



GANDHIJI'S LEGACY IN PRISON REFORM: AN EXAMINATION OF COLONIAL AND POST-COLONIAL SHIFTS

DILSHA SELVAKUMAR ¹, R. MANI ² AND S. RAMASWAMY ³

¹ Research Scholar (Full-time), ² Professor & Head, ³ Advisor-cum-Adjunct Professor

^{1&2} Department of Gandhian Thought and Peace Science, The Gandhigram Rural Institute (Deemed to be University), Gandhigram, Tamil Nadu, India.

³ G.T.N. Group of Institutions, Old Karur Road, Dindigul, Tamil Nadu, India.

ABSTRACT

Prison systems in colonial and post-colonial periods reflect changing socio-political views on punishment. Gandhiji's non-violent perspective influenced his ideas on penal reform after experiencing harsh conditions in African and Indian prisons. Colonial prisons in India were oppressive and aimed to silence dissent with poor conditions and brutal treatment. Gandhiji's firsthand experiences in Africa and India shaped his belief in non-violent resistance and the need for humane prison reform. He advocated for rehabilitation-focused prisons that educate and transform individuals for reintegration into society. Post-independence, India's prison system began to align with democratic values, focusing on prisoner rights and rehabilitation. Despite improvements, issues like overcrowding and inadequate programs persist, but Gandhiji's philosophy continues to inspire more humane treatment of prisoners through vocational training and educational initiatives. His approach sees prisoners as capable of redemption and contributing positively to society.

KEYWORDS: Gandhian ideologies, Criminal Justice, Prisoners, Prisons, Human Rights Violations.

"Swaraj does not depend on jail going. If it did, there are thousands of prisoners in jail today. It depends on everyone doing his or her own task"

- Mahatma Gandhiji

"God cannot be seen with our physical eyes. He has nobody. and, therefore, we can see Him only with the eyes of faith. When no impure thoughts or feelings disturb us, when we feel no fear and are always serene, that is a sign of God's presence in our heart. In fact, He is always there, but we do not see Him because we do not have faith, and in consequence suffer in many ways. When true faith is awakened in a person, he does not feel the outward sufferings. This is true about Taradevi Bajpai. She should do only as many pranayamas and in such manner as cause no physical discomfort. I have no experience of the type of pranayamas practised in Hathayoga. I cannot therefore guide her in this matter, nor is such pranayama necessary. We cannot know God by performing certain physical acts. To know Him we should have living faith and should live according to that faith. Pranayama and other processes purify the body and give us a measure of peace. They have no other benefit".

"Letters for Women Prisoners from Gandhiji"

I. INTRODUCTION

Prison reform history shows changes in justice and punishment philosophies. Colonial prisons were for control and repression, leading to calls for reform due to harsh conditions. Post-colonial reforms aimed to align prisons with human rights and rehabilitation values. Prison reform is crucial to address systemic issues like overcrowding, poor healthcare, and lack of rehabilitation programs. Without reforms, prisons fail to rehabilitate inmates and perpetuate cycles of crime. Comprehensive reform is essential for upholding justice, human dignity, and societal well-being. Colonial prisons had overcrowding, poor sanitation, and mistreatment, used to control populations. Reforms were necessary to improve conditions and prisoner treatment. India's post-independence prisons inherited colonial influences, with efforts focused

on transitioning to rehabilitative approaches. Challenges like overcrowding and lack of programs persist despite progress. Reform is ongoing to create a more humane and effective correctional system. Gandhiji's experiences shaped his views on prison reform, advocating for rehabilitation over retribution. He believed in the goodness of individuals and promoted humane treatment, education, and reintegration. Gandhiji's philosophy provides a strong foundation for modern prison reforms.

II. DEFINITIONS AND OBJECTIVES OF THE PAPER

According to **Sethna (1952)** in his book *Society and the Criminal* refutes prison: “A prison (meaning of “a cage”) is a place for detention, prisons are places for the detention of under-trials also. They are the place where the offender can be lodged for his/her reformation.” In the words of **Vidyabhushan** “Prison is a place properly arranged and equipped for the reception of persons who by legal process are committed to it for safe custody while awaiting trial or for punishment.” As stated in the **Ordinance of 1894**, a prison is a specific building complex established and maintained by the state government for the temporary or permanent confinement of convicts and under-trials. Based on the definitions the authors have framed the following objectives to write a paper on “Gandhiji’s Legacy in Prison Reform: An Examination of Colonial and Post-Colonial Shifts”. Such objectives are: to grasp the conceptual framework of prison reform during colonial periods; to study prison reform and independence during the colonial period; to examine prison reform and its functions in post-colonial times; to compare prison reform in the colonial and post-colonial periods; and to analyze Gandhian views on prisons in terms of his principles of non-violence, rehabilitation, and restoration.

III. METHODOLOGY

Secondary Data and Evidence: This paper utilizes secondary data, derived from a literature review and expert analysis. The necessary information has been gathered from a range of sources, including articles, journals, government reports, census data, and websites.

IV. HISTORICAL PERSPECTIVES ON THE CRIMINAL JUSTICE SYSTEM

Ancient Period: The Vedas are the sole sources of information about the prison system in the Vedic era. Unlike the modern prison system, their approach to justice was characterized by dignity and the belief that justice was a divine principle. The concepts of heaven and hell significantly influenced legal thought of the time, with the belief that people’s actions on earth determined their fate in the afterlife—either reward in heaven or punishment in hell. Those who committed sins were thought to burn in hell, while those who performed good deeds were believed to enter paradise. The development of the penal system began during the Smriti period. The Manusmriti offers insights into the criminal justice system and crimes of its time, distinguishing between Dharma (righteousness) and Adharma (immorality). Dharma refers to actions that align with the law, while Adharma signifies actions that oppose it. Lawful actions are seen as promoting social welfare, whereas unlawful actions disrupt societal order. Various penalties were prescribed for different crimes, and these penalties varied depending on the individual's caste and status. For instance, a Brahmin committing the same offence as a Shudra would receive a lesser sentence. Although prisons in their rudimentary form were not well-developed during this era, the Manusmriti does not delve deeply into their specifics. It is known that Brahaspati emphasized the confinement of prisoners in enclosed spaces, a view Manu opposed. By the epic era, the prison system had matured, with incarceration becoming the primary form of punishment. The fact that Lord Krishna was born in a jail highlights this development. By the Buddhist era, the prison system had advanced significantly. **Sethna (1952)** provides a vivid description of the harsh conditions in pre-Buddha period prisons, noting the presence of dungeons, heavy burdens, chains, and whippings. During Chandragupta’s reign, prisons were common and often utilized older or strategically unimportant forts. Kautilya's Arthashastra suggests that fortresses were frequently used as prisons, and he advocated for their proximity to public parks, temples, and serais. This proximity was intended to deter crime by allowing the public to see the harsh conditions of prisoners and to mitigate the monotony of prison life. The focus on spiritual life in ancient India led to prison designs that allowed for penance and repentance, including solitary confinement to encourage introspection.

Research Through Innovation

Medieval: Medieval India's legal system bore similarities to both ancient Indian practices and the systems of contemporary Muslim rulers. The administration of justice was rarely moderated in daily practice. During both the Hindu and Mughal eras, the primary aim of punishment was to deter repeat offences. The Mughal era adhered to the Quran as the primary source of law, categorizing crimes into three types: offences against the state, offences against God, and offences against individuals. Punishments were classified into four categories: hadd, tazir, qisas, and tashir, which included fines, confiscation of property, loss of status, humiliation, exile, hanging, mutilation, whipping, branding, or death by famine. Imprisonment was not a standard form of punishment for ordinary criminals but was used for holding suspects until their trial or verdict. During the Mughal period, prisoners were kept in fortresses across the country. Notable prisons included Rohtas, Ranthambore, and Gwalior forts. Capital offenders were typically sent to Ranthambore Fort, while Gwalior was reserved for nobles, and those sentenced to life imprisonment were often held at Rohtas, from which few prisoners returned. Royalty and high-status individuals were also frequently sent to this location. Prisoners were usually fettered with iron chains on their feet and shackles around their necks. Conditions in Mughal-era prisons were notoriously harsh, with prisoners held in specific rooms of the fort known as Bandhikhanas or Abad-Khanas. Treatment varied according to the crime and the prisoner's social status, with serious criminals receiving the most brutal treatment, including torture. Health concerns could lead to temporary release from imprisonment. Prisoners were subjected to fear and abuse, and prison officials were expected to enforce severe punishments. During the Maratha era, the old methods continued, though political prisoners were treated more leniently. They were afforded better food and comforts, but communication with anyone outside their immediate family was restricted.

British: Reforms to the penal system in India were first introduced during the British colonial era. British prison officers made significant efforts to improve the long-standing appalling and chaotic conditions of Indian prisons and their inmates. After 1836, Indian prison reform gained momentum as the British restructured the existing prison system with consideration for local sentiments. Various committees were established, and numerous ordinances were enacted to standardize prison conditions and ensure that all facilities met a basic standard of acceptable living conditions.

V. NEED FOR PRISON REFORMS

Human Rights and Dignity: Prisons should uphold the human rights and dignity of prisoners. Overcrowding, poor living conditions, and inadequate facilities violate basic human rights. Reforming the prison system can ensure that prisoners are treated humanely and with respect.

Rehabilitation and Reintegration: The primary objectives of incarceration should be the rehabilitation and reintegration of offenders into society. Current prisons often lack the necessary education, career training, and psychological support needed for prisoners to reform and successfully reintegrate.

Recidivism Reduction: Effective prison reform can help reduce recidivism rates. Providing prisoners with the tools and resources to build fulfilling lives post-release can minimize the likelihood of reoffending.

Legal and Judicial Efficiency: The Indian court system's delays lead to many undertrial inmates serving extended sentences without conviction. Reforms are needed to address these delays and ensure a prompt and fair trial process.

Health and Sanitation: Inadequate medical care and poor sanitation often result in serious health issues for prisoners in India. Reforms must focus on providing appropriate medical care and maintaining sanitary living conditions.

Mental Health Support: The harsh prison environment can exacerbate existing mental health issues. Reforms should include improved counselling and mental health support services.

Rights of Vulnerable Categories: Women, youth, and the elderly are among the most vulnerable in the criminal justice system. Reforms should address their specific needs and rights to ensure their safety and welfare.

Accountability and Transparency: To prevent corruption, abuse of power, and mistreatment of prisoners, the prison system must be accountable and transparent. Reforms should include regular audits and oversight procedures to ensure accountability.

International Standards: As a signatory to various international human rights agreements, India must align its prison conditions with international standards. Reforming the prison system is essential to fulfilling these commitments.

Economic Impact: Overcrowded and inefficient prisons place a significant financial burden on the state. Reforms that emphasize alternative sentencing options, such as community service or probation for non-violent offenders, can help reduce these costs.

VI. PRISON REFORMS DURING COLONIAL PERIOD

Initial Conditions: At the outset of the colonial period, prison conditions in India were dire. Prisons were overcrowded and unsanitary, with inmates facing severe mistreatment. The British colonial administration initially utilized prisons primarily for maintaining control and punishing dissent.

First Reforms: Recognizing the need for improvement, the British government began implementing reforms. A significant early effort was the appointment of the first Inspector General of Prisons in 1838, a role established to oversee prison administration and introduce a degree of uniformity and accountability in prison management.

Prison Discipline and Reform Commission (1836): The first major reform initiative began with the establishment of the Prison Discipline and Reform Commission. This commission was responsible for examining prison conditions and recommending improvements, including the classification of prisoners, separating convicts based on the severity of their offences, and introducing work programs.

VII. PRISON REFORMS COMMITTEE

The **Prison Enquiry Committee (1836)** established by the Indian Government, recommended ending the practice of using inmates for roadwork and implemented measures to combat corruption among jail staff. It also called for regular inspections of all jails to ensure compliance with laws and regulations, prevent the spread of epidemics, and provide necessary vaccinations to inmates. The committee proposed the establishment of separate prisons for men and women to prevent harassment and sexual assault of female inmates. To maintain discipline between inmates and prison officials, the role of Inspector-General of Prisons was introduced in 1855. This position was created to prevent abuse of authority by jailors and petty officials. In 1862, the **Second Jail Enquiry Committee** raised concerns about unsanitary conditions in Indian prisons, which led to numerous prisoner deaths from illness. The committee stressed the importance of providing adequate clothing, food, and medical care, recommending that every jail have a medical officer and a dispensary. The **Third Jail Inquiry Committee (1877)**, with recommendations reiterated in 1889 and 1892, led to the enactment of the Prison Act of 1894. This Act standardized jail administration across India abolished the whipping penalty and allowed for the classification of inmates. Medical facilities for female convicts, initially introduced in 1866, were expanded and improved to better protect them from infectious diseases. Despite these reforms, the overall prison policy remained punitive. The independence movement, which gained momentum in the early 1900s, significantly impacted prison conditions. The influx of political prisoners-often from the educated middle or upper classes-prompted British officials to create detailed regulations covering food, medical care, recreation, family visits, and parole. The focus on political prisoners strained the prison system, neglecting the needs of non-political inmates and leading to a deterioration of jail conditions.

Indian Jail Reforms Committee 1919-1920: Sir Alexander Cardew led the Indian Jail Reforms Committee of 1919–20, which was tasked with recommending improvements for the prison system. After a year of study and investigation, the Committee concluded that Indian jails should not only serve as a deterrent but also have a reformatory impact on prisoners. The Committee conducted visits to prisons in Burma, Singapore, Japan, the Philippines, Hong Kong, and Britain. It condemned the use of corporal punishment and emphasized the need for a reformatory approach to dealing with offenders. To aid in their rehabilitation, the Committee advocated for the use of prisoners in constructive labour. It also stressed the importance of an after-care program to support inmates after their release. Additionally, the Committee recommended that each prison's maximum capacity be aligned with its size and design. During this period, there was also a growing movement against the use of solitary confinement, with the State of Bombay leading the way by abolishing this practice in its jails. In response to evolving humane ideals, several provinces updated their jail systems. In 1949, the Pakwasa Committee endorsed using inmates for road construction labour with minimal supervision. At this time, the practice of compensating prisoners for their labour was introduced, along with good time statutes that reduced sentences for well-behaved inmates. These measures aimed to protect society, reform convicts, deter criminal behaviour, and provide fair reparation for offences.

After Indian independence, "Jail" was added to the State list in the Seventh Schedule of the Indian Constitution, alongside law enforcement and other departments, placing the modernization of prisons and their operations beyond the Union Government's jurisdiction. Unfortunately, the jail administration received limited attention even in the Five-Year Plans. During the 1950s, prison reform efforts began to focus on psychological and mental health care. As G.B.Vold observed, modern prison rehabilitation is generally divided into two areas: psychological and psychiatric care, and educational or vocational training programs. The effectiveness of these specialized treatments relies on case-work services. In 1951, the Indian government invited W.C.Reckless, a UN expert on crime prevention and offender treatment, to provide recommendations for prison reforms. Subsequently, in 1957, a committee was formed based on Reckless's recommendations to draft a comprehensive all-India jail manual. Additionally, the Inspector General of Prisons for the Provinces of All India Conference was convened. Following these efforts, several significant policy directives for inmate reformation and rehabilitation were widely adopted.

- ✓ Correctional services should be incorporated into the Home Department of each State, and a Central Bureau of Correctional Services should be established at the national level.
- ✓ Reformatory approaches such as probation and parole should be utilized to reduce the pressure on prisons.
- ✓ Each State should establish State After-Care units.
- ✓ Solitary confinement should be abolished as a form of punishment.

- ✓ Prisons should be classified based on their treatment functions.
- ✓ State Jail Manuals should be updated regularly.

In 1949, the Pakwasa Committee recommended establishing a Model Jail in Lucknow, where inmates were required to work on handloom machines and engage in other domestic industries. Yerwada became home to Maharashtra's first women's prison. Over the past fifty years, therapeutic approaches have evolved. The modern Indian prison system now focuses on the treatment and reformation of convicts, offering services such as furloughs, leave tickets, medical care, and educational or vocational training. Recent innovations benefiting inmates include open-air prisons and community service programs. In summary, modern, liberal treatment methods have replaced outdated approaches to prisoner management. Today, prisoners experience varying degrees of freedom based on their behaviour and response to correctional measures. Despite these reformatory steps, the overall condition of Indian prisons remains far from ideal. There is a widespread lack of awareness about prison life due to general disdain for the prison system, and public interest in prison modernization is minimal. Media coverage often fails to highlight the realities of jail life.

In 1980, the Indian government established the All India Jail Reforms Committee, chaired by Justice A.N. Mulla. The Committee proposed the creation of a National Prison Commission to oversee the modernization of India's prison system. The Justice Mulla Committee submitted its report on jail reforms to the Home Ministry on March 31, 1983, leading to several significant changes in the Indian prison system, including the development of a classification system suited to modern treatment approaches.

VIII. TYPES OF PRISON IN INDIA

Central Jail: Central jails are a key component of the Indian prison system, designed to accommodate long-term inmates, including those serving life sentences or convicted of serious crimes. Delhi has the highest number of central jails, with 16, followed by Madhya Pradesh with 11. Maharashtra, Punjab, Rajasthan, and Tamil Nadu each have 9 central jails, while Karnataka has 8, and Gujarat has 4. Arunachal Pradesh, Meghalaya, the Andaman and Nicobar Islands, Dadra and Nagar Haveli, Daman and Diu, and Lakshadweep do not have central jails.

Goal: Central jails primarily house serious criminals and those serving longer sentences, often exceeding two years. They may also accommodate individuals during prominent or significant trials.

Administration: These facilities are managed by the respective state governments under the oversight of the Director General or Inspector General of Prisons. While most adhere to national guidelines, each state has its own regulations governing central jail operations.

Infrastructure: Central jails are generally larger and better equipped than district or sub-jails. They often have specialized wards or sections for different types of prisoners, including facilities for juveniles, women's sections, and high-security blocks.

Facilities and Programs

Educational Programs: Many central jails offer literacy programs, career counselling, and opportunities for remote learning to enhance inmates' education.

Skill Development: Vocational training programs are commonly provided, teaching trades such as manufacturing, tailoring, and carpentry to aid in inmates' post-release rehabilitation and employment prospects.

Healthcare: Central jails are equipped with medical facilities and staffed by doctors and medical professionals. Critical cases are referred to external hospitals.

Recreational Activities: To support mental health, central jails often include libraries, sports facilities, and spaces for cultural events.

Counseling and Rehabilitation: Psychological counselling and rehabilitation programs, including anger management, substance abuse treatment, and mental health support, are available to help inmates adjust and prepare for reintegration into society.

Notable Central Jails in India

Tihar Jail (Delhi): One of South Asia's largest prison complexes, Tihar Jail is renowned for its extensive rehabilitation programs and vocational training initiatives and houses many high-profile inmates.

Yerwada Central Jail (Maharashtra): Known for its historical significance and size, Yerwada houses numerous long-term prisoners and offers various rehabilitation programs.

Puzhal Central Prison (Tamil Nadu): This modern facility is equipped with numerous amenities and focuses on rehabilitation and vocational training.

Arthur Road Jail (Maharashtra): Also known as Mumbai Central Prison, this high-security facility houses many undertrials involved in serious crimes.

District Jail: District jails are a crucial component of India's penal system. They are designed to accommodate individuals awaiting trial or serving short sentences and typically align with administrative districts. Here's an overview of their functions and characteristics:

Goal and Role: District jails house a variety of offenders, including those awaiting trial, those serving brief sentences, and occasionally individuals convicted of less severe offences. Their primary goal is to provide essential correctional services, including healthcare, rehabilitation, and security.

Administration: These facilities are managed by state prison departments, with oversight from the respective state governments. The Superintendent of the Jail, who holds the top position, is responsible for the overall management, safety, and welfare of the prisoners.

Facilities and Conditions: The quality of district jails in India varies significantly due to factors like funding, local government support, and infrastructure. While some district jails offer relatively better conditions and rehabilitation programs, others may face issues such as overcrowding and inadequate amenities.

Overcrowding: A major challenge in many district jails is overcrowding, often caused by a high number of inmates awaiting trial. Delays in the legal system and insufficient legal aid contribute to prolonged incarceration and exacerbate this issue.

Rehabilitation Programs: Many district jails offer basic educational and vocational training to help inmates reintegrate into society. These programs may include skill development workshops, substance abuse counselling, and literacy classes.

Healthcare Services: Providing quality healthcare in district jails can be challenging. Although medical care is available, its quality and accessibility can vary. Some jails have their medical facilities, while others rely on nearby hospitals.

Legal Aid: Legal aid is crucial for district jail operations, especially for those on trial. Various non-governmental organizations and state legal services authorities work to ensure that inmates receive the necessary legal support to expedite their trials and appeals.

States with Significant Numbers of District Jails: Uttar Pradesh (57), Madhya Pradesh (39), Bihar (31), Maharashtra (28), Rajasthan (24), Assam (22), Karnataka (19), Jharkhand (17), Haryana (16), Gujarat (11), Kerala (11), West Bengal (12), Chhattisgarh (11), Jammu & Kashmir (10), and Nagaland (10).

Sub-Jail: In India, a "sub-jail" refers to a prison that is smaller than central or district jails. These facilities typically house individuals serving shorter sentences or those awaiting trial. Sub-jails play a crucial role in alleviating overcrowding in larger jails and managing the inmate population. Here are some key aspects of Indian sub-jails:

Location and Purpose: Sub-jails are generally situated in smaller towns or suburban areas. Their primary role is to accommodate individuals serving shorter sentences, usually less than two years, and those awaiting legal proceedings or trial.

Administration: Sub-jails are managed by the state's Prison Department and operate under the oversight of the respective state governments. The regulations governing these facilities can vary from state to state.

Amenities and Conditions: Sub-jails typically have more basic facilities compared to central or district jails. They usually provide essential needs such as food, shelter, and healthcare. However, common issues include overcrowding, inadequate infrastructure, and limited access to rehabilitation programs.

Capacity and Overcrowding: Many sub-jails face overcrowding due to the high number of inmates awaiting trial. This overcrowding can lead to poor living conditions and strain on resources, affecting inmates' well-being.

Human Rights and Legal Concerns: There are ongoing concerns about the treatment of prisoners, their access to legal representation, and the quality of healthcare in sub-jails. Human rights organizations often advocate for reforms to improve conditions and ensure that inmates' rights are upheld.

Distribution: Nine states have a notably high number of sub-jails, indicating a well-structured system even at lower levels. These states are Maharashtra (100), Andhra Pradesh (99), Tamil Nadu (96), Madhya Pradesh (72), Karnataka (70), Odisha (73), Rajasthan (60), Telangana, and West Bengal (33 each). Odisha has reported the highest capacity of inmates in sub-jails. In contrast, seven states or union territories—Arunachal Pradesh, Haryana, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Chandigarh, and Delhi—do not have any sub-jails.

Overall, sub-jails are a vital component of India's penal system, providing a more localized and manageable environment for prisoners. Despite their limitations, ongoing improvements and attention are needed to address their shortcomings.

Open Prison: Open jails, also known as minimum security jails, are designed for well-behaved inmates who meet specific criteria set by prison regulations. These facilities feature minimal security and allow inmates to engage in agricultural work. The first open jail in India, Nettukaltheri, was inaugurated by Kerala's Home Minister P. T. Chacko on August 28, 1962, near Neyyar in Trivandrum.

Features of India's Open Prisons

Freedom of Movement: Inmates are allowed to move around the facility when performing community service or working outside.

Employment Opportunities: Prisoners are employed in various industries, agriculture, or on prison farms, sometimes including local industries.

Family Life: Some open prisons permit inmates to live with their families on the premises to foster family bonds and facilitate social reintegration.

Self-Sustenance: The open prison model encourages self-sufficiency, potentially reducing the cost of incarceration for the state.

Rehabilitation Focus: Emphasis is placed on rehabilitation rather than punishment, with inmates participating in counselling, job training, and educational programs.

Examples of Indian Open Prisons

Sanganer Open Jail, Rajasthan: Known for allowing inmates to work outside the prison and live with relatives, with a high level of trust in the inmates' return after work hours.

Yerawada Open Prison, Maharashtra: Focuses on industrial and agricultural labour to assist inmates in reintegration.

Benefits of Open Prisons

Reduced Recidivism: Open jails help lower recidivism rates by aiding the reintegration of ex-offenders into society.

Cost-Effectiveness: They are typically less expensive to operate than traditional jails because inmates manage their facilities.

Human Rights: These prisons offer a more humane approach to serving sentences by upholding the dignity of prisoners.

Special Jail: Special jails are maximum-security facilities designated for the confinement of particular categories of prisoners. These facilities typically house inmates convicted of serious offenses such as terrorism, violent crimes, habitual criminal behavior, significant breaches of prison rules, and those with violent or aggressive tendencies. Kerala has the highest number of special jails, with a total of 16. Tamil Nadu, West Bengal, Gujarat, Assam, Karnataka, and Maharashtra also have provisions for housing female inmates in these specialized prisons.

Women Jail: Women's jails are facilities specifically designated for the incarceration of female prisoners. These jails may be classified into sub-divisional, district, and central (zone/range) categories. In the US, 34 out of 1,330 prisons are dedicated exclusively to women. In India, as of December 31, 2022, there are 34 women's jails across 16 States and Union Territories (UTs), with a total capacity of 7,080. The distribution of these jails and their capacities are Rajasthan- 7 jails (998 capacity); Tamil Nadu- 5 jails (2,018 capacity); Kerala- 3 jails (232 capacity); Andhra Pradesh- 2 jails (280 capacity); Bihar- 2 jails (202 capacity); Gujarat- 2 jails (410 capacity); Punjab- 2 jails (608 capacity); Uttar Pradesh- 2 jails (540 capacity); Delhi- 2 jails (680 capacity); Karnataka- 1 jail (100 capacity); Maharashtra- 1 jail (262 capacity); Mizoram- 1 jail (96 capacity); Odisha- 1 jail (55 capacity); Telangana- 1 jail (260 capacity); Tripura- 1 jail (25 capacity); and West Bengal- 1 jail (314 capacity). The remaining 20 States/UTs do not have separate women's jails. As of December 31, 2022, the actual number of female prisoners in these women's jails was 4,258, resulting in an occupancy rate of 60.1%, which includes 18 transgender inmates. In other types of jails, which also house female inmates, the capacity was 24,077, with an actual number of 19,532 women, leading to an occupancy rate of 81.1%. Out of a total of 573,220 prisoners, 549,351 were male, 23,772 were female, and 97 were transgender. Uttarakhand reported the highest female occupancy rate at 166.5%, followed by Bihar at 146.8% and Uttar Pradesh at 128.2%. Uttar Pradesh had the highest number of female inmates at 4,809, followed by Bihar with 2,938 and Madhya Pradesh with 1,911.

Borstal School: A Borstal School is a type of detention facility specifically designed for minors or juvenile offenders. The primary purpose of Borstal Schools is to offer care, welfare, and rehabilitation tailored to the age of the inmates while keeping them separated from the detrimental environment of traditional prisons. These schools provide juvenile offenders with a range of vocational training and educational opportunities facilitated by qualified teachers. The emphasis is on moral development, education, and training to facilitate rehabilitation and deter future criminal behaviour. Borstal Schools are present in nine states: Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Punjab, Rajasthan,

Tamil Nadu, and Telangana. Tamil Nadu has the highest capacity, able to accommodate up to 678 prisoners. Himachal Pradesh and Kerala are the only states where both Borstal Schools have facilities to house female prisoners.

Other Jail: Jails that do not fit into the previously mentioned categories are classified as Other Jails. Karnataka, Kerala, and Maharashtra each have one such jail within their jurisdiction. Among these, Karnataka has the highest capacity, accommodating 250 inmates, followed by Kerala with 142, Goa with 45, and Maharashtra with 28.

IX. PRISON ADMINISTRATION IN INDIA

Human rights law advocates that no crime should be punished in a manner that is inhumane, harsh, or degrading. Conversely, it could be argued that any punishment deemed inhumane, cruel, or degrading should itself be considered a crime. While the protection of prisoners' rights is a globally recognized principle, the specific laws governing these rights vary by country. Prisons house a diverse range of individuals, including convicted criminals, those awaiting trial, preventive detainees, women, and minors. Each of these groups has specific rights tailored to their circumstances.

Incarceration primarily results in the loss of liberty and freedom of movement, leading to the restriction of many other rights. Mahatma Gandhiji, in 1917, remarked that "Jails should be hospitals that admit criminal patients for treatment and cure. Criminals should be treated like patients in hospitals," emphasizing that correctional staff should adopt an attitude akin to healthcare professionals. The officials should strive to treat prisoners with the same respect and care as friends. The preservation of prisoners' rights gained significant momentum in the 20th century, evolving into a global focus by its end. Justice V.R. Krishna Iyer famously asserted, "Prison does not mean the end of fundamental rights." The government has suggested transforming jails into boarding schools and hospitals, with the expectation that prison staff will treat inmates with decency. Ensuring humane treatment of prisoners is a crucial responsibility of law enforcement. The judicial and legislative efforts to reinforce prison jurisprudence are aimed at preventing police abuse of inmates. The Indian judiciary has emerged as a protector of prisoners' rights, in contrast to the executive and legislative branches, which have struggled to address these issues effectively. The Supreme Court has played a significant role in safeguarding prisoners' rights, providing necessary directives to both the legislature and the executive. The Indian judiciary's commitment to protecting prisoners' human rights is evident, and judicial activism has become a vital tool for upholding life and dignity. Article 21 of the Indian Constitution allows courts to extend prisoners' rights, and the Supreme Court has emphasized that "Human rights jurisprudence in India has a constitutional status and sweep... so that this Magna Carta may well toll the knell of human bondage beyond civilized limits" (Sunil Batra II). Despite numerous legislative measures to prevent cruel treatment and enhance rights, laws alone are insufficient. True protection requires dedicated efforts and proper enforcement to realize these aspirations. Justice Krishna Iyer aptly described the vision for prisons as follows: "The hopeful note of national prison policy struck by the constitution and the court is a reformatory philosophy, rehabilitative strategy, therapeutic prison treatment, and the enhancement of prisoners' personalities through a technology of fostering the fullness of being - a creative art of social defence and correctional process activating fundamental guarantees of prisoners' rights."

X. GANDHIJI AS A PRISONER IN SOUTH AFRICA AND INDIA:

In 1893, Mahatma Gandhiji travelled to South Africa to serve as a legal representative for the Indian community, intending to stay for just one year. However, he ended up spending 21 years there, during which he confronted and fought against racial discrimination and injustice.

Imprisonment: Gandhiji faced multiple imprisonments in South Africa due to his activism:

- **1897:** Gandhiji was arrested in January for allegedly inciting racial hatred after his ship was attacked by a mob in Durban, though the charges were later dropped.
- **1908 and 1909:** Gandhiji was imprisoned for his efforts to organize the Indian community against the discriminatory laws of the Transvaal government. He received a two-month sentence in 1908 and a three-month sentence in 1909.
- **1913:** This period marked significant imprisonment as Gandhiji led a large-scale strike of Indian workers protesting discriminatory taxes and other injustices. He was arrested several times and served terms in Volksrust, Pretoria, and Johannesburg.

Harsh Conditions: The prison conditions were severe, characterized by poor sanitation, inadequate food, and strenuous labour. Despite these hardships, Gandhiji used his time in prison for reflection and writing, which further developed his philosophy of nonviolent resistance.

Solidarity and Leadership: Gandhiji's imprisonment galvanized solidarity within the Indian community and drew international attention to their struggles. His leadership during these times solidified his role as a central figure in the fight for civil rights.

Development of Satyagraha: Gandhiji refined his philosophy of Satyagraha, or nonviolent resistance, during his imprisonment. He advocated that truth and resistance to injustice should be pursued without violence.

Gandhiji's Philosophy of Nonviolence and Justice:

Satyagraha (Nonviolent Resistance): Gandhiji saw Satyagraha as the most powerful weapon against injustice. He viewed imprisonment as a form of peaceful protest, believing that accepting imprisonment could demonstrate moral strength and challenge unjust laws.

Truth and Human Dignity: Central to Gandhiji's philosophy was the belief in truth (Satya) and the inherent dignity of every individual. He argued that even prisoners deserve respect and humane treatment, reflecting a society's moral values.

Gandhiji's Experiences and Observations in South African Prisons:

Racial Discrimination: Gandhiji observed firsthand the racial discrimination faced by Indian and African prisoners, noting the severe mistreatment of African inmates.

Solidarity with African Prisoners: Recognizing shared experiences of oppression, Gandhiji sought to build solidarity with African prisoners, emphasizing the need for unity among oppressed communities.

Critique of Colonial Justice System: Gandhiji critiqued the colonial justice system for its arbitrary and discriminatory application of laws, which reinforced colonial power dynamics rather than delivering true justice.

Ethical and Moral Reflections on Imprisonment:

Imprisonment as Moral Protest: Gandhiji viewed imprisonment as a powerful form of moral protest. He believed that accepting imprisonment without resistance could highlight the injustice of oppressive laws and corrupt authorities.

Spiritual and Personal Growth: Gandhiji saw imprisonment as an opportunity for spiritual growth and personal sacrifice, encouraging his followers to view it as a testament to their commitment to truth and justice.

Long-term Impact and Legacy: Gandhiji's experiences in South Africa and his development of nonviolent resistance had a profound impact on global civil rights movements. His ideas inspired leaders such as Martin Luther King Jr. and Nelson Mandela. Gandhiji's philosophy continues to influence discussions on prison reform and human rights, providing a framework for addressing contemporary issues of mass incarceration, racial discrimination, and justice. His legacy challenges us to rethink the purpose and practice of imprisonment and strive for a more humane society.

XI. GANDHIJI IN INDIAN PRISONS:

- ✓ **April 16, 1917:** While touring Champaran, Gandhiji was served a notice to leave the district but was not arrested.
- ✓ **April 10, 1919:** Gandhiji was arrested in Palwal while en route to Amritsar and was taken back to Bombay. He was released on April 11.
- ✓ **March 10, 1922:** Gandhiji was arrested near Sabarmati Ashram for writing three articles in *Young India*. He was sentenced to six years in prison and was released from Yervada Prison on February 5, 1924, following an operation on January 12, 1924.
- ✓ **May 5, 1930:** Gandhiji was arrested at 12:45 a.m. in Karadi, near Dandi, for violating the salt law. He was imprisoned without charge or trial and was released unconditionally on January 26, 1931.
- ✓ **January 4, 1932:** After being arrested in Bombay at 3 a.m., Gandhiji was taken to Yervada Jail. Due to his rapid progress, he was discharged at 6 p.m. on May 8, 1933.
- ✓ **August 1, 1933:** Gandhiji was arrested early in the morning in Bombay after marching toward Rass. He was released on August 4, 1933, at 9 a.m. and ordered to leave the Yervada bounds by 9:30 a.m. Upon refusal to comply, he was arrested again at 9:50 a.m. on April 4 and sentenced to a year in prison. He began working on August 16 and was released unconditionally on August 23 due to a major health issue.
- ✓ **August 9, 1942:** Following the "Quit India" resolution, Gandhiji was arrested under the Defence of India Act in the early hours and taken to Agakhan Palace Jail. He was unconditionally released on May 6, 1944, at 8 a.m.

XII. CURRENT STATUS OF PRISON

Overcrowding and Staffing Shortages: Many prisons, particularly federal ones, are struggling with severe overcrowding, with some facilities operating well beyond their intended capacities. For instance, federal prisons are projected to be 10% over capacity in 2024 (The Marshall Project). This overcrowding is worsened by chronic staffing shortages, which create hazardous conditions for both inmates and staff. Some prisons are so understaffed that non-security personnel, such as teachers and case managers, are being pressed into roles as corrections officers (The Marshall Project; Wisconsin Watch).

Deteriorating Infrastructure: The infrastructure of many prisons is deteriorating, requiring extensive maintenance and repairs. Common issues include unsanitary conditions, mold, leaks, and fire hazards. The Bureau of Prisons has a \$2 billion backlog for maintenance and repairs, but inadequate funding has prevented addressing these issues effectively (The Marshall Project).

Healthcare and Mental Health Services: Healthcare and mental health services in prisons are insufficient, leading to preventable deaths and poor treatment outcomes. Staffing shortages in clinical roles, such as psychologists and psychiatrists, exacerbate the problem. Additionally, the excessive use of solitary confinement is linked to higher rates of suicides and homicides among inmates (The Marshall Project).

Program Reductions: Programs designed to alleviate prison overcrowding, such as the Elderly Offender Program and provisions of the CARES Act, are being rolled back. These programs allowed certain inmates to serve their sentences under home confinement, which helped reduce the strain on prison facilities. The rollback of these programs is likely to further increase the prison population (The Marshall Project).

State-Level Issues: State prisons are facing similar challenges. For example, Wisconsin's prisons have experienced severe staffing shortages, with some facilities reporting that nearly half of their corrections officer positions are vacant. This situation has led to mandatory overtime and extended lockdowns, negatively affecting both staff morale and inmate conditions (Wisconsin Watch).

Overall Impact: These issues create a cycle of deteriorating conditions: understaffing leads to more dangerous environments, which in turn drives more staff to leave, worsening the problem. This downward spiral hinders the effective implementation of rehabilitative programs and further strains the prison system (Wisconsin Watch).

XIII. GANDHIAN VIEWS ON PRISON:

Ahimsa: Gandhiji's perspectives on punishment and incarceration were deeply rooted in his commitment to nonviolence. He opposed all forms of violence, including the punitive measures typically associated with prisons. Rather than viewing incarceration as a means of revenge, he saw it as an opportunity for personal and societal transformation.

A Place for Self-Reflection and Purification in Prison: Gandhiji regarded his imprisonment as a chance for introspection and spiritual growth. During his time in prison, he engaged in extensive reading, writing, and meditation, using the experience to cultivate inner peace and reinforce his dedication to nonviolent justice.

Disobedience to the Law and Willingness to Enter Prison: In his approach to civil disobedience, Gandhiji deliberately violated unjust laws and willingly accepted the consequences, including imprisonment. This strategy aimed to highlight the unfairness of the laws and to awaken the consciences of both the oppressors and the public. By embracing incarceration, Gandhiji sought to demonstrate the moral high ground of his cause.

Reforming the Prison System: Gandhiji believed that the prison system needed reform, with a focus on rehabilitation rather than punishment. He advocated for the humane treatment of inmates, improved living conditions, and educational opportunities, envisioning prisons as environments where individuals could rehabilitate and reintegrate into society.



An Analysis of the Penal System: Gandhiji critiqued the criminal justice system for prioritizing punishment and deterrence over addressing the root causes of crime. He argued that tackling social, economic, and political injustices would be more effective in reducing crime than imposing severe penalties.

Prisoners' Rights: Gandhiji championed the rights of prisoners, emphasizing the importance of treating them with dignity and respect. He pushed for legal reforms to ensure that prisoners' fundamental human rights were protected, opposing the dehumanization and mistreatment they often faced.

XIV. SUGGESTIONS FOR PRISON REFORM: GANDHIAN PERSPECTIVE

Restorative Justice Gandhiji believed in reconciliation and healing rather than retribution. Restorative justice focuses on repairing the harm caused by criminal behaviour through mediated dialogue between the victim and the offender. This approach fosters understanding, forgiveness, and resolution. Implementation: Create restorative justice programs within the prison system where offenders can meet with their victims, understand the impact of their actions, and take steps to make amends. Such programs have been shown to reduce recidivism and help victims heal. Humane Treatment and Rehabilitation. Gandhiji emphasized the importance of treating every individual with respect and dignity. Prisons should focus on rehabilitation rather than punishment, providing inmates with education, vocational training, and psychological support. Implementation: Enhance educational and vocational training programs to prepare inmates for reintegration into society. Provide adequate mental health services and counselling to address the psychological needs of prisoners. Non-Violent Discipline Non-violence (ahimsa) is a core Gandhian principle. The prison environment should minimize the use of force and instead employ non-violent methods of discipline and conflict resolution. Implementation: Train prison staff in non-violent communication and conflict resolution techniques. Use positive reinforcement and restorative practices to manage inmate behaviour instead of punitive measures like solitary confinement. Community Integration Gandhiji believed in the power of community and self-sufficiency. Prisons should facilitate programs that maintain and strengthen inmates' ties to their families and communities, as strong social support networks are crucial for successful reentry. Implementation: Establish community-based programs that allow inmates to participate in community service and engage with the outside world in a controlled manner. Promote family visitation and involve community volunteers in rehabilitation efforts. Focus on the Root Causes of Crime Addressing the socioeconomic factors that lead to criminal behaviour aligns with Gandhian ideals of social justice and equality. Efforts should be made to address poverty, lack of education, and unemployment, which are often root causes of crime. Implementation: Develop initiatives aimed at improving socio-economic conditions in communities with high crime rates. Implement preventive measures like education and employment programs targeted at at-risk populations. Empowerment and Self-Sufficiency Gandhiji promoted the idea of self-sufficiency and empowerment through self-reliance. Prisons should encourage inmates to take responsibility for their lives and futures. Implementation: Introduce programs that teach inmates skills like meditation, yoga, and other self-help practices that promote personal growth and self-discipline. Encourage entrepreneurial initiatives within prisons, where inmates can learn business skills and manage small projects. Transparency and Accountability a Gandhian approach emphasizes truth and transparency. The prison system should be transparent about its operations and held accountable for any mistreatment or abuse. Implementation: Establish independent oversight bodies to monitor prison conditions and investigate complaints. Ensure that data on prison conditions, inmate treatment, and outcomes of rehabilitative programs are publicly accessible (The Marshall Project; Wisconsin Watch).

XV. CONCLUSION

The Gandhian view on prison reform presents a transformative vision that goes beyond mere punishment, focusing instead on the moral and spiritual rehabilitation of individuals. Gandhiji's philosophy highlights the intrinsic value of every person and advocates for a prison system aimed at restoration rather than retribution. His approach is rooted in nonviolence, truth, and compassion, seeing crime as a social illness that requires understanding and healing. Gandhian prison reform emphasizes constructive work, education, and moral development within the prison system. By involving inmates in meaningful activities and fostering ethical values, Gandhiji envisioned prisons as centres for character development and societal reintegration. His advocacy for humane treatment and the elimination of severe punishments reflects a profound respect for human dignity and the potential for personal growth. In contemporary contexts, Gandhian ideals offer a relevant alternative to current prison practices. With many prison systems grappling with issues like overcrowding, high recidivism rates, and human rights abuses, Gandhiji's principles present a compelling option for creating more rehabilitative and less punitive justice systems. Adopting his approach could lead to environments where offenders have genuine opportunities for reform and reintegration into society. Gandhian perspectives on prison reform urge a reevaluation of current penal practices. By embracing nonviolence, empathy, and the belief in human potential for change, we can strive towards a more just and compassionate criminal justice system that reflects the highest ideals of humanity.

REFERENCES

1. Allen, D. (2001). *Gandhi: The Prisoner*. In *Mahatma Gandhi: Nonviolent Power in Action* (pp. 72-93). Columbia University Press.
2. Bondurant, J. V. (1958). *Conquest of Violence: The Gandhian Philosophy of Conflict*. Princeton University Press.

3. Cullen, F. T., and Jonson, C. L. (2011). *Rehabilitation and Treatment Programs*. In *Criminological Theory: Past to Present* (pp. 374-384). Oxford University Press.
4. Dalton, D. (2012). *Mahatma Gandhi: Nonviolent Power in Action*. Columbia University Press.
5. Gandhi, M.K. (1927). *The Story of My Experiments with Truth*. Navajivan Publishing House.
6. Gandhi, M.K. (1948). *The Story of My Experiments with Truth*. Navajivan Publishing House.
7. Gandhi, M.K. (1960). *My Non-violence*. Navajivan Publishing House.
8. Gandhi, M.K. (1969). *The Collected Works of Mahatma Gandhi* (Electronic Book). Publications Division, Government of India.
9. Iyer, R. (1973). *The Moral and Political Thought of Mahatma Gandhi*. Oxford University Press.
10. Kumar, R. (2000). *Gandhi's Concept of Nonviolence and Its Application*. *Journal of Peace Research*, 37(4), pp.483-493.
11. Ministry of Home Affairs, Government of India. (2003). *Model Prison Manual for the Superintendence and Management of Prisons in India*. Bureau of Police Research and Development.
12. Parekh, B. (1997). *Gandhi: A Very Short Introduction*. Oxford University Press.
13. Penal Reform International. (2018). *Global Prison Trends 2018*. Retrieved from Penal Reform International.
14. Rotman, E. (1990). *Beyond Punishment: A New View on the Rehabilitation of Criminal Offenders*. Greenwood Press.
15. Sethna, M.J. (1952). *Society and the Criminal*. Leaders' Press, New York, USA
16. Sharma, A. (2005). *Relevance of Gandhian Thoughts in Modern Times: With Special Reference to the Indian Prison System*. Unpublished doctoral dissertation, University of Delhi.
17. <https://www.themarshallproject.org/2024/01/06/federal-prisons-release-staffing>
18. <https://wisconsinwatch.org/2024/02/wisconsin-prisons-lockdowns-inmates-correctional-institutions-guards/>

