

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5076
ANSWERED ON:08.05.2012
CHILDREN IN JAILS
Bajwa Shri Partap Singh

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are reports that children are still being lodged in adult jails across the country;
- (b) if so, the number of such cases reported, State-wise;
- (c) whether the Government has mandated the verification of age of minors by the police and judicial authorities;
- (d) if so, the steps taken by the Government to address this issue and the response received thereon;
- (e) whether the Government has any proposal to revise the current guidelines on dealing with cases involving children; and
- (f) if so, the details thereof?

Answer

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

(a) & (b): In terms of Supreme Court directives in R.D.Upadhyaya case, female convicts are allowed to keep their children with them till the age of six years and after attaining the age of six years the child is sent to a suitable institution run by the Social Welfare Department or handed over to a suitable surrogate as per wishes of the female prisoner . As per NCRB Prison Statistics 2010, 428 women convicts with their 497 children and 1063 women undertrials with their 1166 children were reported to be in prisons in the country at the end of 2010.

(c) The age verification is done by the police and judicial authorities before a prisoner is remanded to the jail custody. No prisoner below the age of 18 years is to be remanded to prison custody.

(d) `Prison` is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However all States/UTs are mandated to comply with guidelines for welfare of children of women convicts which include provision of creche facilities for children below three years and nursery school for children between three and six years . Special diet ,clothing , recreation and medical facilities are provided to such children. To ensure compliance the Government has issued to all States/UTs a comprehensive advisory dt 15th May 2006 on `Facilities to the children of women prisoners -Guidelines issued by the Supreme court .`

(e) to (f): No Madam, does not arise