

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 945**

**TO BE ANSWERED ON THE 13th DECEMBER, 2022/ AGRAHAYANA 22, 1944
(SAKA)**

BEHAVIOUR OF CONVICTS

**945. DR. MOHAMMAD JAWED:
SHRI ANTO ANTONY:
SHRI BALUBHAU ALIAS SURESH
NARAYAN DHANORKAR:**

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 for prisoners;**
- (b) if so, the details thereof and if not, the reasons therefor;**
- (c) the extent to which the Union Government concur or disagree with State Government opinions on the behaviour of convicts as it pertains to early release; and**
- (d) the manner by which the 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 List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisoners is primarily the responsibility of respective State Governments and they are competent to take appropriate decisions in the matter of early release of

prisoners in terms of the procedure provided in Sections 432-435 of the Code of Criminal Procedure, 1973. The State Government concerned makes an assessment of such cases at their level, including the assessment of the behaviour of convicts.

The Ministry of Home Affairs (MHA) had 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 Prison Manual, inter-alia, provides guidance on the general criteria and the process which may be followed for considering a convicted prisoner for premature release under the relevant provisions of law and applicable rules and regulations of the State Government concerned. The Model Prison Manual is available on the website of MHA.
