

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2123**

**TO BE ANSWERED ON THE 20TH DECEMBER, 2022/ AGRAHAYANA 29, 1944
(SAKA)**

PRISON REFORM

2123. SHRIMATI SARMISTHA SETHI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has taken any measure to reform the century old system of prisons and bring changes in the criminal justice system in the country;

(b) if so, the details thereof;

(c) whether the Government has taken appropriate comprehensive measures to improve the conditions of prisons; and

(d) if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI AJAY KUMAR MISHRA)**

(a) and (b): 'Prisons'/'persons detained therein' is a "State List" subject under List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of State Governments. However, the Government of India has been supplementing the efforts of the State Governments in this regard by way of issuing advisories on varied aspects of prison administration from time to time. In the specific context of Prisons and prison inmates, Section 436A was inserted in the Code of Criminal Procedure (CrPC) through the Code of

Criminal Procedure (Amendment) Act, 2005 (No. 25 of 2005), which makes provision for release of an undertrial prisoner on personal bond/bail by the Court on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law. A new chapter XXIA "Plea Bargaining" (Section 265-A to 265-L of CrPC) was inserted in the Code of Criminal Procedure by the Criminal Law (Amendment) Act, 2005 (No. 2 of 2006) which enables pre trial negotiation between the defendant and the prosecution. These provisions aimed at improving the Criminal Justice System assist in reducing the number of undertrial prisoners in the country. An E-prisons portal has been deployed in all States and Union Territories (UTs) for efficient prison and prisoner management. It provides facility to State authorities to access the data of inmates in a quick and easy manner, including assisting in identifying prison inmates whose cases have become due for consideration by the Under Trial Review Committee for consideration accordingly. The Ministry of Home Affairs (MHA) has implemented the Crime and Criminal Tracking Network & Systems (CCTNS) with the objective of interlinking all police stations for sharing crime and criminal data. The scope of CCTNS project has been enhanced to integrate this data with other pillars of criminal justice system namely, Forensics, Prosecution, Courts and Prisons under the Interoperable Criminal Justice System (ICJS), which is a common platform for information exchange amongst all pillars of criminal justice

system. ICJS enables a nation-wide search on police, prisons and courts databases across all States and UTs and is useful in identifying and tracking offenders. All these interventions of the Government of India are significant steps in the direction of improving and reforming the criminal justice system, on a continuous basis.

(c) and (d): States and UTs are competent to take appropriate measures to improve the condition of prisons in their jurisdictions. However, MHA has been providing guidance to the States and UTs on periodic basis on varied aspects of prison administration. A Model Prison Manual 2016 was also circulated by MHA to all States and UTs, which provides detailed guidelines on wide ranging issues like Prison Building & Architecture, Custodial Management, Welfare of Prisoners, Medical Care, Vocational Training and Skill Development programmes etc. for improving the condition of prisons and inmates.
