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“THE PARADOX OF OPEN PRISONS IN INDIA: HUMANITARIAN REFORM OR ADMINISTRATIVE LAPSE?”

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ABSTRACT

This research study examines the changing function of open prisons in India as a reformative measure against conventional custodial imprisonment. Underpinned by the rehabilitation theory of punishment and the constitutional requirement under Article 21, open prisons seek to resocialize prisoners through conditional freedom, employment, and family access. Yet, their application is uneven and frequently determined by administrative expediency rather than reformative purpose. The research examines the legal and policy regime that controls open prisons, particularly Rajasthan's model and wider judicial support exemplified in the cases of Sunil Batra, Mohammad Giasuddin, and *Inhuman Conditions in 1382 Prisons*. It also emphasizes critical weaknesses such as absence of central legislation, gender exclusion, inadequate infrastructure, and lack of post-release assistance. By comparing India with Norway, Finland, and the UK, the paper demonstrates how organized, transparent, and reintegration-focused open prison systems can dramatically lower recidivism. The research concludes that unless India institutionalizes open prisons through uniform legislation, gender-sensitive practices, and evidence-based governance, their transformative potential will be underexploited.

Keywords: *Incarceration; Open Prisons; Prison Reform; Recidivism; and Rehabilitative Justice.*

INTRODUCTION

Retributive theories of punishment have traditionally dominated the Indian criminal justice system, where overcrowding and poorly equipped jails reflect the failures of imprisonment within a custodial framework.¹ In their place, therefore, open prisons constitute a radical departure from punishment and exclusion towards a paradigm of imprisonment based on liberty, humaneness, and rehabilitation.² Introduced initially in Uttar Pradesh back in 1953, open prisons have increasingly gained popularity, with Rajasthan being the pace-setter. Prisoners can work, stay with their families, and engage with the communities within such low-walled prisons.³ Their occasional application, though, as well as their lack of procedural consistency raise the very basic concern: Are open prisons administrative tools for decongesting traditional prisons, or are they actually tools of reform?

➤ **RESEARCH PROBLEM:**

The Indian open prison system is confronted by a plethora of challenges, despite its conceptual alignment with reformatory justice as well as constitutional requirements. These consist of the lack of a countrywide legislative framework, divergent eligibility standards, poor infrastructure, lack of regulation, as well as the unavailability of facilities for female prisoners.⁴ In addition, their very objective is discredited by their being employed as stopgap measures for clearing out prisons instead of being well-organized processes of rehabilitation of prisoners. This research paper seeks to examine whether the open prisons have their reformatory role being fulfilled or otherwise, or have turned out to be tokenistic, depriving not only the public, but the prisoners as well, of their capabilities.

➤ **RESEARCH OBJECTIVES:**

- ◆ To analyze the legal and policy framework of open prisons in India.
- ◆ To examine their operation in Indian states with a focus on Rajasthan in particular.
- ◆ To evaluate their effectiveness in terms of prisoner rehabilitation and reintegration.
- ◆ To examine judicial attitudes and constitutional visions towards open prisons.

¹ Bedau, Hugo Adam. "Retribution and the Theory of Punishment." (1978): 601-620.

² Jones, Howard, Richard Stockford, and Paul Cornes. *Open prisons*. Routledge, 2023.

³ Sarraf, Adv Sanjay. "Beyond the Walls: A Comprehensive Look at the History and Future of Open Prisons."

⁴ Whitin, E. S. (1930). An Analysis of the Prison Problem. *Journal of the American Institute of Criminal Law and Criminology*, 20(4), 519–532. <https://doi.org/10.2307/1134674>.

- ◆ To analyze gendered access and reintegration into society.
- ◆ To suggest reformative recommendations for strengthening the system.

➤ **NEED & RELEVANCE:**

The significance of the research is exemplified by recent issues in India, including overcrowding in jails, court backlogs, and a lack of rehabilitation facilities. Indian prisons, as per the National Crime Records Bureau's statistics for 2021, are running at more than 130% of capacity.⁵ This translates into inhuman conditions, enhanced recidivism rates, and psychological deterioration of prisoners. At the same time, India's constitutional jurisprudence under Article 21⁶ necessitates humane treatment and rehabilitation-based justice. Within this context, open prisons — providing low-cost, dignity-oriented options — hold the promise of revolutionizing the justice system. This paper is timely, necessary, and consistent with national goals of prison reform, particularly in the context of recent debates on criminal law reform, mental illness in incarceration, and global human rights norms.

SOCIO-LEGAL ANALYSIS

Open prisons are the intersection of penological doctrine, constitutional rights, and administrative practice. These facilities are not only infrastructural substitutes but also ideological interventions into the question of how a contemporary criminal justice system ought to treat criminals.⁷ The legal and socio-legal foundation of these facilities indicates both promise and limitation in their current status within India.

➤ **LEGAL FRAMEWORK:**

Substantively, at the core of the open prison is the reformative theory of punishment, a major departure from deterrence or retribution models.⁸ This theory acknowledges that crime is a product of structural injustices, psychological conditions, or socioeconomic factors, and therefore, correction and not punishment should be the objective. Open prisons reflect this philosophy by enabling prisoners to retain a degree of liberty, take up employment, and rebuild social relationships during incarceration.

⁵ National Crime Records Bureau's Prison Statistics India (PSI) 2021.

⁶ INDIA CONST. art 21.

⁷ N.V. Paranjape, *Criminology and Penology*, Central Law Publication, 12th Edition (2011).

⁸ Singh, Madhav. "The Breaking Point of Every Man': Escaping the Retributivist Prison Paradigm." *International Journal* 1.3.

The Prisons Act of 1894⁹, while much criticized as colonial and antiquated, gives state governments the latitude to formulate rules for different categories of prisoners. The statutory foundation has permitted states to develop open prison systems through their own prison manuals. But the lack of central legislation makes open prisons voluntary and inordinately developed. Other states such as Rajasthan and Kerala have taken a proactive role in developing an open and semi-open institution network, but other states have made little effort. The Prisons Act, though a colonial legislation, permits State Governments under Section 59¹⁰ to make rules for prison management, enabling states to establish and regulate open air prisons through their respective prison manuals.

The Model Prison Manual, 2016¹¹, prepared by the Ministry of Home Affairs gives elaborate guidelines for the setting up and operation of open prisons. It encourages a graded regime of imprisonment, wherein good behavior and low-risk prisoners are shifted to open prisons as a prelude to their social rehabilitation.¹² Still, there is patchy implementation, and no penal implications follow in case of deviance from the Model Manual, leading to uneven state practices.

➤ **CONSTITUTIONAL PERSPECTIVES:**

Open prisons are also justified under Article 21¹³ of the Indian Constitution, which ensures protection of the right of life and liberty of individuals. Liberal judicial interpretation of this provision has led to interpreting the clause to include the right to live with dignity, the right to be treated with humanity, and the right to rehabilitation. The judiciary has re-asserted in a number of judgments that prisoners still enjoy basic rights, but subject to limitations under legal detention.

The Supreme Court has always presupposed that prisons are to be rehabilitative and reformatory and not merely punitive. These rulings also invoke Articles 14¹⁴ and 15¹⁵, especially where issues of equality and non-discrimination become relevant — such as in the

⁹ The Prisons Act, 1894 (Act IX of 1894).

¹⁰ The Prisons Act, 1894 (Act IX of 1894), §59.

¹¹ The Model Prison Manual for the Superintendence and Management of Prisons in India (2016).

¹² Shivali, Ajay Kumar. "Model Prison Manual 2016 Within Special Reference to Prison Education and Correctional Training Programs for Prisoners." *Scholarly Research Journal for Interdisciplinary Studies*, 10(73), 17829-17835.

¹³ INDIA CONST. art 21.

¹⁴ INDIA CONST. art 14.

¹⁵ INDIA CONST. art 15.

case of gendered access to open prisons. This constitutional dispensation produces a normative expectation that the prison system in general and open prisons in particular need to operate on the premise of fairness, dignity, and orientation towards reintegration.

➤ **SOCIO-LEGAL CONSEQUENCES:**

Open prisons are not just institutions for custody, but also reintegration experiments socially. They establish a setting through which one is able to readjust to social patterns gradually, with family contacts maintained, gaining income, and learning skills in order to exist with life beyond prison.¹⁶ Open prisons help decrease institutional reliance and de-emphasize routine, removing the psychological trauma of being back suddenly within society.

Similarly, a study on the open air prisons in Rajasthan by CHRI identified that they are very economical to run while providing better inmate behavior and reintegration into society.¹⁷ Imprisonment per capita of Rajasthan's open prisons proved lower than for the closed ones by less than half.

Even though they are beneficial, open prisons are not accessed uniformly. All the states limit entry for individuals with clean records, serving long sentences, or accused of non-violent offenses. This unfairly singles out undertrial prisoners, habitual offenders, or those with no family support — categories often coinciding with India's poorest classes, such as Dalits, Adivasis, and economically disadvantaged sections.¹⁸ Women are especially excluded due to the shortage of gender-sensitive infrastructure, cultural stigma, and unavailability of childcare facilities inside prisons.¹⁹

Further, the lack of institutional support infrastructure within open prisons — i.e., trained psychologists, social workers, vocational instructors, and legal aid workers — undercuts their rehabilitative role. Compared to progressive systems such as UK, Norway or Sweden, India's open prisons fail even to establish systematic, tailored rehabilitation programs.²⁰ There is

¹⁶ Supra, note 21.

¹⁷ Third Watch Report, Commonwealth Human Rights Initiative (CHRI), 2014-15.

¹⁸ Dhanuka, Madhurima. "Undertrial Prisoners and the Criminal Justice System." *Commonwealth Human Rights Initiative* (2010).

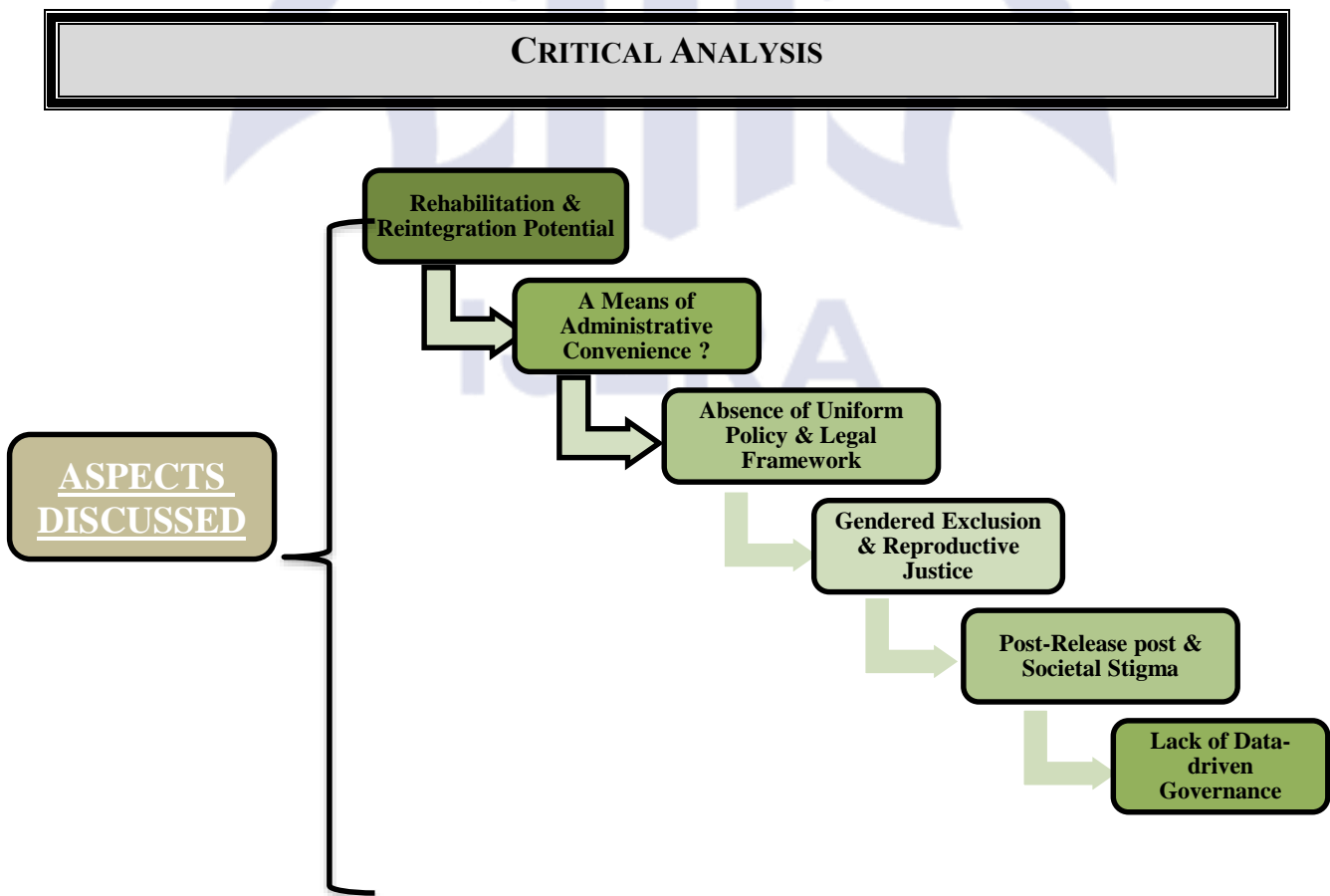
¹⁹ Haghighi, Bahram, and Alma Lopez. "Gender and perception of prisons and prisoners." *Journal of Criminal Justice* 26.6 (1998): 453-464.

²⁰ Mjåland, Kristian, et al. "Contrasts in freedom: Comparing the experiences of imprisonment in open and closed prisons in England and Wales and Norway." *European Journal of Criminology* 20.5 (2023): 1641-1662.

minimal effort at testing the psychological readiness of prisoners, tracking rehabilitation, or organizing post-release systems.

Last but not least, open prisons are operated in a socio-cultural vacuum. There is no collective effort to socialize local communities, employers, and providers of public services to receive former prisoners in mainstream environments. The shadow of criminality still chases ex-convicts even after their release, curbing the dividends accrued during imprisonment in open establishments.

In sum, while the socio-legal environment enables the potential of open prisons, the absence of legally binding responsibilities, standardized criteria, gender sensitivity, professional mechanisms for rehabilitation, and post-release services converts the reformist promise into a patchwork and often unachievable actuality. As a consequence, there is an immediate need to close the gap between normative ideals and administrative practice in order to ensure that open prisons function as planned — as sites of changeover, transformation, and respect.



➤ **REHABILITATION AND REINTEGRATION POTENTIAL:**

Open prisons are particularly well-suited to realize the objectives of reformative justice by combining structure with liberty. Prisoners are permitted to reside outside of normal walls, pursue wage-earning jobs, and enjoy family contact.²¹ Normalization of life during incarceration conditions prisoners for reintegration much better than the isolating atmosphere of normal prisons. The transition is particularly vital in enabling prisoners to adjust to life outside custody without the trauma of immediate release.

Open prisons provide psychological benefits directly supporting reintegration as well as economic independence. In closed prisons, the absence of regimentation develops interpersonal skills, improves mental health, and reduces dependency on the institution.²² This set-up minimizes violence and encourages responsibility. International studies, for example, in Norway and Finland, have shown that exposure to structured working environments as well as families decreases recidivism to a level of less than 20%, compared with over 50% for standard prisons.

Structured routines, such as waking up early, working, cooking, and coming back home on time, also assist prisoners. These routines break the cycle of institutional inertia, which works against reintegration of prisoners released from traditional prisons.²³ Despite its laxness, the routine assists with internal regulation, a step toward civic responsibility and civic participation.

In addition, rehabilitation of prisoners is facilitated through open prisons. For example, social NGOs like PUCL and Gandhi Peace Foundation organize workshops on civic responsibility, family guidance, as well as handling money, within open prisons. These activities, through generating trust and a positive interface between society as well as prisoners, deradicalize prisoners.

²¹ Gisler, Charlotte, Ineke Regina Pruin, and Ueli Hostettler. "Experiences with welfare, rehabilitation and reintegration of prisoners: lessons learned?." (2018).

²² Anderson, Yanique A., and Linda Gröning. "Rehabilitation in principle and practice: perspectives of inmates and officers." *Bergen Journal of Criminal Law & Criminal Justice* 4.2 (2016): 220-246; SpearIt. "Mental illness in prison: Inmate rehabilitation & correctional officers in crisis." *Berkeley J. Crim. L.* 14 (2009): 277.

²³ Clemons, Naomi. *Open prisons, prison staff and prison work: exploring the distinct physical and social milieu of the open prison and the cultural adaptation to a different kind of prison work*. Canterbury Christ Church University (United Kingdom), 2021.

➤ **A MEANS OF ADMINISTRATIVE CONVENIENCE?**

Although open prisons have admirable theoretical foundations, a utilitarian bias taints their actual implementation. In order to reduce congestion in high-security prisons, open prisons are used as buffer zones. According to the NCRB 2021 report, most of the open prisons run above their approved capacity for lack of plans for new complexes.²⁴ This erodes reformatory purpose and makes them logistical spillovers instead of rehabilitative establishments.

Selective adoption of open prisons reflects their understanding as cost-effective alternatives. The contrast between Rajasthan's well-endowed open prisons and abandoned ones in Bihar indicates how budget prioritization affects functional effectiveness. States operating on a tight budget deploy open prisons to lower operational expenditure than to create integrated reformatory environments. Bihar's two open prisons, for example, did not conduct any vocational programs from 2020 to 2022.

Administrative lack of concern is also reflected in the lack of trained personnel. Rehabilitative officers are not appointed at all, and security guards — who are not trained in facilitating reintegration — frequently oversee inmates. In a 2022 Vidhi Centre for Legal Policy study, fewer than 6% of open prisons had made permanent rehabilitation staff appointments, which diluted the primary purpose of these institutions.²⁵

The ad hoc character of prisoner transfer to open prisons also supports the view that such prisons are regarded as escape valves.²⁶ Usually, long-term prisoners and those approaching parole eligibility are transferred without evaluation of their readiness for rehabilitation. This poses not just questions about the success of the reform but also about public safety and judicial openness.

➤ **ABSENCE OF UNIFORM POLICY AND LEGAL FRAMEWORK:**

The open prison system in India lacks the uniformity required for national reform. Though the Model Prison Manual 2016 promotes open prisons, it is not obligatory and is not adhered to uniformly. This discretionary approach results in extreme variations in rights for prisoners and access to rehabilitation. For example, Uttar Pradesh and Madhya Pradesh have different

²⁴ Supra, note 5.

²⁵ Vidhi Centre for Legal Policy, *From Rule by Law to the Rule of Law*, 2022.

²⁶ Vandewalle, Emma. *FROM AN OPEN-AIR PRISON, TO FEELING DISSATISFIED AND TRAPPED AGAIN IN 'THE FREE WORLD'*. Diss. Ghent University, 2021.

eligibility criteria — one requires a minimum of five years of good conduct while another provides transfer after three years, regardless of behavioral assessments.

Legal consistency is not administrative alone — it guarantees that basic rights are enforced equally. In *Sunil Batra v. Delhi Administration*²⁷, the Supreme Court reiterated that all prisoners have equal opportunities for reform. However, because of the absence of codal law, the application of open prisons is subject to the discretion of prison officials. Though theoretically based on laudable grounds, the implementation of the open prisons is marred by a utilitarian bias. Open prisons are employed as buffer areas so as to reduce overcrowding of high-security prisons.²⁸ The lack of standardization invites arbitrariness, as well as, occasionally, corruption.

Comparative jurisdictions like Germany and the Netherlands have passed federal prison legislation that requires states to maintain and administer open prisons with minimum standards, such as centers of education, medical care, and vocational training.²⁹ Failure by India to have a statutory framework prevents accountability and benchmarking of performance.

Administrative muddle is further caused by the legal uncertainty of how furlough relates to parole within open prisons. Offenders in some jurisdictions lose out on their furloughs on the presumption that living within an open prison is equivalent to parole, resulting in additional loss of rights outside of judicial supervision.

➤ **GENDERED EXCLUSION AND REPRODUCTIVE JUSTICE:**

One glaring indication of the Indian prison system being patriarchal is the systematic exclusion from the open prisons of women. There is less than five of the over 80 operating open prisons for women, as per the India Justice Report 2022.³⁰ Needs specific to women like maternity, privacy, menstrual hygiene, as well as child arrangements, are denied even if women are given access.

²⁷ *Sunil Batra v. Delhi Administration* [(1978) 4 SCC 494].

²⁸ Gaes, Gerald G. "The effects of overcrowding in prison." *Crime and justice* 6 (1985): 95-146.

²⁹ Osovska, Iryna, and Liudmyla Tomniuk. "Modern German Prison Discourse: Mental Resource." *Skase journal of theoretical linguistics* 16.2 (2019).

³⁰ India Justice Report (IJR), 2022 (Ranking States on Police, Judiciary, Prisons & Legal Aid).

The UN Bangkok Rules of 2010³¹ make it explicitly mandatory for prisoners who are female to be given individualized treatment based on their needs. They advocate for reproductive health care, counseling for trauma, and mother-child units—none of which exist in most of India's open prisons. Their non-implementation is a reflection of India's inability to match its penal policies with international norms.

Secondly, women's eligibility requirements generally discriminate on the basis of marital or family status as well.³² In the example of Rajasthan, for instance, only married women who have children are generally given access to open prisons, effectively excluding unmarried women, as well as women living apart from their families, from being so privileged. The indirect discrimination is raised by articles 14 and 15 of the Constitution.

Also, there are not enough female correctional staff who are trained as psychological counsellors or rehabilitation specialists. For the female prisoners, it becomes a scary and sometimes dangerous place. Reintegration is not only daunting, but also unsafe, where trauma-informed care is not being offered.

➤ **POST-RELEASE SUPPORT AND SOCIETAL STIGMA:**

Rehabilitation doesn't end at release — something that India's open prison policy largely overlooks. On release, most prisoners encounter major challenges such as the absence of formal identification, having trouble finding accommodation, and social exclusion.³³ The stigma of a criminal record — especially within small towns and villages — results in unemployment and homelessness.

A 2020 longitudinal study conducted by TISS-Prayas found that just 18% of Maharashtra's former open prison inmates were provided with continued support after their release.³⁴ Lacking transition homes or aftercare programs, the majority are then left to fall back on informal networks, which tend to be stigmatizing and unreliable.

³¹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (also referred to as UN Bangkok Rules), 2010.

³² Supra, note 28.

³³ Kjellstrand, Jean, et al. "Reentering the community after prison: Perspectives on the role and importance of social support." *American Journal of Criminal Justice* (2022): 1-26.

³⁴ Prayas, A Field Action Project of the Centre for Criminology and Justice, School of Social Work, Tata Institute of Social Sciences (TISS) (2020).

Even in nations like Japan and Canada, there is a mandatory post-release period assisted by "reintegration officers" who help locate jobs, reunite them with their families, and provide them with access to welfare schemes.³⁵ The failure of India to institutionalize such positions weakens the effectiveness of its open prison reform.

Community involvement is also poor. There are hardly any civil society campaigns that inform communities of the importance of open prisons or provide channels for welcoming back inmates.³⁶ This isolation leads to psychological recidivism and, in some instances, reoffending. Lastly, the lack of legal and financial assistance mechanisms makes released prisoners susceptible to exploitation. Many lack access to legal remedy when denied work or housing, perpetuating the cycle of marginalization.

➤ **LACK OF DATA-DRIVEN GOVERNANCE:**

In the digital era of policymaking, data must be the basis of reform — but open prisons are governed in an information void. The NCRB keeps no standalone statistics on open prisons, and disaggregated data is unavailable for gender, recidivism, employment, or educational achievement after incarceration.

This opacity defeats public accountability and denies evidence-based policymaking. Without knowing, for example, how many prisoners successfully reintegrate following an open prison sentence, there is no way to assess success or failure. The 2018 Justice Amitava Roy Committee had highlighted establishing a centralized prison management system to monitor such statistics — but implementation has stalled.³⁷

Additionally, the absence of routine audits and evaluations makes it difficult to identify areas of improvement. Globally, organizations like the UK HM Prison and Probation Service³⁸ review annually each of their open prisons against main key performance indicators, such as access to health, education delivery, and public safety risk.

³⁵ Matetoea, Julia Mathuetsi. *The professional role of the correctional officer in the rehabilitation of offenders*. Diss. University of South Africa, 2012.

³⁶ Dragojlovic, Joko. "The Problem of Reintegration of Former Prisoners into Society." *Kultura Polisa* 11 (2014): 433.

³⁷ Justice Amitava Roy Committee on Prison Reforms (2018).

³⁸ UK's HM Prison and Probation Service (HMPPS) (2017).

INTERNATIONAL PERSPECTIVES

➤ **NORWAY – A HUMAN-CENTRIC APPROACH BASED IN REINTEGRATION:**

Norway's policy of open prisons is widely recognized around the globe for focusing on human rights, rehabilitation, and respect for human dignity. The central notion of "normality" here is that prison life must be as much like communal living as possible. Norwegian open prisons, such as the Bastoy Prison located on an island south of the capital city of Oslo, function much like residential rehabilitation centers rather than standard prisons.³⁹ Prisoners farm, work in workshops, reside in wooden cottages, wear their own clothing, have access to sports facilities, counseling, and libraries, and are under the guidance of prison officers who function as social workers rather than sentinels. The central goal, with strong backing from the state, is not punishment but rehabilitation of the lifers after release from prison.

Dependent on behaviour and risk assessment, prisoners within Norway's criminal justice system progress from maximum-security prison through a graded penal model. Restorative justice, electronic tagging, and service by way of community service are further given priority over prison sentences within sentencing policy. Norway's consistently low, well-below-20% reoffending rate is often cited as empirical evidence for the country's reintegration policy. Reintegration begins well before release with mandatory transition plans developed through partnerships between correctional staff, vocational trainers, and reintegration specialists.

Norway is distinctive in its approach to reintegration. The correctional system includes work, schooling, and healthcare.⁴⁰ Once released from prison, prisoners are guaranteed housing, access to welfare programs, and regular access to mental health treatment. Hence, this has proven to be an effective model.

➤ **FINLAND – THE ‘SCANDINAVIAN EXCEPTION’ WITH AN EMPHASIS ON TRUST:**

Finland's open prisons emphasize trust over surveillance. Prisons like the Kerava and Suomenlinna open prisons have no wall enclosures or armed guards. As long as they behave and adhere to reintegration protocols, offenders are permitted to work in nearby towns, attend

³⁹ Baer, Leonard D., and Bodil Ravneberg. "The outside and inside in Norwegian and English prisons." *Geografiska Annaler: Series B, Human Geography* 90.2 (2008): 205-216.

⁴⁰ GOEL, OM PRAKASH. "After-care of Released Prisoners." *The Indian Journal of Social Work* 1.4 (1941): 553-561.

universities, and even spend weekends at home while on temporary leave.⁴¹ It is informed by Finland's overall penal policy, which views imprisonment as a last resort and identifies social exclusion as the main root of crime.

Finland's program is unique in that it places a strong focus on peer mentoring and cognitive-behavioral therapy (CBT). Therapeutic instruction in anger management, addiction treatment, and career goal-setting is mandatory for offenders. In order to foster a sense of community and lessen disciplinary problems, the majority of open prisons also offer peer-leader support groups in which inmates who are close to being released mentor recently released inmates.

Finland is also particularly good at post-release supervision. Each prisoner who leaves an open prison is allocated a case officer who works with local authorities to provide housing, medical care, and a job.⁴² Such inter-agency cooperation keeps the former prisoner from falling between the cracks and allows for accountability. Notably, Finland has one of the highest levels of trust between prisoners and officers — an aspect that has a close relationship with effective reintegration.

➤ **UNITED KINGDOM'S OPEN PRISON REGIME:**

The United Kingdom provides an established and institutionalised system of open prisons in the form of what are referred to as Category D prisons in England and Wales. These prisons house prisoners who are evaluated to be at low risk of escape and causing harm to the public. The resettlement and reintegration are the primary aims of the UK's open prison system, with prisoners normally permitted to go out from the establishment during the day for work, education, or to keep family contact and report in the evening.⁴³

Judicial and administrative recognition of the open prisons within the UK views them as an achievement of rehabilitative work rather than a privilege. HM Prison and Probation Service (HMPPS) controls these prisons with resettlement in mind, setting prisoners up for early release. The policy rationale for resettlement is given legislative form in statute instruments

⁴¹ EKunwe, Ikponwosa. "Doing Time in Open Prison in Finland." *JOURNAL OF MODERN SCIENCE*. 1 (2006): 383-412.

⁴² Anjum, Chetna. "A Prison without Bars, Chains, or Locks: Should India Adopt Finland's Open Prisons Model?." *Prayagraj L. Rev.* 2 (2023): 27.

⁴³ Statham, Bethany May, Belinda Winder, and Daniel Micklethwaite. "Success within a UK open prison and surviving the 'pains of freedom'." *Psychology, crime & law* 27.8 (2021): 729-750.

like the Prison Rules 1999⁴⁴ and the Offender Management Act 2007⁴⁵, which formalise open prison suitability and surveillance. By contrast with discretionary and often whimsical transfers in the Indian situation, the British model is transparent, criterion-based, and evidence-driven. It is also benefited by ongoing investment in through-the-gate services, reducing recidivism. The UK balance of public security and individual dignity shows that open prisons, when properly supported, can be consistent bridges to social reintegration, not merely viewed as innovative reforms.

CONCLUSION + RECOMMENDATIONS

➤ **KEY FINDINGS:**

- ◆ Open prisons provide a constitutionally and penologically sound alternative to regular incarceration.
- ◆ The Rajasthan model has proved to have concrete rehabilitative advantages, while other states witness blatant underutilization.
- ◆ Challenges are extensive lack of uniformity, neglect of women, lack of support systems, and limited innovation.
- ◆ Social attitudes, stigma, and bureaucratic inertia obstruct large-scale change.

Open prisons, in essence, are a reinvention of the punitive state — from one that encloses to one that recreates. Yet, their current status in India captures a contradiction between policy intention and reality on the ground. Open prisons' humanitarian potential is undermined by administrative apathy, legal ambiguity, and socio-cultural prejudices. For India to fully adopt rehabilitative justice, open prisons need to transition from the fringes of penal debate to its centre.

➤ **RECOMMENDATIONS:**

1. **Model Legislation:** There should be a centrally framed model law prescribing eligibility criteria, infrastructural norms, monitoring, and prisoners' rights in open prisons. This must permit flexibility while providing consistency in the states.

⁴⁴ The Prison Rules, 1999.

⁴⁵ Offender Management Act, 2007 c 21.

2. **Gender-Inclusive Infrastructure:** Create standalone open prisons or units for women, including provisions for dependent children. These should have counseling facilities, vocational training, and female staff trained in trauma-sensitive care.
3. **Trained Rehabilitation Officers:** Employ trained staff (psychologists, social workers, legal aid practitioners) to develop and track reintegration plans specific to each prisoner's history.
4. **Tech-Powered Monitoring:** Implement non-intrusive technologies for monitoring, reporting, and capacity development. Mobile apps can support check-ins, counseling, and learning modules with low-cost enforcement.
5. **Data Transparency and Performance Metrics:** Annual data on the use of open prisons, outcomes, and demographic makeup need to be published by all states. This needs to be channeled into a national database to assess success and determine best practices.
6. **Public Awareness and Stakeholder Sensitization:** Conduct campaigns to reduce stigma on open prisons. Sensitize the police, judiciary, employers, and communities about the merits of reformative imprisonment.
7. **Budget Allotment and Judicial Supervision:** Allot earmarked amounts for open prison construction. Facilitate monitoring of open prison implementation by the High Courts by suo moto PILs or mechanisms of judicial review.

In summary, open prisons need not be considered unusual experiments but integral parts of an enlightened, rights-oriented criminal justice system. India is at a crossroads where it can opt for punitive convention or rehabilitative innovation — the future of justice hangs in the balance.