



Open Prisons in India

For Prelims: Open Prisons, [Supreme Court of India](#), [National Human Rights Commission](#), Types of Prisons in India

For Mains: Open Prisons Concept and Features, Impact of Open Prisons on Prison Overcrowding, Indian Prisons and Related Issues.

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Why in News?

The [Supreme Court \(SC\) of India](#) has recently directed several states and Union Territories (UTs) to provide comprehensive details regarding the **functioning of open prisons** within their jurisdictions.

- This directive comes in the wake of ongoing concerns about [prison congestion](#), a matter that has drawn the Court's attention.

Why is the Supreme Court Focused on Open Prisons?

- **Prison Overcrowding:** The SC sees open prisons as a potential solution to address the **chronic issue of overcrowding in traditional prisons**.
 - The concept aims to **reduce the psychological stress** that convicts face when reintegrating into normal life after incarceration.
 - By shifting some prisoners to open-air facilities, the overall population in high-security, closed prisons is reduced. This redistribution of inmates alleviates the **pressure on conventional jails, which often face severe overcrowding**.
- **SC's Role in Ensuring Compliance:** By emphasizing the need for comprehensive information on the functioning of open prisons, the **Supreme Court aims to ensure that states and UTs are actively implementing this model as part of their correctional systems**.
 - The Court's focus also reflects its broader mandate to oversee the protection of prisoners' rights and **promote more effective prison management**.

What are Open Prisons?

- **About:** Semi-open or open prisons (jails) are correctional facilities designed **without the traditional high walls, barbed wire, and armed guards**. Instead, they rely on inmate self-discipline and community engagement. Unlike traditional closed jails.
 - Open jails, based on the [reformative theory of justice](#), focus on **rehabilitating inmates rather than solely punishing them**. This approach emphasizes transforming prisoners into law-abiding citizens through self-discipline and community integration.
- **Historical Context:** The first open prison in India, **established in 1905 in the Bombay Presidency**, initially used prisoners as unpaid labour for public works.
 - Over time, the concept evolved, emphasising **reformation over deterrence**. **Post-independence, the first open prison annexe was set up in Lucknow in**

1949, leading to a full-fledged facility in 1953, where inmates helped build the Chandraprabha dam.

- Post-independence, Constitutional Court rulings addressing **inhumane prison conditions** prompted a shift in prison management, **emphasising reform and rehabilitation**.
 - Courts urged states to **ensure fair wages and support reintegration, leading to the rise of open prisons** as a reformative approach.

- **Features:** Inmates have the freedom to **leave the prison during certain hours** and are expected to support themselves and their families through work.
 - **Rajasthan Open Air Camp Rules, 1972** defines open prisons as "prisons without walls, bars, and locks." **Inmates must return before the second roll call after leaving the prison.**
- **Types of Open Prisons: The Model Prison Manual classifies open prison institutions in India into three types:**
 - **Semi-Open Training Institutions:** Attached to closed prisons with moderate security.
 - **Open Training Institutions/Work Camps:** Focus on public works and vocational training.
 - **Open Colonies:** Allow family members to live with inmates, with opportunities for employment and self-sufficiency.
- **Eligibility:** Every state law defines the eligibility criteria of inmates who can be in an open prison.
 - The principal rule is that an inmate eligible for **open air prison has to be a convict. Good conduct in prison and at least five years** spent in a controlled jail are the rules followed by the Rajasthan open prisons.
 - In West Bengal, a **committee of jail and police officials selects prisoners with a good conduct** record for transfer to open jails.
- **Legal Framework:** Prisons and prisoners are mentioned in **Entry No. 4 of List II (State List) of the 7th Schedule of the Constitution of India**, making them a State subject.
 - Prisons in India are governed by the **Prisons Act, 1894, and Prisoners Act, 1900** and **each state follows their prison rules and manuals.**
- **International Perspective:** Open prisons have been part of global correctional systems for centuries. Early examples include **Switzerland's Witzwill (1891) and the UK's New Hall Camp (1936)**.
 - The **UN General Assembly's Nelson Mandela Rules 2015** advocate for open prison systems to aid rehabilitation, emphasising prisoner rights to employment and outside contact.
- **Recommendations:** The Supreme Court, in the **Rama Murthy v. State of Karnataka case 1996**, endorsed the expansion of open jails. Various committees, including the **All India Prison Reforms Committee in 1980**, have recommended the establishment of open prisons across states.
 - The **National Human Rights Commission (NHRC)** advocated the need for open prisons and how they could solve prison overcrowding in several of its annual reports from 1994-95 and 2000-01.

What are the Pros and Cons of Open Prisons?

Category	Pros	Cons
Cost Efficiency	Reduces operational costs drastically compared to closed jails.	Open prisons are lacking modernisation and funds are insufficient.
Overcrowding	Helps in reducing overcrowding in closed jails.	Underutilisation of existing open jails due to poor awareness and acceptability.
Psychological Impact	Improves psychological and mental health of prisoners.	Some prisoners become dependent on the open prison environment , resisting vacating their premises even after completing their sentence.
Staffing	Requires 90% fewer staff compared to closed prisons.	Difficulty in reallocating staff from closed jails to open jails due to staff shortages in closed facilities.
Rehabilitation	Promotes reformative punishment and successful	Lack of modern laws and outdated legislation (The Prisoners Act of 1894) and there

	integration into society.	are no provisions for under-trial prisoners in many open prisons. As prisons are a State subject, there is a lack of uniformity in rules and guidelines for open prisons.
Recidivism	Lesser chances of recidivism.	Some critics argue that it does not significantly prevent recidivism.
Employment	Encourages prisoners to find employment.	Difficulty in finding local employment due to the remote locations of many open jails.
Socialisation	Increases socialisation and interaction with the outside world.	No open jails for female prisoners in many states.
Reformative Potential	Reminiscent of Gandhian Ashrams with a focus on moral development and cooperative living.	Selection process for prisoners is sometimes opaque, leading to allegations of bias and corruption.
Community Impact	Benefits all participants, including survivors of crimes who see transformation in perpetrators.	Security and discipline challenges may still be present, and some view the system as too lenient.

Other Types of Prisons in India

- In India, there are **three levels of prisons: Taluka, district, and central (zonal/range) level.** The jails at these levels are known as **sub-jails, district jails, and central jails,** respectively.
 - There are also other types of jails, such as women's jails, Borstal schools, open jails, and special jails.
- **Central Jail:** The criteria for central jails vary across states, but they typically house prisoners sentenced to long-term imprisonment, often more than two years, including lifers and those who have committed heinous crimes.
 - The focus in these jails is on re-establishing the morality and integrity of the prisoners.
- **District Jail:** **District jails are the main jails for those states and union territories where there is no central jail.**
- **Sub Jail:** Smaller than district jails, serving at the sub-divisional level with well-organised and better-set-up prisons.
- **Special Jail:** These jails are **maximum security prisons** with special arrangements for prisoners of particular classes, such as those convicted of **terrorism, violent crimes, habitual offenders,** and serious prison discipline violations. They are known for housing violent and aggressive inmates.
- **Women's Jails:** **These jails are exclusively for female prisoners, established to ensure their safety and staffed by women. According to the 2022 Prison Statistics from the [National Crime Records Bureau \(NCRB\)](#), out of India's 1,330 prisons, only 34 are designated as women's jails.**
 - **Due to their limited capacity, many female prisoners are confined in other types of jails.**
- **Borstal School:** It is a type of **youth detention centre** and is used exclusively for the **confinement of minors or juveniles.**
 - The primary objective of these schools are to **ensure care, welfare and rehabilitation of young offenders** in an environment which is suitable for children and keep them away from the infecting atmosphere of the prison.
- **Other Jails:** Jails which do not fall under the above mentioned categories then these jails come under the category of other jails. Only three states have other jails.
 - The name of these states is **Karnataka, Kerala and Maharashtra** and each state has one other jail.

Drishti Mains Question:

Q. Discuss the role of open prisons in the Indian prison system. How do they address issues of prison overcrowding and inmate rehabilitation?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. Instances of the President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time specified for the President to accept/reject such petitions? Analyse. **(2014)**

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