



Quest for energy efficient sustainable prison system in times of energy crisis with specific focus on Indian prison system

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Abstract

Changing geo-political situation and war in the energy rich region, specifically, middle-east has made it clear that there is need for energy sufficient institutions and infrastructure, especially in the developing countries, including India. Prison system is a dynamic institution and need to evolve itself in context to the establishment of sustainable and eco-friendly energy efficient prison infrastructure. Indian prison institution has evolved itself from a colonial era prison institution, focusing on prison discipline, with an inclination towards policy of general deterrence, during the British colonial regime. Thereafter, with the Indian independence, concept of model and open prisons came into existence with main focus on achieving twin objectives of enforcement of prison discipline and individualised treatment of prisoners, based on proper classification, to curb recidivism. However, vast country of India is not able to completely modernise the colonial era prison system, thereby resulting into vast energy demands in various prisons around the country. Along with that, a requirement is felt regarding prison infrastructure to be constructed and established in such a manner, that it is energy efficient, sustainable, geographically justified, secure and protects humane rights of prisoners.

It is elucidated that, concept of eco-prisons based on sustainable and energy efficient prison infrastructure should be introduced in Indian scenario. A mixed method prison institution combining the model prisons and open-air prison must be evolved, so that developing countries are able to minimise the dependence on exhaustive resources of energy to cope up with the energy crisis and human rights of prisoners are not violated. Indian prison infrastructure must be conceptualised, keeping in focus on the demand and supply chain on diverse kind of foreign energy resources. Therefore, this paper tries to delineate the transition of Indian prison system from a colonial era cellular prison institution, into a well refined open and model prison institution. Along with that, an emerging importance for energy efficient prison infrastructure at national and international level is evaluated in limelight with transformation of prison institutions from detention centres, gulags, into sustainable ecofriendly prisons beneficial to the ecology and society.

Keywords: Prisoners, prison, infrastructure, India, energy, efficient, crisis, sustainable, developing, country, institution, ecology

Introduction

“In the midst of darkness, the hymn to the sun, put the night to shame. The bird was confined in the cage, but its song burst forth, defying the iron bars that held it in thrall. From rocky crevices, the captive spurts of the fountain darted upwards loud and bold. What an ovation to the King of light-how like the morning chants of prisoners in honour of Kings in the olden days. With its inherent strength and resilience, the seedling pierced the crust of the earth and thereby raising its head, offered to the sky, its profound message and motto of freedom. I wonder what kind of boon the patriot-hero received at a fateful moment from the fiery spouse of Shiva, the God of destruction; so that by means of death he erected the capital city of Kingdom of man the immortal. Who are those, those who proclaimed to the world: ‘We are sons of immortality?’ Who realised that it is through self-immolation that the soul attains deathlessness? Who was it that through suffering & sorrow rested the celestial rapture of Shiva the cosmic dancer and through the rhythmic movements of prisoner’s chains revealed the secret of liberated man?”^[1]

Incarceration as a punishment has evolved from deterrent to reformatory method of punishment, based on individualised correctional treatment through proper classification. Prison system has also evolved from an un-systematic to a highly systematic institution. In India, imprisonment was not

recognised as a major form of punishment in previous times. Prisons were used as places for detention of criminals during the trial process. Usually, places for incarcerating individuals were not well developed. Thereafter, with the advancement of the British colonial rule, prisons were used as a place to inflict inhumane form of punishment for general and specific deterrence^[2]. During the British rule, Prison Act, 1894 was formulated to bring uniformity in prison administration throughout the country, to properly classify the prisoners and flogging was stopped and methodology of punishing the incarcerated individuals was changed. However, the main focus of the Prison Act, 1894 was enforcement of rigorous level of prison discipline, usually to suppress revolt of the freedom fighters. During the British regime, many efforts and committees, such as in 1919, “Indian Jail Committee” was constituted to refine the governing of Indian prison administration^[3]. “Jail Reform Committee” in 1946 also suggested establishment of model jails to introduce individualised treatment through proper classification and establishment of human rights of prisoners. Hereby, Starchey acknowledged that “a great Indian prison is a model of cleanliness and good management with every district having its jails and in convenient situations there are also central prisons. Besides that, not all aspects of Indian prison system are managed on the system practiced in England, there are minimal

European countries in which there is so well looked after prison system.” [2] Prisons being the provincial and thereafter, being a state subject under the Indian Constitution, many committees and legislations were devised by different provinces and states during the pre and post-independence era. [2] It is elucidated that prisons were systematically used by the British colonial regime in context to achieve its colonial and imperialist motives. Prisons were used as an unrefined institution to suppress revolt of freedom fighters by enforcement of inhumane form of prison discipline and extraction of hard labour in factories, roads and jungle clearing, to resource the raw material, so that it could be transported to England for industrial and imperialist advancement. Main focus was on resource allocation, rather than on human rights and with no consideration for ecology and energy sustainability of the colonized nations [6].

Thereafter, with the Indian independence, many efforts were initiated by the concerned government to enforce human rights jurisprudence within Indian prisons. With the changing international scenario, Indian government also tried to modernise and transform Indian prison institution as a place for achievement of dual objectives of enforcement of prison discipline and individualised correctional treatment, for curbing the challenge of recidivism in the society. Hereby, in 1952, penological expert Dr. Walter Reckless provided a report on ‘Prison Administration in India’, on the request of the Indian government to modernise and humanise Indian prison administration. Thereafter, Model Prison Manual, 1960 was framed based on the recommendation of committee in 1957 to provide a uniform governing mechanism for prison institutions throughout the country [2]. However, it doesn’t prove enough with the changing dynamics of a developing country and advancement of industrial framework of society. In *Ramamurthy v. State of Karnataka* [8] SC highlighted that there are substantial flaws in the existing prison manual and it is colonially inclined in this framework and functioning. It led to formulation of new Model Prison Manual of 2003, based on the directions of SC.

Furthermore, with the emergence of digital era and instances of violation of human rights of incarcerated individuals time and again, a need was felt by the central government, based on judicial insight regarding formulation new Model Prison Manual in 2016. Besides that, Model Prisons and Correctional Services Act was framed in 2023, replacing the three-age old colonial legislations, namely, Prisons Act, 1894, Prisoners Act, 1900 and Transfer of Prisoners Act, 1950. Hereby, the new Act focused on pin pointed approach towards prisoners, prison administration and correctional treatment. It also removed inhumane colonial times of punishments for prison offences prevalent under the Section 46 of Prisons Act, 1894. Besides such measures and constant efforts by judiciary and legislature, as acknowledged by SC in *Sukanya Shantha v. Union of India* [9], Model Prison Manual, 2016 and Model Prisons and Correctional Services Act, 2023 are still suffering from substantial basic flaws. Along with that, the new existing prison legislations and manuals focus on concept of open and model prisons, but are not far sighted to focus upon newly emerging concept of eco-prisons, sustainable infrastructure, energy efficiency, resource utilisation, health economic or to cope up in time of health endemic or pandemic [10].

Deterrent to Progressive & Reformatory Prison Ideology at Global Sphere

Initially, the prisons were used for infliction of retributive and deterrent form of punishment. French revolution and First World War led to decrease in enforcement of capital and barbaric punishments, due to a significant push towards progressive ideology, as a result of social revolution and demand for enforcement of human rights by common public. Incarceration emerged as a major form of punishment, as the notion of rationalism and reformation of criminals took a centre stage.^[1] Alongside, human rights of prisoners also got acknowledged by the works of social reformers and noted penologists, such and John Howard, Elizabeth Fry, Lionel Fox, Mary Carpenter and Lenkon Von Koerber. Thereafter, post Second World War, as the human rights of prisoners of war got violated at a tremendous scale, third Geneva Convention focused mainly on protection of rights of prisoners of war in enemy territories.

International Red Cross Society was accorded to function as a prime agency between different nations [11]. Besides that, governing principles of the present-day prison reformatory policy were put forth by Prison Congress, 1910, as following: -

1. All incarcerated individuals to be considered as appropriate for reformation;
2. Punishment must fulfil twin objectives of deterrence and reformation;
3. Reformation and rehabilitation must adapt inclusive industrial and refined approach throughout phase of incarceration;
4. Longer time of reformatory treatment is more productive than short term imprisonment applicable under strict and rigorous conditions;
5. Liberal parole system and clemency jurisprudence must accompany reformatory treatment through incarceration and proper classification [12].

It is exhibited that, as incarceration was established as main focus of punishing the offenders at international level, structured framework of prison system also evolved. However, the pressure on resources also evolved as prisons got significantly overpopulated, thus creating various problems in developing countries of colonial origin, such as South East Asia, including Indian sub-continent. Therefore, it is unveiled that a multidimensional approach towards prison system is required covering all the aspects of human rights, reformation of criminals, curbing recidivism, infrastructure devised on sustainable energy concept, so that burden on outside energy resources is significantly reduced during the time of energy crisis [13]. In India, National Human Rights Commission, since the time of its constitution has also played a significant role in transformation of prison jurisprudence, based on judicial directives. Accordingly, “Indian Prison Bill” was proposed by NHRC and put forth to the central government in context to consideration towards overall restructuring and liberalisation of prison institution, inclusive of prison infrastructure and implementation of pin pointed approach towards inculcation of human rights in Indian prison jurisprudence. Thereafter, on 12th November, 1999, NHRC made a visit to Central Jail, Shillong. Hereby, 374 prisoners were lodged, exceeding authorised capacity of 150 inmates within small prison premises. The most alarming fact was the presence of ‘a girl child of ten to eleven years age

group', categorised as an 'under-trial prisoner'. Along with that, summary reports of NHRC highlighted the devastating conditions of North East prisons within timeframe of year 1999-2000. It is evident that commission acknowledged and emphasised upon transformation of prisons in India in alignment with the individualised treatment of prisoners with a streamlined effort towards acknowledgement of human rights of prisoners [14].

Transition from Detention Centres, Cellular Jails, Gulags to Model Prisons, Open Prisons and Eco Prisons

As the imprisonment started to be adopted as main method of punishment, due to advent of progressive ideology, prison infrastructure, prison system and prison administration within global and colonial sphere, started to transform barbaric penal institutions, such as cellular detention prisons in England, infamous cellular jails, such as, infamous penal settlement at Port Blair in Andaman Isles, referred to as 'cellular jail' [15] and 'gulags' of Soviet Union [16]. 'Cellular Jails' defied the basic human rights and involved colonial machinery to inflict harsh and brutal treatment to freedom fighters in far off places. Cellular jail of Port Blair was a towering structure, constructed on a hill top as an only singular massive brick work structure in the surrounding area, erected with a two-pronged approach of fort and a prison [17]. Thereafter, with the end of British colonial era and Soviet Union, post Second World War, penal institutions, such as, model prisons and open prisons took centre stage in developed and developing countries, such as India. Thereafter, in modern day scenario, eco-prisons in England are inclusive of energy efficient sustainable architecture to cope up with present day scenario. Eco-prisons are designed from sustainable materials through recycling and solar Panels are used to reduce the carbon foot print. Besides that, cells have windows instead of bars and traditional victorian era K-shaped prison architecture has been done away and replaced by cross-shaped buildings with an aim of breaking long corridors in smaller zones, rather than never ending longer corridors. Hereby, eco prisons are a considerable alternative for open-air prisons, keeping in mind alternative resources of energy and reduced carbon foot print [18]. Reduced dependency on traditional architecture in Indian scenario has also been highlighted by climate activist Sonam Wangchuk during his time as an inmate, as he demanded thermometer regarding conducting of some experiments on 'eco-responsive' architecture within Jodhpur jail [19]. Henceforth, it is exhibited that, there is an urgent need for development of sustainable eco-prison architecture in India, already being introduced in England to cope up with climate, energy and oil crisis. Indian Prisons are practically left behind in terms of eco-responsive and sustainable energy efficient prison architecture that is need of the hour in oil and energy crisis within a developing country.

Conclusion & Suggestions

It is delineated that incarceration has emerged as a main method of punishing the criminals from the time of imperialism and colonialism to democratic and socialist framework of society. Prison institution has developed from an unstructured unrefined institution into a well; structured and massive penal institution and international and national level with respect to inculcation human rights inculcation in prison jurisprudence. Henceforth, it is

unveiled that a developing country such as India must focus on a prison system that is energy based and ecologically responsive in its working and infrastructure, inclusive of human rights of different categories of prisoners, including disabled, old age, mentally challenged, women, children and transgender prisoners. Along with that, a special committee should be constituting to design prison architecture in such a way that it should be able to cope up with the energy and security crisis during the time of war and global dependency of Indian energy sector. Model Prison Manual 2016 and Model Prisons & Correctional Services Act, 2023 must be amended to be inclusive of eco-prisons and energy efficient infrastructure, so that legal mandate is provided to the Indian prison system.

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