



CRIMINAL

From Punishment to Purpose: Supreme Court Mandates Reform of India's Open Correctional Institutions

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“No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.”

— Nelson Mandela

With these words of Nelson Mandela, the Supreme Court of India opened its landmark judgment in *Suhas Chakma v Union of India & Ors*, delivered on 26th February 2026. The Court, speaking through Justice Sandeep Mehta (with Justice Vikram Nath concurring), did not merely quote Mandela for rhetorical effect. It treated those words as a constitutional challenge, one that India's prison system had been conspicuously failing to meet. The result is a sweeping, data-driven, and deeply humane judgment that compels States, Union Territories, and the Union of India to transform Open Correctional Institutions from neglected footnotes in the penal system into living instruments of rehabilitation, dignity and social reintegration.

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The Problem: When Prisons Become Warehouses

India's prisons are bursting at the seams. The National Crime Records Bureau's Prison Statistics India, 2023, reveals that on a cumulative basis, prisons across the country are operating at an occupancy level of 120.8%. That stark statistic, however, conceals even grimmer realities in individual States. Madhya Pradesh, Maharashtra, Meghalaya, Uttar Pradesh, Uttarakhand, and the National Capital Territory of Delhi are all operating at occupancy rates exceeding 150%. In plain terms: three persons are being housed in space meant for two.

Overcrowding is not merely an administrative inconvenience. It is a constitutional crisis. It directly erodes human dignity, undermines access to healthcare, destroys any realistic prospect of rehabilitation, and renders the guarantee of life and personal liberty under Article 21 of the Constitution a hollow promise for those behind bars.

The Court has been grappling with this problem for years. As far back as 2018, in *In Re: Inhuman Conditions in 1382 Prisons*, it had directed all States and Union Territories to align their prison rules with Model Uniform Rules for the Administration of Open Correctional Institutions and to meaningfully expand and utilise such facilities. Eight years later, the Court was constrained to

observe with visible frustration that the response of several States and Union Territories continues to be marked by “rank apathy and indifference.” This judgment is, in part, the Court’s answer to that institutional failure.

The Solution the System Has Been Ignoring: Open Correctional Institutions

Open Correctional Institutions (OCIs) are not a novel idea. They are premised on a simple but transformative principle: that for carefully selected prisoners, the environment of trust, self-discipline, and gradual reintegration is far more effective, and far cheaper, than walls, bars, and locked cells.

The numbers tell a compelling story. Based on data from Rajasthan, widely acknowledged as having the most robust open prison model in the country, the per-prisoner per-day expenditure in a closed prison is approximately Rs.333.12, whereas in an open prison it is approximately Rs.49.60. Monthly, that translates to approximately Rs.7,094 in a closed prison against Rs.500 in an open prison. Put differently, the State spends nearly fourteen times more to warehouse a prisoner than to rehabilitate one.

This fiscal case is reinforced by a powerful penological one. Rajasthan’s open prisons operate on a model where prisoners construct their own residences on State-provided land, live with their families, pursue livelihoods in the community during the day, and return at designated times. Prisoners’ self-governance mechanisms, including an OCI Sarpanch System and a Prisoner Panchayat, foster accountability and responsibility. Maharashtra allows inmates to reside with families, cultivate land, receive agricultural and vocational training, and earn wages significantly higher than those in closed prisons. Kerala offers structured eligibility based on conduct, diversified vocational training aligned with contemporary skills, weekly legal aid visits, and on-site hospital facilities.

Yet despite this evidence, and despite repeated judicial directions, OCIs collectively remained an afterthought in India’s prison administration. This judgment sets out to change that.

The Writ Petition and the Journey to Judgment

The case originated as a writ petition filed under Article 32 of the Constitution by Suhas Chakma, drawing attention to the chronic and unconstitutional overcrowding in Indian prisons. Initially heard alongside the suo motu proceedings arising from COVID-19 in prisons, it was de-tagged in July 2023 to receive independent and focused adjudication.

In May 2024, the Court identified OCIs as one of the most viable and sustainable solutions to overcrowding, and appointed Mr K Parameshwar as amicus curiae alongside Mr Vijay Hansaria (already assisting the Court) and Ms Rashmi Nandakumar of NALSA. The Court directed the amicus curiae to jointly prepare and circulate a comprehensive questionnaire to all States and Union Territories, covering both quantitative metrics (capacity, occupancy, gender distribution) and qualitative aspects (eligibility criteria, wages, healthcare, family integration, education, vocational training, and disciplinary mechanisms). Best-practice States, Rajasthan, Maharashtra, Kerala, and West Bengal, were separately directed to share their frameworks and experiences.

Despite multiple opportunities and repeated warnings that the personal presence of Chief Secretaries would be required in case of non-compliance, the States of Telangana, Haryana and Madhya Pradesh failed to place the requisite information on record. The Court proceeded nonetheless, on the basis of the extensive data it had received, supplemented by a BPR&D empirical study and updated fiscal data specifically requisitioned after judgment was reserved.

What the Data Revealed: A Portrait of Neglect

Under-Utilisation Everywhere, Overcrowding Nowhere Resolved

The quantitative findings are damning in their simplicity: closed prisons overflow while open prisons sit empty. Occupancy rates in functioning OCIs across States range from as low as 6% in Delhi, 15% in Himachal Pradesh and Uttarakhand, 20% in Assam, 27% in Uttar Pradesh, 32% in Odisha, 33% in Andhra Pradesh, 36% in Tamil Nadu, 44% in Gujarat and 51% in Punjab, to comparatively higher, but still underutilized, levels in Rajasthan (92%), Kerala (81%), West Bengal (79%), Maharashtra (70%) and Karnataka (63%). Bihar presents an exception: its lone functional OCI at Buxar is overcrowded at 136%, reflecting unmet demand rather than successful utilisation. Eight States, Arunachal Pradesh, Chhattisgarh, Goa, Jharkhand, Manipur, Mizoram, Nagaland and Sikkim, have no OCI facilities at all. Neither do any Union Territories, save Delhi.

Women: The Forgotten Prisoners

If the general picture of OCIs is one of neglect, the specific treatment of women prisoners is one of outright exclusion. Nine States, Assam, Gujarat, Madhya Pradesh, Odisha, Punjab, Telangana, Uttarakhand, Uttar Pradesh and West Bengal, have expressly excluded women from eligibility for transfer to OCIs. In Delhi, Karnataka and Tamil Nadu, while women are stated to be eligible, not a single woman has actually been transferred. In Kerala, where the men's OCIs operate at 82-86% occupancy, the women's OCI at Thiruvananthapuram limps along at 30%. Himachal Pradesh has no open barracks for women at all.

The Court treats this not as a statistical anomaly but as a constitutional violation. Women in prison are bearers of the same fundamental rights as their male counterparts. Systematic exclusion from the rehabilitative benefits of OCIs, without rational justification, offends Articles 14, 15, and 21 of the Constitution.

Rigid Eligibility, Inadequate Rehabilitation

Even where OCIs exist and are technically accessible, stringent eligibility criteria ensure that most prisoners who could benefit from them never reach them. The data reveals that prisoners are required to spend anywhere between four to twelve years in closed prisons before being considered for transfer, with Gujarat requiring as many as twenty-one years. The average inmate transferred to an OCI is already between thirty-five and fifty years old, having spent the most formative and potentially rehabilitative years of their lives in closed confinement.

The nature of work within OCIs also reveals a systemic problem. A large number of States confine OCI inmates to agriculture within the institution premises, perpetuating a model that is more akin to a farm labour camp than a rehabilitation centre. Wages are grossly disparate, ranging from Rs.40-50 per day in Punjab and Uttar Pradesh to Rs.230 in Kerala and up to Rs.548 in Karnataka, with no uniform standards. Healthcare facilities are generally inadequate, often requiring inmates to be sent back to closed prisons for treatment, thereby rupturing the rehabilitative process. Access to modern vocational training is limited, and banking facilities, essential for financial independence and social reintegration, are absent in several States.

The Constitutional Foundation: Dignity Does Not End at the Prison Gate

The Court's legal analysis is grounded in a long and powerful line of constitutional jurisprudence that it traces meticulously, beginning with *D. Bhuvan Mohan Patnaik v State of Andhra Pradesh (1975)*, where the Court first held that conviction does not strip a person of all fundamental rights. Article 21 follows the prisoner into the cell.

In *Mohammed Giasuddin v State of Andhra Pradesh (1977)*, the Court moved from abstract principle to institutional imperative, articulating that prison reform is not an act of benevolence but a constitutional obligation rooted in respect for human dignity, that prisons should be "correctional houses, not cruel iron aching the soul." In *Dharambir v State of Uttar Pradesh (1979)*, the Court emphasised meaningful work, fair wages, vocational engagement, and family contact as instruments of healing and transformation, not mere administrative conveniences.

The landmark *Francis Coralie Mullin v Administrator, Union Territory of Delhi (1981)* gave this jurisprudence its most expansive expression: the right to life includes the right to live with human dignity and the bare necessities of life, including adequate nutrition, clothing, shelter, and the ability to express oneself. Any form of torture or cruel, inhuman or degrading treatment is constitutionally impermissible.

Crucially, in *Rama Murthy v State of Karnataka (1997)*, the Court gave express judicial imprimatur to open prisons as "one of the most successful applications of the principle of individualisation of penalties with a view to social readjustment," and exhorted that "more and more open prisons be opened," starting at every district headquarters across the country. Three decades later, that exhortation remains only partially heeded, and this judgment is the Court's determination to ensure it is finally acted upon.

The International Compass: Nelson Mandela Rules

The Court situates its directions within the framework of the *United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015*, better known as the *Nelson Mandela Rules*. Rule 4 of these Rules declares that the purposes of imprisonment can only be achieved if the period of incarceration is used to ensure, so far as possible, the reintegration of prisoners into society so that they can lead law-abiding and self-supporting lives. Towards this end, the Rules mandate the provision of education, vocational training, meaningful work, and moral, spiritual, social, health and sports-based programmes.

Rule 89 specifically recognises open prisons as providing "the conditions most favourable to the rehabilitation of carefully selected prisoners," precisely because they rely not on physical security but on the self-discipline of inmates. The international framework thus reinforces and contextualises the domestic constitutional mandate: trust, responsibility, and opportunity for self-

development are not luxuries in a correctional system; they are its foundational purpose.

The Domestic Framework: Model Manual and the 2023 Act

The Court examines two key domestic instruments that already provide a normative foundation for OCIs. Chapter XXIII of the *Model Prison Manual, 2016* declares that OCIs are designed to operationalise the ideology of reformation, correction and rehabilitation by enabling prisoners to live and work in open conditions, restoring dignity, self-reliance, and social responsibility. It prescribes a calibrated framework for eligibility, graded progression from semi-open to fully open institutions, minimum standards of accommodation, sanitation, and welfare, and encouragement of family contact.

The *Model Prisons and Correctional Services Act, 2023* goes further, defining an Open Correctional Institution as a place for confinement of eligible prisoners designed to give them more liberty outside a regular prison for facilitating their rehabilitation after release. Section 50 empowers State Governments to establish and maintain as many OCIs as required and to frame rules for their governance.

The constitutional irony, as the Court observes, is that while the Union of India has provided normative guidance through these model instruments, prisons fall under the State List in the Seventh Schedule of the Constitution. The responsibility for translating these frameworks into binding law and operational practice rests with the States. This is precisely where the failure has occurred, and where the Court's directions are now targeted.

The Operative Directions: From Words to Action

The operative portion of the judgment is structured, detailed, and enforceable. It covers six broad heads:

1. Tackling Under-Utilisation and Absent OCIs

States that currently have no functioning OCIs, Arunachal Pradesh, Chhattisgarh, Goa, Haryana, Jharkhand, Manipur, Mizoram, Nagaland, Sikkim and Telangana, are directed to conduct a feasibility assessment and develop a protocol for establishing OCIs or, where standalone OCIs are not feasible, create open or semi-open barracks within existing closed prisons. This protocol must be placed before a newly constituted State-level Monitoring Committee within three months.

All States and the NCT of Delhi are directed to develop a time-bound protocol for filling existing vacancies in OCIs and open barracks, place the protocol before the Monitoring Committee within three months, and ensure that vacancies are filled within two months thereafter. For Union Territories without OCI facilities, the Union of India or the elected government of the UT must examine the feasibility of establishing OCIs or evolve a mechanism for transferring eligible prisoners to proximate OCIs in neighbouring States.

2. Inclusion of Women Prisoners

States that currently exclude women from OCI eligibility are directed to review and revise their eligibility criteria within three months to ensure that women prisoners are given equal access to OCIs. Dedicated OCI facilities or open barracks for women must be established where they do not exist. The eligibility review must take into account the specific vulnerabilities, family circumstances, and rehabilitative needs of women prisoners, and must not be based solely on the nature of the offence.

3. Liberalising Eligibility and Expanding Rehabilitative Avenues

The Court directed all States and Union Territories to rationalize eligibility criteria for transfer to Open Correctional Institutions (OCIs), ensuring decisions are based on the nature of the offence, reformative potential, conduct, and readiness for reintegration rather than rigid incarceration periods, with transparent and reasoned assessments. OCIs must function as centers of structured rehabilitation, not labour camps, by adopting best practices, providing skill development, vocational training, fair wages, healthcare, education, digital access, community-based employment, and promoting family integration. Disciplinary measures must remain proportionate and reform-oriented, with reversion to closed prisons used only when strictly necessary. States must also establish effective grievance redressal mechanisms. Within three months, they are required to amend relevant rules, submit compliance reports, and implement time-bound action plans detailing budgets, responsibilities, and targets under the supervision of Monitoring Committees.

4. Common Minimum Standards

The Court expresses deep concern about the lack of uniformity in governance across States and directs the Union of India, in consultation with States and Union Territories, to formulate Common Minimum Standards for the governance and management of OCIs. These standards are to address eligibility and transfer criteria, living conditions, wages, healthcare, education, vocational training, family integration, disciplinary mechanisms, and conditions for reversion to closed prisons. A High-Powered Committee, headed by a retired Supreme Court judge, is directed to prepare a draft of these Common Minimum Standards and submit its report to this Court within a period of six months from the date of its first meeting.

5. Expansion of Open Correctional Infrastructure

Echoing Rama Murthy, the Court directs all States and Union Territories to proactively, in a time-bound manner, expand open correctional infrastructure by establishing new Open Correctional Institutions (OCIs) and creating open or semi-open barracks within existing closed prisons wherever feasible. Within three months of the judgment, each State and Union Territory, through its Prisons and Correctional Services Department, must conduct a comprehensive assessment to identify suitable locations for new OCIs and determine which closed prisons can accommodate open or semi-open barracks. Based on this assessment, separate, time-bound action plans must be prepared detailing clear timelines, budgetary allocations, and capacity targets for both establishing or expanding OCIs and operationalizing open or semi-open barracks. These action plans must be submitted within three months to the respective State or Union Territory Monitoring Committees, which are responsible for ensuring their effective and timely implementation.

6. Compliance and Monitoring

Recognizing that directions without enforcement are mere aspirations, the Court establishes a robust multi-tiered monitoring mechanism. Each State and Union Territory is directed to constitute a Monitoring Committee. The State Committees shall submit status reports to the concerned High Court on regular quarterly intervals. First such compliance status report is also to be placed on record before the concerned High Courts by 21st August 2026. High Courts, through their Registrar Generals, are directed to compile and forward consolidated compliance reports to the Supreme Court annually, with the first such report due by 31st March 2027.

The Cost Argument: Why Open Prisons Are Not Just Humane, But Rational

One of the most powerful elements of this judgment is its insistence on presenting OCIs not merely as a matter of compassion but as a matter of sound governance. Using Rajasthan's updated fiscal data, specifically requisitioned after the judgment was reserved the Court demonstrates that Rajasthan's 105 closed prisons housing 22,476 inmates cost the State Rs.333.12 per prisoner per day, while its 52 open prisons housing 1,285 inmates cost only Rs.49.60 per prisoner per day. Expenditure heads that constitute recurring burdens in closed prisons, food preparation, clothing, bedding, custodial administration, and security infrastructure, are substantially reduced or rendered redundant in open prisons.

Moreover, in Rajasthan's self-build model, where the State provides only land and prisoners construct their own residences, capital expenditure on infrastructure is also minimised. The Court is careful, however, to clarify that while innovative and cost-efficient models may be explored, the State's obligation to ensure minimum housing standards consistent with human dignity under Article 21 cannot be transferred onto prisoners. Cost-efficiency and constitutional compliance are not competing values; they must advance together.

Reclaiming Humanity: The Promise This Judgment Makes

For prisoners and their families, this judgment is a constitutional lifeline. It recognises, as a matter of binding law, that incarceration does not suspend constitutional rights, and that the State's obligation to treat persons deprived of liberty with humanity and dignity is not diminished by the fact of their offending. For the thousands of eligible prisoners currently languishing in overcrowded closed facilities while OCI beds sit empty, the directions on under-utilisation carry immediate and tangible significance.

For women prisoners, the judgment is especially significant. For the first time, the Supreme Court has addressed the systematic exclusion of women from OCIs as a constitutional wrong, not merely an administrative oversight, and has directed concrete corrective measures, including equal access to OCI facilities, dedicated women's institutions, and mother-child units.

For State governments, the judgment is a clear and firm signal: the era of treating OCIs as peripheral experiments or budget afterthoughts is over. Structured timelines, mandatory protocols, Monitoring Committees, High Court oversight, and annual

reporting to the Supreme Court create accountability at every level of governance.

For the criminal justice system as a whole, the judgment is a definitive reorientation: away from the retributive philosophy of punishment as suffering, and towards the constitutionally mandated ideal of punishment as reformation. As the Court reminds in its conclusion, “the enduring strength of a constitutional democracy lies not in the severity of its punishments, but in its commitment to restore dignity, hope and opportunity even to those who have transgressed the law.”

Conclusion: The Promise of the Prison Gate

Suhas Chakma v Union of India is not the first Supreme Court judgment to speak of prison reform, rehabilitation, and human dignity. But it may be the most comprehensive, the most empirically grounded, and the most operationally specific. It takes Mandela’s provocation, that a nation should be judged by how it treats its lowest, not its highest, and translates it into enforceable constitutional directions.

The challenge, as the Court itself acknowledges, lies in implementation. Constitutional vision cannot be reduced to policy declarations or paper compliances. It must find expression in lived realities within prison walls, through inclusive access, humane conditions, gender-sensitive practices, meaningful rehabilitative avenues, and uniform minimum standards. The judgment issues the directions. Whether India rises to meet them will determine what kind of constitutional democracy it truly is.

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Reference:

1. https://www.sci.gov.in/view-pdf/?diary_no=199352020&type=j&order_date=2026-02-26&from=latest_judgements_order

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