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**Authored By:** *Mr. Syed Faraz Akhtar (Research Scholar), & Co-Authored  
By: Ms. Lyba Fatima, Aligarh Muslim University, Aligarh,  
Email Ids: [farazakhterpcm@gmail.com](mailto:farazakhterpcm@gmail.com), [fatimalyba25@gmail.com](mailto:fatimalyba25@gmail.com).*



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### **ABSTRACT:**

*“The idea of Open Jail has existed in India since right around seventy/ eighty years; however, many states actually need more Open Jails. With the current situation of congestion of jails, manufacture and use the Open Jails is very necessary. Open Jails are astounding in giving rehabilitative equity, as it helps the convicts to re-associate with the world before they've finished their sentence. Although the current Open Jails are very much overseen and have a decent record in the past, but there is still opportunity to get better laws and rules. Dynamic measures ought to be taken to alter these standards, to give admittance to equity to every detainee. This framework if appropriately used will likewise help in lessening the custodial deaths.*

*The role of open prisons and closed prisons in the criminal justice system must be reconsidered. The primary goal of incarceration is to re-educate the criminal in order to realign and reorganize his life in preparation for re-entry into society. Offenders should be treated in jail with the goal of developing in them the desire to live law-abiding and self-sufficient lives following their release. Their self-esteem, self-discipline, and feeling of duty should all benefit from the treatment. To do this, jail staff need to be adequately trained. The competence of the correctional personnel has a significant impact on the effectiveness of organizational discipline and the effectiveness of therapy”.*

**Keywords: Open Jail, Closed Jail, Prison Administration, Difference Between Open & Closed Jail.**

### **I. INTRODUCTION:**

Since the beginning of time, prison management has been an element of the Indian criminal justice system. At the policy-making level, all subsystems of the criminal justice system, including that of the police, the judiciary, and the prison administration, are being reviewed. The criminal justice system has never been subjected to such widespread criticism from the

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standpoint of human rights of those in jail such it is now. Prisons house a high proportion of socioeconomically disadvantaged people. Prisoners, on the other hand, do not operate in a vacuum; they had identities before being imprisoned, and they will resume those lives when they are freed. It matters how individuals learn and engage in society before going to jail, throughout their sentence, and after they are released. In India, the importance of prisons jail life and prisoner circumstances has increased in recent years. Even though prison administration is a crucial part of India's criminal justice system, it has been neglected and undervalued. The police have gotten a lot of attention, the courts have gotten a bit less, and jails and inmates have gotten practically no attention. Prison administration issues must be addressed to draw public attention to this critical social issue.

The loss of numerous civil and fundamental rights, a spiritually dehumanizing and physically brutalizing jail environment, status degradation, sexual perversions, and secondary criminalization are all common features of Indian prisons, making the convict's rehabilitation a false promise. Prisons in India arose primarily because of the British Raj's colonial purpose to economically segregate individuals in degrading conditions behind high walls, and the primary elements of jail administration in independent India are not dissimilar to those in British India. The Department of Prisons' organizational structure is insufficient and ineffectual. The ancient Prisons Act of 1894 still governs prison management in the nation. The Prison Act, which was designed and passed during a hostile British government, still regulates the modern penal system.

Today, there are claims of widespread corruption, wrongdoings, and mistreatment of inmates in jails. Drug trafficking, intoxication, partiality, groups, political influence, and deprivations are all widespread in the prison system. There is no efficient mechanism or equipment in place to investigate real prisoner concerns. There is no adequate free legal aid structure in place to assist or counsel convicts with legal issues. In India, the jail system has failed to embrace a scientific approach to treatment of offenders. A jail must fundamentally be a scientifically controllable and operational unit and a centre for safeguarding and correctional treatment. This

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is critical not just for maintaining efficiency, discipline, and control in the department, but also for reducing corruption. Only by creating an atmosphere of healthy opportunities with a positive value in prisons can the protective and correctional goals of these institutions be met.

## **II. COMPARISON ANALYSIS – OPEN PRISON AND LONG TERM**

### **CLOSED PRISON:**

#### **II.I OPEN PRISONS:**

An open prison is a type of correctional facility where convicts spend their sentences outside of jail cells, with little surveillance and perimeter security. The concept is based on self-discipline and the "trust begets trust" principle, which, when properly managed, has the potential to change human resources. The two dictums of Sir Alexander Paterson represent the ideology that underpins the existence of the open jail. To begin with, a man is sent to prison for a reason other than punishment. Second, unless a man's captivity and restrictions are considerably lessened, he cannot be groomed for freedom. The strategy combines the best aspects of parole, probation, and closed prisons. Not all convicts in closed institutions, however, would be transferred to open jails. A standard prisoner transfer procedure is not in the works. To be eligible for transfer to these semi-open/open institutions, inmates must complete a minimum mandatory period of incarceration in closed prisons. A screening committee is invariably concerned with determining the mental and physical athletic performance, and other factors of inmates who complete a minimum mandatory period of incarceration in closed prisons human behavioural conduct and reformatory potential. Before India's independence, Britishers were known to imprison Indians and torture Indian freedom fighters. The jail system hasn't altered much in the 74 years since independence. They are still subjected to inhumane treatment, living in filthy circumstances in cells, and being likened to animals; this has resulted in several deaths in prison.<sup>1</sup> The society and the reformation of criminals in institutions by masking the conditions that led to their becoming lawbreakers in

<sup>1</sup> Legal service India, <https://www.legalserviceindia.com/legal/article-1030-brief-analysis-on-open-prison-system-in-india.html> (last visited Aug. 16, 2021).

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the first place. It has created a fresh perspective on correction, offering a more independent offender, a more natural atmosphere, and less stress, all of which contributes to a more hospitable environment for someone like him to reform and moral, and economic regeneration, achieve social. The most appealing aspect of the open jail is that it serves as an antidote to "convict prisonization." In other words, the negative impacts of institutionalization, which refer to two aspects of privatization, are eliminated. The convicts mentally feel calm and tension-free because of the extensive terrain and unrestricted movements, which is a prerequisite for bringing about an attitude shift and making them susceptible to rehabilitation approaches.

Society's rehabilitation of criminals aims to safeguard society; yet, because the therapy focuses on crime rather than a crime, its moral recovery should be the biggest goal. As a result, the primary goal of correction is to rehabilitate criminals rather than inflict vengeful pain. Overcrowding in prisons, as a result, leads to a shortage of accessible facilities for prisoners and promotes corruption in jails. It also has a psychological negative effect on prisoners, aggravating the problem of the prison order. Substantial delays have led to a huge number of youth offenders and numerous inmates being imprisoned in closed prisons. More open prisons should be built to increase efforts and measures to protect convicts' rights and dignity, as well as to promote the goal of reform and rehabilitation. Open-air camps in Rajasthan have shown to be highly helpful and should be duplicated in other regions through strong democratic government communication.

## **II.II LONG TERM CLOSED PRISON:**

Although the prison has long been in place and its date implies that it is a cellular prison, it has endured less as compared to the prison conditions in more limited areas. The primary issue with the 19<sup>th</sup> century cell jail is that it allowed a prisoner to spend almost all his time alone inside his cell. Therefore, no support structures were constructed for work, education, or even enjoyment. While jail positions changed and these latter vocations were focused more on, not only were they unlocked, but there was no area within the walls where certain equipment could be built. However, throughout the 20<sup>th</sup> century, the main challenge for prison reformers was

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to make a place for them. No such difficulty has occurred due to the site size. Engineering, weaving and customization, a gym, a hospital, and a hard football pitch are available. Even the density of population of the cellblocks creates a sense of space. Almost all prisoners are confined in single-occupancy cells, but many men occupy cells with one or two other men in most other prisons. Given the large number of category A prisoners within this facility, the possibility of convicts moving free between the several facilities would be unrealistic. Every type of prisoner is subject to a stringent travel protocol. His image is shown beside the register of officers so that all the officers can acknowledge him, and his identity is also listed in the "Movements Book category A." When its supervision is shifted from one officer to another, the movement book documents the responsibilities for his observation and codification. Classification A males are equally distributed within the institution as far as feasible, and every effort is made to avoid the formation of cliques.

The primary objective of placing someone in prison was not to condemn them but to confine the culprit until an appropriate punishment could be applied. There was usually a type of corporal punishment, such as a whip or a death penalty, using various tactics to claim the lives of people who had been condemned to death. London is known as the birthplace of contemporary imprisonment. Jeremy Bentham, a mathematician against the death penalty, developed a prison plan that would be used to punish criminals. Bentham designed a facility that would accommodate convicts for long-term durations. He aimed to make sure that people jailed never knew whether they were observed by the guards, allowing the prison to save money. Bentham argued that because the prisoners could not know how many police officers were, it would take fewer police officers to maintain peace. Even if this prison was never built, it gained momentum to use prisons as a means of long-term punishment. Prisons were developed during the 19th century with the primary objective of securing prisoners. They were meant to deter offenders from crimes. Persons guilty of various offenses would be transferred and their freedoms removed to these jails. Detainees were often made to labor hard and to live in terrible conditions while imprisonment. The rehabilitation of prisoners was one of the purposes of a prison term a long time ago. Many people believed that the prospect of



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imprisonment would prevent a felon from committing another crime. Others felt that processes should be put in place to assist offenders to improve before release. These techniques include mental assessments, education programs, and even more severe therapies, such as electroshock therapy. As shown in a counterargument to the therapeutic advantages of jail, imprisonment encourages people to become even more deeply embedded in life since they are so engaged in a criminal society while living with other prisoners. Regardless of these varied views on criminal rehabilitation, imprisonment is one of the world’s most common kinds of penalty.<sup>2</sup>

The basic objective and purpose of the criminal justice process is the prevention of crime or at least the reduction of rates of crime. In any democratic society, prison serves an important purpose as a well-organized criminal justice system. The rationale for detention as a punishment is self-evident: the person who has committed a wrong should suffer as a result. Because a transgression committed against the kingdom is a wrong committed against the kingdom. Imprisonment should be used as a kind of punishment, not only by robbing a person of his liberty but also by imposing a supposedly harsh living environment on the prisoners. ***The three major purposes of the prison system are listed below:***

- *Custodial*
- *Coercive*
- *Correctional.*

The prisons were once seen to be simply a place for the custody of convicts, but as time passed and the custodial system evolved into a correctional system, the human rights standpoint was viewed to be taken into consideration. Rehabilitation, education, training, and labor are all important considerations for the prison system. <sup>3</sup> ***Considering the foregoing, it may be assumed that extensive study has been carried out, highlighting the following shades:***

1. *Across the globe, the literacy rate of inmates is alarmingly low.*
2. *Basic life skills are lacking among the inmates.*

<sup>2</sup> Latest law, <https://www.latestlaws.com/articles/prisons-in-india-types-and-functions/> (last visited Aug. 16, 2021).

<sup>3</sup> Rupert Cross, *Punishment Prison and The Public*, Stevens and Sons, London, (1971) p. 43.

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3. *Rehabilitation programs will be an important part of bridging the gap and removing the grey hues.*<sup>4</sup>

“Providing constructive activities in prisons helps to make prison life resemble more to the life outside of jails. The principle of normalizing is another name for this. System of medical, mental, and psychological treatment and support Treatment for substance addiction Changing people's attitudes and behaviors Vocational education and training Experience in the workplace Rule 5(1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners lists the many types of prison-based rehabilitation programs. The Nelson Mandela Rules define normal occupational life as spending adequate time engaged in meaningful social and emotional learning and training programs or productive employment, which prison authorities should strive to imitate as much as feasible. In jail, leading a busy life might help minimize the likelihood of convicts acquiring depression, other mental health issues, or limits in their capacity to live a self-supporting and independent life (*institutionalization or learned helplessness*).”<sup>5</sup>

Measures relating to educational topics, vocational education, social activities inside prison grounds, as well as worries about privacy and enforcement in prison centers, all aid in the transformation of prison centers into (extra) wonderful settings. Prisoners who participate in constructive sports are less likely to get dissatisfied and cause problems. Prisoners who are rehabilitated are easier to handle and less likely to act violently. While security and rehabilitation are sometimes seen as opposed, well-run rehabilitation programs improve security and manage internal jails. In addition to the jail machine, work can generate money and special resources for any inmate who accepts such packages. These can be immediate assets, such as in prisons that grow their food or via the work that inmates perform to manage and sanitize the facility; they can also be indirect sources. The above arguments demonstrate

<sup>4</sup> M.J. Sethna, *Society and the Criminal*, N.M. Tripathi Pvt. Ltd., Bombay, (3rd ed., 1971), p.352 3 Vidya Bhushan, *Prison Administration in India*, S. Chand & Co., (1970), p. 246.

<sup>5</sup> bprd, <http://www.bprd.nic.in/WriteReadData/userfiles/file/5261991522-Part%20I.pdf> (last visited Aug. 16, 2021).

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why a jail system should include rehabilitative training, social concerns, and other services. They demonstrate that there are benefits that accrue not only for the inmates participating but also for prison management and the larger society. Publicizing the advantages and benefits of incarceration, with a focus on the elements of rehabilitation that this provides, might be a beneficial way of creating and demonstrating political will to reform prisons, as well as cultivating public assistance and know-how. Some may claim that rehabilitation is too easy on criminals, while others may condemn work programs as a kind of low-wage labor.<sup>6</sup>

### **II.III COMPARISON OF OPEN PRISON AND LONG TERM CLOSED PRISON:**

<b><u>S. no</u></b>	<b><u>Open Prison</u></b>	<b><u>Long Term Closed Prison</u></b>
1.	The lowest possible security jail, often characterized as an open encampment or a prison without walls, is a facility that is accessible in four ways.	It would be unreasonable to expect convicts in this facility to be able to freely move between the various units. Every type of prisoner is subjected to a stringent system that monitors their travels.
2.	In comparison to regulated prisons, open prisons feature fewer rigorous rules. They're known by a variety of titles, including minimum-security prisons, open-air camps, and prisons without walls. The main principle of an open jail is that it has minimum safety and depends on the self-discipline of the detainees.	A jail is a form of accommodation for persons who are accused of committing a crime and are awaiting their sentence for the same. In India, the legislation on jails and inmates is one of those regulations that goes overlooked and forgotten all the time.

<sup>6</sup> Donald R. Cressy, “The Prison: Studies in Institutional and Organizational and Change”, Holt, Rinehart and Winston, Inc. New York, (1961), p.5.

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3.	There are no impediments to escape, such as fences, shackles, locking, or security soldiers, under open prisons.	They are also not given the highest attention for reform that they should be in today's environment. There is an ongoing gap and vacuum since there are no harsh laws in place for people who are jailed and have the same right to a healthy personality and fundamental respect as the rest of the country's residents.
4.	In this scenario, an open jail or prison was set up with limited escape security procedures and a rehabilitation and reform approach rather than a deterrent approach. Open prison limitations are less strict than controlled prison constraints.	In numerous cases, inmates have been subjected to inhumane treatment and have been denied necessities such as appropriate sanitary conditions and adequate food.
5.	It is better to take the required measures before the completion of the sentence to facilitate a gradual return to the community for the prisoner. This aim can be reached following the circumstances through a pre-release competition accredited in the same jail or institution, or by release to court under any form of monitoring not transferred to the police but utilized in conjunction with efficient social help.	Special orders have been granted by state governments to check into the incarceration of convicts, as well as the money and resources that have been linked to them. The management of prisons is listed in the Legislative Lists as part of item 4 of the Constitution of India's seventh schedule. Following the Prisoners Act of 1894 and the Prison Manuals that different states would have independently developed, the management and administration process

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		of prisons is under the competence of the State.
6.	The main purpose of open prisons is the reduction of prison overcrowding, rewarding for good conduct, and education in self-confidence, reliable and continuous work in the public sector, the prevention of frustrations and hope for long-term persons, training in industry and agriculture, the investigation into whether criminals released from prisons are appropriate and the release of prisoners.	Everyone has the right to his freedom. That merely implies that a person who is imprisoned does not make him ineligible to be considered as a person.
7.	In comparison to regulated prisons, open prisons have comparatively less rigorous rules. The construction of open prisons was of major significance here and given that the family problems of the convict/offender were greatly affected because of imprisonment. In jail, the convict/offender and the household members who depend on the convict/offender's income suffer a great deal.	An offender is entitled to the exercise of all types of human rights but within the limits and confinements of incarceration.
8.	There are several titles, such as the minimal security prison, open-air encampment, or prison without bars. In recent years, jail life and prison	The individual has already suffered from imprisonment for the conduct of his offense, his suffering should not worsen anymore.

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	<p>circumstances have grown prominent in India. Although jail administration is an integral element of the criminal justice system in India, recognition has been overlooked and disregarded. Much has been spoken about the police, a bit less of the courts and About jails and prisoners, almost nothing about the jails and prisoners.</p>	<p>The Supreme Court has given due consideration to numerous jail concerns including a lack of adequate health and medical facilities, overpopulation, availability of suitable prison amenities as well as free legal assistance granted specifically under the Indian Constitution.</p>
9.	<p>The fundamental requirement of an open jail is that the prison is minimally safe and helps in developing the self-discipline of the prisoners.</p> <p>The objective is to assist a prisoner in socializing and rehabilitating himself in the outside world and to make himself ready to assimilate the outside world after his prison sentence. Depending on their fulfillment, however, a prisoner who is sentenced to life imprisonment may be taken to open jail. Open jails in India include agricultural and animal husbandry.</p>	<p>A jail is a facility that holds offenders in punishment or that holds those charged with a crime awaiting trial.</p>
10.	<p>The disposal of cases for women and children is significantly low as compared to men. As a result, there is an increasing number of women and children in jails.</p>	<p>Inmates of the jail who are imprisoned for life are maintained in their cells.</p>

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	<p>Those offenders who have completed a significant sentence period in a shut-down prison and have shown positive behavior throughout that time may be transferred to open prisons. Prisoners of good conduct who meet specific standards laid down in the penitentiary regulations are accepted into open prisons. Minimum safety is maintained in many jails and inmates participate in agricultural activities</p>	
11.	<p>Members of the public and politicians typically protest the concept of an open jail. Prisoners in open prisons are not fully free and can only leave the grounds for certain circumstances such as going for external employment. The extent of the breakout from open prisons in Ireland was controversial, because of Irish Jail Services using the prison to move convicts unfit for open settings, but to decrease excessive numbers in closed prisons. The purpose of open prisons is not to punish but to rehabilitate convicts.</p>	<p>A jail is a location where individuals are stuck for their horrendous actions and anything conduct so that they would not repeat those acts in the future. In principle it is a room covered with no entertainment facilities on three sides. There are jails in India that are rated deadliest.</p>
12.	<p>An open prison may involve a correctional institution where prisoners spend their sentences with little</p>	<p>A jail is a location where individuals are stuck for their horrendous actions and anything contrary to the law. These are</p>

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Email Ids: [farazakhterpcm@gmail.com](mailto:farazakhterpcm@gmail.com), [fatimalyba25@gmail.com](mailto:fatimalyba25@gmail.com).***

<p>supervision and perimeter safety and are not confined to cells. The notion is founded on concepts of self-discipline and trust that may change the human resource if handled effectively. The concept underlying the open jail is represented in Sir Alexander Paterson's two dictates. First, a guy is put to jail for reasons there than punishment. Secondly, one cannot train a man for freedom without significant relaxation of his confinement and constraints.</p>	<p>leisure centers specifically designed for offenders to better their conduct so that they would not repeat these acts in the future. In principle, it is a room covered with no entertainment facilities on three sides. There are jails in India that are rated deadliest. Let's talk about some of the deadliest jails.</p>
<p>13. The notion is based on the finest characteristics of the conceptions of parole, punishment, and imprisonment. However, not all convicts must be moved to open prisons from closed facilities. There is no systematic process of transfer of prisoners. The mission of a screening committee is invariably to verify mental and physical competence, cultural behavior, reforming potential, etc. for prisoners completing a minimum mandatory time of imprisonment in closed prison for the transfer of their rights to these semi-open and open facilities.</p>	<p>Prisons are places where many socially excluded persons are likely to be present. The inmates do not however exist in a vacuum since they are living before imprisonment and are released. The method they chose, learning and participating in society before imprisonment and after release are important and significant.</p>



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Analysis”***

***Authored By: Mr. Syed Faraz Akhtar (Research Scholar), & Co-Authored  
By: Ms. Lyba Fatima, Aligarh Muslim University, Aligarh,  
Email Ids: [farazakhterpcm@gmail.com](mailto:farazakhterpcm@gmail.com), [fatimalyba25@gmail.com](mailto:fatimalyba25@gmail.com).***

### **III. CONCLUSION:**

Considering this study, the role of open prisons and closed prisons in the criminal justice system must be reconsidered. The primary goal of incarceration is to re-educate the criminal in order to realign and reorganise their life in preparation for re-entry into society. Offenders should be treated in jail with the goal of developing in them the desire to live law abiding and self-sufficient lives following their release. Their self-esteem, self-discipline, and feeling of duty should all benefit from the treatment. To do this, jail staff need to be adequately trained. The competence of the correctional personnel has a significant impact on the effectiveness of organizational discipline and the effectiveness of therapy.

The prison administration must ensure that prison employees are carefully selected, as the institution's proper administration is dependent on their honesty, devotion, humanism, potency, and personal appropriateness for the job. They should be given a decent wage and have a civil service position with tenure security. The current practice of selecting top police officials as Inspector General Prisons should be abandoned. Prison officials should get appropriate training in correctional management before they begin their duties. Their working circumstances should be upgraded for the jail system to recruit the greatest personnel. The jail staff must be appropriately recruited and taught in different elements of intuitional management as well as correctional work ideas. The personnel's well-being must be appropriately addressed.

Prisons represent a society's level of civilization. It is a vital component of the criminal justice system. Prisons in poor condition contribute to low self-esteem and degradation of inmates. Poor conviction rates, unnecessary and lengthy trial procedures, the production of prisoners in courts, the creation of unnecessary barriers in awarding prisoner remission, the problem of holding courts in jails, overcrowding, lodging facilities, the lack of medical testing laboratories, the lack of market-oriented jail industries, and improper security arrangements are all issues that need to be addressed. The jail reform/rehabilitation process is hampered by such a bleak portrayal of imprisonment. The community-based reformation of offenders' probation/parole

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system is irrelevant in both nations' criminal justice systems. Above all, there is a need to improve the professional competence of prison managers and administration in order for them to be taught in line with evolving criminal justice paradigms across the world.

The criminal justice system is inextricably tied to the prison system. To conduct and comprehend the Prison Systems in India, in-depth research by experienced criminologists, sociologists, clinical psychologists, criminal justice professionals, attorneys, and all other stakeholders is necessary.

