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Title:
The Colonial Prison in Bengal 1860-1945: Alternative Histories and Colonial Experiences vis-à-vis Literary Writings

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Introduction: Brief Historical Development of the Colonial Prison in Bengal

In pre-colonial India, the concept of institutionalised incarceration, akin to modern prisons, did not exist. Dungeons were primarily designated for political offenders. Until the eighteenth century, ordinary criminals, including those accused of murder, were subjected to summary trials that often culminated in severe corporal punishments such as impaling, scalding, or limb amputation. However, with the substantial increase in crimes such as theft and burglary, particularly in urban and port areas, alongside peasant uprisings and the burgeoning nationalist movement in the later period, there was a shift towards the adoption of a modern prison system in colonial India.

Historically, in colonial Bengal, the East India Company (hereafter the Company) enforced its own civil and criminal laws even before obtaining full legislative authority from the Parliament in 1797. In 1772, the Company established the *Diwani Sadar Adalat* (chief civil court) and *Nizamat Sadar Adalat* (chief criminal court) as part of its legal framework. Each district also had a *Mofussil Diwani Adalat* for managing civil disputes and a *Faujdar Adalat* for criminal offenses. However, the Regulating Act of 1773, which established the Supreme Court of Calcutta, led to a dual governance system by the Company and the Crown rule in Bengal. Eventually, jurisdictional conflicts, particularly concerning tax collection and territorial reach, necessitated an overhaul of the administrative process. Besides, The British government's commitment to establishing English law in India was further demonstrated by the Pitts India Act of 1784.

Notably, in the 1790s, the Company began constructing large, structured prisons to exert greater control over crime and the population. Over the following two decades, 35 prisons were built in the Bengal Presidency, including Midnapore Jail (1792), Burdwan Jail (1797),

and Alipore Jail (1810), marking imprisonment as the primary punitive method.[1] Prior to this, two notable jails existed, the 'House of Correction' in Barabazar and the 'Ambassador's House Gaol' in Lalbazar, established in the 1730s. Due to limited capacity, Lalbazar Jail was relocated to Maidan, where Sheriff Hare planned a new House of Correction. Until 1865, two penal facilities operated concurrently on Maidan's outskirts; the House of Correction, overseen by the Calcutta police commissioner, and Harinbari (Calcutta Jail), supervised by the sheriff reporting directly to the Supreme Court.

Finally, the British government under T. B. Macaulay's leadership, aimed to reform existing legal provisions and the penal system in 1836. Macaulay sought to eliminate the arbitrary and authoritarian aspects of the Company's criminal law, which was intertwined with traditional institutions and sacral texts, to implement a systematic rule of control and discipline over the indigenous people.[2] This perspective reflected the belief that the 'rule of law' would replace the perceived absolutism of the Islamic political system.

The 1838 Prison Discipline Committee Report thus outlined the first modern prison system in India, recommending improvements in work conditions, diet, solitary confinement, and transportation. The committee found that the discretionary power in prisons had often been beneficial, leading to the implementation of intramural hard labour for all convicts to avoid offending high-caste Hindu zamindars. Regarding prison diet, the committee recommended that prisoners should not cook their own food; instead, Brahmin and Muslim cooks should be provided to accommodate racial and caste considerations. However, the common rationing system, which prevented prisoners from cooking for themselves or bringing food from outside, was not implemented in the Bengal Presidency until 1860. These penal reforms introduced a

[1] Sharmistha De, "Europiyo Kayadi: Jailkhanar Bisheshi Atithi," (European Prisoners: The Foreign Guest of Jail) *Garib Sahebnama: Oupanibeshik Bharate Prantik Europiyo Samaj 1770-1947* (Wretched Shahib Nama: The Neglected European Communities in Colonial India 1770-1947) (Kolkata: Bookpost Publication, 2023), 201-233.

[2] Thomas Babington Macaulay, "Minute, dated the 2nd February 1835," *Islamic Studies* 54.3/4 (2015): 237-248.

'science of punishment' aimed at creating a deterrent effect, but prisons remained a quintessential colonial institution and a central site of interaction between the colonial state and its subjects.

The development of this system of carceral imprisonment was also significantly influenced by Enlightenment ideals, particularly those of utilitarianism and rationalism. The contributions of philosophers and reformers such as John Howard, Jeremy Bentham, and Alphonse Bertillon played a crucial role in shaping this transformation. Howard's advocacy for prison reform, Bentham's principles of utilitarianism and his conceptualisation of the Panopticon, and Bertillon's innovations in criminal identification and record-keeping were instrumental in the evolution of the prison system during the colonial era. These Enlightenment ideas and reformative influences underscore the complex interplay between intellectual thought and practical implementation in the historical progression of incarceration practices in Bengal.

This study focuses on the prison system in colonial Bengal post-1857, particularly from the 1860s onward with the introduction of the Indian Penal Code (IPC). The Sepoy Mutiny of 1857 significantly altered the British imperial attitude towards the colonial population, leading to a more coercive and disciplinary colonial state. The mutiny highlighted the vulnerability of British military power and underscored the vast population of India compared to the small number of British rulers. During the rebellion, mutineers attacked 41 prisons and freed 23,000 prisoners, exacerbating a penal crisis due to the lack of prison space.[3] Consequently, post-1860, the prison administration had to implement the reformative measures proposed by the 1838 Prison Discipline Committee (PDC), transforming colonial Bengal into a modern disciplinary state where the prison system became central to justice and punishment.

[3] Clare Anderson, *The Indian Uprising of 1857-8: Prisons, Prisoners and Rebellion* (London: Anthem Press, 2007), 1-2.

Thus, the colonial prison system in Bengal, as documented through penal acts, jail codes, manuals, committee reports, and administrative data, evolved from a religio-local and arbitrary system under the East India Company to a structured, modern institution aimed at maintaining law and order. Although the system's formal establishment began with the 1838 Prison Discipline Committee, it was the 1857 Mutiny and the 1860 Indian Penal Code that solidified its regulatory framework. Subsequent administrative and architectural developments made it the principal punitive mechanism supporting the colonial regime's 'rule of law' in nineteenth-century Bengal. The prison system underwent significant changes with the rise of militant activism, leading to the adoption of segregation methods, cellular divisions, employment of specialized jail surgeons, and special provisions for political prisoners. The Prisons Act of 1894 aimed to centralize the system, and the 1919-20 Indian Jail Committee's report marked a shift towards rehabilitation over mere control and deterrence.

Numerous studies have critically examined the reformative history of colonial prisons in India from historical, ideological, and anthropological perspective. David Arnold (1996), Clare Anderson (2007), Satadru Sen (2000), P. K. Tarapore (1936), Anand A Yang (1987), Ranjan Chakrabarti (1997), Mahuya Bandyopadhyay (2005), and others have already explored Indian prisons historically, ideologically as well as anthropologically. One of the major accounts on Bengal jails has been produced by Madhurima Sen in *Prisons in Colonial Bengal 1838-1919* (2007). They often rely solely on historical and archival sources and neglect how the experiences of colonial subjects in Bengal evolved over time. This study argues that the colonial prison was not a monolithic institution, nor were the experiences of colonial subjects uniform. Therefore, incorporating literary writings is crucial for understanding the perspectives of the colonised. This dissertation does not view literature and archives as definitive sources of knowledge but rather as interconnected platforms for dialogue that continuously validate and inform each other.

This dissertation attempts to interrogate this dominant historical narrative by exploring alternative histories of the colonial prison in Bengal, particularly through the experiences of the colonised Bengali subjects as produced in literary writings. To address these questions, this study has examined a diverse array of literary texts set in colonial Bengal, covering the period from the mid-nineteenth century to the mid-twentieth century. The analysis encompasses three main categories of texts: fiction, drama, and life writings. Among fiction, I have included Kedarnath Dutta's *Sachitra Gulzarnagar* (Illustrated Gulzarnagar), published in 1871, Charu Chandra Chakraborty's (written under his pseudonym, Jarasandhra) *Louha Kapat* (The Iron Gate) *Dwitio Parba* (Second Episode) published in 1954 (1362 in Bengali), Gopal Halder's *Anyadin* (The Other Day), published in 1950 (1357 in Bengali). I have looked at three Bengali dramas in this study including Dinabandhu Mitra's *Nil Darpan*, originally published in Bengali in 1860) and translated in English entitled *Nil Darpan or the Indigo Planting Mirror* by Michael Madhusudan Dutt in 1861, Dakshinaranjan Chattopadhyay's *Jail Darpan* (Jail Mirror) published in 1875, and Upendranath Das's *Surendra-Binodini Natok* (Drama Surendra-Bindodini), published in 1880 (in Bengali 1287). The life writings I have used in this dissertation are mostly memoirs written by both male and female revolutionaries who actively participated in the nationalist movement, and had first-hand carceral experience. Among these, I have looked at Bina Das's *Bina Das: A Memoir* (originally published in Bengali as *Srinkhal Jhankar* in 1948) translated by Dhira Dhar in 2010, Kamala Dasgupta's *Rakter Akshare* (Written in Blood) published in 1954 (1362 in Bengali), Rani Chanda's *Jenana Phatak* (Zenana Prison) published in 1957 (1365 in Bengali), Aurobindo Ghosh's *Tales of Prison Life* (originally published in Bengali as *Karakahini* in 1909) published in 1974, Hemchandra Kanungo's *Banglai Biplab Prechesta* (Revolutionary Endeavours in Bengal) published in 1928, Bhupendrakumar Dutta's *Biplaber Padachinha* (Footprints of Revolution) published in 1953, Jogesh Chandra Chatterji's *In Search of Freedom* published in 1958, Trilokyanath

Chakrabarty's *Jaile Trish Bachar O Pak-Bharater Swadhinata Sangram* (Thirty Years in Jail and Struggle for Freedom of Pak-India) published in 1962, and Amalendu Dasgupta's *Detenu* published in 1966.

Research Questions

This dissertation will explore alternative histories of the colonial prison in Bengal from 1860 to 1945, focusing on colonial governmentality as it relates to prison architecture, bureaucracy, and the evolution of colonial experiences. It seeks to analyse the official penal records of the colonial state to observe how the prison was perceived, responded to, and experienced by Bengali subjects, as produced in nineteenth and twentieth-century literary writings, including fiction, dramas, and life narratives. The study questions whether the colonial prison adhered to the principle of equal treatment as stipulated in the 1860 Indian Penal Code, or if experiences varied based on class and caste. The dissertation also examines the Bengali colonial subjects' interactions with the internal mechanisms of imprisonment, such as strict routines, solitary confinement, and torture, particularly in the context of revolutionary activism in Bengal. It aims to uncover how these subjects negotiated, resisted, and subverted the coercive measures within the prison system. Additionally, the study investigates the penal experiences of Bengali women, both ordinary and political prisoners, and the influence of gender politics on imprisonment in colonial Bengal, considering the specific impact on their gendered bodies.

Critical Frameworks

The prison, as a colonial institution, functions as a strict mechanism of control. This role should be examined within the broader contexts of political rationality, colonial power structures, and the concept of governmentality. The colonial government's rationale for implementing carceral imprisonment was ostensibly to reduce crime, reflecting the dynamics of power. Michel Foucault in *Discipline and Punish* (1991) identifies these shifts as a transition from sovereign power, characterised by public physical punishment, to disciplinary power, involving

regulated, less visible punishment. The modern penal system, he argues, moved away from public spectacles of torture to a system of constraints and deprivations, where punishment became an economy of suspended rights rather than unbearable sensations. This shift marks a transformation from the feudal sovereign power's right to kill to the modern disciplinary power's control over the body, aiming to civilise and humanise punishment.[4] Additionally, Foucault discusses a more pervasive form of power targeting populations rather than individual consciousness. In *The Foucault Effect: Studies in Governmentality* (1991) and *Security, Territory, Population: Lectures at the Collège de France, 1977-78* (2009), Foucault introduces this concept as governmentality. He describes it as the emergence of new tactics and techniques focused on controlling populations, marking a departure from individual-focused governance emphasising that

> "Governmentality" I understand (is) the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument. … (Secondly it) has constantly led towards the pre-eminence over all other types of power— sovereignty, discipline, and so on—of the type of power that we can call "government" and which has led to the development of a series of specific governmental apparatuses (*appareils*) on the one hand, [and, on the other] to the development of a series of knowledges (*savoirs*).[5]

However, governmentality encompasses not only mass objectification but also the subject's self-interest and willingness to be governed, giving rise to biopolitical power, or power over life. It is crucial to determine whether Foucault's concepts of sovereign, disciplinary, and governmental power should be considered together or in succession, and whether they are applicable distinctively in colonial contexts. The concept of 'colonial governmentality' thus addresses the debate over the application of Foucault's theories, which are rooted in European experiences. Baidik Bhattacharya argues against studying European and colonial contexts separately or viewing the former as a precursor to the latter through colonial mimicry. David

[4] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New Delhi: Penguin Books, 1991), 299.
[5] Michel Foucault, *Security, territory, population: Lectures at the Collège de France, 1977-78*, edited by Michel Senellart and translated by Graham Burchell, (London: Palgrave Macmillan, 2007), p. 108

Scott, in his seminal work, highlights the unique political rationality of colonial governmentality, which focuses on governing effects rather than merely extracting resources from colonial bodies.[6] Gyan Prakash underscores this disruptive nature of colonial governmentality, which imposes self-governance on the native population, making them "self-governing subjects in spite of their will" within the colonial system of knowledge and practice.[7] Notably, Foucault's later lectures also acknowledge that sovereign and disciplinary power may coexist with governmental power, with one dominating at any given time. Thus, the colonial prison, as a modern *dispositif*, is seen in this study as part of the colonial state's power structure, involving a dynamic interplay of sovereign, disciplinary, and governmental power, rather than a linear transition from one to another.

Prison administration took a historic turn in colonial Bengal with the formation of PDC in 1838. As per the committee report, in all the presidencies and districts' jails of Calcutta, Madras, and Bombay were recommended to introduce hard labour within the prison replacing the previous intramural engagement. Such reformative inclinations indicate a shift from the public exhibition of corporeal punishment to the production of docile subject in an enclosed setting under the purview of surveillance maintained by jailors, guards, and other prison officials. The abolishment of physical torture by the colonial state manifests its disciplinary turn from the previous barbaric sovereign power display. Even for records, one of the earliest applications of Benthamite panopticon technique was adopted by the British administrator Mountstuart Elphinstone in western India, Poona.

Prison in colonial Bengal can be argued to transform its disciplinary mechanism to the domain of governmental power-schema (governmentality) with the emergence of nationalist insurgencies. The colonial prison was posited as the symbol of fear of violent repression and

[6] David Scott, "Colonial Governmentality," *Social Text* 43 (1995):191-220.
[7] Gyan Prakash, *Another Reason: Science and the Imagination of Modern India* (Princeton: Princeton University Press, 2020), 143.

absolute domination at the population level, especially to control the mass agitation fuelled by the nationalist revolutionaries. Officially, it was made appeared as a bio-political machinery that promised to protect the lives of the native population from crimes and disorder. However, in the context of colonial regime, this governmental protection comes only with its exclusion, leaving the Indian subject at the edge of discrimination and death at times. Following the racial prejudices of the colonial state, prison becomes the site where the convicts are subjected to the physical and mental torture. This return to the sovereign power in the disciplinary setting manifests the 'exceptional' presence of 'bare life' consciously allowed within the periphery of the state-sanctioned institution.[8] This power over life, contrarily, enables death to enter in the colonial sphere, what Achille Mbembé calls 'Necropolitics.'[9]

Nonetheless, it cannot be denied that the elite *bhadralok* section of Bengali society shows certain interest in self-governance by valorising the colonial state's false rhetoric of the maintenance of law and order in the civil society. They not only accepted the rule of law albeit in limited sense, they fostered their identity of the law-abiding subject in relation to prison. This indicates to the limited penetration of the governmental turn of penal power. However, soon "through subtle practices of transgression and repetition, nationalism subverted colonial governmentality and pursued its own program of the welfare of the population."[10] Prison, thus, is transformed into the place of contestation and resistance against the colonial state.

Overview of the Chapters

This dissertation establishes a comprehensive linkage between the macro-historical and micro-historical perspectives of the colonial prison in Bengal. It examines the prison's evolving perception in Bengali society, its role in shaping individual and collective identities, its intricate

[8] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Sandford: Stanford University Press, 1995), 6.
[9] J-A Mbembé and Libby Meintjes, "Necropolitics," *Public culture*, 15.1 (2003): 11-40.
[10] Prakash, *Another*, 157.

regulations, impact on convict bodies, techniques of torture, and resistance tactics. It also explores the gendered dynamics and specific modalities of resistance and subversion.

Chapter 1: "Beyond the Walls: The Evolving Image of the Colonial Prison vis-à-vis Colonial Subjects" explores the complex interaction between the colonial state, individual subjectivity, and societal perceptions. It highlights the ambivalent evolution of both the colonial prison and the penal subject's identity in colonial Bengal. Initially, the colonial prison was feared, as depicted in works like Kedarnath Dutta's *Sachitra Gulzar Nagar* and Dakshinaranjan Chattopadhyay's *Jail Darpan*, which describe the prison's harsh conditions. Although the modern, enlightened Bengali elite *bhadralok* accepted the British government's liberal punitive measures, they viewed imprisonment as a social blasphemy and jail as a place of disgrace. Contrarily, texts like Dinabandhu Mitra's *Nil Darpan* portrayed the lower classes as more prone to violence, thus fostering a legal identity among the privileged classes in opposition to the lower classes. With the rise of nationalist movements, prisons transitioned into autocratic machinery and sites of protest and resistance. As revolutionaries used prisons in their struggle against the colonial state, prisons gained respect and national honour, transforming the identity of Bengali people from frightened subjects to progressive rebels.

Chapter 2: "Designing Repression: Regulating Space-Time in the Colonial Prison" examines the architectural layout and organisational structure of colonial prisons in Bengal, focusing on the internal power dynamics between penal authorities and convicted subjects. It discusses the colonial government's claims of improving prison buildings, facilities, and conditions, contrasting these claims with literary accounts that reveal deplorable conditions until the 1880s. Subsequent upgrades in temporal and spatial distributions aimed to segregate political prisoners. The chapter also highlights the mental agony and dehumanising conditions of solitary confinement as described in memoirs like Aurobindo Ghosh's *Tales of Prison Life* and Hemchandra Kanungo's *Banglai Biplab Prechesta*. However, despite strict surveillance,

inmates managed to breach this system through solidarity and transgressions, gaining limited autonomy and agency.

Chapter 3: "The Laboratory of Violence: Convict Body, Torture, and Penal Power" highlights the persistence of corporal punishment and torture in colonial prisons, despite the official abolition of public crude punishments. It links high mortality rates to poor conditions and labour-intensive tasks. While the colonial prison adopted some rehabilitative measures post-1860 codification, it continued to apply pain and violence to convict bodies. During the rise of militant nationalism, physical torture intensified, evolving into psychological coercion often facilitated by abuse and humiliation. Besides, prison authorities, sometimes with the complicity of jail physicians, deliberately withheld care from political prisoners, using hard labour and psychological manipulation to suppress dissent. Thus, the chapter by considering literary writings, especially life narratives demonstrate the application of sovereign power of the colonial state within the prison by producing a state of exception.

Chapter 4: "Who is Afraid of Jail: Resistance and the Incarcerated Subject in Colonial Prisons in Bengal" presents the colonial prison as a site of contestation, defiance, and resistance. It details how mutineers targeted prisons during the Mutiny and how subsequent advancements in prison technology shifted resistance tactics. Notably, revolutionary prisoners employed solidarity, collective demands, artistic expressions, and hunger strikes as internal tactics of resistance within the prison, embodying what Foucault terms 'counter-conducts.' They also engaged in ethical resistance or 'parrhesia' (fearless speech) to oppose colonial authority. This chapter thus goes on to prove that colonial subjects were active agents who resisted and subverted the colonial state's absolute power, even within the prison.

Chapter 5: "Women in Prison: Gender, Morality, Revolution, and the Limits of Colonial Governmentality" provides an overview of female prisons in colonial Bengal, tracing their development and highlighting the gendered experiences of imprisonment.

Initially, female prisoners, predominantly from lower classes and castes, were viewed as moral burdens requiring correction. The colonial prison sought to reassign these women to traditional feminine roles, while elite Bengali society attempted to distance them from the *bhadramahila* community. With the emergence of political women, this prison dynamic regarding female prisoners shifted. Memoirs of female revolutionaries reveal that, due to the large number of detainees, prison authorities struggled to enforce coercive measures. By the late 1920s, political women could freely interact and engage in subversive acts within prisons, posing a persistent challenge to colonial governmentality.

This dissertation thus identifies three phases in the prison system of colonial Bengal between 1860 and 1945. In the first phase (1860-1890s), prisons were improved scientifically and technologically to instil docility, morality, and obedience, reinforcing imperial authority. In the second phase (1890s-1920s), prisons became repressive tools to suppress nationalist movements and dissent. By the third phase (post-1920s), under pressure from political prisoners, prisons adopted a more egalitarian ethos, accommodating demands for basic dignity and humane treatment. However, colonial prisons inherently exhibited exceptions to these trends.

The dissertation, therefore, through five interconnected chapters, draws four major conclusions. Firstly, while official records suggest a progressive shift towards upholding law and order and emphasising rehabilitation, literary writings reveal prisons primarily functioned as sites of repression. They oscillated between sovereign, disciplinary, and governmental power, reflecting the administrative needs of the colonial government. Thus, the development of the colonial prison was not linear but was continually resisted, defied, and reconstructed by penal subjects, especially Bengali political prisoners. Secondly, the new carceral system introduced in 1860 induced legal anxiety among Bengalis, previously absent in Islamic or village council regulations. Although the British portrayed prisons as liberal and beyond

caste/class privileges, the upper caste and class initially perceived themselves as exempt from imprisonment's disgrace, fostering their legal identity in opposition to lower castes and classes. Thirdly, life narratives of political prisoners reveal that during the revolutionary activism of the twentieth century, colonial prisons acted as sites of exception, employing physical and mental torture against militant nationalists, labelled as 'terrorist groups.' These acts of brutality and the prisoners' resistance, including hunger strikes and protests, were often overlooked in official archives. Finally, women prisoners, both ordinary and political, posed a perpetual enigma to the colonial state. Nineteenth-century prisons aimed to instil docility in 'fallen' women, predominantly targeting low caste and class women. However, the resilience of educated Bengali women in militant activism disrupted the colonial state's moral logic towards female prisoners.

Therefore, it can be submitted that while the colonial prison in Bengal, as produced in literary works including fiction, drama, and life narratives, aimed to produce docile colonised bodies through juridical and technical means, it was continually vandalised, resisted, and subverted by radical nationalism. Moreover, despite officially promoting liberal, equal treatment, colonial prisons were driven by racial prejudices and imperial agendas, unmasking their modern, humane veneer, and often exceeding feudal punitive barbarity.

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