



SUPREME COURT ON OPEN PRISONS - POLITY

News: *The Supreme Court of India has issued a mandate to several states and Union Territories, requiring them to submit detailed reports on the operations of open prisons. This order is a response to escalating concerns about overcrowding in traditional prisons, highlighting the need for transparency and effectiveness in the management of these less restrictive facilities.*

What's in the news?

Why the Supreme Court Advocates for Open Prisons

- The Supreme Court views open prisons as a potential remedy for the chronic overcrowding issues in conventional prisons.
- These prisons aim to mitigate the psychological strains on inmates, helping them reintegrate smoothly into society post-incarceration.
- Transitioning inmates to open prisons reduces the load on high-security facilities, often plagued by severe overcrowding.
- The Court emphasizes thorough knowledge and application of open prison systems by states and union territories to enhance correctional strategies.

Understanding Open Prisons

- Open prisons are less restrictive facilities that lack the stringent security measures like high walls and barbed wire, focusing instead on inmate self-discipline and community engagement.
- These institutions operate on the reformatory theory of justice, which prioritizes rehabilitating inmates rather than merely punishing them.
- The first open prison in India was established in 1905 in the Bombay Presidency, originally using inmates for unpaid public labor. This concept evolved significantly post-independence, with a shift towards reformation and rehabilitation encouraged by constitutional rulings.

Types and Features of Open Prisons

- **Variety of Institutions:** Open prisons vary from semi-open institutions attached to closed facilities, to work camps and open colonies where inmates can live with their families and engage in normal employment.
- **Eligibility Criteria:** Eligibility for transfer to open prisons generally requires inmates to demonstrate good behavior and a commitment to rehabilitation, as evidenced by their conduct within closed prisons.

Legal and International Context

- **Regulatory Framework:** The governance of prisons in India falls under the state list as per the Indian Constitution, with each state adopting its own regulations as guided by the Prisons Act, 1894, and Prisoners Act, 1900.



- **Global Perspective:** Open prisons are a long-standing element of international correctional systems, with examples in Switzerland and the UK demonstrating their effectiveness since the late 19th and early 20th centuries.

Global Advocacy and Recommendations

- **UN Endorsement:** The UN's Nelson Mandela Rules advocate for open prisons as they facilitate better rehabilitation opportunities and respect for prisoners' rights.
- **Judicial and Human Rights Advocacy:** Various judicial decisions and recommendations, including those from the Supreme Court of India and the National Human Rights Commission, have supported the expansion of open prisons to alleviate overcrowding and improve the correctional system's effectiveness.

Advantages and Disadvantages of Open Prisons

Advantages of Open Prisons:	Disadvantages of Open Prisons:
<ul style="list-style-type: none">• Reduces operational costs compared to traditional prisons.• Helps alleviate overcrowding in conventional prisons.• Enhances the psychological and mental well-being of inmates.• Requires fewer staff than closed prisons.• Promotes rehabilitation and successful societal reintegration.• Potentially lowers recidivism rates.• Provides opportunities for inmates to secure employment.• Encourages socialization and interaction with the external community.• Emulates Gandhian values, fostering moral development and cooperative living.• Benefits crime survivors and communities by demonstrating offender transformation.	<ul style="list-style-type: none">• Lacks modern facilities and sufficient funding.• Underutilized due to poor awareness and acceptability.• Some inmates may become dependent on the open environment, causing reluctance to leave.• Challenges in reallocating staff due to shortages.• Outdated laws and lack of provisions for under-trial prisoners; inconsistent rules across states.• Critics argue it may not effectively reduce recidivism.• Difficulty in securing employment due to remote prison locations.• Insufficient facilities for female prisoners in many areas.• Non-transparent selection process can lead to bias and corruption.• Issues with security, discipline, and perceived leniency by critics.

Source: <https://www.thehindu.com/news/national/tamil-nadu/madras-high-court-orders-inquiry-into-report-that-convicts-are-used-for-household-work-in-residences-of-prison-officials/article68610166.ece>