

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 3257**

TO BE ANSWERED ON THE 24th MARCH, 2021/ CHAITRA 3, 1943 (SAKA)

MODEL PRISON MANUAL

3257. SHRI K.C. RAMAMURTHY:

Will the Minister of Home Affairs be pleased to state:

- (a) the salient features of Model Prison Manual;**
- (b) the details of review, if any, made by Government as to how the States are implementing recommendations made in the Manual; and**
- (c) how Government will ensure that UN Standard Minimum Rules for Treatment of Prisoners which are also called Nelson Mandela Rules are being followed in prisons?**

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI G. KISHAN REDDY)**

(a): The Model Prison Manual 2016 has been prepared with a view to bringing in uniformity in basic principles governing prisons and is intended to serve as a useful tool for prison administration. Its salient features are as follows:

- (i) Bringing in basic uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country;**
- (ii) Laying down the framework for both sound custody and treatment of prisoners;**

- (iii) Spelling out minimum standards of institutional services for the care, protection, treatment, education, training and re-socialisation of incarcerated offenders;**
- (iv) Evolving procedures for the protection of human rights of prisoners within the limitations imposed by the process of incarceration;**
- (v) Individualisation of institutional treatment of prisoners in keeping with their personal characteristics, behavioural patterns and correctional requirements;**
- (vi) Providing a scientific basis for the treatment of special categories of prisoners such as women, adolescents and high-risk offenders;**
- (vii) Outlining an organisation of the Department of Prisons and Correctional Services which is conducive to its declared objective;**
- (viii) Developing coordination between the Department of Prisons and Correctional Services and other components of the criminal justice system;**
- (ix) Forging constructive linkages between prison programmes and community-based welfare institutions in achieving the objective of the reformation and rehabilitation of prisoners;**
- (x) Providing flexibility in the suggested provisions so as to allow for adaptation to local conditions without undermining uniformity in rights and duties of prisoners;**

(xi) Access to free legal services: legal aid clinics, jail visiting advocates, constitution of under-trial review committees;

(xii) Provisions for women prisoners including safeguards, protections, special programmes, counselling, focussed after-care and rehabilitation;

(xiii) Provisions for children of women prisoners.

(xiv) Rights of prisoners sentenced to death: Legal aid to prisoners sentenced to death, mental health evaluation, procedures and channels for mercy petition;

(xv) Prison Modernisation: Use of technology/software including Personnel Information System, installation of CCTVs etc. to prevent violation of Human Rights;

(b) & (c): 'Prisons' and 'persons detained therein' are State subjects as per Entry 4 of List II of Seventh Schedule to the Constitution of India. Administration and management of prisons and inmates is the responsibility of respective State Governments. Model Prison Manual, 2016 was forwarded to all States and Union Territories (UTs) on 30.5.2016 for adopting the same in their respective jurisdictions by making suitable adaptations as per local conditions. Ministry of Home Affairs has issued various advisories to States and UTs in this regard. Further, States and UTs are competent to take appropriate action to ensure that the United

Nations (UN) Standard Minimum Rules for Treatment of Prisoners, also called as Nelson Mandela Rules, are followed in prisons. The Ministry of Home Affairs had circulated the Nelson Mandela Rules to all States and UTs and had advised them to have these rules translated in local language and disseminate the guidance contained therein to all prison officials to ensure that these rules are followed by the officials concerned in dealing with prison inmates.
