

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:181

ANSWERED ON:10.03.2015

PRISON REFORMS

Raut Shri Vinayak Bhaurao;Shewale Shri Rahul Ramesh

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether a national seminar on 'Prison Reforms' was organised by the National Human Rights Commission (NHRC) recently, in New Delhi and if so, the details thereof;
- (b) the salient features of the main recommendations made at the seminar and the follow up action taken by the Government thereon;
- (c) the present status of the progress made by the Centre and the States in regard to prison reforms;
- (d) whether the Government proposes to modernise and technologically upgrade the prisons; and
- (e) if so, the details thereof and the funds allocated for the purpose, State/UT-wise along with the steps being taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) to (e) OF THE LOK SABHA STARRED QUESTION NO. 181 FOR 10TH MARCH 2015.

(a)&(b) A National Seminar on "Prison Reforms" was organized by the National Human Rights Commission on 13th and 14th November, 2014 at New Delhi. After the seminar, the National Human Rights Commission issued 52 recommendations relating to (i) perception, (ii) review (iii) legislative action (iv) over-crowding (v) prisoners of foreign nationality (vi) prison administration (vi) women prisoners (vii) skill development and capacity building (viii) health care of prisoners (ix) sanitation and drinking water (x) environmental issues (xi) reformation (xii) rehabilitation (xiii) NGO and social workers. The recommendations of the seminar are available on the website of the National Human Rights Commission at the link given below:

http://nhrc.nic.in/Documents/recomm_of_NS_on_Prison_Reforms_2014.pdf

These recommendations have been circulated by the NHRC to the States/UTs as well as the Ministry of Home Affairs for necessary action. As recommended by the NHRC, this Ministry has already initiated action and a committee of officers has been constituted to suitably amend the Model Prison Manual, 2003.

(c)to(e) 'Prisons' is a State subject under List II of the Seventh Schedule to the Constitution and, therefore, prison administration is primarily the responsibility of the State Governments. Keeping the importance of correctional administration in mind, the Government of India had set up various Committees such as the All India Prison Reforms Committee (1980) under the Chairmanship of Justice A.N. Mulla (Retd.), R.K. Kapoor Committee (1986) and Justice Krishna Iyer Committee (1987) to study and make suggestions for improving the prison conditions and administration.

The Government of India had circulated a Model Prison Manual 2003 for adoption by all States/ UTs to reform their prison administration. As per report available with the Government of India, Arunachal Pradesh, Andaman & Nicobar, Bihar, Goa, Kerala and Sikkim have already reformed their prison manual. The Government of India has been advising the remaining States/UTs to amend their prison manual.

Besides, with a view to provide relief to undertrial prisoners, a new section viz 436A of the Code of Criminal Procedure, 1973 has been inserted and the following advisories have been issued by the Government of India to State/UTs in respect of section 436A of the Cr P. C :-

(i) An advisory has been issued by the Government of India on 17.1.2013 to the States/UTs regarding use of section 436A of the Cr P.C. to reduce overcrowding of prisons. This advisory is available at the website of the Ministry of Home Affairs at the link:

http://mha.nic.in/sites/upload_files/mha/files/Adv_Sec436APrisons-060213_0.pdf

(ii) An advisory dated 27.9.2014 has been issued by the Government of India to the States/UTs on reckoning half-life of time spent in

judicial custody of Undertrial prisoners under Section 436A of Cr P. C. This advisory is available at the website of the Ministry of Home Affairs at the link:

http://mha.nic.in/sites/upload_files/mha/files/GuidelinesForReckoningHalfLife_161014.pdf

The Government of India had also supported the States for prison modernization during 2002 to 2009. Details of funds released to the States are given in the Annexure-A. Under the Scheme of Modernisation of Prisons, 127 new jails, 1579 additional barracks in the existing prisons and 8658 staff quarters have been constructed by the State Governments.

In addition, funds under the Thirteenth Finance Commission have also been provided to eight States during 2011-2015, the details are given in the Annexure-B.

As per the 14th Finance Commission recommendations, the States have been given appropriate fiscal space to provide for the additional expenditure required on prison reforms including technology upgradation.