

LOK SABHA

Friday, March 20, 1987/Phalguna 29,
1908 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER *in the Chair*]

[*Translation*]

SHRI BALKAVI BAIRAGI : It is
Friday to-day and the day has started.

MR. SPEAKER : It is a matter for
you to think about.

[*English*]

—absent—

—Shri H. B. Patil

[*Translation*]

Look, this has also started.

[*English*]

Shri Syed Shahabuddin—absent;

Shri Chiranji Lal Sharma—absent;

Shri R.M. Bhoje—absent;

Shri E. Ayyapu Reddy.

SHRI E. AYYAPU REDDY :
Question No. 328. So, bonus should be
another supplementary.

MR. SPEAKER : We can consider it
sympathetically.

ORAL ANSWERS TO QUESTIONS

[*English*]

Jail Reforms

*328. SHRI E. AYYAPU REDDY :
Will the Minister of HOME AFFAIRS
be pleased to state :

(a) whether there are any proposals
to bring about jail reforms;

(b) whether there is any proposal
under consideration of Government for
having separate jails for children, if so,
the details thereof ;

(c) whether a uniform jail code will
be evolved as a part of enforcing the
penal laws ; and

(d) if so, the details thereof ?

THE MINISTER OF STATE IN THE
MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS AND
MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI P. CHIDAMBARAM) : (a)
Prisons being a State subject, it is for the
State Governments/Union Territory Ad-
ministrations to bring about jail reforms.

(b) Central Government have advised
the State Governments not to lodge
children in jails with other adult criminals
and implement the provisions of the
Children's Act. Financial assistance to
supplement the State efforts for jail
buildings for young offenders has also
been given.

(c) and (d). There is no such propo-
sal under consideration. However, State
Governments and Union Territory Ad-
ministrations were advised to update and
revise their Prison Manuals to conform

to the model Prison Manual circulated to them.

SHRI E. AYYAPU REDDY : Mr. Speaker, Sir, I am really shocked at the reply.

MR. SPEAKER : Probably electric shock !

SHRI H.A. DORA : It is only mental shock.

SHRI E. AYYAPU REDDY : The report of the All India Committee on Jail Reforms, 1980-83, consisting of two huge volumes is prepared by one of our foremost jurists, A.N. Mulla. This is published by the Ministry of Home Affairs, Government of India. He has dealt with every aspect of jail reforms and has made as many as 658 recommendations dealing with every aspect of jail reforms. There is no mention in the answer about the report of the All India Committee on Jail Reforms under A.N. Mulla. Is the Government aware of it? Has it studied this report? Has it accepted the report? What is its reaction on these reports? Are you aware of this? Has anybody studied these two volumes and the recommendations made therein. What is your reaction? What is the amount spent by the All India Committee on Jail Reforms to prepare these reports?

SHRI C. MADHAV REDDI : The amount is spent by the Government of India.

SHRI E. AYYAPU REDDY : What is the reaction of the Government?

MR. SPEAKER : Let him answer. Otherwise I will hand it over to you as PAC Chairman !

SHRI P. CHIDAMBARAM : Sir, we are aware that Justice A.N. Mulla Committee known as the All India Jail Reforms Committee submitted a very detailed and comprehensive report. We are aware that the Committee made 658 comprehensive recommendations covering all aspects of prison administration. Prisons is a State subject and therefore these recommendations have to be implemented by the State Governments.

Now, the hon. Member wants to know what we have done. What we have done is the following :

After this report was received, we have commended those recommendations to the State Governments and asked them to take a number of steps. The State Governments have constituted working groups and have taken decisions to accept or reject each recommendation. If the hon. Member wishes to know which are the State Governments and which are the recommendations which have been accepted or rejected, I would give these particulars. I may start with the State from which the hon. Member comes. As per available information, Andhra Pradesh has accepted 208 recommendations, rejected 12 and have told us that they are considering 7. I could go down the list from Andhra Pradesh to the Union Territory of Pondicherry. But that, I believe, is not what the hon. Member wants to know.

The other States which have accepted the recommendations are the State of Kerala which has accepted 570 recommendations, rejected 58 and are considering 9 ; Madhya Pradesh, which has accepted 485 recommendations, rejected 21 and are considering 67 ; Rajasthan which has accepted 479, rejected 23 and are considering 60 and Maharashtra which has accepted 530, rejected 55 and considering 42.

This is enough evidence to dispel hon. Member's suspicion that we are not aware of the Jail Reforms Committee.

SHRI P. KOLANDAIVELU : What about Tamil Nadu ?

SHRI P. CHIDAMBARAM : Tamil Nadu has done pretty well and accepted 442, rejected 126 and are considering 22.

I would request the hon. Member to go back to his State and tell the Government there; to take a decision about the remaining 100 recommendations also. We are monitoring it periodically.

The second aspect is about the Model Prison Manual. We have worked out a Model Prison Manual. We have commended it to the State Governments.

The States which have already incorporated the provisions of the Model Prison Manual are Andhra Pradesh, Madhya Pradesh, Maharashtra, Rajasthan and Tamil Nadu.

The other States are at various stages of revising their Jail Manual. We are advising them. We are insisting upon them that they should revise the jail manual. I could go on with each recommendation.

SHRI E. AYYAPU REDDY : Penal laws are uniform in the entire country and the jail sentences or jail reforms form part of the enforcement of the penal law. It is not proper to say that "we do not have anything to do with jails and jail reforms. It is a State subject." It is in the Concurrent List. Penal laws are in the Concurrent List. Penal Code is the Central enactment and jail reforms are part of the Penal Code also.

Has the Central Government convened a Conference of all the State Governments?

Has it finalised the basic minimum requirements or recommendations of the Mullah Committee which must be enforced and what are the difficulties encountered by the State Governments?

Is it financial difficulties which we are facing or any other difference in principle in implementing Mulla Committee reforms? Probably, some of the States may say "Financially, we do not have the wherewithal to implement all the reforms." But the Central Government must be in a position to supplement such of those States.

Especially the conditions in Bihar jail have attracted the attention of the Supreme Court. The hon. Minister knows about it.

Therefore, is the Government contemplating convening a Conference of all the State Governments to bring about uniformity in jail reforms?

SHRI P. CHIDAMBARAM : Hon. Member started out as a fiery fast bowler. Now I think he has switched over to a

negative spin bowler! We do not believe in appointing a Committee to scrutinise other Commission's recommendations. The Commission has made recommendations. We have commended them to the State Governments. Hon. Member is fully aware that 'Prisons' is a State subject. Any jail reform has to be done by the State Government. We fully support jail reform.

For example, from 1979 to 1985, financial assistance amounting to Rs. 48.31 crores was given to 11 States for jail reform.

From 1985 to 1989, additional funds amounting to Rs. 137.56 crores will be provided to a number of States.

Schemes for modernisation of Prison Administration had been received from some State Governments. For that purpose, we have set apart Rs. 50 crores for the period 1987-1990. In the 87-88 Budget, we have provided Rs. 15 crores. The point is that the States must come forward and implement these reforms.

SHRI E. AYYAPU REDDY : Have you convened a Conference with the States, at any time, in the Home Ministry?

SHRI P. CHIDAMBARAM : I don't believe in convening a conference for this purpose.

(Interruptions)

PROF. N.G. RANGA : Has any effort been made by the Government to convene a Conference not only with the Ministers but with the Superintendents of Jails in different States and then ascertain how many of those major recommendations, minor recommendations, recommendations dealing with diet and so on like that, recommendations dealing with punishments are properly discussed over a period of two-to-three days and if necessary preceded by a Workshop Development so that it will be possible for the Government to ensure humane treatment for the prisoners? Over a period of long years, there does not seem to be a good enough reforms of the whole things.

SHRI P. CHIDAMBARAM : If a Conference will solve the Problems, we will convene a Conference. But the Conference will not solve the problems. What will solve the problems is the will of the State Governments to consider these recommendations and implement them.

(Interruptions)

PROF. N.G. RANGA : I doubt whether my hon. friend has had any jail experience !

(Interruptions)

MR. SPEAKER : Those days are gone now.

[Translation]

SHRI DILEEP SINGH BHURIA : Mr. Speaker, Sir, with the increase in the crime rate in the country, the people who commit crimes want to go to jails more and more....

MR. SPEAKER : They want to go or are they sent there ?

SHRI DILEEP SINGH BHURIA : They go there voluntarily. The number of jails should be increased in proportion to their number. In a barrack intended only for 20 inmates, 50 to 100 are herded there like sheep and goats. Many prisoners die in the jail itself. Crimes are increasing and as such the number of prisoners is also increasing. Hence you should construct more jails. I want to know what steps are being taken to provide creature facilities to them ?

[English]

SHRI P. CHIDAMBARAM : We share the concern of the hon. Member. We believe that congestion in jails is one of the main causes for the problems which we face in jails. We must not only build more prisons and jails but we must also try to set up a separate kind of prison or a separate kind of custodial centre for children and women. The Home Ministry has addressed a number of letters to the State Governments. The Prime Minister, on the 9th May 1985, wrote to the Chief Minis-

ters bringing out the problems of children in prisons. We will continue to follow up on all these matters.

SHRI DINESH GOSWAMI : Sir, the hon. Minister has said that jail reform is a State subject. That being true, may I know how many of these recommendations have been accepted by the Union Territories, particularly Delhi over which you have got a much more control, to show that the Union Government is very very serious in the implementation of these recommendations ?

SHRI P. CHIDAMBARAM : As far as Delhi is concerned, Delhi follows the Punjab Jail Manual. We have now taken a decision that—of course, the Punjab Jail Manual is being revised by the Punjab Administration....

SHRI S. JAIPAL REDDY : We thought that it would follow the Tihar Jail Manual....

MR. SPEAKER : I thought it is yours !

(Interruptions)

SHRI P. CHIDAMBARAM : We have now taken a decision that instead of blindly following the Punjab Jail Manual, Delhi will have its own independent Jail Manual. I think the Home Minister has indicated that 15th April would be the date by which they would have to adopt, to suit the conditions in Delhi. As far as the other Union Territories are concerned, for example, Goa, Daman and Diu has accepted 587 recommendations ; rejected 3 and are considering 43. Chandigarh has accepted 147 ; rejected 20 and considering 30. Mizoram has accepted 49 ; rejected 2. Andaman and Nicobar has accepted 491 and rejected 52.

(Interruptions)

Joint Ventures with Sweden

*330. DR. KRUPASINDHU BHOI : Will the Minister of COMMERCE be pleased to state :

(a) whether Sweden has indicated her interest in enlarging the level of bilateral trade and economic cooperation with India