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A HISTORY OF PRISON ARCHITECTURE THROUGH THE LENS OF EVOLVING SOCIAL, LEGAL STANDARDS: NATIONAL AND INTERNATIONAL PERSPECTIVES

Abstract

Architecture is one of the important areas of human life. Architecture and Human Rights has close connection with each other. Each architectural design has been framed to achieve specific aims and objectives. Architecture sends a silent message to everyone walking into any place. It tells you what to expect and where the limits of behaviour are. Good architecture can bring happiness and mental and physical health to human life. However, bad or poorly designed architecture can bring violence, ill health, and negativity. Architecture is a dependent and growing concept. It depends upon various factors that deeply impact architecture, like geography, weather, environment, need, etc. Surprisingly, the law is one of the factors that have a significant impact on architecture. Law and architecture have a close connection with each other. If you look at architecture from the perspective of crime, then architecture is one way to prevent crime. Prison is the best example of this relationship. To prevent crime, specific architectural types were prepared so that some special impact could be made on the prisoners. Law is the one who converted a four-wall into the building which has all the amenities in it. Presently, we are living in the era of open prisons. From four walls to open sky, from torture chamber to amenities building, there is a change which needs to be studied. This change is nothing but the impact of the law on the prison architecture. The changing policies of law and need have added remarkable changes to the prison architecture. Although this was not an immediate change, it was something that developed over time. However, the law is still growing. It is introducing new rights almost every day. These rights are changing as per the needs and other factors of society. Ideally, it is necessary to introduce changes in prison architecture to protect those rights. It is a matter of analysis. Researchers attempted to trace the architectural history of prisons and their relationship with changing laws from a national and international perspective in this research paper, examining the need for the changes and Indian prison status.

Key Words:-History of Prison, Prison Architecture, National Perspectives, International Perspectives.

INTRODUCTION

“As an architect, you design for the present, with an awareness of the past for a future which is essentially unknown” stated by Norman Foster.¹ As per this line architecture is not only a design but it is more than that which has specifically prepared to achieve certain aim and objectives. Architecture and human civilization has close connection with each other. Each architect is representing a culture, moral values, and way of thinking of each society.² Architecture has a close connection with human society and crime is not an exception for it. Society and its members always expect peace around them. To maintain that peace, society always tries to trace those elements of the society who are responsible for causing disturbances in society. Mostly some anti-social elements, law breakers, offenders are the one who mostly traced by existing law of the land in order to punish them in the isolation. The moment law tried to make this anti-social element apart from society, the need and role of specific architecture came into a picture.

Each species requires a specific kind of architecture to fulfill specific purpose. If we talk about human beings, then there is a need for a different architecture, especially for those who are prisoners. Prisoners are humans with evil natures. Their existence is harmful for the society at large. However they are recognized as a human by the law with different rights which should not be violated at any cost. The law have purpose to isolate them from the society, however, law cannot avoid their existence as human and their rights to merge with society after certain time period.

The architecture of prisons and their creation is itself a complex issue because a prison is a building that has been constructed to achieve many contradictory goals simultaneously. It is responsible to hold prisoners in such a way that they do not become a part of society. However, it needs to prepare them in a way so that whenever they get a chance to fit into society, they should fit into it. Prisoners should be kept in such a way that although they are physically halted by authority, mentally they should always feel tempted for the outer world, because it is an ultimate goal of prison and prisoners. As a result, there was a need for such an architecture that serves all purposes without violating the rights of prisoners and without sacrificing the existing rights, safety and peace of the law binding citizens.

Overall, construction for these anti-social elements has never been an easy task; this architecture is the history that developed throughout the centuries. The existing and changing law added more challenges to it. The birth of human rights and its rampantly growing importance is demanding more architectural development in this area. The case of *Vijay Maliya* could be cited as best example for it.^{3,4}As in order to ask for his custody, Indian government thinking to

¹ <https://www.mchmaster.com/news/best-architecture-quotes/> , visited on 1 September 2022.

² Ibid.

³ Smita Chukkraburty “Plans of a Swanky Prison Cell for Vijay Mallya Violate Equality Before Law: Mumbai’s Arthur Road jail plans to build new cells in a bid to facilitate millionaire expat Vijay Mallya’s stay in prison under ‘humane conditions’” <https://thewire.in/rights/plans-of-a-swanky-prison-cell-for-vijay-mallya-violate-equality-before-law>, visited on 1 September 2022.

⁴ Yogesh Naik “Our jails are good enough for Vijay Mallya: State” <https://mumbaimirror.indiatimes.com/mumbai/other/our-jails-good-enough-for-king-of-good-times>, (Visited on 1 September 2022)

prepare such prison architecture which can fulfill the existing requirement of the law. The impact of the law is the reason which converted four wall of prison in to the open sky prison. Overall prison is an architect which is a developing concept which has developed throughout the centuries. It is new trend of correctional justice system.⁵ There are so many factors which are impacting on it and the laws one of them, however, it is the history which can be traceable into two types first is international and other is national.

INTERNATIONAL HISTORY

Crime is an issue that has been faced by everyone, irrespective of territories. It is a universal issue that has tried to be solved by everyone. However, from the point of view of prison architecture, international history is more valuable than national history. It is divided into many phases like before birth of Modern punishment, after birth of Modern punishment, Human Rights etc.

London as Birth Place of Prison

Punishment and prison is very closely associated with London. There were many remarkable changes were occurred at London regarding punishment and Jail. The London was the city which was supported the capital punishment in public. There were several causes of public punishment. One of the important causes was display of power of sovereignty. It was a message to the public at large regarding crime and its effect on them. However, king always wants to punish the criminal amongst the larger public so that larger public should be prevented to choose a crime as their way of life. Generally, Punishment and its implementation constitute an inseparable part of the criminal justice system. The accused was punished by the ruler, but its immediate implementation was an issue, especially when crimes were increasing. To deal with this situation a place where the accused could wait for their punishment was established, which was known as a prison. In order to provide halt to the prisoner Newgate prison was established in the 12th century by King Henry II and remained in use all the way through to 1902. It is said that between 1790 and 1902 over one thousand people were put to death at Newgate; these were carried out outside the prison walls on the Old Bailey Road but later on the public executions were abandoned in 1868.⁶ As an impact of it there was the Birth of modern punishment.

Birth of Modern Punishment

Prior to Modern period of punishment, punishment and its implementation were the only aims, but gradually there was the birth of some philosophers who started to oppose this violation of inhumanity in the name of punishment. Before the 18th century, punishment was directed at the human body. Violent torture, mutilation of convicts' bodies and cruel executions were a public spectacle aimed at teaching a lesson and deterring others from committing similar crimes. The horrible suffering of wrongdoers was seen as proof the sovereign's absolute power over every citizen. In the 18th century, French reformists began to question the penal system and called for less spectacular and violent punishments. However, it was not the welfare of criminals

⁵ Norman Johnston "RECENT TRENDS IN CORRECTIONAL ARCHITECTURE" The British Journal of Criminology, Vol. 1, No. 4 (APRIL 1961), pp. 317-338.

⁶ "Newgate Prison" <https://www.historic-uk.com/HistoryMagazine/DestinationsUK/ExecutionSitesinLondon> (visited at 30 August 2022).

that concerned them, but social control. The spectacle of torture would often provoke unintended consequences: witnessing extreme violence, citizens would sometimes side with the tortured convict, which led to riots. The advent of a new economy and politics of the body took “the art of punishing” to a new level. Reformists of the penal system believed that the main goal should not be to take revenge on the criminal, but to prevent future crime. The state would now focus on controlling the potential consequences of a crime, making the punishment less violent on the bodies of the criminals, while ensuring a stronger effect on their minds. This shift led to the proliferation of prisons and the emergence of correctional facilities for criminals⁷.

View of Jeremy Bentham and Birth of Prison architect

Jeremy Bentham was a philosopher who strongly believed in the principle of "utilitarianism". Maximum benefits and happiness should be secured for society. Bentham believed that any person or group who carried out acts that were detrimental to society should be punished with imprisonment. If we punish them with the death penalty, that person cannot serve society. In his opinion, the death penalty is a less painful method of deterrence, especially when a prisoner has been awarded punishment for hard labor. Jeremy Bentham not only shows his contradictory view towards the death penalty and the orthodox method of punishment, but he also suggested some solutions for it. This solution is nothing but the "birth of the era of Modern Prison Architecture",

Panopticon

The first prison architecture which was an idea of Bentham was known as "Panopticon". The basic principle behind the "Panopticon" was to monitor the maximum numbers of prisoners. A jail building is the only one cell has an open side that faces the main tower, although it has bars covering it, this open side is otherwise completely exposed to the tower. As, result, every cell is completely viewable to the guards at all times, making the inmates always exposed and visible. On the other hand, the tower is sufficiently removed from the cells and has modestly sized windows so that the inmates cannot see the guards within. However the Machel Foucault represented the idea of “Panopticon” as symbol of social structure or symbol of discipline. As per Michel Foucault the discipline, law, and its terror is necessary to force a people to follow the law. The concept of “Panopticon” was that symbol of social control for the Michel Foucault. However the architectural idea was belongs to the Bentham but its utility can be interpreted by the Michel Foucault.

Pensilvania system

The panopticon prison system has its own lacunas. It was based upon the principle of continued observation with a minimum of guards. According to many philosophers, this idea of remaining under continuous surveillance has a deep psychological impact on prisoners. In this era of criticism, there were some philosophers who supported the concept of punishment from the perspective of reformation. The views of Cesare Beccaria were adopted by Jeremy Bentham. However, due to certain loopholes, there was the birth of the Pennsylvania system. It was a system

⁷ “History of Prison” <https://garagemca.org/en/programs/publishing/michel-foucault-discipline-and-punish-the-birth-of-the-prison>, (visited on 29 August 2022).

based on isolation and solitary confinement with the goal of reforming prisoners, but in this system, prisoners were allowed to see the institution officer. Prisoners were kept in solitary confinement in cells 16 feet high, nearly 12 feet long, and 7.5 feet wide (4.9 by 3.7 by 2.3 m). However, soon the bad side effects of the Pennsylvania system were noted. The utmost isolation and no communication with other inmates started to have a deep impact on the health of the prisoners. The Pennsylvania system was first adopted in Europe and was banned by the European Union due to the disadvantages that it had on prisoners.⁸

Auburn system

The Auburn System was combinations of small cells which were constructed for the prisoners at the New York in the year 1819; the theme of this system was absolute forced silence. This silence was enforced on the prisoners in order to provide them the strict isolation. In the silence thinking procedure of prisoner could work better. It is like meditation but if they allowed communicating with someone then there must be exchange of negativity and feeling of companionship. Hence this system had more emphasis on silence. The Auburn prison administrators developed a system that was almost the opposite of that used at the Eastern Penitentiary. Inside cells- prison cells that do not touch the outside walls of the cell block. An unfortunate by-product of the badly planned Auburn experiment was the use of solitary confinement as a means of punishment within the prison. The discipline regimen at Auburn also included congregate work in the shops during the day, separation of prisoners into small individual cells at night, silence at all times, lockstep marching formation, and a congregate meal at which the prisoners sat face-to-back. There was great emphasis on silence.⁹

Mark system

This marking system was developed by Alexander Maconochie at Norflock Island, which was situated near the American colonies. This system was prison reform centric. However, the method was absolutely different. In this system, prisoners were detained by the officers so that they could earn good marks for their behaviour in order to be released from that prison. This marking system is based on the seriousness of the crime. The seriousness of the crime will decide the requirements for marks. Grievous crime is directly proportionate to the number of marks required to be released. As the punishments were not time-bound, as soon as prisoners earned the required marks, they were released from prison. This system was designed in such a way that it could work as a motivating factor to show their best reformation, which they achieved through isolation. If we analyse the existing position then it was considered as best existing method of its time.

Elmira prison

The Elmira system was based on two ideas. The first one was the marking system, and the other one was the Elmira structure to detain the prisoners. Elmira is a symbol of the bifurcation of prisoners as per the seriousness of the crime, age, etc. The Elmira system supported the bifurcation of prisoners so that they could be reformed as per their approach. As per their requirements and

⁸ Pennsylvania system, <https://www.britannica.com/topic/Pennsylvania-system> (visited on 2 September 2022)

⁹ "The Auburn system" <https://worldclassroom.webster.edu/courses/1371060/pages/week-1-the-pennsylvania-and-auburn-systems-and-prison> (visited on 2 September 2022).

needs, this system was the first where words like vocational training, education, and other value-enhancing skills were used to reform prisoners.¹⁰

In the era of the 18th to 19th century, there were many causes that had a deep impact on prison architecture and its evolution. The first cause was the changing perspective of human society towards punishment. As a result, prisons were built. However, there were so many people who were raising the question of the existence of prison, its isolation, and forced silence. As a result, those hurdles that were used to prevent the inmates from communicating with other prisoners were removed. Overall, philosophical perspectives, changing social perspectives and the need for implementation of reformation in order to utilize prisoners for societal purposes are some of the causes that result in a large number of changes in prison architecture. This changing architecture brings the most remarkable change in the history of prison architecture. Thereafter, it was 19th century where law and piece of legislature leaved a remarkable marks everywhere including prison. Internationally, there are countries which have introduced required changes in their prison to meet the requirement of law. High-rise city jails flourished in the US following the erection in 1975 of NYC's rugged Metropolitan Correctional Center. In Chicago, by contrast, we find a smooth, sharply angled tower designed by Harry Weese, architect of the coffered Washington DC metro stations.¹¹ Now a day's changing prison architecture as per the requirement of law is in trend.¹²

Indian Prison and its architect

India is a country of peace and love. Love, none violence is deeply rooted in Indian culture. Still, crime and its existence in India are not being denied, and as a result, prisons have become an inseparable part of the Indian Criminal Justice Administration. India has had a prison system for ages. However, the present prison architecture is mixed architecture. It is influenced by the Panopticon, Elmira system, and other systems in its mix. The history of prison architecture from the national perspective and international perspective is almost the same because India had the prison in our Vedic times but the Britishers were brought modern prison and prison administration to India. Hence, there are no identical dissimilarities in the history or architecture of prisons that exist internationally and nationally. However from the British period till now there are end numbers of changes occurred from the perspective of law. Whether the existing prison architecture of India is according to the evolving legal standard of law is a question which need to be analyse.

Evolving legal standard and Need of Changes in Architecture

There are lots of legal standards that are evolving every day. These legal standards are demanding various changes to the existing prisons system and the conditions of prisoners. Even the judgments of the judiciary every day are showing enough concern for the condition of prisoners, which can be improved by various methods, including prison architecture. In this legal

¹⁰ "Elmira system and Penology" [http. Britanica. Com](http://Britanica.Com), visited on 1 September 2022.

¹¹ The Architectul review, <https://www.architectural-review.com/>, visited on 2 September 2022.

¹² Norman Johnston "RECENT TRENDS IN CORRECTIONAL ARCHITECTURE" *The British Journal of Criminology*, Vol. 1, No. 4 (APRIL 1961), pp. 317-338.

evolution, the Right to life, Human Rights, and other policies¹³ that are specifically showing good physical and mental health for the prisoners to availed other reformation and rehabilitation opportunities. Architecture and Human Rights has close connection with each other.¹⁴ Without architecture there is impossibility to protect the human rights.¹⁵ In 2015, at the height of the refugee crisis, the platform “Architecture for Refugees” was launched. Its initiators are meanwhile thinking bigger and, under the catchy and memorable slogan “Architecture is a Human Right,”¹⁶ As early stated good architecture have capability to provide everything which is necessary from the perspective of law. Over all, there is close connection between human rights and architect.

However can these needful changes are we able to trace in Indian prison is a question and after analyzing present conditions and issues answer could be cited as no¹⁷. Indian prison is full of challenges and issues which have been facing by the prisoners day to day life. It is impacting on the prisoners and their reformation as well. The prison cells are built close to each other and there is not much space for an inmate to move inside the prison, in the old architecture.” This makes prisoner feel ‘restricted’, in turn, causing a delay in reformation. The freedom to move inside prison is closely related to the pace of reformation. “A prison should be perceived as a place where the inmate seeks reformation rather than feel punished¹⁸ Hence there is needed to introduce some modern architectural changes in Indian prison. Indian prison needs some architectural reform.¹⁹

Needful Architectural Reform

As per recent trend, the Indian Bureau of Police Research and Development (BPR&D), Ministry of Home Affairs organized the first conference on Prison design and prison Architectures. In this conference changes has been suggested for the prison and prison architecture. This includes Natural day light, access to nature, colour and acoustics. A good architecture, day light, access to nature provides reduction of psychological stress posed by incarceration. Nature and its access always played an important role to boost the mental condition of human being. Otherwise than that, the colour with which prisoners will get connected will leave direct impact on their mental conditions, thinking capacity, and released the prisoner from anxiety, depression etc. as well as other present fundamental humanitarian principles that are applicable regardless of the level of

¹³ Article 21 of the Indian Constitution “Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law”.

¹⁴ Graeme Bristol “ARCHITECTURE & HUMAN RIGHTS” research gate, pp. 659-668.

¹⁵ Tiziana Kassahun, “What is the Link Between Human Rights and Architecture Design? <https://inclusivus.org/inpowered-perspectives/2017/4/3/what-is-the-link-between-human-rights-and-architecture-design>, visited on 1 September 2022.

¹⁶ Elisa Baumgarten “Architecture is Human Rights!” <https://www.world-architects.com/en/architecture-news/found/architecture-is-a-human-right-1>, (visited on 1 September 2022).

¹⁷ Kiran R. Naik “The Problem of Prisoners and Analysis” 2019 IJRAR June 2019, Volume 6, Issue 2 www.ijrar.org (E-ISSN 2348-1269, P- ISSN 2349-5138), <https://www.ijrar.org/papers/IJRAR1AXP012.pdf>, (visited on 1 september 2022).

¹⁸ Ajay Moses “Chanchalguda Central Prison architecture impeding reformation? The New Indian Express, 03rd June 2019.

¹⁹ Hemantika Nath “Reform of Architecture of Prisons in India” SPAST JOURNAL, Nath, H. (2021). Reform of Architecture of Prisons in India. *SPAST Abstracts, 1(01)*, Retrieved from <https://spast.org/techrep/article/view/782>.

resources or development of prison system and should be respected by everyone involved to minimize human cost and maximize positive outcome.²⁰

Overall, it was time when prison was constructed to torture prisoners but presently there are lots of amendments in the laws which are advocating to such changes in the prison which can suit to the present legal standard. These architectural changes are necessary to protect the human rights of prisoners as well as to promote their qualities.

Conclusion

Prison is an important building which has been constructed to achieve various purposes like prevention of crime, halt to the prisoner's etc. prison is nothing but the reflection of the morality, social environment etc. hence if we trace the history of prison then as per social, moral and legal changes there is lots of changes was introduced in the prison architecture. Presently, this era is belongs to the human rights where every human is important irrespective of his status in law or society. Unfortunately, available prison architecture is a reflection of Britishers period, although from that period till now there are lots of legal, social changes has occurred. This changes need to be reflected in the present prison architecture. It is demand of present time because good architecture designs have capability to achieve all aims and objectives which suppose to be achieve by the prisoners.

Suggestion

- Architecture is an instrument to protect human rights. A well constructed architect can bring lots of metal physical changes in human vice versa, hence it is necessary to construct the architecture so that through it we can provide benefit to everyone.
- In India, prison and prisoners have so many issues and the one of the causes of their issue is poorly constructed architecture. Hence as per present law and evolving standard there is needed to introduce some architectural changes which can suit to the legal standard of India.
- The suggestion of National Conference on Prison Design for Principal Secretary Home, States/Uts, Senior Police Officers, Prisons Officers Of States/UTs National Conference On Prison Design For Principal Secretary Home, States/Uts, Senior Police Officers, Prisons Officers Of States/Uts & Police Housing Corporations s & Police Housing Corporations 2019, should be incorporated till possible extends.

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²⁰ “National Conference On Prison Design For Principal Secretary Home, States/Uts, Senior Police Officers, Prisons Officers Of States/Uts & Police Housing Corporations” file:///C:/Users/Teena%20Sundarbanshi/Downloads/National%20Conference%20on%20Prison%20Design%20proceedings.pdf, (visited on 6 September 2022).