

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4098

ANSWERED ON:20.04.2010

DIRECTIVE ON THE CONDITION OF PRISONERS

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Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court through its various judgements has issued several directives for providing basic facilities including potable water to control diseases and improving the conditions of prisoners lodged in jails including women and children inmates;
- (b) if so, the details thereof and the salient features of such directives alongwith the steps taken to implement the same;
- (c) whether the United Nations has formulated any basic standards for the facilities to be provided to prisoners;
- (d) if so, the details thereof and the steps taken to comply with the same in the country;
- (e) the details of the steps taken and compliance/non-compliance by the States in implementing prison reforms in the country;
- (f) whether the Government has any proposal to modify the jail manuals which was formulated during the British Raj; and
- (g) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) & (b): Yes Madam. The notable judgement amongst them was delivered by the Hon'ble Supreme Court in the case of R.D. Upadhyaya vs State of Andhra Pradesh (Civil Writ Petition No.559 of 1994) on 13-04-2006 in which the Hon'ble Court has formulated guidelines for improving the conditions of women prisoners and their accompanying children.

The Supreme Court has directed the State Governments to follow the guidelines which include providing the children with a healthy and clean environment, nutritious diet, good medical care, adequate clothing, educational and recreational facilities. Children below three years are required to be kept in a crèche and those between 3-6 years in a nursery. The State Legal Service authorities are also required to periodically inspect prisons to monitor that the directions given by the Supreme Court are followed in letter and spirit.

The Government of India has issued an advisory on 15-05-2006 to all the States/ UTs to take urgent action for implementing the orders of the Supreme Court.

The Government of India has also issued a comprehensive advisory on 17-07-2009 to all the States/ UTs on all aspects of prison administration which includes implementation of various court judgements.

(c) & (d): To provide basic facilities to prisoners, the United Nations has also formulated United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955. The said rules envisage various basic facilities and minimum requirement to be provided to the prisoners during their stay in prison.

Prisons being the State subject, the State Governments are required to implement the provisions of the said rules. All the States/ UTs were therefore advised to implement and comply with the said rules.

However, in order to reduce overcrowding and improving the condition of prisons, prisoners and the prison staff and also to ensure certain basic minimum standards for keeping the prisoners in a healthy and hygienic condition, the Central Government had started a scheme of modernization of prisons in the year 2002-03 at a total cost of Rs 1800 crore on a cost sharing basis of 75:25 between the Central and State Governments respectively. The scheme envisages construction of additional jails, repair and renovation of existing jails, improvement in sanitation and water supply and construction of living accommodation for prisons staff. The scheme has since expired on 31-03-2009.

(e): Prison is a State subject under list II of the Seventh schedule to the Constitution of India and, therefore, Prison Administration is primarily the responsibility of the State Governments. The various administrative and legislative reform measures initiated by the Government of India are to be implemented by the respective State Governments.

(f) & (g): Government of India had adopted the Prisons Act, 1894 for management & superintendence of Prisons. However, since

Prisons is a State subject, the State Governments are empowered to have their own Prison Act/ Rule. Various State Governments have made suitable amendments in the Prisons Act, 1894 as per the requirement of their States. Some of the States have formulated new State Prison Act and have formulated their own prison manuals.

The Government of India has prepared a model prison manual which was circulated to all the States/UTs on 31-12-2003 for its adoption after suitable modifications.