

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA  
UNSTARRED QUESTION NO.1046**

**TO BE ANSWERED ON THE 19<sup>TH</sup> DECEMBER, 2018/ AGRAHAYANA 28, 1940  
(SAKA)**

**SOLITARY CONFINEMENT IN PRISONS**

**1046. SHRIMATI VANDANA CHAVAN:**

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

**(a) whether the practice of solitary confinement is permitted under the law and practiced in prisons in the country and if so, details thereof including reasons why solitary confinement is practiced;**

**(b) whether Government collects statistics on undertrials and convicts kept in solitary confinements in prisons;**

**(c) if so, the list of undertrials and convicts kept in solitary confinement during the last three years, State-wise and prison-wise, along with details including duration of solitary confinement and if not, the reasons therefor; and**

**(d) whether Government has conducted any study/survey on the effect of solitary confinement on the mental and physical health of prisoners?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI HANSRAJ GANGARAM AHIR)**

**(a): Yes, Sir. Section 73 of Indian Penal Code (IPC) provides that whenever any person is convicted of an offence for which the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say:**

**a time not exceeding one month if the term of imprisonment shall not exceed six months;**

**a time not exceeding two months if the term of imprisonment shall exceed six months and shall not exceed one year;**

**a time not exceeding three months if the term of imprisonment shall exceed one year.**

**Section 74 of IPC states the limit of solitary confinement, which provides that in executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.**

**(b) & (c): "Prisons" and 'persons detained therein' is a 'State' subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. Data regarding convicts or undertrials in solitary confinement is not maintained centrally.**

**(d): No, Sir. However, the Ministry of Home Affairs has circulated a Model Prison Manual, 2016 to the States and UTs which also emphasizes the above provisions of law relating to solitary confinement.**