

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:4417
ANSWERED ON:07.09.2012
LEGAL AID TO WOMEN PRISONERS
Pandey Saroj

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Government has worked out any action plan to provide legal aid to women prisoners and their rehabilitation;
- (b) if so, the details thereof; and
- (c) the State-wise number of beneficiaries therefrom during each of the last three years and the current year?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a), (b) & (c): "Prisons" is a State subject under Entry-4 (Prison Reformatories, Borstal Institutions and other institutions of like nature) in the State List (List-II) of the Seventh Schedule to the constitution of India. Therefore, the management and administration of Prisons falls in the domain of the State Government. The Prisons are governed by, inter-alia, The Prisons Act, 1894 and the Prison Manuals/Rules/Regulations framed by the respective State Governments from time to time. The Ministry of Home Affairs in the Government of India has, from time to time, been interacting with the State Governments through advisories, conferences, meetings etc. on various aspects of prison administration.

The Ministry of Home Affairs vide their advisory dated 17th July, 2009 has, inter-alia, advised the State Governments/UT Administrations to provide legal aid facilities to the under-trial prisoners as under:-

- (i) For the purpose of his defence, an under-trial prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence. Legal Aid Cell in each prison shall be maintained to help in processing the legal aid applications.
- (ii) For this purpose even NGOs and Law students could be encouraged to contact the prisoners and their families on a regular basis to fulfill the requirements of approaching the court.
- (iii) Lok Adalats/special courts should be held in each prison to expedite disposal of cases.