



Concept of Open Prisons, their main characteristics, and Indian

Scenario : A Review

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Abstract : Open prisons are ‘minimum security’ devices for inmates to rehabilitate them in society after final release. In India, they are popularly called as open Jails. The concept of Open prisons was first developed in U.K in the 1930s and was based on the idea of ‘carrots’ rather than ‘sticks’. The

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United Nations Standard Minimum Rules for the Treatment of Prisoners, popularly known as the *Nelson Mandela* Rules, laid down the objectives of open prisons stating, that such prisons provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favorable to the rehabilitation of carefully selected prisoners.

Key Words : Open prisons, Nelson Mandela Rules

Introduction : Criminologists have expressed different views about the definition of open prison. Some scholars have preferred to call these institution as open air camps, open Jail or parole-camp. The United Nations Congress on Prevention of Crime and Treatment of Offenders held in Geneva in 1955, however, made an attempt to define an open prison thus :

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

Main Characteristics of Open prisons :

The main features of an open prison institution may be summarized as follows :-

1. Informal and institutional living in small groups with minimum measure of custody.
2. Efforts to promote consciousness among inmates about their social responsibilities.
3. Adequate facilities for training inmates in agriculture and other related occupations.
4. Greater opportunities for inmates to meet their relatives and friends so that they can solve their domestic problems by mutual discussion.
5. Liberal remissions to the extent of fifteen days in a month.
6. Proper attention towards the health and recreational facilities for inmates.
7. Management of open Jail institutions by especially qualified and well trained personnel.
8. Improved diet with arrangement for special diet for weak and sick inmates.
9. Payment of wages in part to the inmates and sending part of it to his family.

10. Financial assistance to inmates through liberal bank loans.
11. Free and intimate contact between staff and the inmates and among the inmates themselves.
12. Regular and paid work for inmates under expert supervision as a method of reformation
13. Avoidance of unduly long detention.

International Perspective

The utility of open-prisons as a part of After-care device has been accepted at the International level. The Social Defence section of the United Nations through its literature on the subject has convinced the member nations of the usefulness of open institutions as a measure of prison reform. This has helped a lot in creating interest among professional men in the adoption of new ideas and experiments in the field of prison reforms. The treatment of offenders in open conditions similar to outside world as far as possible has found wide acceptance in recent years. This is indeed a significant contribution to the development of progressive penology and a professional approach to treatment of offenders.

The subject of open-institutions was particularly discussed in the first United Nation Congress on Prevention of Crime and Treatment of Offenders held in Geneva in 1955. The consensus was that minimum security such as absence of prison walls, bars, fence, armed guards gun towers, and voluntary discipline among the prisoners should be the two guiding principles underlying the working of these open institutions.

The system of open prisons was essentially founded on trust and confidence reposed in prisoners and was an intermediary stage between the guarded prison life and the outside life of complete freedom. Five years later, when the second U.N. Congress on prevention of Crime and Treatment of Offenders was held in London in 1960, open-institutions had become an integral part of Anglo-American prison system for the correctional treatment of offenders. The prisoners are allowed to attend to their ailing relatives and friends and women delinquents are extended certain additional facilities and maternity privileges.

The Indian scene

A Jail committee on the all-India level was appointed in 1836-38 to review system of employment of prisoners and by the time a second committee in 1864 was appointed, this

practice of employment of prisoners completely disappeared. But the prison conference of 1877 reopened the question employing prisoners on public works, such as digging of canals etc. This Conference suggested that employment of prisoners is not only valuable but necessary for Jail administration. This recommendation was accepted and followed in practice.

The All India Jail Committee did not favour this employment for two reasons. It did not permit the classification of prisoners and also made enforcement of discipline and proper task difficult.

India took part in various international conferences held in recent years and the literature issued by the Social Defence Section of the United Nations and other countries helped quite a lot in developing interest among the professional and non-professional men in adoption of new ideas and experiment in the fields of prison reforms. The training of prison officers, release of offenders on probation, home leave to prisoners, introduction of wage-system, release on parole, educational, moral and vocational training of prisoners and treatment of offenders in open condition as in done in other countries, are some of the new ideas widely accepted in recent times. The result of such experiments were encouraging and constructive. Although the schemes were not introduced on scientific lines for the rehabilitation of offenders due to shortage of staff and many other reasons, even than it made a significant to the treatment of offenders. The experiment regarding the employment of prison labour in open conditions have proved to be most successful from many points of view.

It shall not be irrelevant to mention here that the employment of prisoners in open conditions is more than a century old practice. The objectives of such employment have vastly changed. Originally it was meant to take hard work from prisoners under conditions which were humiliating and de-humanising and now it aims at providing them with useful and meaningful work under conditions which help in restoring their self-respect and giving them a sense of pride and achievement.

The concept of Open Prisons

The paradigm of Reformative Punishment does not support the traditional inhuman jails with bars but is more liberal and supports the concept of open prisons, which is a trust-based prison with minimum security. This open prison helps the prisoner to gradually connect with the world before the release.

In India currently, there are 69 Open Jails out of which Rajasthan (29), and Maharashtra (13) having the highest number. As per the data of 2015:

Open prisons have 3786 prisoners out of which 2227 prisoners are in the Maharashtra and Rajasthan prisons.

Almost 60% of the total prisoners in the open prisons are concentrated in two states.

Many states have an open prison but do not accommodate any prisoners.

The reasons for this overcrowding and at the same time under-utilization could be because the Jails are a part of the state list and hence a collaborative approach cannot be adopted by the states.

Conclusion

The concept of open prison has existed in India since almost 7/8 decades, however, many states still do not have enough open prisons. With the current scenario of overcrowding of Jails, it is extremely important to build and utilize the open prisons. Open prisons are excellent in providing rehabilitative justice, as it helps the convicts to re-socialize with the world before they've completed their sentence. Although the existing open prisons are well-managed and have a good record in the past there is still room for improvement in terms of laws and rules. Active measures should be taken to amend these rules, to provide access to justice to all the prisoners. This system if properly utilized will also help in reducing the custodial deaths.

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