

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.4109
TO BE ANSWERED ON 24.03.2023

WELFARE OF CHILDREN OF PRISONERS

4109. SHRI BHOLANATH (B. P. SAROJ):

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Ministry has taken any steps with regard to the welfare of children of prisoners;
- (b) if so, the details thereof and the number of children of prisoners who were benefited by such steps or the scheme sponsored therefor, State-wise including Uttar Pradesh;
- (c) if not, whether the Ministry has proposed to take up this issue with the State Governments in the near future; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (d): Prison is a State subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prison is primarily the responsibility of the State Governments. The Ministry of Home Affairs has also issued a comprehensive advisory dated 15th May, 2006 on 'Facilities to the children of women prisoners-Guidelines issued by the Supreme Court – regarding', which provides inter-alia, for steps to be taken by the States/UTs for providing education and recreation for children of female prisoners and also providing for crèches and nursery attached to the prison for women to look after children of women prisoners – children below three years of age shall be allowed in the crèches while those between three and six years of age shall be looked after in the nursery. Apart from above, the Central Government has enacted the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) (as amended in 2021) and as per Section 2 (14) (i), (v), (ix) and (x) of JJ Act, a child who is found without any home or settled place of abode and without any ostensible means of subsistence; or who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care and protect the safety and well-being of the child; or who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or who is being or is likely to be abused for unconscionable gains, respectively, is included as a "child in need of care and protection".

The primary responsibility of execution of the JJ Act lies with the State Governments. No such data regarding number of children of prisoners is maintained centrally in the Ministry of Women and Child Development. However, Ministry of Women and Child Development is implementing a scheme namely "Mission Vatsalya Scheme" (erstwhile Child Protection Services Scheme) through State Governments/UT Administrations with the objective to create a safe and secure environment for overall development of children in difficult circumstances, including children whose parents are incarcerated / orphan / destitute / neglected / abandoned / surrendered etc. These include placement in Children Homes, if there is no family to look after the said child, or sponsorship support if the child is living with family to ensure that their education can continue in an undisturbed manner. Once placed in a children's home the said child would receive multiple kinds of care and support including food, education, medical attention, vocational training, counseling etc., so that despite their disturbed family circumstances they can continue to develop to their full potential. As per Mission Vatsalya Scheme, Specialized Adoption Agencies may also be established near or within jail premises, to provide care and protection to young children of incarcerated parents.
