

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3757**

TO BE ANSWERED ON THE 17TH MARCH, 2020/PHALGUNA 27, 1941 (SAKA)

VIOLENT INCIDENTS IN PRISONS

3757. SHRI SHIVAKUMAR C. UDASI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has expressed concern over violent incidents and unnatural deaths in prisons across the country, if so, the details thereof and the reasons therefor;

(b) whether violence in jails indicates how prisons ruin inmates rather than rehabilitate them and if so, the reasons therefor; and

(c) the steps taken by the Government to reform the criminal justice system sooner than later?

ANSWER

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

(a): The Supreme Court of India, in its Order dated 15.9.2017 had, inter-alia, observed that custodial violence and unnatural deaths is a matter of concern and had directed the Ministry of Home Affairs (MHA) to circulate the (i) Model Prison Manual, (ii) Monograph prepared by National Human Rights Commission (NHRC) titled Suicide in Prisons – prevention strategy and implication from human rights and legal points of view, (iii) Communications sent by NHRC to States from time to time, (iv) Compendium of advisories issued by MHA to State Governments, (v) Nelson Mandela Rules and (vi) Guidelines on investigating deaths in custody issued by the International Committee of Red Cross to the Director General/Inspector General of Prisons of all States and Union Territories (UTs). MHA had

circulated the above documents to all States and UTs on 10.10.2017. States and UTs were advised by MHA to make all efforts to eliminate unnatural deaths in prisons.

(b): ‘Prisons’ and ‘persons detained therein’ are ‘State’ subjects as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of respective State Governments, who are responsible for reformation and rehabilitation of inmates. However, MHA has issued various advisories to States and UTs from time to time, inter-alia, on the subject of reformation and rehabilitation of inmates. These advisories are available on MHA’s website at: <https://mha.gov.in> . A Model Prison Manual has also been circulated to all States and UTs, which provides detailed guidelines on wide ranging issues, such as Prison Discipline, After-Care and Rehabilitation, Vocational Training and Skill Development programmes etc. for prison inmates.

(c): Reforming and improving the Criminal Justice System is a continuous process. However, the Government of India has taken various steps in this regard. In the specific context of Prisons and prison inmates, Section 436A was inserted in the Code of Criminal Procedure (CrPC) by Code of Criminal Procedure (Amendment) Act, 2005 (No. 25 of 2005), which makes provision for release of an under trial prisoner on personal bond/bail by the Court on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law. A new chapter XXIA ‘Plea Bargaining’

(Section 265-A to 265-L of CrPC) was inserted in the Code of Criminal Procedure by the Criminal Law (Amendment) Act, 2005 (No. 2 of 2006) which enables pre trial negotiation between the defendant and the prosecution. These provisions aim at improving the Criminal Justice System and assist in reducing the number of undertrial prisoners in the country.

Furthermore, the Ministry of Home Affairs has implemented the Crime and Criminal Tracking Network & Systems (CCTNS) project with the objective of interlinking all police stations for the purpose of sharing of crime and criminal data in an electronic eco-system by collecting data from all police stations in State Data Centres and ultimately aggregating the data in a National Data Centre. The scope of CCTNS project has been enhanced to integrate the data with other pillars of criminal justice system namely, Police, Forensics, Prosecution, Courts and Prisons under the Interoperable Criminal Justice System (ICJS), which is a common platform for information exchange amongst all pillars of criminal justice system. ICJS enables a nation-wide search on police, prisons and courts databases across all States and UTs which results in reduction of errors and is useful in identifying and tracking repeat and habitual offenders. The Eprisons portal of the Ministry of Home Affairs provides the facility to State authorities to access data of inmates in a quick and easy manner which can assist them in identifying prison inmates whose cases become due for consideration by the Under Trial Review Committee and their

cases can be taken up for consideration accordingly. All these interventions of the Government of India, from time to time, are steps in the direction of improving and reforming the criminal justice system on a continuous basis.
