



## Resocialisation of Prisoners - A Concept of Open Prison

### KEYWORDS

prison, rehabilitation, society, criminal justice system.

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**ABSTRACT** Prisoners are often seen offensive by all the surroundings, crime that just happens with exceptional cases like hard core criminal, but rest of the offenders commits crime by provoked sudden actions. Without having strong motive to conduct such an unlawful act. Thus crime is considered as a disease and they kept in prison for treatment provided with proper medication like reformatory measures. Open air prison is one of the reformatory concept involved by criminal justice system in attempting prisoners to formulate themselves as a law abiding citizens in the society. Open prison was first started with making prisoners as labors and using them for government works, it was called as labor colony, as time immemorial it was started as the concept of reformation also.

### Introduction

Open prison plays a dual purpose of eliminating criminals from society and reformation of offenders under institutional treatment by covering out conditions which in the first place turned them to law violators. It has certainly open a new outlook in the jurisdiction of correctional treatment, promising an offender better freedom, natural surrounding and lesser tension which culminate in creating atmosphere more conducive to reform himself and to achieve social, moral and economic rehabilitation in the society. The best thing about the open prison is that it is an antidote to what is known as „prisonization of the convict. In simple words the wrong effects of institutionalisation denoting two components of prisonization get liquidated. Due to excessive terrain and free movements the inmates psychologically feel relaxed and tension free which is a condition precedent for bringing an attitudinal change and making him receptive to rehabilitative techniques. The treatment of criminal by society is for the protection of society but since such treatment is directed to the criminal rather than to crime, its greater object should be his moral regeneration. Hence the absolute aim of correction is the reformation of criminals not the infliction of vindictive suffering. It is obvious that overcrowding in prisons itself result in lack of the available amenities to the prison inmates and promotes corruption in prison administration. It also has an adverse psychological impact on the inmates and accentuates the problem of maintenance of law and order within the prison. The inordinate delay in criminal trials is responsible for the large number of under trials and is the cause of detention of many inmates in the closed prisons. To ensure better efforts and measure for protecting the rights and dignity of the prisoners and to facilitate the goal of their reformation and rehabilitation, more open prisons to be set up. Open air camps in Rajasthan have proved to be extremely successful and it is urgently required that such camps should be set up in all states with active support of civil society.

### Origin of open prison

The penal policy in post-revolutionary America was revolved on the question "how prisons could be organized to reduce the chance that the offender would repeat their criminal activity. This approach expressed a definite attitude towards human beings that they are modifiable for

the better if given the proper opportunity." During the eighteenth century mainly two prison reformers, namely, John Howard and Jeremy Bentham shared both a revulsion against traditional punishment and expressed that institutions could be built that would rehabilitate criminals and prevent crime. During late eighteenth century many institutions attempted to test John Howards vision through practical trials. But these experiments failed in reshaping the prisoners. In spite of revived ideology of reformation of prisoners in the custodial institutions, in practice, reforms and rehabilitation plans did not fulfil the expectation of those who thought to implement a system of individualized treatment. But after pioneering effort in this area, i.e., Witzwill establishment in Switzerland in 1891. Internationally it was well accepted that, a person in prison does not become a non-person, is entitled to all human rights within the limitation of imprisonment and there is no justification for aggravating the suffering already inherent in the process of incarceration. International Covenant on Civil and Political Rights is the core international treaty on the protection of the rights of prisoners. India ratified the Covenant in 1979 and is bound to incorporate its provision into domestic law and state practice. It provides that, "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of human person" Apart from civil and political rights, economic and social human rights are set up in International Covenant on Economic, Social and Cultural Rights, which states that prisoners have a right to the highest attainable standard of physical and mental health. The United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955, although not legally binding, provides guidelines of international and domestic law for prisoners and other persons in custody which are as follows:

1. There shall be no discrimination on grounds of religion, race, colour, sex, and language, political or other opinion.
2. Men and women should be detained in separate institutions.
3. Due consideration should be given to the separation of different categories of prisoners.
4. Separate residence should be provided for the young and child prisoners from adult prisoners.

Universal Declaration of Human Rights, 1948 also provides

that, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". United Nation Rules for Treatment of Women Prisoners and Non-Custodial Measures for Women Offender, emphasizes the need to change the laws according to the needs of women prisoners because the rules adopted 50 years ago, did not, however, draw sufficient attention to women's particular needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners has acquired importance and urgency.

### Objectives of establishing Open Air Prisons

To reduce overcrowding in jails, to reward good behaviour, to give training in self-reliance,

To provide dependable permanent labour for public works, To prevent frustrations and create hope among long termers,

To provide training in agriculture and industry, to examine the suitability of releasing offenders from prisons, and to enable prisoners to live with their family members (in some states).

The first open prison was established in Switzerland in 1891, at United States in 1916, Britain it was on 1930, and in the Netherlands 1950. As per studies by 1975, there were 13 open prisons in England, 25 in the United States, four each in Sri Lanka and the Australia, three in Hong Kong, two each in New Zealand, China, Japan, Malaysia, Pakistan, Philippines and Thailand, and 23 in India.. The first open prison was started in 1905 in Bombay Presidency in India. The prisoners were selected from the special class prisoners of Thane Central Jail, Bombay. However, this open prison was closed in 1910. The state of Uttar Pradesh established the first open prison camp in 1953 for the construction of a dam over Chandraprabha River near Benaras After completing this dam the prisoners of the Pen camp were shifted to a nearby place of constructing the dam over Karamnasa River. Encouraged by the success of these temporary camps, a permanent camp was started on March 15, 1956 at Mirzapur with a view to employing prisoners on the work of quarrying stones for Uttar Pradesh government cement factory at Churk, Mirzapur. The initial strength of prisoners in this camp was 150 which went up to 1,700 but has now come down to 800. Another permanent camp called Sampurnanad Shivir was established in 1960 at Sitarganj in Nainital district in Uttar Pradesh. At the time of its establishment, Sampurnanand camp had 5,965 acres of land but later on 2,000 acres of reclaimed land were handed over to the Uttar Pradesh government for the rehabilitation of displaced persons. At present, thus, the Sitarganj camp has 3,837 acres of land and is one of the largest open prisons in the world.

### Admission for open prison

Eligibility conditions for admission to open prisons vary from state to state. The main conditions are:

- (1) Prisoners should be willing to abide by the rules of open prisons
- (2) They should be physically and mentally fit to work
- (3) They should have been sentenced for terms of one year or more and must have spent at least one fourth of the total term of imprisonment in jail
- (4) They should have record of good behaviour in prisons
- (5) They should not be below 21 years or above 50 years as prescribed by the state
- (6) They should not have been convicted for certain types of crimes (like dacoity, forgery, counterfeiting, etc.)
- (7) They should not have any case pending in the courts

(8) They should not be habitual offenders

The superintendents of prisons prepare lists of prisoners to be sent to open prisons on the basis of the eligibility conditions. These lists are sent to the selection committees which examine each case history and make the final selection whether to opt them for open prison or not.

In Karnataka establishment of an Open Air Jail in a 114-acre of land at Koramangala Village, Devanahalli Taluka, Bangalore Rural District is a reformative measure. Here prisoners work under minimum security. The prisoners are being trained in modern methods of agriculture, horticulture, sericulture, sheep rearing, soil conservation and drip irrigation system. Tractor, Power Tiller, Mini Truck, Jeep and Ambulance Van are provided under the scheme of Modernization of Prison Administration. This way open prisons were attempting towards reserializing the prisoners life.

### Conclusion

Keeping prisoners without any scientific classification leads to breeding of more habitual criminals rather than reforming them. In present scenario criminology lays emphasis on rehabilitation of offenders through creation of a treatment policy which aims to re-socialize the offender. Prison administration as keep one view point in creating reformative measure that is rehabilitation must come within the individual and not through compulsion. In the process of open prison institutional treatment the offender continues as a member of the correctional community so that they can develop positive thought on law abiding citizen participation. The rise of open prison marks the beginning of a new phase in the history of prisons. Thus criminal justice system and prison administration shall give importance in the matter of building more open prisons to reform the offenders.

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