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Open Prisons in India: A Sociological Study of Reform, Rehabilitation and the Latest Legal Position

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Abstract

Open prisons play a very important role in prison reform in India. Unlike closed prisons, they focus more on trust, work, family connections, and self-discipline. This paper studies open prisons from a sociological perspective. Open prisons are not just jails; they also serve as social institutions that can help minimize stigma, preserve individuals' dignity, and facilitate prisoners' smooth re-entry into normal, civilized community life.¹ The study relies on clear secondary sources like government reports, policy documents, and recent legal updates. It also reviews the latest legal developments following the Supreme Court's directions in *Suhas Chakma v. Union of India* (<https://www.scobserver.in/supreme-court-observer-law-reports-scolr/suhas-chakma-v-union-of-india-reformative-justice-in-open-correctional-institutions/>), in which the Court recognized open correctional institutions as an important part of prison reform and asked States and Union Territories to expand and strengthen them.² The paper finds that India's prisons are still overcrowded and that open prisons make up only a small part of the total prison system.³ Still, the open prison model is valuable because it helps prisoners reconnect with society and shifts punishment towards rehabilitation. This paper recommends the gradual expansion of open prisons, contingent on the establishment of clear regulatory frameworks, gender inclusivity, active involvement of local communities, and consistent monitoring mechanisms. It underscores that punishment within a democracy must prioritize healing over harm, enabling individuals to rebuild social relationships and reintegrate safely into collective life.

Keywords: Open Prisons, Prison Reform, Rehabilitation, Reintegration, Stigma, Correctional Sociology, Social Control, Prison Law, India, Criminal Justice.

Introduction

Prisons are places where the state exercises its authority. They separate certain people from society and place them under strict control. In India, prisons have often been criticized for being overcrowded, for having poor conditions, and for lacking strong reform efforts.⁵ This raises an important sociological question: What should prison do to a person, and what should society expect after release? Open prisons offer a different answer to this question. Instead of focusing on fear or isolation, they rely on trust, discipline, work, and some degree of freedom. Prisoners in these institutions are still serving their sentences, but they can live in less restrictive settings and stay connected to social life.⁶ This makes open prisons important for sociology, since they directly affect identity, stigma, family relationships, and social belonging.

The discussion about open prisons in India has been going on for many years. Reformers, committees, and courts have supported the idea for decades, but the system is still limited in size. Government records show there were 91 open jails in India as of 31 December 2022.⁷ By 31st December 2024, there were 103 open jails out of 1,333 prison establishments,⁸ showing that open prisons exist but make up only a small part of the system. This limited scale supports the main argument of this paper: open prisons should be expanded carefully and with a clear purpose.

This paper critically examines open prisons as a social institution, analyzing their significance, operational mechanisms, and the contemporary legal framework governing them in India. It also considers whether open prisons can help make the prison system a better correctional facility and more helpful for society. Open prisons hold significant importance as they facilitate rehabilitation more seamlessly, mitigate the social stigma attached to criminal identity, and prioritize collective healing within society. The goal is to explain these ideas clearly, avoiding complicated legal terms, to make it easy to understand.

Methodology

This paper takes a descriptive and qualitative approach. It takes help from secondary sources like government reports, prison statistics, policy documents, and recent court materials related to open correctional institutions. Using a sociological perspective helps us explore how open prisons shape social and personal identities, influence societal stigma, impact family relationships, and affect discipline and reintegration.⁹

Meaning of Open Prisons

An open prison is a correctional facility characterized by minimal physical security, thereby fostering a more approachable environment. Unlike conventional prisons with rigid barriers, it emphasizes self-discipline, responsibility, and constructive behavior. Significantly, the Model Prisons Act, 2023, formally recognizes open and semi-open institutions as integral components of the correctional system.¹⁰ This legislative endorsement signals that India has accorded strong official support to this progressive penal approach. The idea of an open prison is simple. If a person has shown discipline and is not a serious security risk, they can be placed in a less restrictive setting.

This lets the prisoner work, earn money, interact with others, and gradually adjust to life outside prison. This approach assists because leaving a closed prison can be sudden and socially challenging. Open prisons help ease that transition.¹¹

From a sociological standpoint, open prisons reshape societal conceptions of punishment. Inmates are not perceived merely as individuals to be confined, but as social beings embedded within familial and community networks. This reconceptualization is significant, as social structures profoundly influence both criminal behavior and punitive responses. Moreover, the idea resonates with the broader historical trajectory of penal institutions in India.

Historical Development in India

India's prison system began during colonial times and was mainly focused on punishment. For many years, prison management was more about keeping people in custody than about helping them change. After independence, various committees and reformers started to encourage a more humane approach. However, the old Prisons Act of 1894 stayed in effect for a long time, even though it did not support modern ideas about rehabilitation.¹²

Reform efforts became more obvious with newer manuals and model laws. The Ministry of Home Affairs introduced the Model Prisons and Correctional Services Act, 2023, as an updated guide for States and Union Territories.¹³ This was important because it made correctional services, rehabilitation, and reintegration central to prison policy. In this broader context, open prisons became more widely accepted and took on a larger role in discussions of reform. However, history shows that progress has been uneven. Open prisons were frequently regarded as a good reform, but they were never expanded enough to change the entire prison system. This is one reason why overcrowding and harsh conditions still shape how people see prisons in India.

Sociological Perspective

Open prisons are really important from a sociological point of view because they allow prisoners to keep their social connections. Closed prisons can cause harm to family relationships, disrupt work routines, and tend to label individuals solely as convicts. Howard Becker's "Labeling Theory" explains that when someone is labeled as a convict, it becomes more difficult for them to reintegrate into society. Open prisons help by allowing prisoners to maintain some of their usual roles, such as worker, parent, spouse, or neighbor.¹⁴

This is important because the effects of punishment go beyond the prison itself. Sentences often have wider impacts: families may lose income, children may feel the absence and shame, and communities might reject people after release. Open prisons cannot fix all these issues, but they help reduce some of the worst social breaks. In this way, they serve as a bridge between punishment and reintegration into society. Open prisons also show that discipline need not rely solely on force. When prisoners are trusted to some extent, many respond by behaving more responsibly. This does not mean that every prisoner should be in an open prison. Instead, the correctional system should recognize the different stages of reform and create conditions in which lawful behavior is possible and meaningful.¹⁵

Open Prisons and Rehabilitation

Rehabilitation should be the pivotal role of a prison policy, but in reality, it is often weak in many institutions. Overcrowding, Insufficient staff, and poor facilities leave little opportunity for personal change. In this situation, open prisons are important because they mix supervision with daily responsibility. Prisoners can work either outside or on the open campus, manage their time, keep in touch with family, and prepare for life after release.¹⁶ This approach truly supports social rehabilitation in a meaningful way. Instead of simply telling someone to improve, the institution fosters a jovial environment in which better habits can develop naturally. Regular work, some freedom, and maintaining contact with family help lessen feelings of isolation and despair. These genuine benefits significantly increase the likelihood that a criminal will spend the rest of his life as a law-abiding citizen after his release. There is also an economic aspect. Open prisons can substantially reduce the financial burden of closed confinement, as inmates can engage in productive labor and require comparatively less intensive security measures. Within the Indian context, policy debates have frequently linked prison reform to the more judicious allocation of resources and the creation of correctional institutions that are both efficient and effective.¹⁷

Open Prisons and Stigma

Stigma is one of the most lasting effects of being in prison. Society often sees former prisoners in only one way. This makes it hard for them to find work, rebuild family trust, and return to normal life. (Santhosh & Mathew, 2021, pp. 200-222) Open prisons are important because they prevent total separation from society. Prisoners stay visible as working and social people, instead of being completely hidden in a closed institution.¹⁸ This is a major sociological issue. Society punishes not just through laws, but also through labels, shame, and exclusion. If prison reform ignores stigma, release becomes just a pure formality, and real reintegration does not happen. Open prisons are valuable because they help reduce the social distance between offenders and the community.

Open prisons may also change how the public views punishment. Instead of seeing correction as being fairly soft, people may start to see responsibility-based custody as practical and socially sensible. This change in attitude takes time, but it is important for lasting reform.

Women and Inclusion

The question of women in open prisons has become more important in recent legal developments. Recent material on Suhas Chakma noted that the exclusion or underrepresentation of women in open correctional institutions raises concerns regarding equality and dignity under Articles 14, 15, and 21 of the Constitution.¹⁹ News reports on the 2026 Supreme Court directions also noted that the Court asked States to create adequate capacity for women prisoners in open institutions and open barracks.²⁰ This is an important step because prison reform in India is often discussed in gender-neutral terms, but most institutions are still focused on men. Women prisoners may have different needs, such as care work, children, social vulnerability, and survival after release. If open prisons are to be fair, they must include women as well. From a sociological perspective, women face even more stigma after imprisonment. They may be judged not solely as offenders, but also as failed mothers, wives, or daughters. A gender-sensitive open prison policy can help reduce this deep form of social exclusion.

Latest Legal Status

The recent developments regarding open prisons in India are quite encouraging. The policy framework has continued to evolve positively, especially with the introduction of the Model Prisons and Correctional Services Act, 2023. This legislation officially acknowledges open and semi-open correctional institutions as integral parts of the prison system and reform efforts.²¹ While this provides strong policy backing, it's important to note that the actual implementation is still managed by the individual States and Union Territories.

The legal discourse surrounding open prisons gained heightened significance following the Supreme Court's proceedings in *Suhas Chakma v. Union of India*. In its 2024 orders, the Court sought detailed information from States and Union Territories regarding prevailing prison conditions and the operational status of open correctional institutions.²² The matter then moved further, and by February 2026, the Supreme Court issued nationwide directions to expand and reform open prisons, treating them as meaningful institutions of rehabilitation instead of mere administrative experiments.²³ Reports on the 2026 Supreme Court directions highlight numerous vital points. States that lack open prisons were directed to conduct studies within a specified timeframe to assess the feasibility of establishing such institutions. In states where open prisons remain underutilized, authorities were instructed to develop clear strategies to fill vacancies. Furthermore, the Court emphasized the need for structural reforms to ensure adequate facilities for women prisoners and mandated continuous monitoring through official mechanisms and the submission of periodic reports.²⁴ This means the current legal position now includes active court directions for expanding, including, and reviewing open prisons, not just general reform statements. This is important from both sociological and juridical perspectives. The Supreme Court has recognized that prison reform is linked to dignity, equality, and rehabilitation. The legal system is moving away from a narrow view of punishment and towards a constitutional focus on social reintegration.²⁵

Prison Overcrowding and the Requirement for Reform

Open prisons should be seen in the wider context of overcrowding. The data show that Indian prisons are still under pressure. Recent reports indicate the national occupancy rate has dropped to 112.7 percent, but overcrowding remains a major issue.²⁶ At the end of 2024, there were 511,542 prisoners and 1,333 prison establishments in India.²⁷ These numbers show why prison reform is urgent. Overcrowding is more than just a management problem. It affects daily life in prisons by worsening sanitation, increasing tension, reducing privacy, and making rehabilitation harder. In this context, open prisons serve a dual function: they alleviate overcrowding in conventional facilities while simultaneously providing a reform-oriented environment for eligible inmates. This dual role underscores their importance. Yet, expansion must proceed with caution. Open prisons cannot be treated as a quick remedy; their success depends on rigorous selection processes, periodic evaluation, sustained community engagement, and adequate support services. Without these safeguards, the reform risks remaining a mere policy statement rather than a lived reality.

Limits and Challenges

Despite their value, open prisons in India encounter significant challenges. A primary concern is uneven implementation: because prison administration falls under state jurisdiction, both the availability and quality of open prisons vary considerably across regions.²⁸

An additional challenge is public misunderstanding. Some people consider open prisons too lenient, but this ignores that disciplined freedom can be a more effective way to reform than simply locking people up. There are also practical issues. Open prisons need land, staff, well-defined rules, and local support. They also need fair selection standards so that benefits do not go only to a narrow group of prisoners. (Chattoraj, 1982, pp. 16-28) If access is arbitrary, then the reform loses moral force. The status of women, marginal groups, and poor prisoners also needs close attention. Prison reform often looks equal on paper but unequal in practice.²⁹ A sociological approach needs to focus on these social differences.

Conclusion

Open prisons represent one of the most progressive reforms within the Indian correctional system. By softening the severe rupture that closed incarceration creates between the individual and society, they foster more conducive conditions for rehabilitation, dignity, and reintegration. Their significance lies not in the negation of punishment, but in reconfiguring punishment so that it acquires greater social meaning and constitutional legitimacy. The latest legal position strengthens this view. The Model Prisons and Correctional Services Act, 2023, gave policy support to open and semi-open institutions. The Supreme Court's 2024-2026 intervention in *Suhas Chakma v. Union of India* pushed the matter further by directing States and Union Territories to expand, review, and properly use open correctional institutions, including for women prisoners.³⁰ This makes open prisons a live constitutional and policy issue in present-day India. For Indian society, the central dilemma is straightforward: should prisons merely serve as sites of isolation, or should they also function as instruments of repair? The model of open prisons affirms that rehabilitation is possible. It underscores that individuals in conflict with the law remain integral members of the social fabric. A democratic state must impose punishment where necessary, yet it also bears the responsibility of creating pathways for reintegration into collective life.

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