

NOTES

Open Correctional Institutions in India

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Open correctional institutions in India serve as **minimum-security, trust-based penal environments designed to foster prisoner reform, rehabilitation, and social reintegration**

*A type of correctional facility known as an open correctional institution or an open prison has been defined by the **Model Prisons and Correctional Services Act, 2023** as a prison where certain eligible prisoners are held under less stringent conditions than in regular closed prisons, thereby enabling them to enjoy greater freedom.*

Closed prisons use walls, bars, and guards as methods of confinement, while open prisons use a form of trust as their form of supervision. This makes it possible for the inmates to be able to go out of the facility for their jobs and to be reunited with their families during the day and to return back only periodically for headcounts.

Historical Background

As prisons are included in the **State List contained in the Seventh Schedule of the Constitution**, every government came up with a framework of their own to create open institutions accordingly.

Therefore, different states established open prisons at different levels. **The first open jail in free India was established in Lucknow, Uttar Pradesh in the year 1949**, and many other such open-air camps sprung up in various parts of Uttar Pradesh in the early 1950s.

Rajasthan was the first state to establish the Sanganer Open Jail, known as the Sampurnanand Khula Bandi Shivir, in 1963. It was named after a former Chief Minister of Uttar Pradesh and a Governor of Rajasthan, **and it became one of the largest open prisons in the world.**

It was the first open prison to allow prisoners to stay with their families that is, their children as well, in the premises while they worked outside during the daytime. Following the success of the Sanganer Open Jail, Rajasthan set up 52 open camps, which ensured that Rajasthan

had the largest number of open houses in the whole of India.

Committee Recommendations

The recommendation for the introduction of open prisons in India was made for the first time by the All India Jail Manual Committee from 1957-1959 as an attempt to rehabilitate the prisoners.

In support of this recommendation issued by the Committee, the All India Committee on Jail Reform, also known as the **Justice Mulla Committee (1980 - 83)**, has documented that at that time there were about 28-30 open prisons in India and advocated for their expansion so as to relieve overcrowding in closed prisons as a way of genuine rehabilitation.

Current Status

As per the report of the National Crime Records Bureau on Prison Statistics India, the current figure of open prisons in India is over 90 in 17 states. **Rajasthan has the largest number of open prisons with 41 open prisons being there only in the official count.**

However, the present occupancy of these open prisons is considerably lesser than this capacity as evidenced by reports which indicate usage rates that are consistently below its sanctioned level. Only a few states like Rajasthan, Maharashtra, Kerala, and Jharkhand have women prisoners in open prisons.

Eligibility and Features

Usually, the ***factor determining the eligibility of an inmate for transfer to an open prison is the type of an offence committed***, the behaviour and conduct of the inmate in a closed prison, serving a certain percentage of the prison sentence, and presenting evidence about how likely is the inmate to integrate successfully.

Open prisons usually have *minimal barriers, allowing the convicts engage in agricultural work and sometimes even live together with their families.*

Constitutional and Legal Framework

The constitutional basis for such prison reforms as the open prison concept comes mainly from Article 21's assurance of life and personal liberty, which has been judicially interpreted to mean that an individual is entitled to a dignified life even when imprisoned.

The Supreme Court has ruled in Sunil Batra v. Delhi Administration that a convict does not lose his fundamental rights once he is in prison, and that any limitations imposed on him must be reasonable under Article 21, thus supporting the rehabilitative ethos of open institutions.

In its judgment in Rama Murthy v. State of Karnataka, the Supreme Court identified various problems afflicting India's prison system, and called for structural reforms to be undertaken which give further credence to alternatives such as open prisons that lessen pressure on closed ones.

The Supreme Court's decision in State of Gujarat v. Hon'ble High Court of Gujarat concerned the question of whether prisoners have a right to be paid for their work done in prison and reiterated that productive work does not only serve administrative requirements but is also consistent with constitutional principles.

The Suhas Chakma Litigation and Recent Supreme Court Directions

One of the most significant ongoing judicial interventions regarding open correctional establishments is seen in Suhas Chakma v. Union of India, a PIL in the Supreme Court in regard to the ***overcrowding of prisons and their conditions across the country***.

The Supreme Court, in this case and subsequently, has especially delved into the status and functioning of open correctional institutions, which are not utilized to their full potential, even though these institutions are operating under different names in different states.

The Supreme Court has also directed the ***Union Ministry of Home Affairs to furnish a report on the status of open correctional institutions as per the Model Prison Manual, 2016*** and the Model Prisons and Correctional Services Act, 2023, besides categorically ensuring that no effort will be made to reduce the area of the existing open-air camps and institutions wherever these are in place.

The instruction came partly because of the battle about land with respect to Sanganer Open Jail itself, where the *Jaipur Development Authority (JDA)* wanted to retrieve land for some other public

purpose, thus attracting the concern of reducing the footprint of Sanganer Jail affecting a unique rehabilitation model.

The Court's intervention illustrates active judicial oversight ensuring that successful open prison models are protected from administrative encroachment even as states expand the broader open-institution framework.

The Model Prisons and Correctional Services Act, 2023

The **Model Prisons and Correctional Services Act of 2023** is the latest legislative attempt of the Union Government in the field of prison administration, which is offered to the states to be adopted as a model law because prison administration is a state subject.

The Act defines and provides a framework for open correctional institutions, thereby attempting to standardize the establishment and functioning of these institutions, remove inconsistencies in naming and criteria for eligibility prevalent in the open prison system, and establish open prisons as an effective tool for solving two major problems, namely, prison overcrowding and rehabilitation.

The topic is significant for CLAT as it relates to criminal law, constitutional law, and penology, and therefore can be included both in objective questions and in the subjective part of CLAT PG.

This topic checks the students' knowledge of how Article 21 jurisprudence applies after trial at the level of the prison, as well how PIL is responsible for the changes made in the system.

The Sanganer model, in particular, offers a concrete, examinable case study connecting prison reform theory to an operating, internationally recognised institution, while the recent Model Prisons and Correctional Services Act, 2023 provides a timely legislative hook linking classroom doctrine to current legal developments.

Open Correctional Institutions in India

Rehabilitation • Trust • A Second Chance



1. Concept & Definition

- A prison where eligible inmates are kept under less stringent conditions than closed prisons, with greater freedom and trust based supervision.



2. Historical Background

- First open jail in independent India – Lucknow (U.P.), 1949.
- Rajasthan set up Sanganer Open Jail (1963) – first to allow prisoners to stay with their families.
- Rajasthan now has the largest number of open prisons (41).



3. Committee Recommendations

- 1957–59: All India Jail Manual Committee recommended open prisons for rehabilitation.
- 1980–83: Justice Mulla Committee noted 28–30 open prisons and suggested expansion to reduce overcrowding.



4. Current Status

- Over 90 open prisons in 17 states (as per NCRB).
- Rajasthan has the highest (41).
- Usage rates are below capacity.
- Only a few states have women prisoners (Rajasthan, Maharashtra, Kerala, Jharkhand).



5. Eligibility & Features

- Depends on nature of offence, behaviour in closed prison, % of sentence served, and likelihood of reintegration.
- Minimal barriers – allows agricultural work and family stay (sometimes).



6. Constitutional & Legal Framework

- Article 21 – right to life & personal liberty includes a dignified life, even in prison.
- Sunil Batra v. Delhi Administration – convicts retain fundamental rights; restrictions must be reasonable.
- Rama Murthy v. State of Karnataka – called for prison reforms and alternatives like open prisons.
- State of Gujarat v. HC Gujarat – productive work is consistent with constitutional principles.



Dignity is a right, not a privilege

7. Suhas Chakma Litigation & Recent Directions

- PIL on overcrowding and prison conditions.
- SC focused on status & functioning of open institutions.
- Directed Centre to submit a report (as per Model Prison Manual, 2016 & Model Prisons and Correctional Services Act, 2023).
- Stressed no reduction in area of existing open camps (e.g., Sanganer Jail land dispute).



Protest successful open prison models

8. Model Prisons and Correctional Services Act, 2023

- Latest legislative attempt by the Union Govt (offered to states as a model law).
- Defines and provides a framework for open correctional institutions.
- Standardises establishment & functioning, removes inconsistencies in naming/eligibility.
- Aims to reduce overcrowding and promote rehabilitation.



Standardised. Stronger. More Rehabilitation.

Not just a place to serve a sentence,
but a chance to rebuild a life.

