

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1379  
ANSWERED ON:29.11.2011  
NATIONAL POLICY ON PRISON REFORMS  
Reddy Shri Modugula Venugopala

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

- (a) whether a National Policy on Prison Reforms and Correctional Administration has been drafted by the Government;
- (b) if so, the salient features thereof;
- (c) the manner in which the Government proposes to implement the scheme; and
- (d) the present status of its implementation?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

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

- (i) Inclusion of the subject of Prisons in the Concurrent List,
- (ii) Formulation of a new and comprehensive central law replacing the existing Prison Act 1894,
- (iii) Amendment in the Representation of People Act, 1951 to provide right of franchise to all prisoners,
- (iv) Continuation of scheme of Modernization of Prisons Phase II,
- (v) 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,
- (vi) 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,
- (vii) Revision of State Prison Manuals on the lines of Model Prison Manual circulated by Govt. of India,
- (viii) Setting up of a State Level Board to review all applications for remission/commutation of sentence,
- (ix) To provide industrial and vocational training to all prison inmates,
- (x) Disposal of mercy petitions in six months time,
- (xi) Establishment of Special Courts/ Lok Adalats,
- (xii) Improvement of the living conditions of prisoners in prisons, and
- (xiii) 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

- (i) inclusion of Prison in the Concurrent list
- (ii) enactment of new central Prison Law in place of Prison Act 1894
- (iii) amendment in section 62(5) of the Representation of People Act, 1951 to allow all the prisoners to vote
- (iv) continuance of Phase II of the scheme of Modernization of Prisons.

The recommendations mentioned at

(i) &

(ii) above were examined in the Ministry and not found feasible to take any action in this regard.

As regards recommendations at (iii) 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.