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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

OPEN PRISONS AS A PATHWAY TO REHABILITATION: COMPARATIVE EFFECTIVENESS AND POLICY CHALLENGES IN INDIA

AUTHORED BY - TANIA KUKREJA

Abstract:

India's prison system faces a chronic crisis of overcrowding, high recidivism, and limited rehabilitative opportunities, with an occupancy rate exceeding 130% and a majority of inmates being undertrials. Traditional punitive incarceration has failed to achieve meaningful rehabilitation or societal reintegration, often perpetuating cycles of marginalization and repeat offending. In response, open prisons have emerged as a promising alternative, emphasizing trust, autonomy, and community engagement. This paper critically examines the evolution, legal framework, effectiveness, and challenges of open prisons as an alternative sentencing option in India. Through doctrinal analysis, empirical data, and case studies particularly from Rajasthan the study explores how open prisons contribute to reducing overcrowding, lowering recidivism, and promoting restorative justice, while also identifying barriers to their broader adoption. The paper concludes with recommendations for policy reform and expansion of open prisons as a humane and cost-effective solution for India's correctional system.

Keywords: Open prisons, Rehabilitation, Prison overcrowding, Recidivism, Restorative justice, Alternative sentencing

Introduction:

As highlighted in the **National Crime Records Bureau (NCRB) 2023 Prison Statistics for India**, the prison system is currently experiencing a critical overcrowding issue, with an **occupancy rate of 131.4% with 70% undertrials**¹. This persistent issue is compounded by insufficient infrastructure, high recidivism rates, and limited resources for rehabilitation. Consequently, there is a pressing need for reform within the criminal justice system, particularly in the management of prisons and the challenges they face.

¹ "Dataset - Prison Data from NCRB: Year- and State-wise Number Undertrial and Convicted Prisoners, Prison Capacity and Occupancy Ratio, "available at: <https://dataful.in/datasets/19004/> (last visited May 22, 2025).

The traditional punitive approach centred on retributive justice and incarceration has proven inadequate in achieving the dual goals of offender rehabilitation and societal reintegration. Moreover, the stigma attached to ex-offenders often leads to social exclusion and repeat offending, further straining the criminal justice system.

In response to these challenges, there is a growing movement within India's legal and policy landscape to explore alternative sentencing models that emphasize restorative justice. Among these, the open prison system stands out as a promising solution, offering inmates greater autonomy, opportunities for productive engagement, and a pathway to rehabilitation. This paper critically examines the concept, effectiveness, and challenges of open prisons as an alternative to conventional incarceration in India.

Research Objectives

1. Evaluate the effectiveness of open prisons in reducing overcrowding and recidivism.
2. To examine the historical evolution and conceptual foundations of open prisons in India.
3. Identify systemic barriers (legal, administrative, and cultural) to adoption.
4. Propose reforms for scaling open prisons in alignment with human rights principles.

Research Questions

1. How do open prisons address India's prison overcrowding crisis (130.2% occupancy)?
2. What are the key features of the legal and policy frameworks regulating open prisons across different states?
3. What policy reforms and best practices can enhance the role of open prisons in India's criminal justice system?

Methodology:

In this research paper, a comprehensive methodology is employed to analyze the effectiveness of open versus closed prison systems in India, utilizing a **doctrinal analysis** of key legal frameworks such as the Prison Act of 1894, relevant Supreme Court directives (e.g., the landmark case of Rama Murthy v. State of Karnataka), and the Model Prison Manual 2024.

The study incorporates case studies focusing on specific open prisons, such as the Sanganer

Open Prison in Rajasthan, which operates at a cost of ₹500 per inmate per month compared to ₹7,094 in closed prisons, and the employment programs at Maharashtra's Yerwada Open Prison. A statistical evaluation of the NCRB Prison Statistics 2021 reveals a national prison population of 554,034 inmates with an alarming occupancy rate of 130.2%.

Moreover, the analysis highlights recidivism rates, showing a stark contrast between open prisons, which report a 10% recidivism rate, and closed prisons at 25%.

This multifaceted approach aims to critically assess the implications of prison design and management on rehabilitation outcomes in the Indian context.

Background: Evolution of Punishment and Justice in India:

The administration of justice in India has evolved dramatically from ancient times to the present. In ancient India, justice was dispensed by the king, who exercised wide discretion in determining punishments ranging from admonition and fines to corporal punishment and death based on the principle of *danda* (punitive authority) and guided by religious texts such as the Manusmriti and the Dharmashastras. This era was marked by a retributive philosophy, encapsulated in the maxim “an eye for an eye and a tooth for a tooth,” where punishment was closely aligned with the nature and gravity of the offense.²

The British colonial era introduced a seismic shift: the codification of laws, establishment of a hierarchical judiciary, and adoption of the adversarial legal system. The Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act provided a structured framework for criminal justice, replacing the king’s discretion with statutory procedures.³

A defining feature of the colonial legal system was the adoption of the adversarial model, wherein the prosecution and defence presented evidence and arguments before a neutral judge, who acted as an umpire rather than an investigator.⁴ This system, grounded in the presumption of innocence and the right to a fair trial, marked a departure from earlier inquisitorial and

² “Historical development of the criminal justice system - iPleaders,” *available at*: <https://blog.ipleaders.in/historical-development-criminal-justice-system/> (last visited May 22, 2025).

³ “Judicial System in British India, History, Reforms and Evolution,” *available at*: <https://www.studyiq.com/articles/judicial-system-in-british-india/> (last visited May 22, 2025).

⁴ ‘Adversarial (Accusatorial) System in India’ <<https://lawbhoomi.com/adversaria-system/>> accessed 22 May 2025.

discretionary practices. However, colonial justice often disproportionately penalized Indians and rarely held colonial officials accountable.

Post-independence, India retained the adversarial system but reoriented its laws to reflect the values and needs of a sovereign, democratic nation.⁵ The IPC and related statutes prescribed a range of punishments imprisonment, fines, forfeiture of property, life imprisonment, and the death penalty aimed at deterrence, retribution, and, increasingly, rehabilitation. Despite these reforms, the limitations of traditional incarceration, particularly overcrowding and high recidivism, have prompted urgent calls for innovative, humane alternatives.

Open Prisons: Concept and Rationale

Open prisons represent a significant departure from the conventional model of incarceration. Defined in **Section 3(1) of the Prisons Act, 1894** as “any jail or place used permanently or temporarily under the general or special orders of a State Government for the **detention of prisoners...**”⁶ Traditional prisons have historically emphasized isolation and punishment. Yet, research and international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)⁷ increasingly advocate for correctional models that uphold human dignity and prioritize rehabilitation over mere retribution.

The concept of open prisons was first formally discussed at the 1955 **United Nations Congress on the Prevention of Crime and the Treatment of Offenders** in Geneva⁸, where they were defined as:

“An open institution is characterized by the absence of material and physical precautions against escape such as walls, locks, bars and armed guards, and by a system based on self-discipline and an innate sense of responsibility towards the group in which the inmate lives.”

The first open prison was established in Switzerland in 1891, in the United States in 1916, in Britain in 1930, and in the Netherlands in 1950. In India, the first open prison was established in 1905 in the Bombay Presidency, where prisoners were selected from the special class

⁵ “Post-Independence Developments | Law Commission of India | India, “available at: <https://lawcommissionofindia.nic.in/post-independence-developments/> (last visited May 22, 2025).

⁶ “Section 3 in The Prisons Act, 1894,” available at: <https://indiankanoon.org/doc/745425/> (last visited May 25, 2025).

⁷ “The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).”

⁸ “First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August - 3 September 1955: report prepared by the Secretariat,” *UN Congress on the Prevention of Crime and the Treatment of Offenders (1st: 1955: Geneva)*.

inmates of Thane Central Jail in Bombay. However, this open prison was closed in 1910. The first open prison camp in Uttar Pradesh was set up in 1953 for the construction of a dam over the Chandraprabha River near Varanasi. Following Uttar Pradesh, several other states also began establishing open prisons. By 1996, there were 24 open prisons (excluding semi-open camps) across 12 states in India, with capacities ranging from under 100 to 1,000 prisoners. The nature of accommodations varies from one location to another. For example, prisons in Assam, Kerala, and Himachal Pradesh feature permanent barracks, Mysore prison has pre-fabricated structures, while Andhra Pradesh and Maharashtra prisons provide dormitories with asbestos roofs. Some of these prisons offer work solely in agriculture, others in industries, and some provide opportunities in both agriculture and industries (Bura, 2016).⁹

The evolution of prison reform in India began with the appointment of the **first All India Jail Committee in 1836**, which recommended the introduction of Open Prisons while opposing daily employment of inmates in such facilities for the following two decades. The second committee, established in 1864, later supported the employment of prisoners in public works, such as canal digging and dam construction.¹⁰

In **1919-20**, the All-India Jail Committee emphasized humane treatment of offenders, leading to several committees reviewing prison administration between 1920 and 1927.

The **1952 visit by U.N. expert Sir Walter Reckless** marked a significant step toward modernizing prison systems in India, resulting in the formation of another All-India Jail Committee.

This committee's 1983 report **highlighted the need for Open Prisons**, advocating for their establishment to facilitate the rehabilitation and resocialization of prisoners. It recommended that Open Prisons accommodate at least 20% of convicts with sentences of one year or more, promoting community-based correctional programs to aid in their reintegration into society.¹¹ The concept of open prison is based on the principle “trust begets trust”, which if taken seriously can transform a human.

⁹ Sharma Neetu Kaushik Anupma, ‘Human Rights of Prisoners: A Case Study of Sampurnanad Open Prison, Sanganer, Rajasthan’ (2017) 3 The International Journal of Political Science <<https://journals.indexcopernicus.com/api/file/viewByFileId/780446>> accessed 27 May 2025.

¹⁰ ‘RGNUL Law Review’ <www.ebc.co.in> accessed 26 May 2025.

¹¹ *Ibid*

In India, open prisons allow selected inmates typically those with a record of good conduct to live with minimal supervision, move freely during the day, and engage in productive activities such as farming, vocational training, and community work. This model aims to foster self-discipline, responsibility, and skills development, thereby facilitating smoother reintegration into society upon release.

The process for selecting prisoners for open prisons is straightforward. Prison superintendents compile lists of eligible prisoners based on specific criteria. These lists are then forwarded to selection committees, which review each case history and make the final decisions. Open prisons differ from traditional prisons in four key ways:

- in their structure (which impacts organization and administration),
- in their role systems (which influence work and daily interactions),
- in their normative systems (which guide social restrictions and behavioural expectations), and
- in their value orientations (which affect conduct and training).

Open prisons tend to foster a greater sense of consensus among inmates.

The primary goals of establishing open prisons include: reducing overcrowding in jails, rewarding good behaviour, providing training in self-reliance, ensuring reliable labour for public works, alleviating frustration and fostering hope among long-term inmates, offering training in agriculture and industry, assessing the appropriateness of releasing offenders from confinement, and allowing prisoners to live with their family members in some states.¹²

In his book, “**Justice for Victims and Offenders: A Restorative Response to Crime**” (1996), **Martin Wright** argues that open prisons can promote restorative justice by facilitating offenders in taking responsibility for their actions and making reparations to their victims.¹³

Lastly, **Tiwari** (2021) notes that "the conditions of open prisons have made it feasible for released prisoners to avoid recidivism, and the opportunity for wage labour enables them to achieve economic independence" (pp. 1036). He further asserts that the open prison system in India has developed in response to the increasing influence of reformatory penal philosophy and the imperative to safeguard certain rights of inmates that uphold fundamental human

¹² *Supra* note 9

¹³ Supervisor Magnus Ring, ‘Breaking Bars, Building Hope Redefining Rehabilitation with Open Prisons in India Siddhi Mishra’.

dignity.¹⁴

Open Prison Statistics in India:

According to the latest statistics provided by the **National Crime Records Bureau (NCRB) for the year 2022**, India's total **prison capacity** stands at 436,266, with the number of undertrial prisoners at 434,302 and convicted prisoners at 133,415.¹⁵

The **Model Prison Manual (BPR and D 2003)**¹⁶ categorizes open prison facilities in India into three distinct types:

1. Semi-Open Training Institutions
2. Open Training Institutions/Open Work Camps
3. Open Colonies

These custodial facilities, or model prisons, are ranked according to the increasing level of freedom granted to inmates, as well as their effectiveness in promoting rehabilitation and reintegration into society. Each type of institution is enclosed within a designated area of land from which inmates are not permitted to exit.

Semi-Open Training Institutions, or model prisons, are typically situated adjacent to closed prisons, just outside their secure perimeter, and are subject to stringent security oversight. Inmates who demonstrate the potential for reform may qualify for transfer to open jails or colonies.

The three categories of open jails include open prisons, open farms, and open camps.

Open Farms: In these settings, inmates are assigned agricultural tasks and reside in an open area with their fellow inmates. There are also open farms where inmates live with their families while engaged in farming activities.

Open Camps: Inmates in these facilities work independently, participating in trading and other vocational activities, and they are permitted to construct their own homes where they can live with their families.

¹⁴ *Ibid*

¹⁵ 'Dataset - Prison Data from NCRB: Year- and State-Wise Number Undertrial and Convicted Prisoners, Prison Capacity and Occupancy Ratio' <<https://dataful.in/datasets/19004/>> accessed 22 May 2025.

¹⁶ 'MODEL PRISON MANUAL FOR THE SUPERINTENDENCE AND MANAGEMENT OF PRISONS IN INDIA'.

Open prisons also provide educational programs focused on self-reliance, collaboration, community living, and family dynamics. This model of open prisons offers inmates valuable opportunities to reconnect with the outside world prior to their release.¹⁷

At present seventeen (17) states have a total of 91 open prisons, with Rajasthan leading the count at 41.¹⁸ Convicts who qualify for transfer to open prisons must have completed the minimum sentence required and must demonstrate 'good behaviour.'¹⁹ Currently, open prisons accommodate only 3 percent of the total convict population, and their distribution can be inconsistent. According to the PSI 2022 report, there are 4,439 inmates in open prisons, while the capacity stands at 6,043.²⁰ Maharashtra and Rajasthan together hold 70 percent (3,092) of all prisoners in open prisons, while the remaining 1,347 inmates are distributed among fifteen other states.²¹ As per Prison Statistics Indian Report of 2022²² the categorization of open prisons in different states of India are as follows:

State/UT	Open Jail - 2022
Andhra Pradesh	1
Arunachal Pradesh	0
Assam	1
Bihar	1
Chhattisgarh	0
Goa	0
Gujarat	4
Haryana	0
Himachal Pradesh	1
Jharkhand	1
Karnataka	1
Kerala	3

¹⁷ Rathore Gunjan, 'Rise of Open Prisons in India- A Reformative Approach' (2024) 11 International Journal of Research and Analytical Reviews (IJRAR) 99-106, available at accessed 26 May 2025.

¹⁸ 'Ranking States on the Capacity of Police, Judiciary, Prisons and Legal Aid' <<https://indiajusticereport.org>> accessed 26 May 2025.

¹⁹ Ministry of Home Affairs, Government of India, Model Prison Manual, 2016, Chapter XXIII. Available at: <https://www.mha.gov.in/sites/default/files/PrisonManual2016.pdf>

²⁰ Prison Statistics India, Table 1.9. Available at: <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701948317Table19-2022.pdf>

²¹ Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Odisha, Punjab, Tamil Nadu, Telangana, Uttarakhand and West Bengal

²² 'Prison Statistics India (PSI) - 2022 | Open Government Data (OGD) Platform India' <<https://www.data.gov.in/catalog/prison-statistics-india-psi-2022>> accessed 26 May 2025.



Madhya Pradesh	7
Maharashtra	19
Manipur	0
Meghalaya	0
Mizoram	0
Nagaland	0
Odisha	1
Punjab	1
Rajasthan	41
Sikkim	0
Tamil Nadu	3
Telangana	1
Tripura	0
Uttar Pradesh	0
Uttarakhand	1
West Bengal	4
Total (States)	91
Andaman and Nicobar Islands	0
Chandigarh	0
Dadra and Daman and Diu	0
Delhi	0
Jammu and Kashmir	0
Ladakh	0
Lakshadweep	0
Puducherry	0
Total (UTs)	0
Total (All India)	91

Table 1

Legal and Policy Framework:

- Prisons are a State subject **under Entry 4 of the State List** in the Seventh Schedule of the Indian Constitution.

- **The Prisons Act, 1894**²³, is the principal legislation governing prison administration in India. It provides the general framework for the regulation, management, and discipline of prisons but does not specifically mention open prisons. States have the power to make rules under this Act and have used this authority to establish open prisons through state-specific prison manuals and rules.
- **Model Prison Manual and Model Prisons Act**²⁴: The Model Prison Manual updated in 2023 is issued by the Ministry of Home Affairs (MHA). It classifies open prison institutions into three types:
 - **Semi-Open Training Institutions**: Attached to closed prisons, 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
- **Model Prisons and Correctional Services Act, 2023**: Drafted to replace the outdated Prisons Act, 1894, this Act emphasizes correctional and rehabilitative approaches, including the establishment of "Open Correctional Institutions" as a formal category. It encourages states to adopt modern prison management standards, including provisions for parole, furlough, remission, and special measures for vulnerable groups. The Act serves as a guiding document for states, which can adopt or adapt it as needed.²⁵
- **State-Level Rules and Eligibility**: Each state defines its own eligibility rules for open prisons. Common requirements include:
 - The inmate must be a convict (not an undertrial).
 - Good conduct in a closed prison, often for a minimum period (e.g., five years in Rajasthan).
 - Selection by a committee of jail and police officials, based on conduct and risk assessment.

²³ 'GOVERNMENT OF INDIA MINISTRY OF LAW THE PRISONS ACT, 1894 (Act IX of 1894)'.

²⁴ <https://www.mha.gov.in/sites/default/files/advisory_10112023.pdf> accessed on 27 May 2025

²⁵ 'Press Release: Press Information Bureau' <<https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=1923682>> accessed 27 May 2025.

Approach of Indian judiciary in favour of open prisons:

In India, open prisons are typically designated for offenders who do not pose a threat to society and have been convicted of minor offenses. Article 21 of the Constitution of India states, "No person shall be deprived of his life or personal liberty except according to the procedure established by law." The Supreme Court has interpreted this article in various rulings to safeguard the rights of prisoners, emphasizing the importance of humane treatment.

The judiciary has expanded the interpretation of Article 21 to encompass the rights of prisoners, affirming their entitlement to live with dignity and receive humane treatment, especially in instances where they demonstrate the potential for reform. In landmark judgments, the Supreme Court has recognized that principles of rehabilitation and reformation should govern the treatment of prisoners, particularly those in open prisons.²⁶

These judicial pronouncements underscore the importance of integrating the concepts of restorative justice and rehabilitation within the penal system, thus advocating for humane conditions that facilitate the reintegration of inmates into society. By acknowledging that imprisonment should not strip individuals of their dignity, the court has paved the way for more progressive penal policies, supporting the notion that open prisons can play an essential role in achieving a more compassionate approach to corrections.

This ideological shift emphasizes that prisoners, as members of society, retain their right to a humane existence, significantly contributing to the discourse on penal reform and the role of open prisons in fostering rehabilitation and reducing recidivism.

The concept of open prisons came into India with the enactment of the Prisons Act, 1969. It was done for the purpose of rehabilitating the prisoners. The Supreme Court of India has been a pathfinder in interpreting and implementing this legislation.²⁷

²⁶ Suryansh Tiwari, 'INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION Concept of Open Prison System as a Correctional System: A Study in Light of Present Context' (2021) 3 International Journal of Legal Science and Innovation <<https://www.ijlsi.com/UndertheaegisofVidhiAagaz-InkingYourBrain>> accessed 27 May 2025.

²⁷ Aman Pathak and DP Vipra, 'OPEN PRISONS IN INDIA: "A CORRECTIONAL APPROACH TO IMPRISONMENT"' (2024) 12 2320 <www.ijcrt.org> accessed 17 May 2025.

The earlier cases related to open prisons in India is **Sunil Batra v. Delhi Administration**²⁸ (1978), the Supreme Court acknowledged the importance of open prisons as a vital measure for the rehabilitation of inmates. The Court stated, "The aim of incarcerating a prisoner is not to impose suffering, but to offer a chance for reform and rehabilitation." It ordered the government to set up open prisons in each state and union territory across India.

In 1984, in the case of **Prem Shankar Shukla v. Delhi Administration**²⁹, the Supreme Court reaffirmed its position regarding open prisons, asserting that the government is obliged to provide sufficient facilities to support the reformation and rehabilitation of inmates. The Court acknowledged the significance of open prisons in mitigating recidivism and facilitating the social reintegration of convicts.

In recent years, the Supreme Court has adopted a more progressive perspective on open prisons. In 2018, in the case of **Re-Inhuman Conditions in 1382 Prisons**³⁰, the Court acknowledged the necessity of broadening the concept of open prisons to encompass female and juvenile inmates. The Court emphasized that open prisons should not be limited solely to male prisoners and directed the government to develop a policy addressing this matter. The Supreme Court has also acknowledged the contribution of open prisons in alleviating the burden on traditional correctional facilities.

In the case of **Rattan Singh v. State of Punjab** (2019), the Court determined that open prisons should be regarded as a viable alternative to incarceration for specific categories of inmates, including those who are terminally ill or disabled. This perspective was further solidified in the subsequent case of **State of Punjab v. Jagmeet Singh** (2020), wherein the Court affirmed that open prisons are an essential component of the penitentiary system and should be employed to reduce the pressure on overcrowded prisons.

Advantages of open prisons over closed prisons:

Empirical studies, such as those by the **Bureau of Police Research and Development (BPRD)** and the **Rajasthan State Legal Services Authority (RSLSA)**, have shown that open prisons in India are associated with lower recidivism rates (as low as 10% compared to 25% in closed

²⁸ AIR 1978 SC 1675

²⁹ 1980 SC 1535

³⁰ I.A. NO. 26542 OF 2018

prisons), significantly reduced costs (₹500 per inmate per month in open prisons vs. ₹7,094 in closed prisons), and improved rehabilitation outcomes. Rajasthan's model, with its unique inmate-run panchayat system, demonstrates improved rehabilitation and self-governance.

1. Cost-Effectiveness³¹

- Open prisons are significantly cheaper to operate than closed prisons. For example, the cost per prisoner in Jaipur Central Prison was found to be 78 times higher than in Sanganer Open Prison. Open prisons require fewer staff (one staff member per 80 prisoners vs. much higher ratios in closed prisons) and have lower construction, operation, and maintenance costs.
- This cost-saving allows the government to allocate resources more efficiently and address budgetary pressures caused by overcrowding.

2. Reduction of Overcrowding³²

- Open prisons help alleviate the chronic problem of overcrowding in Indian jails. With the national occupancy rate exceeding 117%, open prisons provide a viable alternative, reducing the strain on traditional facilities and improving living conditions for inmates.

3. Promotion of Rehabilitation and Lower Recidivism³³

- The open prison environment emphasizes trust, self-discipline, and responsibility, which are key to rehabilitation. Inmates are given opportunities for work, education, and skill development, which aid in their reintegration into society and reduce the likelihood of reoffending.
- Studies have shown that open prisons have lower recidivism rates compared to closed prisons, as the system fosters economic independence and social responsibility.

4. Opportunities for Family and Social Integration³⁴

- Inmates in open prisons can maintain family ties, live with their families in some cases, and participate in community life. This support network is crucial for emotional well-being and successful reintegration after release.
- Family visits and social interaction are encouraged, which is rarely possible in closed prisons.

5. Productive Engagement and Skill Development

³¹ 'Understanding Open Prisons in India | Economic and Political Weekly' <<https://www.epw.in/engage/article/understanding-open-prisons-india>> accessed 17 May 2025.

³² *Supra* note 27

³³ *Supra* note 13

³⁴ *Supra* note 26

- Open prisons involve inmates in productive work such as agriculture, handicrafts, and vocational training. This not only keeps them physically and mentally fit but also equips them with skills for employment post-release.³⁵
- Inmates often receive wages for their work, part of which can be sent to their families, promoting financial self-reliance.

6. Improved Mental Health and Human Dignity

- The less restrictive environment of open prisons improves the psychological and mental health of prisoners, reducing stress and the negative impacts of incarceration.
- The system is based on self-discipline and trust, which upholds the dignity of inmates and aligns with modern correctional philosophies.

7. Judicial Endorsement

- The Supreme Court of India has recognized open prisons as a progressive and reformative approach. In *Dharambir v. State of U.P.* (1979) and *Rama Murthy v. State of Karnataka* (1997), the Court highlighted their role in protecting young offenders from negative influences, promoting reformation, and being financially advantageous for the state.³⁶

Case study:

Rajasthan:

The open prisons or the wall less prisons in Rajasthan are governed by the **Rajasthan Prisoners Open-air camp rules, 1972**. Eligible convicted prisoners are assigned to open-air camps with the objective of fostering self-sufficiency through lawful means of livelihood and promoting social interaction. The state is home to twenty-three open-air camps, collectively accommodating a sanctioned capacity of 1,427 prisoners. Women prisoners are allowed to live in this camp with their family. It is compulsory for a convict to live in the open camps with their family, as it states to a big reform in itself. Prisoners are required to attend roll call each morning and evening at designated times. Transfers to these camps are conducted in accordance with the provisions set forth in the Rajasthan Prisoners Open Air Camp Rules of 1972.

Convicts who have served one-third of their sentence, including any remissions, and are subject to good conduct, along with a few exceptions, may become eligible for transfer to wall-less

³⁵ *Ibid*

³⁶ *Supra* note 10

prisons. The internal management of the camp is governed by the “prisoners’ panchayats”, works and discipline committee and prisoners’ cooperative societies.³⁷

Rajasthan is a pioneer in the open prison movement in India, establishing its first open prison, the **Sampurnanand Open Prison at Sanganer near Jaipur**, in 1958. The state now has 23 open prisons, making it the largest network of such institutions in the country (Kaushik & Sharma, 2017).

Sampurnanand Open Prison at Sanganer: Operational Model:³⁸

Open prisons in Rajasthan operate without traditional security measures like high walls or armed guards. Inmates are permitted to leave the premises for work or personal needs during the day but must return by evening. They build their own houses, pay for utilities, and are responsible for their own food and daily needs. Inmates can live with their families, and their children attend nearby schools, supporting social reintegration.

Governance:

A unique feature is the *inmate panchayat* system, with separate panchayats for men and women, elected by the prisoners themselves. These panchayats resolve disputes, assist new inmates, and ensure cleanliness and order within the camp.

Rules and Criteria:

The system is governed by the Rajasthan Prisoners Open Air Camp Rules, 1972. Eligibility requires:

- Completion of at least one-third of the sentence in a regular prison with good conduct.
- Recommendation by a committee formed by the state government.
- The prisoner must be a Rajasthan resident, married, aged between 25 and 60, and not convicted for certain serious offenses (e.g., those under IPC Sections 121–130, 376, 392–402, etc.), nor should they be undertrials, mentally ill, or physically handicapped.

³⁷ ‘Open Air Camps’
<<https://home.rajasthan.gov.in/content/homeportal/en/jaildepartment/reformationfacilities/openaircamps.html>>
accessed 27 May 2025.

³⁸ *Supra* note 9

Rehabilitation and Impact:

Inmates engage in farming, handicrafts, and other vocations to earn a livelihood, promoting self-sufficiency and discipline. The open environment and family integration foster rehabilitation and lower recidivism rates compared to closed prisons.

Challenges:

Despite its success, the system faces challenges such as inadequate infrastructure, limited facilities for women, lack of medical and educational amenities, and exclusionary eligibility criteria.

Barriers and challenges of open prisons in India:

- **Eligibility Restrictions:** Most states exclude undertrials, women, and those convicted of certain offenses, leading to arbitrary and unequal access.
- **Administrative Barriers:** Staff shortages, lack of standardized procedures, and insufficient monitoring hinder effective implementation.
- **Societal Stigma and Security Concerns:** Public perception often associates open prisons with leniency and risk, despite low escape and recidivism rates.
- **Legal Inconsistencies:** Varying rules across states create disparities and sometimes violate prisoners' rights to equality and rehabilitation.
- **Administrative and infrastructure issues**
- **Legal gaps**

Policy recommendations:

- **Expand Eligibility:** Amend rules to include more categories of convicts and undertrials, ensuring equitable access.
- **Standardize Procedures:** Develop national guidelines for selection, management, and monitoring of open prisons.
- **Public Awareness:** Launch campaigns to counter stigma and highlight the success of open prison models.
- **Capacity Building:** Invest in staff training, infrastructure, and partnerships for vocational training and employment of inmates.

Conclusion:

This comprehensive examination of open prisons in India reveals a compelling case for their expansion as a transformative approach to criminal justice reform. Through doctrinal analysis, empirical data, and case studies, this research has demonstrated that open prisons offer a viable pathway toward addressing India's most pressing correctional challenges while upholding human dignity and promoting genuine rehabilitation.

Addressing India's Prison Overcrowding Crisis

The evidence overwhelmingly demonstrates that open prisons provide a direct solution to India's critical overcrowding problem, where facilities operate at 131.4% capacity with 70% undertrials. By transferring eligible inmates to open facilities, states like Rajasthan have successfully reduced pressure on conventional prisons while maintaining public safety. With only 4,439 inmates currently housed in open prisons against a capacity of 6,043, there exists significant untapped potential. The cost differential is striking – at ₹500 per inmate per month compared to ₹7,094 in closed prisons, open facilities offer a financially sustainable solution that could accommodate substantially more prisoners if scaled appropriately.

Legal and Policy Framework Analysis

The examination reveals a complex patchwork of regulations governing open prisons across Indian states. While the foundational Prisons Act of 1894 provides general authority, the absence of specific provisions for open prisons has led to inconsistent implementation through state-specific rules. The Model Prison Manual 2023 and the proposed Model Prisons and Correctional Services Act, 2023 represent significant steps toward standardization, categorizing facilities into semi-open training institutions, open training institutions, and open colonies. However, eligibility criteria remain restrictively varied – Rajasthan requires completion of one-third of sentence with good conduct, while other states impose different thresholds, creating arbitrary disparities in access to these rehabilitative opportunities.

Policy Reforms and Best Practices

The research identifies several critical reforms necessary to enhance open prisons' role in India's criminal justice system. First, eligibility criteria must be expanded and standardized to include more categories of offenders, including carefully screened undertrials and women prisoners. The success of Rajasthan's inmate panchayat system demonstrates the value of self-

governance models that could be replicated nationwide. Infrastructure investment, particularly in medical facilities, educational programs, and vocational training, emerges as essential for long-term sustainability.

Beyond the Numbers

The 10% recidivism rate in open prisons compared to 25% in closed facilities represents more than statistics – it signifies successful reintegration, reunited families, and strengthened communities. Rajasthan's model demonstrates this transformation: when prisoners build homes, send children to school, and participate in community life, genuine rehabilitation occurs through trust and dignity rather than punishment.

Overcoming Barriers

Despite proven benefits, challenges persist. Public suspicion, administrative gaps, and inconsistent state policies hinder expansion. The solution requires standardized eligibility criteria, public awareness of rehabilitation benefits, and political commitment to infrastructure investment.

The Path Forward

Open prisons offer both moral imperative and practical advantage in transforming India's correctional approach. With only 4,439 inmates in 91 facilities against capacity of 6,043, enormous potential exists. Expanding to accommodate 20% of eligible convicts could save billions annually while significantly reducing overcrowding and recidivism.

The evidence is clear: open prisons work. They represent a fundamental shift from retributive to restorative justice, aligning with constitutional principles of dignity and rehabilitation. The question remains whether India will commit to implementing them at the scale necessary to truly transform its criminal justice system into one that serves both those within its walls and society as a whole.