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## The Colonial Prison: Power, Knowledge and Penology in Nineteenth-Century India\*

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Michel Foucault's *Discipline and Punish* begins with a horrific scene of public torture and execution in Paris in 1757. Boiling oil, molten lead and sulphur are poured into the body of the regicide Damiens as royal power wreaks its brutal revenge. Steel pinchers pick at his flesh; horses pull apart his half-severed limbs. Slowly Damiens dies and his dismembered body is burnt to ashes.<sup>1</sup> For Foucault this grisly spectacle serves as prologue to that moment in the history of repression 'when it became understood that it was more efficient and profitable in terms of the economy of power to place people under surveillance than to subject them to some exemplary penalty'.<sup>2</sup> By the 1830s, eighty years after Damiens' execution, such spectacles of physi-

cal punishment had disappeared: 'the tortured body was avoided; the theatrical representation of pain was excluded from punishment. The age of sobriety in punishment had begun'.<sup>3</sup> In the new penology the body ceased to be the main target of repression. In the closed and ordered world of the prison the aim was not to torment the flesh but to reach beyond the body, 'to correct, reclaim, [and] "cure" the 'soul' of the prisoner. Punishment, Foucault quotes a contemporary as saying, 'should strike the soul rather than the body'. The violent expiation that once rained down upon the captive body was replaced by 'a punishment that acts in depth on the heart, the thoughts, the will, the inclinations'.<sup>4</sup>

The new penology found, according to Foucault, its definitive statement in Jeremy Bentham's 'Panopticon' of 1791. In this theoretical scheme warders, located in a central tower, command an unobstructed view of the entire prison. The cells are 'like so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible'. So effectively does the Panopticon manipulate space and facilitate surveillance that brutal punishments are redundant. The Panopticon, 'this marvellous machine' as Foucault described it, was to induce in each prisoner 'a state of conscious and permanent visibility that assures the automatic functioning of power'.<sup>5</sup>

For Foucault the prison was more than a penal institution, penology more than a discourse about prisoners and punishment. The Panopticon was 'at once a programme and a utopia',<sup>6</sup> an exemplary form of the diverse mechanisms and multiple discourses of power which pervaded Western societies by the early decades of the nineteenth century. It was a form that had its analogues in the school, the hospital, the mental asylum, the parade ground, and the factory. But the prison was not seen by Foucault, as it has been by many Marxist writers, as the stark expression of class coercion and repressive state power: 'One impoverishes the question of power', he told an interviewer, 'if one poses it solely in terms of legislation and constitution, in terms solely of the state and the state apparatus.' Power was 'both different from and more complicated, dense and pervasive than a set of laws or a state apparatus'.<sup>7</sup> For Foucault there could be no 'Foucaultian state';

<sup>3</sup> *Discipline and Punish*, p. 14.

<sup>4</sup> *Ibid.*, pp. 10, 16.

<sup>5</sup> *Ibid.*, pp. 200-2.

<sup>6</sup> *Power/Knowledge*, p. 159.

<sup>7</sup> *Ibid.*, p. 158.

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<sup>1</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Harmondsworth, 1979), pp. 3-5.

<sup>2</sup> Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (Brighton, 1980), p. 38.

nor could power form the monopoly of a single class or cluster of individuals. Although the 'techniques of power' might be invented to meet the 'demands of production' in a very general (and not merely economic) sense, although power might, broadly speaking, be 'consubstantial with the development of forces of production', power itself was never localized 'in anybody's hands, appropriated as a commodity or piece of wealth'.<sup>8</sup> In thinking of the mechanisms of power, Foucault was thinking rather of

its capillary form of existence, the point where power reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives. The eighteenth century invented, so to speak, a synaptic regime of power, a regime of its exercise *within* the social body, rather than *from above* it.<sup>9</sup>

## I

It would not be difficult (nor particularly original) to contrast Foucault's paradigmatic view of prison discipline and institutional surveillance with a different perspective drawn from colonial India. There we are confronted, first of all, with episodes of resistance, of 'revolts against the gaze', which suggest that prisoners were far from being the 'docile bodies' Foucault described.<sup>10</sup> While there has been a tendency in the past to see prison protests as essentially a mark of the period of nationalist incarceration, particularly from 1920 onwards, the more one explores the history of the nineteenth-century prison in India the more frequent such episodes of resistance appear and the more significant they seem in the evolution of colonial penology.

Anand Yang has recently discussed one of these incidents in some detail—the opposition of prisoners in the jails of Bihar to the introduction of a common messing system in 1842 and 1845.<sup>11</sup> Until the 1840s prisoners in the Bengal Presidency had been allowed to purchase

<sup>8</sup> *Ibid.*, pp. 98, 159, 161.

<sup>9</sup> *Ibid.*, p. 39.

<sup>10</sup> *Ibid.*, p. 162. Resistance is given a more significant place elsewhere in Foucault's work. The statement 'Where there is power, there is resistance . . . (*The History of Sexuality: An Introduction*, Harmondsworth, 1984, p. 95) is closer to the spirit of the present essay.

<sup>11</sup> Anand A. Yang, 'Disciplining "Natives": Prisons and prisoners in early nineteenth century India', *South Asia*, 10:2 (1987), pp. 29–45.

and prepare food for themselves: they were given a money dole to buy their own food and a place to cook in the prison yard. This enabled them to follow the requirements of their caste; it also relieved the tedium of prison life. But the consequences for prison administration could be chaotic. Dr H.M. Cannon, Inspector of Prisons for Awadh, remarked in the 1860s, after this system had disappeared, that

No-one who has not visited a large jail at meal times, under the old system (where every prisoner cooked for himself) can for a moment conceive the Babel of jabbering and confusion, the dirt and filth from spilt water, ashes, and newly constructed mud fire-places, the waste of flour and fuel, to say nothing of the peculation and total absence of all discipline, and the time afterwards expended in cleaning up and stowing away some hundreds of brass lotahs [water pots] and cooking vessels, with the accompanying hundreds of yards of string for drawing water.<sup>12</sup>

In a bid to strengthen jail discipline, curb this daily chaos, and make prison life more deterrent, the government decided that in future prisoners would only receive food prepared for them by prison cooks and eat it alongside other prisoners regardless of their caste. This innovation sparked protests and hunger strikes, assaults and eventually riots. But, argues Yang, echoing Foucault, the prisoners' opposition was not allowed to 'turn back the development of a new system of discipline and punishment' and, by deploying its 'overwhelming coercive power', the state ultimately succeeded in imposing the new messing system upon the prisoners.<sup>13</sup>

In fact, the outcome was more equivocal than Yang's account suggests. In the neighbouring North-Western Provinces resistance to messing was more protracted than in Bihar and effectively delayed the introduction of the new system for months, even, in some places, years. As late as 1854 it had still not been implemented in eight of the forty prisons in the province and in five others had been enforced only with respect to new or low-caste prisoners. Following a riot at Allahabad jail in May 1846, the government decided that compulsory

<sup>12</sup> *Report of the Inspector of Prisons in Oudh for the Year 1862* (Lucknow, 1864), p. 33.

<sup>13</sup> Yang, 'Disciplining "Natives"', p. 42. See also *Report of the Prison Discipline Committee* (Calcutta, 1838), pp. 30–4. An earlier attempt (in the 1790s) to prohibit self-catering among prisoners in Bengal also ran into formidable opposition and had to be abandoned.

enforcement of messing should be avoided altogether if it was likely to provoke serious opposition and cause bloodshed.<sup>14</sup>

The conflict over messing was not an isolated episode. During the course of the century there were a number of occasions when prisoners overpowered their guards, took over the jails and temporarily dictated terms to the prison authorities. In April 1834, at Calcutta's Alipur Jail, the most important penal institution in British India at the time, the European magistrate was brained by a brass *lota* and administrative control was only with difficulty restored.<sup>15</sup> Perhaps mindful of this incident, in April 1855 Bengal's Inspector of Jails ordered the confiscation of all unauthorized possessions from prisoners. He included *lotas* among the items to be seized although they had not previously been prohibited. Fuelled at this time of rampant rumour by reports that the seizure of *lotas* was an attempt to break caste and force conversion to Christianity, determined resistance broke out at several jails, notably Muzaffarpur and Arrah in Bihar. At the first of these the district magistrate, faced with both the protests of the prisoners and a menacing crowd of opium-producing *raiya*ts outside the prison gates, agreed to return the confiscated *lotas*. Despite the evident loss of prestige this climb-down entailed, the provincial government approved the magistrate's decision and instead annulled the Inspector of Jails' 'injudicious, inconsiderate and improper order'.<sup>16</sup>

Such episodes of open defiance illustrate the authorities' difficulty in exercising effective disciplinary control over prisoners, especially during the first sixty years of the nineteenth century. They suggest, too, the ease with which disputes within the prisons could spill over into neighbouring communities and attract outside sympathy. Far from being a captive domain in which discipline might reign supreme, the prison often became (as it did again during the nationalist era) a focus or symbol of wider defiance against the British. Thus the connection between prison protest and popular revolt presaged by the jail disturbances of the 1840s and early 1850s in Bihar and the North-

<sup>14</sup> J.P. Woodcock, Magistrate, Allahabad, to Session Judge, Allahabad, 18 May 1846, NWP Criminal Judicial Proceedings, 5, 1 July 1846, India Office Library (hereafter IOL); C.B. Thornhill, Inspector-General of Prisons to Secretary, NWP, 27 January 1854, NWP Criminal Judicial Proceedings, 296, 14 February 1854, IOL.

<sup>15</sup> *Prison Discipline Committee*, p. 63.

<sup>16</sup> A.E. Russell, Magistrate, Tirhut, to Session Judge, 10 May 1853, Bengal Judicial Proceedings, 3, 7 June 1855, IOL; minute by Lt.-Governor F.J. Halliday, 18 May 1855, *ibid.*, no. 7.

Western Provinces became a widespread reality with the wholesale liberation of prisoners and destruction of jails in Mirat, Kanpur, Allahabad and elsewhere during the insurgent summer of 1857.<sup>17</sup>

In addition to acts of outright or covert resistance by prisoners, the prison system was honeycombed from within by laxity and ineptitude, by evasion and intrigue. When F.J. Mouat became Bengal's Inspector of Prisons in 1855 he found no effective prison system at all in the province, only an absolute want of 'order, system, and method in the management of the prisons placed under my control'.<sup>18</sup> J. Rohde, the Madras Inspector, complained in the following year that

the mode in which sentences are carried out . . . is very lax; we have no means of enforcing hard labour within the walls, and the work exacted outside is, to a labouring man at least, anything but *hard* labour; in most jails no fixed task is exacted, prisoners are too often employed with very little regard to the object of their being in prison; they have, outside the walls, access to their friends. There is too much community of feeling between the guards and the prisoners . . .<sup>19</sup>

Some twenty years later, in 1877, the President of the Indian Jail Conference observed that the 'great practical fault of our jail system is that orders are not rigidly carried out'. Another speaker took a similar view, claiming that the Indian prison was 'entered without dread and inhabited without discomfort'.<sup>20</sup> Where in all this, one might ask, was the Panopticon and the pervasiveness of penological power?

It was freely stated by some prison officers that the day-to-day running of prisons was largely out of their control and 'almost entirely in the hands of the convicts' themselves.<sup>21</sup> In the absence of trained

<sup>17</sup> John Kaye, *History of the Indian Mutiny of 1857-8* (London, 1870), II, pp. 42, 44-5, 192-3, 232; William Edwards, *Personal Adventures during the Indian Rebellion in Rohilkund, Futteghur, and Oude* (London, 1858), pp. 3, 9-11. A further factor here was that the prisoners included Brahmins, Rajputs and others, sentenced for affrays and similar crimes: many of them must have had relatives among the rebellious *sepoys* of the Bengal Army.

<sup>18</sup> Mouat, *Report on Statistics*, p. 2.

<sup>19</sup> J. Rohde to Chief Sec., Madras, 30 April 1856, *Report of the Inspector of Prisons, Fort St. George, 1856* (Madras, 1856), report, para. 6.

<sup>20</sup> *Report of the Indian Jail Conference Assembled in Calcutta in January-March 1877* (Calcutta, 1877), pp. 47, 121.

<sup>21</sup> *Report of the Indian Jails Committee 1919-20*, I, *Report and Appendices* (Simla, 1920), p. 56; II, *Minutes of Evidence taken in England, the Madras Presidency and the Andamans*, p. 34.

supervisory staff and with senior prison officers weighed down with paperwork and administrative duties, the internal management of the prison was mainly left to ill-paid and corrupt subordinates—or to warders drawn from the convict population. The practice of using prisoners to run the jails began in Malaya early in the century, and, because it was economical rather than because it was efficient, soon spread to Bengal and the rest of India. Convict officers served as overseers on work gangs or in jail workshops and as nightwatchmen in the prison wards or barracks. They were rewarded with special privileges (such as being allowed to smoke when possession of tobacco was forbidden to other inmates). Some even received small monthly payments. In the North-Western Provinces in the 1880s they were provided with special uniforms, permitted to eat and sleep apart from the rest of the prisoners, and 'to wear their hair and beards as in ordinary life'.<sup>22</sup> The main objection to the use of convict warders was that they tainted the prison system with their own criminality and dangerously blurred the distinction between the watchers and the watched. One member of the 1877 Jail Conference called the employment of convict officers 'an inversion of the order of things'. Entrusting one group of convicts with authority over others, he said, broke down 'the boundary . . . which should always strongly exist between convicts and their keepers . . . It is more like burlesque than serious government to take a law-breaker and dress him up and pay him to act the part of upholder of the law'.<sup>23</sup>

And yet (because it suited the authorities to turn a blind eye to their abuses) convict officers survived and flourished. A great deal of the actual, if illicit, power of the prison system flowed through their hands. They organized much of the smuggling that went on between the prison and the outside world, kept open lines of communication between prisoners and their friends and relatives outside. They were also held responsible for much of the extortion, violence and sexual harassment that went on in prison. V.O. Chidambaram Pillai, a witness to the Indian Jails Committee of 1919–20 and himself a former prisoner, alleged that convict warders were the 'medium of all the extortions,

<sup>22</sup> William Walker, *Rules for the Management and Discipline of Prisoners in the North-Western Provinces and Oudh* (Allahabad, 1882), pp. 42, 115–16.

<sup>23</sup> *Indian Jail Conference, 1877*, pp. 70–2; *Report of the Committee Appointed to Enquire into Certain Matters Connected with Jail Administration in India* (Calcutta, 1889), pp. 49–51; *Indian Jails Committee 1919–20*, I, pp. 68–71.

unnatural offences and tortures in jail'. Convict warders, he said, organized the physical intimidation of new prisoners in order to extort money from them or simply to make them submit to their authority.<sup>24</sup> The prison created an institutional and social space which was colonized by other, unofficial, networks of power and knowledge than those represented by formal prison authority.

## II

One of the ways in which the prison came to be colonized by middle-class nationalists from the 1890s onwards was through the publication of prison diaries and memoirs recounting their experiences and struggles with the prison authorities.<sup>25</sup> It is more difficult, however, to gain access to the experiences of earlier generations of prisoners from other class backgrounds, especially the illiterate prisoners who formed the great majority of nineteenth-century convicts. But occasionally intercepted notes and messages provide some insights into their attitudes and concerns.

'Honoured Sir', ran a letter from a prisoner in Calcutta's Alipur Jail in May 1913,<sup>26</sup>

Our earnest prayer to Nirmal Babu is that we have received from that man, the sum of Rs 10, *ganja* 1 tola, opium 1 tola, and 2 soaps. The soaps are not required. I get soaps from the godown for washing clothes of Tulsi Singh. I am at present working at the *dal* godown as convict overseer. Everything there is at my disposal. Everything is done with my permission. The jemadar [warder] has full confidence in me.

The writer, Sribande Ali, then went on to explain to 'Nirmal Babu' that his friend Tulsi Singh 'earnestly requested' him to send a petition to the prison governor on their behalf: 'When the Governor will come

<sup>24</sup> *Indian Jails Committee, 1919–20*, II, p. 268–9.

<sup>25</sup> For the middle-class discovery of the prison in the 1890s and 1900s, see *Hitavadi*, January 1898, *Bengal Native Newspaper Reports*, for the editor's jail experiences; *Dnyam Prakash* (Bombay), 12 September 1898, *Bombay Native Newspaper Reports* for Tilak's in prison; V.D. Savarkar, *The Story of My Transportation for Life* (Bombay, 1950); and, for Gandhi in South Africa, *The Collected Works of Mahatma Gandhi IX* (Delhi, 1966). For later examples of this genre, see C. Rajagopalachari, *Chats Behind Bars* (Madras, n.d.) and *Rajaji's 1920 Jail Life* (Madras, 1941).

<sup>26</sup> These letters are taken from *Indian Jails Committee, 1919–20* II, pp. 406–10.

to hold an enquiry into the matter, as to how provisions are stolen from the godown, we will point out how these things are managed. We know everything.' After this thinly veiled threat to blow the gaff on Nirmal, Ali closed his letter with a polite request for further supplies: 'Please send cash Rs 20, 4 soaps [so soap was useful after all!], ganja 2 tolas, 8 boxes of cigarettes, 10 stamps, and send a reply.'

Not all prisoners who tried to send messages out of Alipur Jail concerned themselves with pilfered stores and smuggled ganja. One asked anxiously after the health of his father, though he too wanted a fresh supply of ganja, biris, cigarettes ('motor-car brand') and sweets; another, sentenced for housebreaking, promised not to disobey his mother again—'if I come back this time'.

Urgent messages also passed between prisoners within the jail. In July 1918 an undertrial prisoner named Laloo was sent the following note:

Look here Laloo,  
Save us. Don't admit anything. If you confess then both you and we shall suffer. You should do what may save us all. Say you don't know anything . . . This time we shall have to stand before the magistrate. Take care. Tell what I advise, or else I shall cut you when I get out. I shall take your life. My name is Bepin. You know me perfectly well . . .

Without female companionship, prisoners became enmeshed in homosexual relationships, not always of their own choosing. Some prisoners, echoing the idioms of Urdu poetry, wrote longingly to fellow inmates: 'Know you Monmohan Rai that the moon has many stars but the stars have the moon only. So you have many but for me there is you only.'

But often homosexuality formed part of the brutal commerce of the prison or figured in networks of power built around scarce resources and physical intimidation.

Dearest Latif [wrote Nilkanto in July 1917],  
Received your letter yesterday and came to know everything. From this day you cannot expect anything from me. I have not been giving you Rs 5 or 7 monthly for so long that you might become the *chokra* ['boy'] of Gaffur. However if you wish to be my *chokra*, come today anyhow . . . through Nos 10 and 11 wards . . . Mind that this is my last letter . . .

A letter addressed to an adolescent prison named Khogenda (and which, like all these letters, must have lost much of its original flavour in translation) ran:

I told you on several occasions that if you consider me unsuitable to you, you may look elsewhere for others. But this you will not do. Because of you I was removed from the Remission system. You had better give up the idea of obtaining ganja from others, so long as I am here. If you attempt to do so, know this to be a settled fact, that I will kill you. I am ready for the gallows. The men to whom you gave two letters have brought them and they are in my possession. You also told them that he who will bear expense for your *chokra*, he will have unnatural intercourse with you. This is a fact, and I have proofs of it. I have further proof that [you] made a similar proposal to the night watchman of Ward No. 12 where you sleep. The man himself told me so. What do you think of me? I don't care for my life. It does not affect me a whit whether I am hanged or transported . . . I am a match for the whole population of the jail. I am not one of those who take a kicking and buffeting in jail . . . Be careful and think over the matter. This is good advice for you. Reply on receipt of this. Do not forget. If you do it will go hard with you. Wholly thine.

Shaik Yasin, a thirteen year-old serving an eighteen-month sentence, wrote a briefer but no less pointed note in December 1917: 'You Sala Musala, Had your father ever any *chokra*? You are a beggar. You, Sala fed Pancha and made friendship with him. Everyone should keep one man only. I go to cohabit with your mother. You don't speak to me, but I will tell everyone. I won't listen to you. Reply to this.'

My purpose in citing these letters and offering an alternative view of the prison is not simply to suggest that life in India's jails had more the character of *Salaam Bombay* or *Our Lady of the Flowers* than of Bentham's Panopticon or Foucault's *Discipline and Punish*, or to seek to dismiss Foucault by pointing out the great gulf between penological theory and prison reality (which would surely be true of prisons anywhere in the world). Nor do I want to suggest that the Indian prison was simply a poor imitation of an otherwise effective British model: rather, I am trying to identify what was different rather than what was 'wrong', or, to put it another way what was specifically colonial, about the prison system in India.<sup>27</sup> I will try to argue, firstly,

<sup>27</sup> Foucault himself later conceded that the prison system he described in *Discipline and Punish* failed to operate with the precision its originators ascribed to it and that indeed it served to 'manufacture' criminals: *Power/Knowledge*, p. 40. For the evolution of the prison system in Britain, see Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London, 1989); William James Forsythe, *The Reform of Prisoners, 1830-1900* (London, 1987); and for a recent discussion of the difficulty of applying Foucault to a colonial situation, see Megan Vaughan, *Curing Their Ills: Colonial Power and African Illness* (Cambridge, 1991), esp. pp. 8-12.

*contra* Foucault, that one can find abundant evidence of resistance and evasion in the Indian prison system and a whole network of power and knowledge over which the prison authorities exercised scant control, but that this limited authority and control was partly the result of a pragmatic choice by the colonial regime, a recognition of its practical and political limitations, and partly a frank expression of its limited interest in the declared purposes of penal discipline and reform. But I also want to argue, rather more in accord with Foucault, that the prison was nonetheless a critical site for the acquisition of colonial knowledge and for the exercise—or negotiation—of colonial power. If one of Foucault's main ambitions was to show how a body of knowledge is created and structured, how a particular understanding of human society and the world comes into being, then, like Foucault, I see the prison not as an isolated institution, but as something representative of the ways in which colonial knowledge was constructed and deployed.

In making this connection with colonial power, I am well aware that the system of knowledge and power Foucault described was not defined by the operations of the state or by the aspirations of a single class. As pointed out earlier, for him power was something more pervasive, permeating society as a whole and not simply acting upon it as a form of state-managed social control. If one accepts this proposition (and certainly it is open to question), then the state in India played a disproportionate part in the ordering and disciplining of colonial society. Penology (like Western medicine, whose intimate connection with the prison will be examined later) was a more narrowly state-centred enterprise in nineteenth-century India than it was in contemporary Europe. Overall, then, I would argue that Foucault's broad *conspicuous* remains highly relevant to any discussion of what might be termed 'the colonization of the body'.

Ashis Nandy claims to have identified a colonialism which 'colonizes minds in addition to bodies' and produces 'cultural and psychological pathologies' of such intensity that they have endured far beyond the formal termination of colonial rule.<sup>28</sup> However, this emphasis upon the psychological impact of colonialism inevitably gives prominence to middle-class rather than subaltern experience, and it tends to pass over unproblematically the question of the body, of its

physical appropriation and ideological implication in the manifold processes of colonial rule and Western hegemony. By introducing the phrase 'the colonization of the body' into a discussion of prisons I want to highlight three main elements:

1. A process of physical incorporation by means of which the colonized were brought under various systems of discipline and control—in the prisons as in the army and the police, in factories, plantations and mines, in hospitals and in schools.

2. A process of ideological or discursive incorporation, effected through that vast agglomeration of texts, discourses and institutional rules which concerned themselves with the physical being of the colonized and which, consciously or implicitly, used the body as a site for the construction of colonial authority and for the interrogation of indigenous society and culture.

3. An area of contestation between different understandings of the body, involving competing claims to speak for the body of the colonized and for its material, social and cultural needs.<sup>29</sup>

### III

The prison system that emerged in the late eighteenth and early nineteenth centuries in India grew out of the British preoccupation with the extraction of revenue and the maintenance of 'law and order'. In this sense the prison was a strictly material adjunct to a colonial system of economic exploitation and political control. But just as in Europe the new penology helped to distance the age of the French Revolution and the Rights of Man from the 'barbarities of another age',<sup>30</sup> so in India the birth of the prison helped to draw a line of demarcation between a colonial rule, which saw itself as uniquely rational and humane, and the 'barbarism' of an earlier age or 'native' society. By pointing to the extremes of cruelty and depravity exhibited in such practices as female infanticide, sati, the self-immolation of pilgrims beneath the car of Jagganath, the West found a way to condemn India, a civilization which an earlier Orientalist generation had held in such apparent esteem. The emphasis given to Indians' cruelty to their fellow

<sup>28</sup> Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (Delhi, 1983), pp. xi, 1–2, 30–1.

<sup>29</sup> These themes are more fully explored in David Arnold, *Colonizing the Body: Epidemic Disease and State Medicine in Nineteenth-Century India* (Berkeley, 1993).

<sup>30</sup> Foucault, *Discipline and Punish*, p. 39.

men (and more especially women) articulated a growing contempt for India's religion, social practices and governance, and served, by contrast, to advance the claims of European humanity and reason and establish the West's credentials in speaking for the body of the colonized.<sup>31</sup>

The growing condemnation of brutal modes of punishment in the West thus found a singular resonance among the British in India. In the early years of its imperium in Bengal, the East India Company administered various forms of punishment inherited from previous regimes, including mutilation, branding, and whipping. But the late eighteenth century saw a reaction by Company men against what were increasingly regarded as inhumane—and, in the case of dacoity and murder, ineffective—forms of punishment. This shift in administrative thinking was exemplified by the abolition of mutilation in 1790 when Lord Cornwallis, the Governor-General, substituted a sentence of seven years' hard labour for the amputation of one limb and fourteen years for the loss of two.<sup>32</sup> One of the consequences of the abolition of mutilation, as later of branding, was to encourage greater reliance upon imprisonment. '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 the greatest importance to establish such regulations 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>33</sup>

In fact, imprisonment was far from being the universal form of punishment employed by the colonial state. Capital punishment became (in contrast to the pre-existing Islamic system of justice in Bengal) a far more common penal sanction than previously, despite occasional complaints about its barbarity,<sup>34</sup> and one has only to think of the

<sup>31</sup> This contempt was perhaps most clearly and influentially expressed by James Mill, *The History of British India* (5th edn., London, 1858), I, pp. 176–83, 284–90, 309–11.

<sup>32</sup> Tapas Kumar Banerjee, *Background to Indian Criminal Law* (Bombay, 1963), pp. 68–71, 129, 291–4. For a critical account of changes instituted by the early colonial regime in Bengal, see Jorg Fisch, *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law, 1769–1817* (Wiesbaden, 1983).

<sup>33</sup> Cited in Banerjee, *Background*, p. 360. The phrase 'shocking to humanity' echoes Sir William Jones's comment of 1788 on the 'cruel mutilations practised by the native powers' of India: Mill, *History*, I, p. 176.

<sup>34</sup> Between 1816 and 1827, roughly 9 per cent of the 9,002 individuals sentenced

summary executions, whippings and collective fines, the confiscations of land and other property used by the British virtually until their final days in India, to realize that imprisonment was but one of the many modes of punishment deployed by the colonial power. Nor should it be imagined that reformers abolished 'barbarism' overnight and instantly replaced it with modes of punishment less 'shocking to humanity'. Even when the political will was present, penal practice was slow to follow humanitarian theory. The public display of the bodies of executed criminals continued until 1836; a public gallows stood outside Madras Penitentiary as late as the 1880s. The practice of branding the foreheads of convicts (known as *godena*) only ceased in 1849, following the observation of a member of the Government of India that 'it savours somewhat of barbarism and is opposed to the spirit of the age'.<sup>35</sup> Despite repeated condemnation, bar fetters continued to be used to punish refractory convicts or prevent their escape, and in 1889 a government committee still looked forward to the day when 'these barbarous appliances' would be 'altogether abolished'.<sup>36</sup> But, despite the retention of many of these 'barbaric' vestiges of an earlier age, the ideological thrust of penal reform remained: however much the grim facts might seem to belie it, the British claimed to have introduced a more humane regime of punishment than India had ever previously known.

In December 1835 Macaulay called for the appointment of a committee to investigate prison discipline in India. This was partly prompted by alarm at the recent disturbances in Alipur Jail, uncomfortably close to the principal seat of British power in India. But Macaulay also saw it as a necessary adjunct to the work of the Law Commission with which he was currently engaged, arguing that 'the best criminal code can be of very little use to a community, unless

by the Nizam Adalat, the chief criminal court for Lower Bengal, were sentenced to death, 30 per cent to transportation, and 19 per cent to terms of between seven and fourteen years: Fisch, *Cheap Lives*, pp. 44, 100. In the North-Western Provinces between 1836 and 1842 from 5 to 16 per cent of those sentenced each year by the Nizam Adalat were sentenced to death: *Report of the Nizamut Adawlut North-Western Provinces on the Administration of Criminal Justice for the Year 1843* (Agra, 1844), p. 97.

<sup>35</sup> Banerjee, *Background*, p. 119.

<sup>36</sup> *Jail Administration in India* (1889), p. 53. For a critical account of India's penal system in the 1860s, see Mary Carpenter, *Six Months in India* (London, 1868), I, pp. 48–52, 103–5, 200–2, 297.

there be a good machinery for the infliction of punishment'.<sup>37</sup> The prison in India was thus seen to be a necessary part of the evolving apparatus of the colonial state. Pressure for the creation of a more efficient and 'humane' prison system came from within government circles and not, as in Britain, from individuals like John Howard and Elizabeth Fry on the margins of state power. Until the 1890s, or even later, Indian elites showed little desire to penetrate 'the secrets of the prison house' while, apart from Mary Carpenter in the 1860s and 1870s, few British reformers showed much interest in Indian prisons.<sup>38</sup>

A Committee on Prison Discipline was appointed in January 1836 with Macaulay himself a member. Its report, published two years later, has been seen as evidence of the influence of Utilitarian thought on government in India at the time. Eric Stokes found in it 'the authentic voice of the new Poor Law, of Chadwick and Southwood Smith'. Its tone might be 'sterner than that of Bentham', but there was 'an obvious debt' to his *Principles of Penal Law* and to the Panopticon plan. Stokes cited as evidence the committee's recommendations that:

a penitentiary for all prisoners sentenced to more than one year's imprisonment shall be established in the centre of every 6 or 8 districts, and that a better system of classification of prisoners shall be adopted: that each prisoner shall have a separate sleeping place: that solitary confinement shall be much resorted to: that monotonous, uninteresting labour within doors shall be enforced upon all prisoners sentenced to labour: that prisoners shall be deprived of every indulgence not absolutely necessary to health, and that the management of each penitentiary shall be committed to an able trustworthy superintendent, either European or Native.<sup>39</sup>

Certainly, the language of the report and many of its recommendations echoed Bentham and the spirit of prison reform in North America and Europe. But no less striking is the frequency with which the committee and its critics departed from Western precedent to stress the impracticality of simply importing the British model into India. Indeed, this was but the first of several occasions between 1830 and 1920 when proposals for reforms in line with current Western

<sup>37</sup> Cited in A.P. Howell, *Note on Jails and Jail Discipline in India, 1867-68* (Calcutta, 1868), p. 1.

<sup>38</sup> Mary Carpenter, 'On Reformatory and Industrial Schools for India', *Journal of the National Indian Association*, 47 (November 1874), p. 278. I am indebted to Indira Chowdhury Sengupta for this reference.

<sup>39</sup> Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), p. 218.

penological thought were rejected as impractical or inexpedient. In 1838 opposition to Benthamizing Bengal came most influentially from Lord Auckland, the Governor-General. He was sceptical about the committee's proposals, particularly, but not exclusively, on grounds of cost: 'Every reform of prison-discipline', he warned, 'is almost of necessity attended at the outset with extraordinary expense'. But he also argued that there were intrinsic differences between England and India which prevented any unqualified transference. An enclosed prison-yard might be desirable and 'not unwholesome' in England, but in India it would rapidly become a 'sink of malaria'. With respect to food, labour, and accommodation there were in India 'habits and an inveteracy of prejudice and of feeling' which created 'opposing difficulties to the just management of prisons, such as are not elsewhere to be encountered'. Where Auckland did concur with the committee was in seeing an insuperable problem of agency. How, he asked, was it possible to obtain among the natives of India 'fitting instruments for control and management' when it was 'principally upon a perfect tact and judgment, and an unwearying zeal, that the success of every scheme of discipline has been found to depend'?<sup>40</sup>

If in Europe or North America the new penology could present itself as not only humane and just but also as universal in its application, in India it constantly ran up against its Orientalizing other. India, as Auckland's remarks about 'inveteracy of prejudice and feeling' indicated, was seen as a land where local constraints—not just of caste and religion, but also of climate, health, funding and agency—powerfully presented themselves. Orientalism, so often portrayed in recent scholarship as an empowering device, might here be better understood in negative and restraining terms, an obstacle colonialism threw up against the exercise of its own alien authority in the pursuit of a wider and more accommodating 'economy of power'. The necessity of establishing a system of prison administration according to the approved models of Philadelphia, Pentonville or Paris was certainly a course that had its advocates in India; but it was a cause dogged by a persistent and pragmatic belief that the prohibitions of 'prejudice' and climate had (almost always) to be respected.

It is not surprising, then, that little was done in the short term to reform India's penal system along Benthamite lines. Even the committee's recommendation that each province should have a senior

<sup>40</sup> *Report of the Committee on Prison Discipline*, p. 3.



officer solely responsible for jails was ignored until 1844 when the Government of the North-Western Provinces, more in the interest of economy than reform, appointed W.H. Woodcock as its Inspector of Jails. This was followed by similar appointments in Punjab in 1852, and Madras, Bombay and Bengal in 1854. In the late 1840s a start was made, too, on the construction of prisons along the lines, if not of Bentham Panopticon, then of London's Pentonville jail, which had opened in 1842.

Until the middle of the nineteenth century, India's prisons were uncertain places of incarceration, wanting both security and a clear institutional identity. Early colonial jails were generally buildings adapted from another purpose: old Delhi jail was a converted *serai*. Fires were common, reputedly started by prisoners hoping to escape in the ensuing confusion. Some more substantial, purpose-built prisons had been erected from the 1790s onwards, but by the 1850s many of these had also become dilapidated, overcrowded and fever-prone. However, by mid-century Benthamite ideas of prison management and construction had gained wide circulation among colonial officials. In 1855 J. Rohde, Inspector of Prisons in Madras, submitted a design for several new prisons, which he described as 'a "panopticon" on General [sic!] Bentham's principle, of having every prisoner constantly under observation from a central point'.<sup>41</sup>

Prompted partly by the events of 1857–8 and by reform of the Indian Penal Code, a number of central and district jails were built in the 1860s and 1870s on the Pentonville model with a central watch tower, radiating cell blocks and high perimeter walls—among them Salem, Lahore and Allahabad jails. But their outward form could be deceptive. Agra jail, built under Woodcock's direction in 1849 to a 'mixed' design, combined the economy of barracks, where a score or more of prisoners were locked up together at night, with individual cells where refractory prisoners could be punished with solitary confinement. It also had a building,

similar to those at Pentonville, for carrying out the principle of solitary and silent exercise. This consists of a small central tower from which radiate to the circumference 25 subdivisions, separated from each other by a blank wall high enough to prevent communication from one to the other. On top of the tower stands the sentry who commands all the radii, and by an aperture in

<sup>41</sup> Rohde, *Report, Construction*, para. 27.

the centre of the tower, can look down upon the convict-cook below, who is, also in solitary silence, preparing food for his brother convicts.<sup>42</sup>

But C.G. Wiehe, Inspector-General of Prisons, Bombay, who visited Agra in 1863, found that solitary confinement was rarely enforced and that the building intended for silent exercise and separation was already, after little more than a decade, no longer in use.<sup>43</sup> Multan jail also had facilities for the complete separation of prisoners but, like Agra, they had not been used for years because, Wiehe reported, 'it was found impossible to keep the men from communicating verbally with each other in these compartments'.<sup>44</sup> At Salem Central Jail there was 'a most elaborate and expensive tower, placed in the centre of a circle of six different blocks of cells, originally intended for separate confinement'; but here again strict surveillance and separation were no longer practiced. The tower, already in ruins, was a danger to the jail's security, and, far from being run according to the 'separate system', the prison housed 700 convicts instead of the 144 for whom it had originally been intended, with four or five prisoners crammed into a single cell.<sup>45</sup>

Nor did the situation change significantly in subsequent decades. In 1889 the Committee on Jail Administration in India reaffirmed the view that for 'habitual' offenders, 'silence and rigid discipline and segregation from other prisoners' were 'the only means of rendering imprisonment distasteful', and yet it doubted the practicality of the single-cell system in India on both sanitary and financial grounds. In India, it further reported, sufficient numbers of reliable warders could not be found for the wages available, and hence a strict system of discipline and surveillance was simply unattainable.<sup>46</sup>

#### IV

Administrative attitudes and convict resistance were more likely causes of this failure to maintain Benthamite institutions than the

<sup>42</sup> C.G. Wiehe, *Journal of a Tour of Inspection of the Principal Jails in India made by the Inspector General of Prisons, Bombay Presidency* (Bombay, 1865), p. 38.

<sup>43</sup> *Ibid.*, p. 39.

<sup>44</sup> *Ibid.*, p. 53.

<sup>45</sup> *Ibid.*, p. 7.

<sup>46</sup> *Jail Administration in India* (1889), pp. 13, 49; cf. Howell, *Note on Jails*, pp. 18–19.

weight of prison numbers. Nineteenth-century India's prison population appears—at least at first sight—to have been relatively small. There was no 'great confinement', perhaps because there was no great social or political upheaval, comparable to the Industrial Revolution in Britain, to occasion it. In 1838 the prison population of British India was stated to be 56,632 for a total population of 91.5 million people (equivalent to 0.06 per cent).<sup>47</sup> Between 1863 and 1867 the average number of prisoners was put at 67,992 and in 1880 at 106,763, almost double the 1838 total but still a relatively small proportion of the population. The figure, however, varied from one province to another. In 1875 nearly 0.5 per cent of the inhabitants of colonial Burma were in jail; in most other provinces the figure was between 0.1 to 0.2 per cent, and in Bengal and Madras less than 0.1 per cent. In the late nineteenth century and early years of the twentieth numbers appear to have been fairly stable at around 100,000 a year before rising steeply with the growth of political unrest at the end of the First World War.<sup>48</sup>

But these figures are deceptive. They represent the daily average number of prisoners: during the course of a single year a far larger number passed through jail, some sentenced to only short terms of imprisonment, others departing quickly for the gallows or the mortuary slab. In Awadh, for instance, the average daily jail population in 1862 was 4342, but 15,428 individuals were admitted to prison, or remained there, in the course of the year.<sup>49</sup> In 1880 in Madras 32,049 prisoners passed through provincial jails. Of these 15,138 were released during the year, 4445 were transferred to other jails, 312 were transported, 529 died in hospital, 26 escaped and 55 were executed.<sup>50</sup>

Women formed only a small part of the prison population—8 per cent in 1877, 5 per cent in 1891. Of the 326,101 prisoners consigned to the jails of Lower Bengal between 1861 and 1865, 11,349 (3.5 per cent) were women. Among the 4458 prisoners in Awadh in 1862 there were 227 women (5.1 per cent).<sup>51</sup> The reason for this striking disparity between the sexes is unclear. It suggests either that women did not commit the kinds of crimes—murder, dacoity, cattle-theft, and house-

<sup>47</sup> *Report of the Committee on Prison Discipline*, p. 9.

<sup>48</sup> *Annual Report of the Sanitary Commissioner with the Government of India, 1880* (Calcutta, 1882), p. 67; *Indian Jail Conference, 1877*, p. 22, 125; *Indian Jails Committee, 1919–20*, I, p. 37.

<sup>49</sup> *Report of the Inspector of Prisons, Oudh, 1862*, p. 16.

<sup>50</sup> *Annual Report of the Sanitary Commissioner, Madras, 1880* (Madras, 1881), p. 40.

<sup>51</sup> *Indian Jail Conference, 1877*, p. 104; Mouat, *Report on Statistics*, p. 4.

breaking—which most frequently brought male offenders before the colonial courts, or that they were treated more leniently by magistrates and judges. Perhaps an awareness of the nature of prison conditions discouraged magistrates and judges from sending women, especially women from the 'respectable' classes or in purda, to prison in the first place.<sup>52</sup> But towards the end of the century this policy, if such it was, seems to have changed as the state became increasingly involved in disputes over conjugal rights or as an increasing number of women were sentenced to imprisonment for murdering their husbands or infant children. For most of the nineteenth century, however, because there were so few women in jail, little provision was made for their separate accommodation and supervision, and they were often relegated to the worst parts of the jail, a situation to which Mary Carpenter drew pointed attention in the 1860s.<sup>53</sup>

Apart from sentencing policy and the frequency of escapes and executions, two other factors governed the size of India's jail population during the nineteenth century. One was the prodigious mortality. In the first sixty years of the century death rates not infrequently reached 25 per cent: that is, a quarter of all prisoners perished in a single year. They died mainly from cholera, from malaria, dysentery and diarrhoea. 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 disease were recorded between 1843 and 1867 alone.<sup>54</sup> Although sickness and mortality rates fell after the 1860s, because of the construction of healthier jails and as a result of improved sanitation and medical attention, imprisonment for even a minor offence was often tantamount to a sentence of death. Port Blair in the Andamans in particular remained a notorious deathtrap.

Mortality tended to be highest among newly-arrived prisoners who entered jail in a debilitated and demoralized state, especially in times of famine, disease and insurrection. Migrants and nomads, hillmen

<sup>52</sup> Fisch, *Cheap Lives* (p. 105), cites a major dacoity case in Bengal in 1821: among the 163 put on trial were 31 women, all of whom were discharged.

<sup>53</sup> On women prisoners, see Carpenter, *Six Months in India*, I, pp. 51, 115, 202; Mary Frances Billington, *Woman in India* (1895; reprinted New Delhi, 1973), pp. 240–9; Fred. J. Mouat, *Report on Jails Visited and Inspected in Bengal, Behar, and Arracan* (Calcutta, 1856), p. 63; Wiehe, *Journal of a Tour*, p. 7.

<sup>54</sup> Wiehe, *Journal of a Tour*, p. 45; Howell, *Note on Jails*, p. 124.

and tribals perished in large numbers—from unfamiliarity with a confined and sedentary life, from abrupt changes of climate and diet, from neglect at the hands of their jailors, or from the 'nostalgia' and 'peculiar despondency' that overcame them.<sup>55</sup> Accounts of rural insurrection in India conventionally close with military defeat and judicial sentence: too often the real end—for Santhals, Konds and Mundas, for Mappilas and the rebels of 1857—came with a wretched death from cholera, tuberculosis or dysentery, with the cremation or burial of the last bones of rebellion inside a prison yard.<sup>56</sup>

Another factor, which caused the number of prisoners to fluctuate significantly from year to year, was the effect of food shortages and famine. High grain prices, the loss of agrarian employment, and fear of imminent starvation, provoked a sharp rise in rural crime levels, and these in turn swelled the prison population. Dr G.S. Sutherland, a participant in the Indian Jail Conference of 1877, traced a close correlation between wheat prices and prison numbers in Awadh between 1869 and 1876. He estimated that high prices pushed the number of prisoners 15 to 30 per cent above ordinary levels.<sup>57</sup> Reviewing the famines of the late 1870s the Government of India's Sanitary Commissioner similarly observed that the

jail population . . . rises and falls with the price of grain. As prices range high, it increases; as prices fall, the jails become comparatively empty. The strength of the prisoners in a province in other words is an index of distress, and the jail of every district fulfils to a large extent the functions of a poor-house as well as a jail.<sup>58</sup>

It was alleged by colonial officials that the poor deliberately courted imprisonment during periods of extreme hardship: for them, it was said, prison was 'our father-in-law's house', a place where food and shelter might always be found. This claim was used as evidence that

<sup>55</sup> *Report on the Medical Topography and Statistics of the Ceded Districts* (Madras, 1844), p. 28; Mouat, *Report on Jails*, pp. 54–5; Home (Judicial), 98–124, May 1908, National Archives of India (hereafter NAI).

<sup>56</sup> As in the case of Vasudeo Balvant Phadke of TB in Aden in 1883: V.S. Joshi, *Vasudeo Balvant Phadke: First Indian Rebel against British Rule* (Bombay, 1959), pp. 172–3 (I am grateful to David Hardiman for this reference).

<sup>57</sup> *Indian Jail Conference, 1877*, pp. 20–1.

<sup>58</sup> *Annual Report of the Sanitary Commissioner, 1880*, p. 83. For a similar correlation between dearth and prison populations in Madras, see A.G. Cardew, Inspector-General of Prisons, to Chief Sec., Madras, 19 June 1896, Government Order 1026, Madras Judicial Proceedings, IOL.

India's labourers were lazy (preferring to steal when times were hard rather than find work) and placed little value on their liberty when threatened by hunger. This was part of the case for making prisons as deterrent as possible so that they would not be 'hotels for the starving poor'. Stricter discipline and a more deterrent diet ('of the coarsest, plainest and least agreeable description compatible with health') were accordingly recommended.<sup>59</sup> Some labourers may indeed have sought refuge in prison as a way of escaping from famine. But the manner in which much famine crime was committed and the strength of popular antipathy to the prison casts considerable doubt upon this explanation.<sup>60</sup>

It was generally assumed that prison was a place of confinement for the labouring poor and the 'criminal classes', and that the diet, labour and punishment of prisoners should reflect such lowly origins. The colonialists' fear was that the prison was never quite deterrent enough. The view of the 1838 Prison Discipline Committee was that the convict was 'really and apparently in a better situation as to lodging, clothing and food' than the bulk of the population.<sup>61</sup> Rohde, the Madras Inspector, was even blunter: 'imprisonment', he declared in 1856, 'is a boon to the greater number, they are better clothed, and better cared for, than nine-tenths of them ever were in their lives'.<sup>62</sup>

In actuality, though, prisoners were not exclusively drawn from the lowest classes,<sup>63</sup> and the prison did not treat all its inmates alike: rather, it distinguished between them on the basis of race, community

<sup>59</sup> W.H. Woodcock, to Sec., NWP, 29 January 1846, NWP Criminal Judicial Proceedings, 19, 4 March 1846, IOL (emphasis in the original); *Prison Discipline Committee*, p. 104; *Indian Jail Conference, 1877*, pp. 20–1.

<sup>60</sup> David Arnold, 'Dacoity and rural crime in Madras, 1860–1940', *Journal of Peasant Studies* 6:2 (1979), pp. 145–9, and 'Famine in peasant consciousness and peasant action: Madras, 1876–8', in Ranajit Guha (ed.), *Subaltern Studies III* (Delhi, 1984), pp. 75–93.

<sup>61</sup> *Prison Discipline Committee*, p. 104.

<sup>62</sup> Rohde, *Report, Accommodation*, para. 5.

<sup>63</sup> Among the 4,458 prisoners in Awadh in 1862, 746 came from service communities, 905 from labouring and 2,157 from cultivating groups, 80 from zamindari families, 296 from trade and 68 from shopkeeping; 89 were beggars, 21 weavers and 16 goldsmiths. In caste terms, there were 675 Brahmins, 612 Rajputs and Khatri, 219 'Buneas' (= Bhuinyas), 51 Kayasthas, 910 Pasis, 204 Ahirs; among Muslims were 417 Sheiks, 230 Pathans, 195 Sayyids and 183 Moghuls. There were 217 prisoners able to read and write. *Report of the Inspector of Prisons, Oudh, 1862*, pp. 54–5, 72–7.

and, latterly, gender. In this sense among others the prison stands as an archetypal colonial institution, not only reflecting and institutionalizing colonial ideas about essential social categories, but also constituting one of the key sites on which the ground rules of colonial engagement with Indian society were laid down.

One of the clearest areas of demarcation was race. European prisoners were invariably given privileged treatment. Control over working-class whites in India was maintained through a series of special institutions and practices—orphans, workhouses, 'lunatic' asylums, repatriation.<sup>64</sup> These largely obviated the need for confinement in jail, except as a temporary measure or extreme sanction. But where imprisonment was deemed necessary special provisions were made to ensure that it should not be excessively harsh or humiliating for members of the ruling race. 'It would be cruel', remarked the Indian Law Commissioners in 1837, 'to subject an European for a long period to a severe prison discipline, in a country in which existence is almost constant misery to an European who has not many indulgences at his command. If not cruel', they added, 'it would be impolitic', when it was necessary for 'our national character' to 'stand high in the estimation of the inhabitants of India', to subject them to the 'ignominious labour of a gaol'.<sup>65</sup> Separate prison wards were reserved for Europeans and at Ootacamund a jail was built exclusively to house European (and Eurasian) prisoners. When Wiehe visited it in 1862 he found 'a small but substantial and two-storied building after the Pentonville model', accommodating only 36 Europeans.<sup>66</sup> They were fed a generous, European diet of mutton, beef, bread and potatoes rather than the Indian *ragi* and *dal*. They were never placed under Indian jailors nor subjected to forms of punishment and labour that might be considered demeaning. The European body maintained its privileged status even in confinement.<sup>67</sup>

The administration also found it politic to recognize the importance of caste among prisoners. Although it officially had no place in the

<sup>64</sup> David Arnold, 'European orphans and vagrants in India in the nineteenth century', *Journal of Imperial and Commonwealth History*, 7:2 (1979), pp. 104–27.

<sup>65</sup> Appendix, Note A, *The Indian Penal Code as Originally Framed in 1837* (Madras, 1888), pp. 95–6.

<sup>66</sup> *Journal of a Tour*, pp. 3–5. In 1877 (*Indian Jail Conference*, pp. 176–7), there were 1,232 European men and 16 women in Indian jails.

<sup>67</sup> For later protests against this preferential treatment, see *Report of the United Provinces Jails Inquiry Committee, 1919* (Allahabad, 1929), pp. 241–7.

colonial penal system—one of the judicial reforms of the early nineteenth century, for instance, was to remove Brahmin immunity from capital punishment<sup>68</sup>—caste was nonetheless seen as too potent a factor to ignore in daily prison life. This privileging of caste was partly in response to the kind of overt opposition (led by Rajput, Brahmin and Kayastha prisoners) encountered in Bengal and northern India during the 1840s and 1850s; but it was also based on a belief that Indians belonged naturally and essentially to castes and close-knit communities in a way Europeans did not. Thus, a sentence of solitary confinement was thought to be far more of an ordeal for an Indian than for a European. Separation from caste and kin was reputedly the 'only punishment that a Native dreads'.<sup>69</sup> Except when exemplary punishments were deliberately sought, caste—or the colonial perception of caste—worked powerfully against the 'individualizing' project on which the Benthamite Panopticon was premised.

There were prison administrators, like Woodcock in the North-Western Provinces, who held that the introduction of the new messing system in the 1840s was no real threat to caste. He regarded the issue as a mere pretext for opposing the introduction of a more orderly and effective prison regime.<sup>70</sup> But the administration as a whole took the view that caste was an essential part of a Hindu's religious and social identity and as such must be respected even in jail. Following a riot over messing at Allahabad jail in May 1846 the Secretary to the Government of the North-Western Provinces revealed the extent of official caution on this point when he wrote that: 'The ramifications of caste among the natives of this country are so numerous & European officers are so imperfectly acquainted with them, that it is hardly safe to entrust them with the execution of a measure so closely connected with that difficult subject.' The attempt, he continued, to enforce common messing against the will of prisoners had occasioned such resistance and made the prison system so 'exceedingly unpopular with the country at large' that the utmost caution was necessary in proceeding any further with it.<sup>71</sup> In April 1847 the government confirmed that it was still in favour of common messing and believed that 'much benefit

<sup>68</sup> Fisch, *Cheap Lives*, pp. 81, 101.

<sup>69</sup> Lord Mayo, minute, 3 March 1869, Home (Judicial), 3, 19 June 1869, NAI.

<sup>70</sup> W.H. Woodcock, to Sec., NWP, 30 May 1846, NWP Criminal Judicial Proceedings, 4, 1 July 1846, IOL.

<sup>71</sup> J. Thornton, Sec., NWP, to Sec., Bengal, 1 July 1846, NWP Criminal Judicial Proceedings, 6, 1 July 1846, IOL.

would result from such a system', but only 'if it can be introduced without doing violence to the prejudices or the feelings of the people whom it affects'.<sup>72</sup> The Court of Directors in London took a similarly pragmatic view, observing that any advantages to be gained by the messing system were unlikely to be 'commensurate with the difficulties and risks attending its introduction'. While the directors appreciated 'the danger and inexpediency of giving way to insubordination', they felt sure that governments in India would not persist in 'any measures calculated to excite alarm and discontent as interfering with the religious opinions and feelings of the natives'.<sup>73</sup>

It was practical evidence of the willingness to accommodate such 'opinions and feelings' that when Mouat visited Bihar jail in 1856 he found 53 cooks preparing food for 504 prisoners. 'It is true that the prejudices of caste in Bihar are very strong', he declared, 'yet it seems preposterous that men of the same caste cannot take food from the hands of each other, and that every petty subdivision of the same fraternity should have rules and practices of its own'.<sup>74</sup> In Awadh a few years later the Inspector of Prisons was petitioned to allow Brahmins their own cooking spaces ('chowka' or 'chula') in prison. He was clearly reluctant to allow any return to the old messing system, which had only recently and with difficulty been supplanted elsewhere in northern and eastern India. Nonetheless at Lucknow Central Jail he 'indulged' their 'prejudices' to the extent of allowing every Brahmin to bathe before eating and to mark out 'his own "Chowka" where he squats and receives his rations within the boundary of which no one is permitted to pass during meal time'.<sup>75</sup> Among Europeans outside the prison administration there was bewilderment, even rage, at the extent to which caste had been 'basely and indecently succumbed to in our Indian jails'. From the viewpoint of an Evangelical like Alexander Duff it was bad enough for the government to acknowledge

caste rights and distinctions among its ordinary subjects. To respect them among convicts was 'the very climax of sinful weakness'.<sup>76</sup>

The importance attached to caste was further exemplified by the discussion of prison labour. As early as 1796 it was said that to compel high-caste convicts to work on the roads alongside 'common criminals' would be for both them and their families 'much more severe than a sentence of death'.<sup>77</sup> Forty years further on the Prison Discipline Committee opined that:

To force a man of a higher caste to work at any trade would disgrace him for ever, and be in fact inflicting a dreadful punishment, not only on himself but on every member of his family. It would be looked upon as a barbarous cruelty, and excite nothing but indignation against the laws, in the strength of which the most dreadful crime would be forgotten.<sup>78</sup>

The committee suggested a way out of this dilemma by proposing that prisoners be put to work on a treadmill since this form of labour would 'shew no more favour to the foot of the rich Rajpoot than to the foot of a poor Chumar'.<sup>79</sup> While accommodating certain aspects of high-caste status, convicts at the lower end of the caste hierarchy, belonging, for instance, to barber, washerman and sweeper castes, were expected to perform their customary occupations in jail for the benefit of other prisoners and in the interests of prison economy. In this way the prison tended to replicate, and extend formal colonial recognition to, the social hierarchy outside.<sup>80</sup>

In an attempt to define the essentials of caste and religion as they affected prison management, jail manuals became elaborate lexicons

<sup>76</sup> Alexander Duff, *The Indian Rebellion: Its Causes and Results* (London, 1858), pp. 354-5.

<sup>77</sup> Cited in Banerjee, *Background*, p. 343.

<sup>78</sup> *Prison Discipline Committee*, p. 106.

<sup>79</sup> *Ibid.*, p. 110.

<sup>80</sup> An attempt by the Inspector-General in Madras to make reconvicted prisoners perform certain manual tasks was overturned by the Government of India: Inspector-General of Jails, to Chief Sec., Madras, 12 April 1871, Madras Judicial Proceedings, 75, 19 April 1871, IOL; Sec., Judicial, India, to Chief Sec., Madras, 8 July 1871, Madras Judicial Proceedings, 98, 24 October 1871. It was thereafter directed that in assigning labour to convicts 'reasonable allowance should be made for caste prejudice, e.g., no Brahman or caste Hindu shall be employed in chucklers' work'. *The Madras Jail Manual* (Madras, 1899), p. 121. There was a similar dispute in Bombay jails in 1886 over attempts to make women convicts perform scavenging work: *Bombay Native Newspaper Reports*, January-February 1882.

<sup>72</sup> Thornton to 'the several judges', NWP, 30 April 1847, NWP Criminal Judicial Proceedings, 103, 30 April 1847, IOL. Cf. the Government of Bengal's response to the lota riots in 1855: 'it is only when they imagine their caste about to be encroached on, that the prisoners are prone to rebel, or that their countrymen without the jail shew them any sympathy'. Minute by Lt.-Governor F.J. Halliday, 18 May 1855, Bengal Judicial Proceedings, 7, 7 June 1855, IOL.

<sup>73</sup> Judicial letter to Bengal, 12 August 1846, cited in Banerjee, *Background*, p. 339.

<sup>74</sup> Mouat, *Report on Jails*, pp. 76-7.

<sup>75</sup> *Report of the Inspector of Prisons, Oudh, 1862*, p. 33.

of bodily signs and ritual practices. According to the *Bengal Jail Manual* of 1867, any convict sentenced to rigorous imprisonment was to have his head shaved every fifteen days, but, it added,

the Hindu will retain the *chooteeah* [*chutia*] or *sikha* [tuft]. The beard and moustaches of all prisoners shall be close trimmed or clipped, the beard of Mahomedans being left an inch in length. All prisoners to whom it should be justly offensive or degrading shall, at the discretion of the officer in charge of the jail, be exempt from this proceeding. Sikhs and Mughls must at all times be held exempt.<sup>81</sup>

Similarly, on admission to the prisons of the Bombay Presidency,

The Hindu [is] to retain the shendi; beard and mustachios of both Musalman and Hindu prisoners to be clipped, not shaved; European and Eurasian prisoners to be exempted from having their head shaved, the hair to be cut short only. Sikh prisoners to be exempted altogether from having their hair cut, except on purely medical ground[s].<sup>82</sup>

Despite the requirement that all Indian prisoners wear the prescribed uniforms, special consideration was shown in Bombay's jails to the dress appropriate to high-status communities. In addition to his prison clothes, a Parsi was allowed to wear an undergarment called a *sadra* and a Brahmin was permitted to put on a *sowla* cloth while eating; both were allowed to wear the *janwa* and *kasti* if provided at their own expense.<sup>83</sup> Not all religious emblems and signs were afforded equal treatment however. Sikhs might keep their uncut hair and even wear a turban in place of a prison cap. They could have a comb, wear breeches and a steel bracelet, but not keep a *kirpan* (dagger), an 'undesirable object to entrust to prisoners in jail'.<sup>84</sup> Despite these attempts to define the essential requirements of caste and religion, the recognition or denial of certain kinds of religious emblems in prison increasingly became a source of friction between the prison authorities and political or religious leaders who claimed to speak on the prisoners' behalf.

Underlying this policy was a belief that needlessly to violate the requirements of caste and religion in prison would be to inflict an

<sup>81</sup> George Alexander Hodge, *Bengal Jail Manual* (Calcutta, 1867), p. 69. See also Walker, *Rules for the Management and Discipline of Prisoners*, p. 54.

<sup>82</sup> J. Cruikshank, *A Manual of Jail Rules for the Superintendence and Management of Jails in the Bombay Presidency* (Bombay, 1876), p. 26.

<sup>83</sup> *Ibid.*, pp. 58–9.

<sup>84</sup> *Indian Jails Committee, 1919–20*, I, p. 156.

additional punishment beyond that decreed by the courts, one which might be more onerous than the sentence itself. But, by the same token, there were certain situations in which religious conventions and social sensibilities could, it was felt, be justifiably transgressed—whether in the cause of prison discipline and economy or to heighten the punitive effect. As we have seen, the introduction of the messing system in northern India in the 1840s was partly motivated by a determination to make prison a more disciplined and deterrent place by deliberately ignoring caste sensibilities about the preparation and consumption of food. In a similar way, transportation from India to South East Asia, begun in the 1780s, was commended by the Prison Discipline Committee in 1838 as 'a weapon of tremendous power' in view of Hindu antipathy to crossing 'the black water'. In India, it noted, a sentence of transportation was regarded with 'indescribable horror'. The impact of such a sentence on the convict was 'little short of the effect of a sentence of death, whilst the effect of such a sentence on the bystanders is greater than the effect of a sentence of death'.<sup>85</sup> Thus transportation was deliberately maintained at a time when it was losing favour in Britain. Another measure of this sort, perhaps only rarely practised, was to punish 'violent and unruly' women by cutting off their hair, thus rendering their imprisonment a kind of institutional widowhood.<sup>86</sup>

In contrast to the reforming intentions ascribed by Foucault to Europe's prisons (however imperfectly such goals may have been realized), in India until late in the nineteenth century there was little emphasis upon reform as opposed to confinement. The body of the 'Oriental' might be disciplined, but his 'soul' remained out of reach. The Prison Discipline Committee of 1838 certainly spoke of 'attempts to reform the character' of prisoners as one of the cardinal objectives of the prison system, but it gave less weight to reform than to deterrence.<sup>87</sup> In Madras in 1856 Rohde considered the question of education one which 'presents difficulties unknown in almost any other country': the provincial government rather confirmed the point when it strongly rejected his suggestion that Christian missionaries be brought in as a suitable agency for prisoners' education and moral reform.<sup>88</sup> The In-

<sup>85</sup> Prison Discipline Committee, pp. 86, 97.

<sup>86</sup> *Indian Jail Conference, 1877*, p. 104; *Jail Administration in India* (1889), p. 68.

<sup>87</sup> *Prison Discipline Committee*, pp. 38, 102.

<sup>88</sup> Rohde, *Report*, Education, paras. 1–3; government review, 7 February 1857, *ibid.* For a shortlived attempt to use literate prisoners to educate others at Agra

dian Jail Conference of 1877 went a step further, observing that the idea of reforming prisoners, whatever its validity in the West, 'has but little significance in India, where the great majority of criminals . . . need but little reformation'. Anyway, it added, there were 'practically no means of reforming those who do'. The majority of Indian prisoners were 'not materially below the moral level of the outside population', and no-one would be 'so visionary as to wish to apply any other standard to them'. Moreover, it asked,

does any one suppose that we, of an alien race, who, more often than not, live in entire ignorance of the character of those immediately about us, whose moral conceptions are rooted in Western soil, can do much by moral instruction to raise the moral level of the convicts in our jails?<sup>89</sup>

Like earlier commentators, the conference pointed out the difficulty of recruiting suitable warders in India for prisoners' moral reform. 'The agencies by which the English reformer works', it said, 'are in our hands but broken reeds'.<sup>90</sup>

## V

But if India's prison system despaired of reforming its inmates and reaching their 'souls', it could still serve as an agency for a more practical form of colonial control over productive labour. The extensive use of convict labour on public works in late eighteenth- and early nineteenth-century India was not simply a way of keeping as many convicts as possible out of overcrowded jails, though that had its administrative attractions. It was a way of mobilizing scarce labour power, especially for road construction and repair. In the 1830s, 13,000 prisoners were employed in road gangs in Bengal alone.<sup>91</sup> They were also deputed to such tasks as clearing river beds, digging irrigation canals and building their own prisons. In Singapore Indian prisoners constructed two lighthouses, a cathedral and Government House.<sup>92</sup> One of the advantages from the colonial viewpoint of transporting

jail, see Sec., NWP, to Inspector-General of Prisons, 2 March 1854, NWP Criminal Judicial Proceedings, 112, 9 May 1854, IOL.

<sup>89</sup> *Indian Jail Conference, 1877*, p. 34.

<sup>90</sup> *Ibid.*, p. 34.

<sup>91</sup> *Prison Discipline Committee*, p. 17.

<sup>92</sup> J.F.A. McNair and W.D. Bayliss, *Prisoners Their Own Warders* (London, 1899).

convicts to Penang and Singapore was that they provided a cheap and fairly disciplined workforce in places where this was hard to obtain locally. Even the development of a penal settlement on the Andamans was a form of enforced colonization for which local labour could not be found.

But by the late 1830s extramural labour was beginning to be viewed with official disfavour: discipline tended to be laxer than inside the jails; it was more difficult to prevent prisoners on road gangs communicating with the public or escaping; and larger and more efficient sources of non-convict labour were being tapped to meet the expanding needs of road, canal and later railway construction.<sup>93</sup> Around the 1850s a switch was made to industrial production within the prisons, but here, too, reform often took second place to remuneration. F.J. Mouat, in his day the leading proponent of prison workshops in India, sought to justify them as part of prisoners' discipline and reform: reading Bentham and Beccaria had taught him that 'idleness is the chief cause of by far the greater part of the constant war waged by the habitually criminal classes'.<sup>94</sup> But the main attraction for the state was that by turning jails into 'schools of industry' prisoners contributed substantially towards the cost of their own incarceration and produced, often for the state itself, high quality goods and services. At first prison wares were too poorly made to command much market value, but by the 1860s some prisons were achieving some commercial success. Mouat took particularly pride in Alipur and Hugli jails, 'unparalleled', he claimed, 'in prison management in the world'. The former alone had an income of nearly Rs 210,000 in 1861 from high-class printing work and brought in a further Rs 60,000 by manufacturing gunny bags—a total profit of almost Rs 270,000.<sup>95</sup> Twenty years later, in 1881, as the trend continued, the jails of the Madras Presidency produced goods worth Rs 331,832, most of which were supplied to other government departments, including uniforms, boots, sandals and blankets for the police.<sup>96</sup>

Turning prisons into factories was not a policy without its critics, who claimed that discipline was being sacrificed to profit and that the line of demarcation between convict and warder was being dangerous-

<sup>93</sup> For a review of government policy towards extramural labour, see notes to Home (Judicial), 121-52, October 1882, NAI.

<sup>94</sup> Mouat, *Report on Statistics*, p. 16.

<sup>95</sup> Wiehe, *Journal of a Tour*, p. 17.

<sup>96</sup> Notes to Home (Judicial), 121-52, October 1882, NAI.

ly eroded. 'The law intends imprisonment to be a punishment', wrote one sceptic, 'and therefore the first thing to be looked at in labour is not that it should be remunerative, but that it should render a residence in jail a matter of dread, apprehension and avoidance'.<sup>97</sup> Wiehe agreed, commenting on the jail workshops in Calcutta that it was 'scarcely possible to conceive a system more indulgent, less tentative in respect of moral reformation, and better calculated to promote the comfort of the convicts'.<sup>98</sup> The policy came in for strong criticism again in the early 1880s when the Military Department unilaterally reversed the Government of India's decision to favour jail manufactures over private contractors. Lord Ripon, the Liberal Viceroy, took the view that jail manufactures 'should be regarded not as a source of revenue, but as a branch of prison discipline'. But for what he called 'the admitted exigencies of sound prison management', he would have been 'opposed to jail manufactures in India altogether'.<sup>99</sup>

But, despite the critics, jail manufacturing continued to expand and flourish. If elsewhere in the industrial age the factory often resembled the prison, in India the prison largely anticipated the factory. With disciplined labour combined with a principle of profit, several major Indian industries sprang up behind prison walls—gunny bags in Calcutta, woollen goods at Agra, blankets at Bhagalpur, carpets at Hazaribagh—and convict workshops also specialized in the production of carpets and dhurries, paper-making and lithography. By the early years of the twentieth century some jails had become so commercially successful that European industrialists complained of unfair competition from state-subsidized jail labour.<sup>100</sup> Certainly, the growth of jail industries was a remarkable development for a regime formally committed to *laissez-faire* and which otherwise denied aid to industry; but they were one indication of the higher priority colonialism gave to prison as a 'school of industry' than a 'house of correction'.

## VI

If the colonial prison provided an Orientalist model of a society con-

<sup>97</sup> Cruikshank, *Manual of Jail Rules*, p. 35.

<sup>98</sup> Wiehe, *Journal of a Tour*, p. 23.

<sup>99</sup> Ripon, memo, 16 August 1882, in notes to Home (Judicial), 121–52, October 1882, NAI. The debate continued in Home (Judicial), 328–51, June 1883, NAI.

<sup>100</sup> *Indian Jails Conference, 1919–20*, I, pp. 124–5.

structed around an essentialism of caste and religion, it also, and increasingly as the century progressed, became a model for the ordering of society according to the dictates of medical science and sanitation. One of the few areas where the colonial state had relatively unobstructed access to the body of its subjects, the prison occupied a critical place in the development of Western medical knowledge and practice in India.<sup>101</sup> Apart from the alarm generated by outbreaks of prison violence and indiscipline, it was the high level of sickness and mortality in jails that impelled official inquiry and reform. Although no medical men were included in the 1838 Prison Discipline Committee, by the 1860s the prison was being actively incorporated into the expanding realm of state medicine. In the absence of a professional prison service, civil surgeons were being appointed to run district and central jails. From the 1860s prison inspectors-general were usually drawn from the Indian Medical Service and medical officers sat on several committees of enquiry set up to investigate disciplinary as well as health issues. By the end of the century medical administration had come to be seen as 'the most important of all matters affecting jail management'.<sup>102</sup>

In accepting a responsibility for health inside the jails, the colonial state helped establish them as privileged sites of medical observation and experimentation. The importance of the colonial connection between medicine and penology was reflected in the voluminous medical literature which used prisoners as a source of statistical data and clinical observations or as a standard by which to calculate and evaluate the health of the population as a whole.<sup>103</sup> Although individual medical officers might be highly critical of prison conditions, collec-

<sup>101</sup> Colonial India was not, of course alone, in this respect: prisons were also a significant source of sanitary statistics and medical information in late eighteenth and nineteenth-century Britain: cf. Edwin Chadwick, *Report on the Sanitary Conditions of the Labouring Population of Great Britain* (ed. M.W. Flinn) (Edinburgh, 1965), pp. 49, 279–83. But I would argue that medical research and administration in Indian prisons had an exceptional role not only in medical research but also in creating a colonial discourse about Indian society and the Indian body.

<sup>102</sup> *Rules for the Superintendence and Management of Jails in the Province of Assam* (Calcutta, 1899), I, p. 224.

<sup>103</sup> E.g., James Hutchinson, *Observations on the General and Medical Management of Indian Jails and on Some of the Principal Diseases Which Infest Them* (2nd edn., Calcutta, 1845); A.E. Roberts, 'Public health and vital statistics', *Imperial Gazetteer of India: The Indian Empire* (Oxford, 1907), I, pp. 531–4.



tively they endorsed prison practice and bestowed upon it an aura of scientific legitimacy.

The prison exemplified the role of colonial medicine as an agency of disciplinary control. It was, for instance, the responsibility of medical officers to decide whether prisoners were genuinely ill, merely 'shirking' to avoid punishment or suffering from self-inflicted ailments. They were required to advise whether a prisoner's mental and physical health was 'likely to be injuriously affected by the discipline or treatment observed in the jail'. Medical officers might thus exercise a moderating influence over harsh punishments, but sometimes they clearly allowed abuses to occur or sanctioned punishments without due regard to the physical and psychological consequences.<sup>104</sup> By entrusting responsibility for prison administration to the medical service, the state also drew a permissive veil over other forms of neglect and suffering. In concentrating on issues of diet, health and sanitation, it distanced itself, for instance, from any active responsibility to educate prisoners. Health alone was the mark of a sound prison system.<sup>105</sup>

The importance of the prison as a site of medical observation and intervention stood in inverse proportion to colonial access to the rest of Indian society. At a time when most of India lay beyond any kind of medical and statistical purview, prisoners could readily be classified and counted. As early as the 1830s and 1840s statistical tables were compiled to show the number of admissions to prison hospitals, and the extent and causes of sickness and death among prisoners. Only among soldiers were comparable statistical exercises possible in the first half of the century.<sup>106</sup> Prisons were one of the main sources of information about cholera, epidemics of which periodically devastated the jails. At a time when medical science identified many diseases with poisonous miasmas and stinking effluvia, prisons presented a seemingly incontestable case for the relationship between fetid bodies, human exhalations and epidemic disease. Prison officers responded by evacuating prisoners to temporary camps or sought to mitigate the ravages of disease by ordering improvements in ventilation and drainage.<sup>107</sup> Despite the appointment of provincial sanitary commis-

<sup>104</sup> Cruikshank, *Manual of Jail Rules*, p. 12; Savarkar, *Story of My Transportation*, pp. 112–13, 117–18; McNair and Bayliss, *Prisoners*, pp. 152–3.

<sup>105</sup> *Indian Jails Conference, 1919–20*, I, p. 30.

<sup>106</sup> E.g., *Report on the Medical Topography and Statistics of the Ceded Districts (Madras, 1844)*, pp. 22–8, 52–7.

<sup>107</sup> Mouat, *Report on Jails*, pp. 35–7, 43, 61; John Murray, *Report on the Treatment*

sioners in the 1860s responsible for army and civilian as well as prison health, the crudeness of the general mortality data (and the virtual absence of morbidity figures) meant that prison data retained a 'definiteness and value' that was 'quite unique'.<sup>108</sup> Jail-based medical investigations were not confined to cholera but also included typhoid, tuberculosis, kala azar and meningitis, as well as malaria and ankylostomiasis (hookworm infestation)—these last two assuming a particular economic significance because of their prevalence among plantation labourers as well as prisoners. This statistical, sanitary and medical reconnaissance of society via the prison, of 'biological traits' relevant to wider 'economic management', reminds us of Foucault's account of a similar, if more generalized, process at work in eighteenth- and nineteenth-century Europe.<sup>109</sup>

Without wishing to make Indian jails sound like Nazi concentration camps, which clearly they were not, it is noteworthy how medical measures could be enforced, and observations and experiments carried out in prisons, that were deemed impractical or inexpedient elsewhere. For instance, given the extreme difficulty medical researchers had in obtaining corpses for dissection because of the intensity of Indian opposition to post-mortems, the jail was one of the few permitted sources of cadavers. By the 1860s it was standard practice to conduct a post-mortem on every prisoner who died (the *Bengal Jail Manual* rather bizarrely suggested that one reason for this was to discourage prisoners from trying to escape by pretending to be dead!), and these post-mortems facilitated the acquisition of medical knowledge about diseases like typhoid, where diagnosis on the basis of external signs and symptoms was unreliable.<sup>110</sup>

'In no cases are preventive and prophylactic measures so efficacious as among bodies of men so completely under control, as are prisoners in jails', remarked Mouat in 1856.<sup>111</sup> Indeed, medical opinion inclined to the view that in prison it was possible—even desirable—to ignore the cultural and social 'prejudices' that obstructed Western medicine

of *Epidemic Cholera* (Calcutta, 1869).

<sup>108</sup> A. Lankester, *A Report on Tuberculosis in India* (Simla, 1915), p. 35. For jail-based investigations of ankylostomiasis, see K.S. Mhaskar, 'Report of the Ankylostomiasis Inquiry in Madras', *Indian Medical Research Memoirs*, no. 1 (Calcutta, 1924), pp. 10–11.

<sup>109</sup> Foucault, *Power/Knowledge*, p. 172.

<sup>110</sup> Hodge, *Bengal Jail Manual*, appendix p. 400.

<sup>111</sup> Mouat, *Report on Jails*, p. 43.

elsewhere and which indeed had previously been afforded recognition within the prison itself. As Rodhe in Madras put it, 'Outside a jail, prejudices are supposed to be insuperable, but within a jail there can be no excuse for neglecting any proper [medical or sanitary] precaution, or not compelling any observance which shall tend to remove the risk'.<sup>112</sup> These were not hollow words. At a time when it still encountered strong popular resistance and evasion, vaccination against smallpox was compulsory for prisoners who could not demonstrate prior protection. Even a man in Punjab, sent to prison in 1911 for refusing to have his daughter vaccinated, found himself vaccinated.<sup>113</sup> Early trials in the use of immunization against plague, cholera and typhoid were conducted on selected (and reputedly 'voluntary') prison populations in the 1890s and early 1900s. At Gaya Jail in Bihar in 1894 the Russian bacteriologist Waldemar Haffkine inoculated 215 of the 433 prisoners against cholera, though the Government of India, when it heard about this was fearful that reports of compulsory inoculation in jail would stir up hostile agitation. Despite this, three years later, in January 1897, half of the inmates of Bombay's House of Correction were inoculated with Haffkine's experimental anti-plague serum. In both cases the tests conducted among prisoners (along with plantation workers and soldiers) were advanced as scientific evidence for the safety and efficacy of prophylactic measures and their suitability for public use.<sup>114</sup>

Quinine was also widely experimented with in jails, partly because of the exceptional facilities they offered for administering strictly regulated doses and for careful observing their prophylactic effect. At a time when quinine encountered strong public resistance—because of its bitter taste, unpleasant side effects, and a preference for indigenous febrifuges—the prison provided a unique opportunity to demonstrate its effectiveness. The drug was first systematically used in 1907 when Punjab's Inspector-General of Prisons, G.F.W. Braide, instructed jail superintendents to give prisoners regular weekly doses of sulphate of quinine during months when malaria was prevalent. Ramadan happened to fall that year during the malarial season, but, in a way which indicates how the expanding claims of medical science were trenching

upon the old Orientalist sensibilities, instructions were given that Muslim prisoners were not to be exempted from this treatment but were to receive their dose after sundown; 'in no case' was the distribution of quinine to be 'suspended or vigilance over it be relaxed during the period of the fast'. Braide attached great importance to adequate and consistent dosage, and urged prison officers to use their influence and authority to ensure that every prisoner 'actually receive the exact quantity of the drug fixed by the rules in force at the appointed times'; 1908 proved to be one of the worst malaria years on record. In the four months from August to November an estimated 90 per cent of the population of Punjab suffered from malaria; 50 per cent fell seriously ill. Over 400,000 deaths were reported, and the loss of productive labour was immense. But Braide's quinine policy appeared to be vindicated because among prisoners sickness and mortality rates were much lower than among the general population. It was admitted that prisoners were an atypical group, with few women, children and old people among their number. Nonetheless, the fact that 90 per cent of the public fell ill, but only 10 per cent of prisoners, was used as evidence for the value of quinine and the public was urged to follow the prisoners' example.<sup>115</sup>

Pioneering work on Indian dietaries was also carried out in prisons. Observations made on prisoners were used to inform comparisons with the diet and health of the labouring population in general and to work out differences between the nutritional and calorific value of Indian and European dietaries. In 1846 Dr A.H. Leith conducted an enquiry into the causes of ill-health among prisoners at Bombay's House of Correction. His attention focused on the prisoners' diet, which consisted of rice, dal, a little salt and ghee. When Leith introduced an improved diet incorporating an antiscorbutic pickle and wheat-flour instead of rice, scurvy disappeared, sickness rates fell and there was an improvement in the body-weight and health of prisoners.<sup>116</sup> Criticisms made by Mouat on the deficiencies of jail diets

<sup>115</sup> G.F.W. Braide to all Jail Superintendents, Punjab, 4 July 1908, and 'Malaria in the Punjab and the protection of prisoners by the use of quinine in the jails of the province', Home (Jails), 11, January 1910, NAI. But even in prison such prophylactic measures could meet evasion—by prisoners who spat out the quinine 'poison' when the doctor was not looking: *Krishnakumar Mittra Atmacarit* (Bengali: 'The Autobiography of Krishna Kumar Mitra') (Calcutta, 1939), p. 323. I am indebted to Indira Chowdhury Sengupta for this reference.

<sup>116</sup> A.H. Leith, 'A contribution to dietetics', *Transactions of the Medical and*

<sup>112</sup> Rohde, *Report, Diseases of Prisoners*, para. 14.

<sup>113</sup> Home (Jails), 21–2, November 1912, NAI.

<sup>114</sup> R. Macrae, 'Cholera and preventive inoculation in Gaya Jail', *Indian Medical Gazette*, September 1894, pp. 334–8; Home (Medical), 37–47, April 1895; NAI; R. Harvey, 'Note on anti-plague inoculations', Home (Sanitary), 76, May 1898, NAI.

in Bengal ten years later stimulated fresh interest in the subject, and in 1861 (after his report had attracted attention in London) the Government of India asked each province to report on jail diets and compare them with the food of the labouring classes outside. The resulting surveys provide interesting insights into rural diets at the time.<sup>117</sup> However, the nature and quantity of food provided for prisoners remained a continuing source of controversy and several further investigations were carried out before the First World War. An attempt was made to reconcile the requirements of health and economy with a penological desire to exclude anything—such as ghee—that might constitute an item of unaccustomed ‘luxury’ for the labouring poor.<sup>118</sup> These investigations were also important in providing a measure for the amount of the food or money to be given to seekers of state relief during famines, providing evidence of how much (more often, how little) food was needed to sustain life and support labour.<sup>119</sup> Once again, colonial knowledge, born of the prison, supplied a standard of wider utility.

Dietary data based on prison populations was also used to make ‘scientific’ pronouncements about physiological differences between Indians and Europeans and even between different Indian ‘races’. In 1912 Professor D. McCay of Calcutta Medical College compared jail diets in Bengal with those in the United Provinces and used the results to draw a contrast between the physical frailty of rice-eating Bengalis

*Physical Society of Bombay*, n.s., 1, 1851–2, pp. 114–27.

<sup>117</sup> *Report by Civil Medical Officers on the Nature, Growth and Mode of Preparation of the Various Alimentary Articles Consumed by the Industrial and Laboring Population in the Several Districts of Bengal, North-Western Provinces, Punjab, Oude and British Burmah* (Calcutta, 1863); W.R. Cornish, *Reports on the Nature of the Food of the Inhabitants of the Madras Presidency* (Madras, 1863); *Report on the Diet of Prisoners and of the Industrial and Labouring Classes in the Bombay Presidency* (Bombay, 1865).

<sup>118</sup> For controversy following the introduction of new jail diets in 1877, see ‘Corporal punishment and mortality in Indian jails’, *Parliamentary Papers*, C3316, 1882, pp. 3–25.

<sup>119</sup> For the use of jail-based standards of diet and labour and the dispute that arose between W.R. Cornish, Sanitary Commissioner, Madras, and Sir William Temple on behalf of the Government of India, see J.C. Geddes, *Administrative Experience Recorded in Former Famines* (Calcutta, 1874), pp. 143–4; Cornish to Chief Sec., Madras, 13 March 1877, Madras Sanitary Commissioners Proceedings, March 1877, IOL. The use of prisoners’ health and diet as a basis for comparison with other social groups, such as factory workers, continued into the 1920s and 30s: e.g., Ahmad Muktar, *Factory Labour in India* (Madras, 1930), pp. 234–9.

and the robust constitutions and martial bearing of the Rajputs and Sikhs of northern India, with their diet of dairy products, wheat and meat. The prison evidence was taken as proof that the agrarian classes of UP were on a ‘distinctly higher plane of physical development’ than those of Bengal.

The general muscularity of the body is decidedly better and their capabilities of labour are greater. They are smarter on their feet, more brisk and more alive to the incidents of every-day life, and they do not present such slackness and tonelessness as one is accustomed to observe in the people of Lower Bengal.<sup>120</sup>

Despite the narrow nature of his evidence, McCay was confident that this showed how dietary ‘faults’ could be corrected to the advantage not just of prisoners but of agrarian society and state. Jail dietaries were taken as a valid indication of the importance of food rather than heredity ‘in the formation and development of those attributes and qualities of mind and body that are alike the pride of the soldier and the envy of inferior races’.<sup>121</sup> It seemed no more inappropriate to McCay than to many earlier colonial physicians to read civilian health from convict physiology.

## CONCLUSION

There are many histories of the colonial prison yet to be written. Concealed within its walls are many examples of unexplored subalternity, still obscured from us by the sheer density of the colonial record, and overlaid by the more familiar narratives of prison life that emerged from the middle-class discovery of the prison from the 1890s onwards. But looking back beyond that watershed, one can already see the nineteenth-century prison as a site of sporadic defiance and ‘everyday resistance’, of some success, in what might at first sight appear a most unpromising locale, in contesting and occasionally or temporarily negating the power and authority of the colonial state over the body of its subjects. Like Foucault, one might write a history of the technologies of corporal power as they manifested themselves

<sup>120</sup> D. McCay, *Investigations into the Jail Dietaries of the United Provinces with Some Observations on the Influence of Dietary on the Physical Development and Well-Being of the People of the United Provinces* (Calcutta, 1912), p. 188.

<sup>121</sup> *Ibid.*, pp. 135, 190.

in prison discourse and practice, though, it has been argued here, such a history would need to allow much more to the role of resistance in shaping the very nature of the prison system and to focus more centrally upon the prison as a site of state power and knowledge.

Out of the carceral gloom emerges a central discourse around the body of the Indian prisoner and its relevance to the wider colonization of Indian society. The prison was not cut off from all contact with and reference to the rest of civil society. On the contrary, it often served an exemplary role—showing how discipline and order could, or (not infrequently) could not, be imposed on indigenous society by an alien ruling class, how a desire to overturn cultural and social ‘prejudices’ needed to be tempered by political pragmatism, how medicine might reign without its customary hindrances. *Despite the iron fetters and the high walls, despite the exercises in internal exile and overseas transportation, the prisoner remained ineluctably, even defiantly, part of his or her own society.* The colonial prison was, in many respects, a remarkably permeable institution, connected to the outside world through venal warders and communal identities as latterly through political affiliations. What happened in the prison echoed in the streets, reverberated in the villages. In the mid-nineteenth century, the colonial authorities felt obliged to recognize a continuum between the prison and the wider community and so abandoned any pretence at individualizing or reforming prisoners. It was politically expedient to do so, but it also reflected certain basic assumptions about the essential nature of Indian—as opposed to Western—society.

And yet paradoxically the prison, more especially in the later decades of the nineteenth century and the early part of the twentieth, was also a site where colonialism was able (indeed was obliged) to observe and interact with its subjects to a degree exceptional elsewhere. Where else did it feed, clothe, house and nurse its subjects? The body of the prisoner was disciplined, but this was less in the service of moral reform than in the cause of remunerative labour. While the need to respect the essential attributes of caste and religion was acknowledged and enshrined in prison manuals, the body of the prisoner might yet serve as a site of intensive medical investigation and experimentation. This, quite apart from the role which confinement might have in the actual disciplining of labour, made the prison integral to the wider dynamics of labour management under colonial rule. For all its superficial isolation and its obvious physical and sociological peculiarities, the prison was repeatedly scrutinized as some

kind of representative institution—in relation to caste, to disease, to labour, and to diet. The body of the prisoner and the cultural practices that surrounded it were constantly related to wider perceptions and imperatives alike among the colonized and the colonizers.