

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:70
ANSWERED ON:09.11.2010
PRISON REFORMS
Basheer Shri E. T. Muhammed

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has taken any action on the Supreme Court directive on prison reforms;and
(b) if so, the details and the present status thereof?

Answer

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

(a) & (b) The Supreme Court of India in various cases, from time to time, has issued general directions/ directives related to better management of prisons and concerning rights of prisoners. These directives mainly pertain to the State Government.

Since Prisons is a State subject under list II of the Seventh Schedule to the Constitution of India, these directives are forwarded to the State Governments for taking appropriate action. Advisories are also issued by the Central Government to all the State Governments/UT administrations, from time to time, covering various aspects of prison administration to bring in prison reforms in tune with the correctional philosophy.

In the following cases, based on the directions given by the Hon'ble Supreme Court, suitable action has been taken by the Central Government:

(i) In the case of Rama Murty Vs State of Karnataka (1997 2SCC 642), the Supreme Court had directed the Government of India for framing a new All India Prison Manual. The Government of India had accordingly, prepared a Model Prison Manual for superintendence and management of Prisons in the country. The said Manual was circulated to all the State Governments/UT Administrations on 31.12.2003 for its adoption.

(ii) In the case of R.D. Upadhyay Vs. State of Andhra Pradesh, the Supreme Court in its judgment dated 13.4.2006 issued guidelines for providing various facilities to the children of women prisoners. Accordingly, the Government of India had issued an advisory on 15.5.2006 to all the State Governments/UT Administrations for compliance of the order of the Hon'ble Supreme Court.

(iii) In the Criminal Writ Petition No. 296/2005, the Supreme Court had issued guidelines on 2.11.2007 regarding treatment to be given to the mentally ill undertrial prisoners in various psychiatric and nursing homes. Accordingly, the Government of India had issued an advisory on 13.12.2007 to all the State Governments/UT Administrations for compliance of the order of the Hon'ble Supreme Court.