

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:172  
ANSWERED ON:08.03.2011  
MODERNISATION OF PRISONS  
Biswal Shri Hemanand

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Union Government has not operationalised the second phase of the Modernisation of Prisons scheme;
- (b) if so, the reasons therefor;
- (c) the details of the alternative measures proposed to be taken by the Union Government to meet the demands of funds from various State Governments including Orissa for carrying out prison reforms and related infrastructure development; and
- (d) the salient features of the Draft National Policy on Prison Reforms and Correctional Administration and the manner in which the Government proposes to implement the scheme?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI GURUDAS KAMAT)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO. 172 FOR 8.3.2011

(a) to (c): A scheme for Modernization of Prisons was initiated by the Government of India since 2002-03 in 27 States (except Arunachal Pradesh and UTs). The said scheme stood closed on 31.3.2009.

The proposal for Phase-II of the scheme was considered in consultation with Ministry of Finance. It was, however, decided that the Phase-II of the scheme may be shelved owing to budgetary constraints. The 13th Finance Commission has, however, provided an amount of Rs. 609 crore to various States for the construction and upgradation of Prisons. Out of this Rs. 100 crore has been given to the Government of Orissa for this purpose.

(d) The Committee on Draft National Policy on Prison Reforms and Correctional Administration gave various recommendations concerning Central and State Governments. Some of the major recommendations of the Committee were as under:

- (a) Inclusion of the subject of Prisons in the Concurrent List,
- (b) Formulation of a new and comprehensive central law replacing the existing Prison Act 1894,
- (c) Amendment in the Representation of People Act, 1951 to provide right of franchise to all prisoners,
- (d) Continuation of scheme of Modernization of Prisons Phase II,
- (e) To incorporate the principles of management of prisons and treatment of offenders in the Directive Principles of the State Policy embodied in Part IV of the Constitution of India,
- (f) Specific mention be made in the preamble to the legislations relating to administration of correctional services that correction, reformation and rehabilitation are objectives of punishment awarded to offenders,
- (g) Revision of State Prison Manuals on the lines of Model Prison Manual circulated by Govt. of India,
- (h) Setting up of a State Level Board to review all applications for remission/commutation of sentence,
- (i) To provide industrial and vocational training to all prison inmates,
- (j) Disposal of mercy petitions in six months time,
- (k) Establishment of Special Courts/ Lok Adalats,
- (l) Improvement of the living conditions of prisoners in prisons, and

(m) Treatment of prisoners in jails.

Most of the recommendations of the Committee pertain to the State Governments and since Prison is a State subject, these were accordingly forwarded to them for implementation.

The major recommendations concerning the Government of India are (a) inclusion of Prison in the Concurrent list (b) enactment of new central Prison Law in place of Prison Act 1894 (c) amendment in section 62(5) of the Representation of People Act, 1951 to allow all the prisoners to vote (d) continuance of Phase II of the scheme of Modernization of Prisons.

The recommendations mentioned at (a) & (b) above were examined in the Ministry and not found feasible to take any action in this regard.

As regards recommendations at (c) above, the matter was examined in consultation with the Election Commission of India. Section 62(5) of the Representation of People Act, 1951 was challenged before the Hon'ble Supreme Court. The Hon'ble Supreme Court has, however, rejected the contention and observed that the restriction imposed in the aforesaid provisions was reasonable and no arbitrariness or discrimination was involved in the provisions.