CHAPTER 2

OPEN PRISONS, AIMS, ORIGIN AND DEVELOPMENT
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"An open institution is characterized by the absence of material or physical precautions against escape (such as walls, locks, bars, armed guards) and by a system based on self discipline and inmate’s sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the Open institutions from other types of institutions some of which are run on the same principle without however realizing them to the full."1

ORIGIN AND DEVELOPMENT

The open prison, the very first of its kind was established in Switzerland in the year 1891. Later on in 1930, Britain came forward with an idea of treating the criminals in Open Air.

In the year 1940, U.S.A. emphasized the need of new methodology to give an opportunity to the criminals to be reformed in the Open prisons.

DEVELOPMENT IN INDIA

As far as the Indian Prison system is concerned, the system of punishment has a traditional influence of the age old practices right from the vedic period. "The early Indian societies followed a path shown by the "SMRITHIS." Smrithis had considerable influence in the community where they lived".2 The commentaries in smrithis were clearly recognized as authoritative statements. Basing on these, then rules were supposed to treat the criminals in such a way that the others should know the result of the crime. At that time, punishment was a means of control. The earlier rulers were of

2. Handout on Criminology, Police Training College, Anantapur.
the view that the keeping of offenders in custodial segregation for different periods will certainly provides society some protection from crime. For this purpose, the "KARAGRIHAS" were built along the road sides to enable the passers bye. the fate of the criminals. This shows the rigid administration of the punishment views expressed by the vedic schools "The kings and the rulers irrespective of their caste or religion found it proper to enforce the law of smrithis which enjoyed the people not to go to astray of their duties as it was based on the authority of vedas". This view upheld the security of the people in a more realistic way.

After invasion of the British the white rulers continued the policies of constructing the jails along the highways and made arrangements to restrict the criminal tendency. During this period little alternation in the existing legal proceedings was made. In 1773 the Regulating Act passed by the British. Emergence of Indian Penal code and the criminal procedure code in the year 1859 and 1860 respectively paved a way in regularizing the penal system in India. The imprisonment as form of punishment (or the form of modern punishment) which was first applied in India in 1773 came to applied on uniform basis through out India in 1860. As the jails were an additional burden to the national economy. The British felt that jails were the unproductive ones. No concrete steps have taken place to the problems of the criminals in regard to their accommodation, food, and clothing. In the year 1935 Lord Mecaully appointed a committee to report on the conditions prevailing in the jails. This is considered to be the first step towards unearthing of the infrastructural facilities of the jails. The committee recommended some major steps. The All India committee on jails was appointed in the year 1864. The main recommendations of the committee were made on the aspect of accommodation, improvement of diet, employment of Medical Officers. The subsequent jail committee studied the jail administration in India. The prison Act of 1894 came into

1. Handout on Criminology, Police Training College, Anantapur.
being on the recommendations of the prison conference of 1892.

"The sixth and the last jail committee was appointed in 1919 and submitted its report in 1920. This is a very valuable report and touches upon all aspects of jail administration such as prison staff, Separation and classification of prisoners, prison labour and manufactures, discipline and punishment, reformatory influences in prison, prison hygiene, medical administration, and to prisoners on release, probation and Borstal treatment."

The modern picture is quite different. Crime has spread with devastating rapidity. "The schools too in traditional societies have been affected by social change."

Traditional punishment had no effect in controlling or prevention of crime. The sentencing policy has taken a path of individualization of punishment and consequential rehabilitation of prisoners, with the immense influence of the age old practices, the Indians has a view that the ultimate aims of the punishment is to create an atmosphere in which the criminal will realise to his deeds.

Being in detention, the offender will definitely meld his life so as to be an active member of the social main stream. "Criminal is the product of social milieu, and it is the duty of society to prevent and treat the offender."

**EMERGENCE OF OPEN PRISONS IN INDIA**

Towards reformative activities, "a bold and new experiment in the treatment of prisoners was conceived in 1952 by Dr. Sampurna Anand the then Home Minister. It strikes the departure from the age old practice of confining prisoners within well guarded buildings and putting them to hard fruit less labour..." In this scheme about 2000 prisoners were employed in the construction of a dam over the River Chandra Prabha, 12 miles from Chakia, in Benaras District. The prisoners were housed in tents or hutments in

open, untrammelled by guards and are working in the construction of the dam. The

camp has been named as Sampoornanand Camp after the name of its originator. "1

Prisoners selected from closed prisons will be deployed in open prison, where
they will be entrusted with work for which they will paid. The prisoners in the open
prison will have sufficient facilities regarding education, sports, recreation, food and
clothing and hospital. " Remission for good conduct, and efficiency is allowed. The
dignity of labour and man is instilled in the hearts of the prisoners and each is made to
feel he is on his honour."2

CONDITIONS LAID DOWN FOR THE ESTABLISHMENT OF AN OPEN
PRISON

Consequent upon the system of punishment as envisaged earlier, the Jail manual
has laid down certain conditions for establishing an open prison.

An open prison shall be established at a place which has good communications
and a source of wholesome water supply within easy reach. Preference in selection of
site shall be given to a locality where electric lines can be extended at a reasonable
cost. The open prisons shall neither be very close to an urban centre nor so isolated as
to obstruct the educational, social and recreational contacts for the prisoners or to cause
excessive inconvenience to the staff.

With regard to the communication facilities every open prison should have its
own motor transport for the use of staff and prisoners and for carrying supplies and
interviewers where public transport is not available from the nearest railway or bus
station.

Rule 1086 of All India Jail Manual refers to capacity of an open prison as follows.
Ordinarily the optimum capacity of an open prison should not exceed 1500. An open

2. Ibid., p. 134.
prison should have independent units of not more than 200 prisoners each, so that they may be handled individually and group influence may be effective.

Rule 1087 (1) refers to the accommodation to be provided to the prisoners in the open Air Prison. For permanent open prisons, either cottage or barrack type of accommodation shall be provided. Each cottage shall provide accommodation for 20 prisoners and barrack for 50 prisoners. Bath rooms and flush latrines shall be provided at the rate of one each for every eight prisoners.

For temporary open prisons, barracks with verandahs for 50 to 100 prisoners each on tubular structures with tin sheets may be provided they can easily be dismantled and re-assembled at another place. A cheap floor may be provided to maintain cleanliness (Rule 1087 (2) of All India Jail manual.

There shall be protected water supply to the open prisons. Wherever possible tube or other wells shall be bored and provided with a pumping plant and an over head tank. Pipe line shall be laid and taps and showers provided in bathrooms. Wherever necessary arrangements shall be made for chlorination of drinking water (Rule 1087 (4) A.I.J.M) Electric lighting shall be provided in all open prisons. If necessary, a generator may be installed (Rule 1087 (5).

Trained personnel who possess the qualities of leadership integrity and humanity shall be selected for the open prisons. When trained staff is not available, arrangements shall be made for proper orientation for running an open prison before they taken up their duties. The newly posted staff shall be allowed to observe the working of the programmes, of an open prison for a fortnight before they actually take up their new duties. The custodial staff shall also be given similar orientation and training for their specialized duties in open prison. (Rule 1088 (1) of A.I.J.M.

**SELECTION OF PRISONERS FOR AN OPEN PRISON**

To the open air prisons, the convicts from the closed prisons will be deployed. During the process of this deployment, the selection committee constituted for this
purpose will look into the selecting the criminals. The selection committee consists of the Deputy Inspector General and the Superintendent, Medical Officer, Jailer, and Welfare Officer concerned of the closed prison. The selected list of prisoners, with full particulars, will be submitted to I.G. for approval. Approved list of prisoners will be transferred to the Superintendent of the nearest open prison. The concerned Superintendent will interview the prisoners and select them accordingly.

QUALIFICATIONS FOR THE PRISONERS TO BE SELECTED FOR OPEN PRISON

The prisoner shall possess the following qualities at the time of deployment, from closed prison to an open prison.

1. Casual and star class prisoners.
2. Residence of Andhra Pradesh.
3. Good Physical and Mental health.
4. Age shall be between 21 to 55 years without any history of diseases which may be aggravated in open conditions.
5. Good conduct and emotional stability.
6. Good family ties.
7. Should have undergone some period of imprisonment in a closed prison and should not have ordinarily more than 5 years to serve or to become eligible for premature release under the Advisory Board schemes.
8. Those who availed of home leave or furlough without coming to adverse notice may be given preference.
9. Should be willing to work in open prisons.
10. Should not be political agitators, superior class prisoners, previous returnees from open prisons, escapees, notorious or dangerous prisoners, or those convicted offenses showing depravity of mind.
11. Should not be a habitual prisoner and should not have any other cases pending against him. *

* Source: All India Jail Manual.
PROCESS OF DEPLOYMENT

Prisoners in the closed prison selected for open prison will be escorted by the jail guard at the rate to one warder for 10 prisoners. Wherever jail guard is not available the jail authorities will seek the police escort. At this time, All India Jail Manual clearly and categorically states that the prisoners selected for open prisons, should not be HANDCUFFED. This act of deploying without handcuffing or fettering will give the prisoners a sigh of self confidence, and sense of trust.

In the open prison, the prisoners will be supplied the following items free of cost to maintain personal hygiene:

1. Lifebuoy soaps: At the rate of one head once in a fortnight for bathing.
2. Coconut oil: At the rate of 8 grams per head per week for application to hair.
3. Ground Nut Oil: At the rate of 28 grams per head per fortnight for application to the body.
4. Soda Ash: At the rate of 50 grms per head once in a fortnight.

The diet as recommended by the experts constituted for the purpose will be supplied to the prisoners daily. A well established dispensary and Medical staff will look into the health problems of the inmates of the open prison. If the patients, problem become serious that case will immediately be drawn to the nearest Govt. Hospital with an escort. During the period of imprisonment in Open prison any breach of prison discipline will be viewed seriously. The following acts of on the part of the prisoner will constitute an offense.

1. Going out of demarketted area of the prison without authority or permission.
2. Ommitting or refusing to take due care of all prison property entrusted to him.
3. Injuring, destroying or misappropriating the materials and implements entrusted to him for work.
4. Disobeying any lawful order of an Officer of the prison or omitting or refusing to perform duties in the prescribed manner.

5. Showing disregard and negligence in work.

6. Any other act which denotes the derogatory behaviour of the prisoner, which is not desirable in an open prison.

(Source: All India Jail Manual).

For the offences of disobeying the lawful orders of the prison authorities showing disregard to the work or injuring or destroying prison properties, the jail authorities will take action on the erred prisoner. The course of action taken by the Superintendent will be the final. At the outset, as a measure of caution the prisoner whose behaviour is against the norms of the open prison will be warned. After repeated occurrences of derogatory behaviour, the concerned prisoner will be awarded forfeiture of wages earned. In addition to this the erred prisoner will forgo the remission. If the prisoner is unable to work due to ill-health, on request of the prisoner he will be returned to the closed prison. For this the criminal will forgo 50% of remission earned in open prison. (Except the State Government remission.). If the criminal is returned as a measure of punishment it shall involve forfeiture of remission upto 100 days under the order of the Superintendent of the Jail.