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Locked in court battle, why Sanganer open air jail is special

What are open air jails, and how many exist in India? Why is one of the largest such jails, in Sanganer, awaiting a court inspection?

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While the Sanganer open jail has undergone many changes since the committee's report, it remains one of the most unique across the world. (Express photo by Parul Kulshrestha)

A Supreme Court-appointed court commissioner will visit the **Sanganer open prison, one of India's largest**, on Thursday (December 12).

This is after a dispute arose over the **Rajasthan** government's plan to build a hospital over some of the land being used by the jail.

During the last hearing on November 25, the Supreme Court appointed the court commissioner to inspect the site and submit a report within four weeks.

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What is an open prison?

The Model Prisons and Correctional Services Act, 2023, defines an open correctional institution, as a “place for confinement of eligible prisoners on such conditions, as may be prescribed under the rules, for giving them more liberty outside a regular prison for facilitating their rehabilitation after release”.

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Prisons being a state subject, state governments have over the years formed their rules in establishing open jails.

Most states have their own criteria to select convicts eligible for an open jail, usually depending on the nature of their crime, their behaviour and conduct in jail, and how much of their sentence have they completed. Open jails have minimum security and convicts are permitted to venture out for activities including agriculture.

reintegrate into society once their term is over.

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While some open jails are areas marked separately within the closed jails, with the difference being that prisoners here are permitted to venture out for activities, in some states, there are separate colonies set up where prisoners of an open jail live with their spouses but with their movement restricted.

How many open jails are functioning in India?

The first open jail in independent India was set up in 1949 in a prison in [Lucknow, Uttar Pradesh](#). Similar open-air jails were established in 1952 in other parts of UP.

The All-India Committee on Jail Reform (1980-83), also known as the Justice Mulla Committee, states that it was in 1952 at the Hague Conference that the organisation of open-air camps was suggested. This was to allow prisoners to 'lead a near-community life' after completing a certain portion of their term.

The committee in 1980-83 said there were 28-30 open-air jails in India. It said that while such jails were in existence for nearly half a century, a legal framework on their establishment and function was not present in all states. At that time, only 13 states had included open jails in their rules.

The committee recommended using land near closed prisons for open jails. It also said that open-air jails are work-based, with most engaging prisoners in activities like agriculture and dairy-farming. In some states, prisoners were also engaged in

should be set up close to public projects, like building of dams. It also said that inmates should have uniform wages, noting that while some states gave wages par with the community, some were given just 'token wages'.

According to the Prison Statistics of India 2022 — the latest available — the country has 91 open jails in 17 states with a capacity of 6,043 inmates and over 4,473 prisoners lodged. Rajasthan has the highest number of open jails, 41, followed by [Maharashtra](#) which has 19, as per the report.

What is special about the Sanganer open jail?

The Mulla committee in its recommendations had said that open camps like Sanganer should be developed in each state government and union territory as the 'final stage in the open camp movement'. While the Sanganer open jail has undergone many changes since the committee's report, it remains one of the most unique across the world.

The Sanganer open jail or the Sampuranand Khula Bandi Shivir was opened in 1963, named after the former chief minister of Uttar Pradesh and ex-governor of Rajasthan. It has been in continuous operation, since unlike some others that were shut due to prison breaks and other issues. It is located about 15km from the capital city of Jaipur and houses 422 prisoners, including 14 women and their families. Here, prisoners can stay not only with their spouses but with their children as well, and it operates with minimum security.

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local community, such as running grocery shops. They make and renovate their own homes with money collected through their work.

The prison also has bandi panchayats, where prisoners have set up their own of self-governance, including conducting roll calls twice daily, to ensure that inmates are back at the end of the day in the open-air camp. They also have access to phones.

The complex has a primary school, which is open to children of nearby localities as well, anganwadis, and a playground.

Unlike other open jails, where prisoners with only a few years of their term left are chosen as inmates, here the criteria is a completion of term of 6 years, 8 months among other conditions, like conduct.

Based on the Sanganer open jail, 52 such open-air camps have come up in Rajasthan, the highest in the country.

What is the dispute before the court?

The Jaipur Development Authority (JDA) has allocated plots of land for construction of a hospital in Sanganer. On May 17, the Supreme Court had said that areas of open jails should not be reduced. In light of this, a contempt petition was filed by social worker Prasun Goswami, who had worked on opening a primary school at the open-air camp.

The petition claims that the government's plan will affect the entire ecosystem of the successful and one-of-its-kind experiment of an open jail in the country and that the allotted land of 21,948 square meters, is integral to the functioning of the jail.

The state government has said that there is no attempt to reduce the area of the open jail. It also alleged that jail authorities had 'unauthorisedly constructed' certain structures for the prisoners and that additional area will be allotted to the jail to move the prisoners into new shelters.

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