’s, wrote how a convict usually was ‘taken out of jail at sunrise or before it’, and then ‘he labours uninterruptedly all day, with the exemption of an hour perhaps at noon’<sup>10</sup> and then returning back to the prison after near sunset when he has to prepare and eat his sole meal of the day. The backbreaking nature of the work carried out in the most adverse circumstances not only enervated the prisoners but also had pernicious effect on their immunity system. Describing this class of prisoners as the ‘most prone to disease and... suffering much mental anxiety and distress, who are scantily fed...’ the official referred to the ‘frightful mortality... caused by sending prisoners to road gangs...’<sup>11</sup>

By late 1830’s, however, extramural labour was beginning to be viewed with increasing disfavour because it led to disorder and indiscipline creating opportunities for prisoners to escape. Another important reason for its disapproval was the exorbitant amount of money that was expended on feeding, clothing, lodging, and guarding prisoners on the road. According to the Prison Discipline Committee’s calculation, prisoners working extramurally, in Bengal, in late 1930’s, cost an average of 46-4-6 sicca rupees per annum versus 32-13-2 sicca rupees if they stayed in jail, an excess

of 13-7-4 sicca rupees per annum. Moreover, by all accounts their labour was not as productive as that which hired hands were apparently capable of doing.<sup>12</sup>

Thus around 1850's a switch was made to industrial production within the prisons, but here, too, 'reform took second place to remuneration.' Following the line of Benthamite ideal prisons were turned into workshops to 'dissipate idleness' amongst prisoners. Actually the ruse to engage the convicts, on account of reforming them, in the production of commodities was motivated by the intention of opening an avenue for generating revenue, and although in the beginning the poor quality of the commodities failed to attract market but by the 1860's some prisons were achieving some commercial success. The Alipur prison itself earned an income of nearly Rs 210,000 in 1861 from high class printing work and complemented it further with an earning of Rs 60,000 from manufacturing gunny bags. The evidence of the success of this policy is attested by the statistics that twenty years later the jails of Madras Presidency produced: they manufactured commodities worth Rs 331,832, 'most of which were supplied to other government departments, including uniforms, boots, sandals and blankets for the police'.<sup>13</sup>

The second half of the nineteenth century thus witnessed an efflorescence of handicraft production in prisons. The extent to which Bengal jails in 1840's and early 1850's were involved in handicraft production is evident from the first exhibition of jail manufacturers held at the Calcutta Town Hall in November 1856. Organised by F.J. Mouat, the medical doctor who had become the second inspector-general of prisons in Bengal in 1855 and subsequently a highly influential figure in penal reform circles in India and internationally, the exhibition featured the products of 46 jails in all- 36 from Bengal and 10 from North-Western Provinces. The articles in display included: 'hand-woven cloth, toweling, carpets, rugs, blankets, horse clothing, saddlery, carpentry, iron work, tape, paper, coarse gunny cloth for rice and sugar bags, bamboo, rattan, and reed fabrics'.<sup>14</sup> All the items displayed, Mouat especially emphasized, were not sorted specimens of finest quality that some adroit prisoners manufactured, but they represented the general production of an average prisoner, which only indicates the degree of proficiency that they had attained inside the work regime that Mouat had so thoughtfully designed.

Mouat throughout his tenure as the inspector-general of prisons for Bengal- he remained in that position until his retirement in 1870— endeavoured, with success, to make intramural labour the predominant form of extracting labour from prisoners and ensured that their labour was channelised into manufacturing commodities that could bring profit to prisons. In his own words his goal was to make convict labour 'penal, profitable and if possible, reformatory'.<sup>15</sup>

In the ensuing period, after Mouat's retirement, there was times when it was decided to dismantle the entire apparatus of jail production, for its existence assailed the ideal of *lassie faire*. However each time its realisation was obstructed by various considerations, especially because of the revenue it was generating. The 1877 Jail Conference further, after some considerations, approved the introduction of steam and other machineries of production in jails, and rejected, as fallacious, the objection that an increase in productivity would have an inimical effect on private industries. This step towards mechanisation of production greatly augmented the scale of output of the prison industry, making it even more robust, but at the cost of assaulting once more the moribund indigenous handicraft sector.<sup>16</sup>

In the midst of all these transformations the condition of the prisoners, who were used as cheap labourers for production, remained static, or even worse, at times it deteriorated. For example, while the return of the entire Bengal jails soared to Rs 3,55,508 in the financial year 1866-67, an all time high, the average earning of the individual prisoners fell from Rs 18 to Rs 15 during the same period.<sup>17</sup> Thus the remuneration for convict's labour was nowhere near the earnings of the jail administration. So, statistical data makes absolutely transparent the ulterior motive behind the colonial government's adamant rejection of the idea of abolishing intramural labour in prisons.

#### IV

Physical torment of the prisoners in colonial jails was exacerbated by their insalubrious environments. In the Harinbari jail, according to a sheriff's report, sometimes in the nineteenth century, some of the cesspools in the prison were not cleaned out for more often than once in nine or ten years, and only so when it became impossible for both the authorities and prisoners to tolerate the stench emanating from them. The refuse from the Harinbari prison was dumped into Tolly Nullah, scavengers from Fort Williams used to come once in ten years to collect refuse and carried them to the Tolly Nullah for disposing them off. Contemporary accounts remarked about the condition and smell along the road from the Jail to the Nullah at such times of cleaning (not only human refuse, but dead bodies and bodies of the executed prisoners were for a long time discarded in the Nullah).<sup>18</sup> It is therefore not at all surprising that in such unhygienic conditions the prisoners fell easy prey to diseases like cholera, malaria, dysentery and diarrhea and died swiftly without receiving proper medical treatment. In Mangalore jail in 1838, 151 out of 263 prisoners (57 per cent) perished, nearly half of them from cholera. At Mirat in 1861 prisoners already weakened by famine were hit by cholera and mortality soared to 62 per cent. In the prisons of Lower Bengal 40,550 deaths from diseases recorded between 1843 and 1867 alone.<sup>19</sup>

The filthiness of the colonial jails even flabbergasted the colonial officials. One of them, after his visit to a prison in Calcutta, commented that he had nowhere witnessed jails with such unwholesome environment and ill managed condition.<sup>20</sup> An incident of a prisoner's death by tetanus led to a visit of the president of the Sanitary Commission of Bengal in the Great Jail and House of Correction in Calcutta. His sense of appall, after witnessing the state of the prison, is best revealed by his own words: 'I have never in my life seen any rooms used for human habitation in which the state of the atmosphere was so offensive as it was in some wards in the Calcutta Jail...'<sup>21</sup> His report betrays the condition in which the convicts used to live in those jails. Prisoners used to cluster in each wards, the only means of ventilation in the wards was a window with an iron gating at one end of the room. Each wards used to have a single pot which was used as privies and urinals. These vessels were seldom cleaned and the prisoners often refused to use them. The wards were thus filled with such obnoxious smell that it was impossible for any sane human to inhabit in them. The lieutenant-governor of Bengal, Sir Cecil Beadon, in one of his official visit to the jail, was carefully meandered around these wards; he was informed that they were mere urinals!<sup>22</sup> This was the typical condition of sanitation in colonial prisons throughout the nineteenth century all over India.

## V

As the consciousness of European people began to envisage the role of prisons in reforming criminals rather than inflicting intense punishments on them with the purpose of dissuading others from committing similar acts, the question of reforming the juvenile delinquents naturally came to the fore. Debates on whether the recalcitrant character of working class delinquent teenagers can be reformed were prevalent in metropole and its impact also fell on the colonies. In India from middle of the nineteenth century the question of treating the juvenile offenders separately from the adult criminals began to develop concerns and opinions on the possible ways of handling them. The prevalent form of punishment at that time was either flogging or incarceration of the teenage offenders with the adult convicts; such practices were believed to be highly deleterious to the character of the juvenile delinquents, akin to shoving them into the abyss of irreversible criminality. Hence the colonial administration was exhorted from inside and outside to establish modern institutions which would segregate the child offenders from the seasoned criminals and where it would be the aim of the authorities to transform their soul and re-form them into moral subjects. And 'although a patchwork of laws and reformatories began to take shape quickly, a larger apparatus of special courts, probation, and age-graded institutions for juvenile



offenders had to wait until the Great War, Calls for reform, unsatisfactory experiments with the cellular prisons and children's wards, and an increasing reliance on the whip marked the interim years.<sup>23</sup>

However a large group of colonial administrators held the deeply entrenched conviction about the incorrigibility of certain subgroups of Indian criminals. Because juvenile delinquents in India frequently came from this demarcated section of the hereditary criminalised population, it was not seldom thought that any endeavour to reform them was futile. Thus there ran a persistent conflict of opinion regarding the treatment of the child offenders. This had practical implications. Those prisons where there were provisions for providing education to juvenile convicts, though in very dismal state, there education rather took the form of appropriation of convict's labour in the name of vocational training. This was true of nearly every juvenile prison in India: in Calcutta Presidency Jail, children were made to labour for ten hours every day and studied only at night and when they were allowed to take a break for work, that too without the aid of any proficient pedagogue.<sup>24</sup> It is thus not difficult to conceive whose actual benefit this 'reformation' scheme brought in reality.

## **Conclusion**

Michel Foucault showed that in the newly constructed prisons on the model of Bentham's Panopticon in Europe power obfuscated itself a fortiori in its exercise, while its impact was enhanced manifold times. No more the criminal's bodies became public spectacle, no longer were they subjects of ghastly violence. But the inmates of 'panopticons' felt the gaze of power, constantly, affixed on them, without blinking, power that became unverifiable, more remorseless than ever. Colonial prisons, as is conspicuous from the facts narrated above, definitely did not exercised power with such subtly, it was much more primordial in its functioning. But in today's world, universally, power has taken a much more, I would say, deceptive form. We are bestowed with unlimited freedom, almost no physical entities keeps us under vigilance. However in 'the society of control', where we live in, surveillance is kept through imperceptible, often ostensibly innocuous, technologies: the untiring and omnipresent watch of CCTV cameras or those different spywares that invades our computers and mobile phones and 'ethically' hack, for the government, our private data, these are the new implements of power in the postmodern condition. The civilised world had once denounced the torture that was inflicted on regicide Damiens, but what has replaced it? We don't question much about that. However it must always be remembered that 'the coils of a serpent are even more complex than the burrows of a molehill'.

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**References:**

1. Foucault, Michel, (2020). *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, Penguin Classics, p. 7.
2. *Ibid.*, p. 8.
3. Arnold, David, and Hardiman, David, (1994). (Ed.). *Subaltern Studies VIII: Essays in Honour of Ranajit Guha*, Oxford University Press, p. 160.
4. *Ibid.*, p. 160.
5. *Ibid.*, p. 161.
6. *Ibid.*, p. 161.
7. Hardt, Michael, and Negri, Antonio, (2001). *Empire*, Harvard University Press, pp. 22-24.
8. Foucault, Michael, (2020). *op. cit.*, p. 26.
9. Banerjee, Sumanta, (2009). *The Wicked City: Crime and Punishment in Colonial Calcutta*, Orient Blackswan Private Limited, p. 557.
10. *Ibid.*, p. 558.
11. *Ibid.*, p. 558.
12. Yang, A. Anand, (2023). *The Prison-Handicraft Complex: Convict Labour in Colonial India*, Modern Asian Studies, Vol. 57, p. 814.
13. Arnold, David, and Hardiman, David, (1994). (Ed.). *op. cit.*, p. 177.
14. Yang, A. Anand, (2023). *op. cit.*, p. 820.
15. *Ibid.*, p. 821.
16. *Ibid.*, p. 829.
17. Banerjee, Sumanta, (2009). *op. cit.*, p. 570.
18. *Ibid.*, p. 563.
19. Arnold, David, and Hardiman, David, (1994). (Ed.). *op. cit.*, p. 167.
20. Banerjee, Sumanta, (2009). *op. cit.*, p. 568.
21. *Ibid.*, p. 567.
22. *Ibid.*, p. 568.
23. Sen, Satadru, (2004). *A Separate Punishment: Juvenile Offenders in Colonial India*, The Journal of Asia Studies, Vol. 63, Issue 01, p. 82.
24. *Ibid.*, pp. 90-91.