



## 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.

[Source: TH](#)

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modern laws and outdated legislation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

	integration into society.	are no provisions for <b>under-trial prisoners</b> in many open prisons. As prisons are a State subject, there is a <b>lack of uniformity in rules and guidelines for open prisons.</b>
<b>Recidivism</b>	Lesser chances of recidivism.	Some critics argue that it does not significantly prevent recidivism.
<b>Employment</b>	Encourages prisoners to find employment.	Difficulty in finding local employment due to the remote locations of many open jails.
<b>Socialisation</b>	Increases socialisation and interaction with the outside world.	No open jails for female prisoners in many states.
<b>Reformative Potential</b>	Reminiscent of <b>Gandhian Ashrams</b> with a focus on moral development and cooperative living.	Selection process for prisoners is sometimes opaque, leading to allegations of <b>bias and corruption.</b>
<b>Community Impact</b>	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)**

PDF Reference URL: <https://www.drishtiias.com/printpdf/open-prisons-in-india>

