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**OPEN PRISON SYSTEM: A NEED FOR THE GROWTH AND
ADVANCEMENT**- Vaishnavi Rastogi¹**Abstract**

Prisons are correctional facilities where criminals, convicts, and those awaiting trial are detained with the primary goal of rehabilitation. They are placed in a remote and isolated area away from civilization so that they can ponder themselves. Some criminals undergo reformation due to the care and surroundings they get in prison. We can never eradicate crime from society because of the fundamental character of human beings. Therefore, a society free from crime cannot exist. To deter crime, the primary form of punishment, the prison system, is used. The contemporary justice system mostly focuses on punitive and retributive kinds of punishments for protecting human dignity. The concept of an open prison system has considerably developed in response to the rising desire to uphold convicts' rights in order to uphold their inherited human integrity. The Open prison system can be extremely beneficial to the Indian judicial system in different ways since its goals and objectives are quite clear. However, given the system's current state, we cannot deny that it has not been as effective as anticipated. This article attempts to determine if this system was a total failure or whether it still asserts that it can support the Indian Judicial System. It also critically examined the existing state of India's open prison system, highlighting some of its benefits and outlining some potential improvements.

Keywords- Open Prison System, Punitive, Reformative, Potential Improvements

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Introduction

Since the beginning of time, prisons have existed in India culture as criminal and disciplinary institutions. India has had an open Prison system since very early times. The idea of an open Prison system predates even the Ramayana. The oldest and finest example of an open prison system is when Ravana imprisoned Devi Sita in Ashok Vatika. It has a double purpose: while eradicating crime from society, it also works to reform convicts by giving them institutional-style care. The legal system now has a fresh perspective in which offenders are provided better natural surroundings and a stress-free atmosphere that aid in their rehabilitation and assist them reach the social, moral, and economic goals of society. Two aspects of prisonization that were mistakenly associated with institutionalization are eliminated. Due to the extensive terrain and unrestricted movement, convicts experience psychological relaxation and stress relief, which is a prerequisite for bringing about an attitude shift and making him susceptible to therapeutic treatments. Instead of only inflicting vengeful misery, the primary goals of these types of correctional facilities are to heal and change criminals. The overcrowding of the jails caused a reduced focus on the particular requirements and a smaller area for the reformation idea, making it more like a punishment with no positive results. As we can infer from the numerous theorist, philosophers, and legal experts who have expressed considerable opinions on the idea of an open prison system, they all concur and recognise the reality that, since punishment alone will never succeed in reforming the criminal, reformation measures should always be used instead, that can turn their negative traits into positive ones.

Origin of Open Prison System

The key notion or question was to ascertain how to prevent or alter criminals' thoughts so that they would not commit crime and how to prevent the offender from doing the same crime repeatedly. This philosophy helped to shift the focus from incarceration to rehabilitation and training. The two major philosophers of the 18th century, Jeremy Bentham and John Howard, advocated for the creation of a facility capable of rehabilitation rather than merely incarceration for offenders. The Bentham and John Howards' idea was put to the test through a number of experiments, but none of them were successful in altering offenders. Following

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several strenuous attempts, the Switzerland open prison namely Witzwill was constructed in 1891. The United States and the United Kingdom soon followed in 1916 and 1930, respectively. Internationally, it was recognised that even after serving time in jail, people retain some fundamental human and cultural rights. One of the most important international treaties for the defence of prisoners' rights is the International Covenant on Civil and Political Rights. The International Covenant also included rights such as economic, social, and cultural rights in addition to civil and political rights.

Open Prison System in India

After The All India Jail Committee was founded in 1836, although the outcomes were unsatisfactory, the idea of an open prison system was adopted in India. The bigger question has always been whether or not our existing jail system is achieving the goals of prison administration, which include reformation and reintegration of convicts into society as responsible citizens. Therefore, All India Jail Manual Committee was consequently created. The Indian Open Prison System's basic tenet is that only one person can rehabilitate society, criminals, and human resources because trust breeds trust. A man is sent to prison as punishment, not for punishment, according to one of Sir Alexander Paterson's two dictums. The other contends that training a guy for freedom is impossible until and unless the terms of his confinement are markedly eased. In Bombay, India, the first open prison was built in 1905. By the time the new open prison in Uttar Pradesh was built in 1953, after this open prison was closed in 1910, most of the states had taken inspiration from the Uttar Pradesh open prison, and by the year 1966, India had 24 open prisons. As of right now, Rajasthan's open jail has proven to be a huge success, but we can't say the same for the open prisons in other states. It is in the name of justice that India's jail walls are rising, concertina wires, which take their name from a particular sort of accordion, are baring their mouths wider, and steel gates are closing with increasing volume. Physical and psychological environments for convicts are constrained by the veil that surrounds prison design.

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Drawbacks of Open Prison

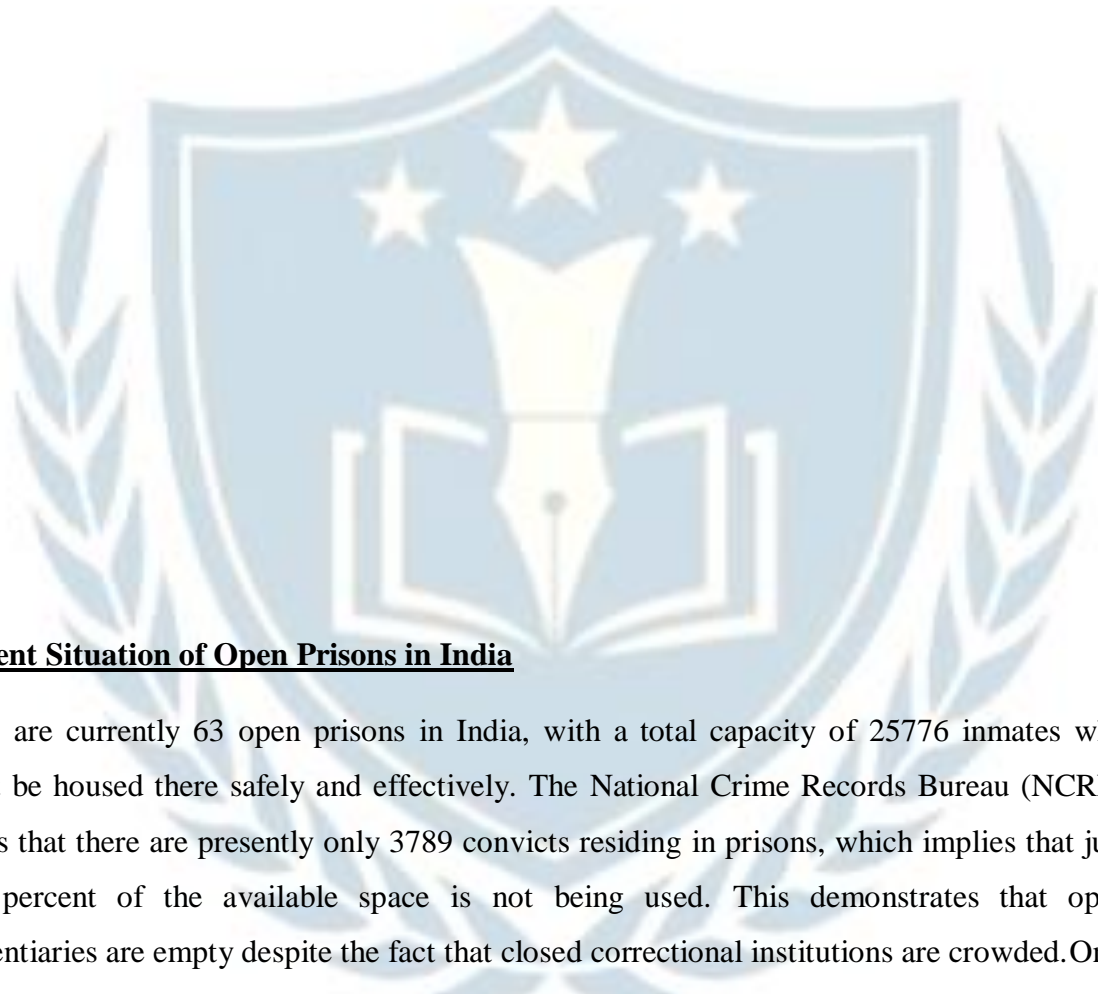
Although the open prison system in India appears to have benefited society in many ways and provided a distinctive identity for the Indian Judicial System with regard to reformation, we must not overlook the fact that, aside from a selected few states or regions, others still need to improve further because it also has drawbacks. For these reasons, the judicial system has not wholeheartedly accepted this as a form of punishment. We continue to overcrowd the jails and do not take this method of rehabilitation into better consideration. Some of the relevant disadvantages that work as a helping hand include the following:

Some prisoners are allowed to establish their lives around the prisons and are also permitted to stay with their families, but later on they refuse to move out of that place as it becomes a free shelter for them. Another factor for staying put can be an emotional attachment, since they have been there for a considerable amount of time and have grown connected to it. Their need for stability will be compromised if they move. One major drawback of an open prison is that offenders can get more proficient at committing crimes with less monitoring and perimeter protection and are frequently not imprisoned. It has been noted that in the majority of the states, the convicts who are maintained in open prison are chosen by the advisory committee, which has no obligation and is not required to explain their selections to anybody since they are not questioned. This essentially breeds devaluation and favouritism because there is no real basis for keeping someone in an open jail other than the committee's judgement.

One of the biggest disadvantages, aside from the others, is that those who are compelled to begin a fresh term have no safeguards. In any case, only the most recent offenders should be allowed access to the semi-open jail, not the previous offenders. There are no such procedures for housing of less serious offenders in an open jail system. Every state has inadequate open detention centres. While some states have many open prisons, others just have one, and there are no open prisons in any Indian Union Territories. The state list is one of the main causes for this kind of particular distinction.

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Current Situation of Open Prisons in India

There are currently 63 open prisons in India, with a total capacity of 25776 inmates who might be housed there safely and effectively. The National Crime Records Bureau (NCRB) claims that there are presently only 3789 convicts residing in prisons, which implies that just 70.6 percent of the available space is not being used. This demonstrates that open penitentiaries are empty despite the fact that closed correctional institutions are crowded. On a field trip, we saw that there were just officials present at the Sangheili Jail in Maharashtra, one of the open prisons that we may view in numerous states. There were no inmates there at the time. This type of circumstance unequivocally demonstrates the tremendous failure of the open prison system, but it also serves as inspiration for the significant improvements that the Indian prison system has to undergo. The impact of the open jail system on the prisoner after he is released from custody might be emphasised. Has his respect for law and order been compromised by the conveniences and relatively comfortable life? Can the harsh

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consequences of jail be seen? Absolutely not. Instead, the open prison works to overcome the resentment that so many inmates have after being released from a nearby jail regarding what, in their minds, awaits them in the harsh and unfriendly world. It undoubtedly serves as a bridge leading back to society and independence. We must constantly keep in mind that no matter how many luxuries a prisoner receives, nothing can make up for the fact that they no longer have their freedom.

The major and most significant concern is why it is that in India, despite Supreme Court² orders to build new open jails, maintain them efficiently, and utilise them as much as feasible considering the realities of prison conditions. Why is it that our judicial system has not yet fully embraced this idea? Why are the pity offenders still sent to regular jails where they interact with serious offenders and develop into habitual offenders? Why is it that our administrative system has not fully embraced the gift of reformation that open prisons represent? What is the primary cause of it? Is it only out of concern that the criminals may abuse the helping hand extended to them in the form of an open jail, or is it a result of trust issues?

The open jail in Sanganer is one of the better examples to address this issue if that is the justification for the underuse of open prisons. Murderers and their families are sentenced to life in prison in the open jail in Sanganer, an industrial colony west of Jaipur that PAAR co-manages. Murderers often work in security roles in organizations or educational institutions; this less expensive option to punishment incorporates trustworthiness, humanism, and graded liberty. There is not a single escape from this Second Chance camp as of now.

²<https://www.hindustantimes.com/india-news/sc-tells-states-to-consider-setting-up-an-open-prison-in-each-district/story-tnLliuOT6tAKIso8wKamUJ.html>

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Suggestions

According to the executive summary of 2019 for the state of Uttar Pradesh, there are currently 97,572 people incarcerated there, despite the jail's capacity being 60,000. This illustrates how overcrowded Indian prisons are, and how severely the human rights of prisoners are harmed if our prison system does not use open prisons. Undertrial inmates made up 67.7% of the jail population in India in 2016, a larger percentage than even ten years prior. The case of Inhumane Conditions in 1382 Prisons³ makes this quite evident, and the learned amicus recommended the creation of Open Prisons. Custodial abuse has long been a major cause for worry, as the well-known Mathura Rape case demonstrates. The case also shows the inhumane treatment of the prisoners as a result of problems including overcrowding, unexpected deaths of the inmates, a severe lack of personnel, and untrained or badly qualified staff that is readily available. According to my suggestion, open prison should be regarded as a significant component of the current prison system despite its many drawbacks since it has helped the human race in general and the jail population in particular. The idea of open prisons is a good one that, if put into practise, might change the way that jails operate. But in order to have a substantial influence on the system, there must be considerable upgrades because there are so few open jails and those that do exist lack fundamental infrastructure.

³In Re: v. Inhuman Conditions In 1382 Prisons: “the establishment of ‘open jails?’ or ‘open prisons?’ is certainly worth considering. It was brought to our notice that the experiment in Shimla (Himachal Pradesh) and the semi-open prison in Delhi are extremely successful and need to be carefully studied. Perhaps there might be equally successful experiments carried out in other States as well and, if so, they require to be documented, studied and emulated.”

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Conclusion

In the modern world criminology and penology operate primarily on the principles of reformation and rehabilitation rather than just meted out punishment. Without any type of scientific categorization, putting convicts in jail breeds more repeat offenders rather than rehabilitating them and teaching them the difference between the right and wrong road. We definitely need to make more effective modifications that not only reform our Indian Jail System but also progress them in this contemporary period after looking at the shortcomings and the causes of the failure of the open prison system. In order to alleviate congestion and associated issues with the regular prison system and to facilitate prisoner reformation, the criminal justice system and prison administration should place a high priority on developing new open prisons and making full use of those already in operation.

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