

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 236**

**TO BE ANSWERED ON THE 27TH NOVEMBER, 2024/ AGRAHAYANA 6, 1946
(SAKA)**

PRISON REFORMS

236 SHRI S NIRANJAN REDDY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is considering the formulation of a new policy or framework to support and standardize prison reforms across all States and Union Territories;

(b) whether the Ministry is exploring the use of technology in prisons to enhance rehabilitation, such as virtual counseling or educational programs;

(c) the initiatives being implemented to address the mental health needs of inmates, and how mental health professionals are integrated into the prison system; and

(d) the specific rehabilitation and legal aid programs in place for undertrial prisoners, and how does the Ministry measure their effectiveness in reducing prison populations and recidivism rates?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI BANDI SANJAY KUMAR)**

(a) to (d): “Prisons/persons detained therein” is a ‘State-list’ subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India.

Administration and management of prisons and prisoners is therefore exclusively in the domain of respective State Governments and Union Territories (UTs), who are competent to devise and adopt appropriate policies and measures for prison reforms like technological upgradation, providing relief to undertrials and mental wellbeing of prisoners, etc. However, the Ministry of Home Affairs (MHA) has been supplementing the efforts of States/UTs by issuing various advisories and guidelines from time to time and by also providing financial assistance for technologically upgrading and strengthening the security infrastructure in prisons.

The Ministry of Home Affairs had prepared a 'Model Prisons and Correctional Services Act' in the year 2023 and has forwarded it to all States and UTs on 10thMay, 2023, for adoption in their respective jurisdictions. The Model Act is a comprehensive document which covers all relevant aspects of prison management. The Model Act has appropriate provisions for reformation, rehabilitation and integration of prisoners in the society. It also has provision for 'Welfare Programs for Prisoners' and 'After-Care and Rehabilitation Services', as an integral part of institutional care. The States/UTs have been advised to make use of

the Model Act and adopt the guidance provided in the same in their respective jurisdictions.

The Model Prison Manual 2016 prepared by the Ministry of Home Affair was also a step in the direction of bringing in prison reforms as the Manual strives to serve as a benchmark in many respects, including use of technology in prisons for promoting reintegration and rehabilitation of prisoners, virtual meetings, educational programs, etc., which all States/UTs may emulate and seek guidance from. The Manual was forwarded to all States and UTs in May 2016. The Manual, inter-alia, provides detailed guidance on all aspects of prison and correctional administration. The Model Prison Manual 2016 has dedicated chapters on “After-Care and Rehabilitation”, “Education of Prisoners”, “Legal Aid”, etc. The Manual also has specific chapters on ‘Medical Care’ and ‘Welfare of Prisoners’ focusing on health, counselling, mental wellbeing, psychotherapy, cognitive behaviour etc. of prison inmates. States and UTs have been advised to adopt the guidance provided in the Manual for bringing uniformity in basic principles governing prisons across the country, with due flexibility in the suggested provisions, to allow adaptation as per local conditions.

The Ministry has also been providing financial assistance to the States and UTs for promoting technological upgradation of prison systems for the welfare of prison inmates through schemes like strengthening the Eprisons system in jails, Modernisation of Prisons project which aims at upgradation of security infrastructure in jails, such as phone jamming solutions, enhancing video conference infrastructure, equipping jails with modern search equipments and wellbeing of jail inmates, etc.

In coordination with National Institute of Mental Health and Neuro-Sciences (NIMHANS), Bangalore, the Ministry of Home Affairs had prepared two Handbooks for the mental wellbeing of prison inmates and prison officers and had forwarded the same to all States/UTs for their guidance.

The State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. The Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. These clinics have been established in the jails to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them. The National Legal Services Authority (NALSA) holds awareness camps in the jails for generating

awareness about the availability of free legal aid, plea bargaining, Lok Adalats and legal rights of inmates including their right to bail. The Model Prison Manual 2016 has a specific chapter on “Legal Aid” which, inter-alia, provides that the States should adopt the practice of nominating Jail Visiting Advocates to visit different prisons to help the poor and unrepresented inmates. On directions of the Hon’ble Supreme Court of India, NALSA had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which was circulated by MHA to all States/UTs for making best use of its provisions.
