

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3007**

TO BE ANSWERED ON THE 8TH AUGUST, 2023/ SRAVANA 17, 1945 (SAKA)

MODEL PRISONS ACT, 2023

3007. SHRI RITESH PANDEY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the extent to which the Model Prisons Act, 2023 address the lack of provisions for reform, rehabilitation and integration of prisoners into society, which is a major drawback of the current law;

(b) the extent to which the adoption of the Model Prisons Act, 2023 by State Governments and Union Territory Administrations contribute to the improvement of prison management and prisoners' administration;

(c) whether any measures are included in the Model Prisons Act, 2023 to ensure security assessment and segregation of prisoners and the extent to which it is likely to impact the overall functioning of prisons;

(d) the details of provisions in the Model Prisons Act, 2023 regarding the establishment and management of high-security jails and open jails; and

(e) the provisions are in place in the Model Prisons Act, 2023 to protect the rights and accommodation needs of women prisoners and transgender individuals?

ANSWER

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

(a) & (b): "Prisons"/ "persons detained therein" is a "State List" subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. However, considering its importance, the Ministry of Home Affairs

has been providing necessary support and guidance to the States/Union Territories (UTs) for efficient management of prisons in their jurisdictions.

The Ministry of Home Affairs, through the Bureau of Police Research and Development, in consultation with various stakeholders, including State Prison authorities, correctional administration experts, etc., had prepared a 'Model Prisons and Correctional Services Act, 2023' and forwarded it to all States and UTs on 10th May, 2023, for adoption in their respective jurisdictions. The Model Act is a comprehensive document which covers all relevant aspects of prison management, viz. security, safety, scientific & technological interventions, segregation of prisoners, special provision for women inmates, taking appropriate action against criminal activities of prisoners in the prison, grant of parole and furlough to prisoners, their education, vocational training and skill development, etc.

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.

(c): The Model Act provides for classification and security assessment of prisoners and for lodging them in separate barracks/enclosures/cells in accordance with the assessment.

(d): The Model Act provides that wherever there is no provision for a stand-alone High Security Prison, high risk offenders, hardened criminal and habitual offenders should be segregated and lodged in separate barracks or cells of the prison away from other prisoners in safe and secure custody. The Model Act also provides that the appropriate Government may establish and maintain as many open and semi-open correctional institutions for prisoners, as may be required.

(e): The Model Act provides that the appropriate Government may establish such number of exclusive prisons for women prisoners as it may consider necessary. It also provides for making available facilities to meet any specific needs of women inmates. The Act also provides that separate enclosures/wards for transgender prisoners may be provided and access to any specific health-care or psychosocial needs may also be provided.

“Prison” being a “State” subject, it is for the respective State Governments to make use of the guidance provided in the Model Prisons and Correctional Services Act, 2023 and enact a suitable legislation on Prisons in their jurisdictions for bringing improvement in prison management and administration of prisoners.
