

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 54**

**TO BE ANSWERED ON THE 07TH DECEMBER, 2022/ AGRAHAYANA 16, 1944
(SAKA)**

CRITERIA FOR GOOD BEHAVIOUR OF CONVICTS FOR EARLY RELEASE

**54. SHRI PRAMOD TIWARI:
SHRI DIGVIJAYA SINGH:
DR. AMEE YAJNIK:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there are standard criteria to determine behaviour of convicts as part of decisions for early release of prisoners;

(b) if so, details thereof and if not, reasons therefor;

(c) on what basis does the Central Government concur or disagree with State Government opinions on the behaviour of convicts as it pertains to early release; and

(d) how does the Central Government consider factors such as the number of days out of jail (furlough and parole) and complaints of threatening witnesses as part of its determination of good behaviour?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI AJAY KUMAR MISHRA)**

(a) to (d): 'Prisons'/'persons detained therein' is a "State List" subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisoners is the responsibility of respective State Governments. They are competent to take appropriate decisions in matters of early release of prisoners in terms of the procedure

given in Sections 432- 435 of the Code of Criminal Procedure, 1973. The State Government concerned makes assessment of such cases at their level, including assessment of the behaviour of the convict. The Ministry of Home Affairs (MHA) has circulated a Model Prison Manual to all States and Union Territories (UTs) in 2016, which has a specific chapter (Chapter XX) on “Premature Release”. The model manual, inter-alia, provides guidance on the general criteria and process which may be followed for considering a convicted prisoner for premature release from the jail, under the provisions of law and applicable rules and regulations of the State Government concerned. The Model Prison Manual is available on the website of the MHA.
