

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1830**

**TO BE ANSWERED ON THE 11TH DECEMBER, 2024/ AGRAHAYANA 20, 1946
(SAKA)**

JAIL REFORMS

1830 SHRI NARAIN DASS GUPTA:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government is aware of the fact that Indian Jails are already overcrowded and packed to their capacity;**
- (b) whether Government is considering the concept of open jails as is the case in the foreign countries, if so, the details thereof; and**
- (c) the steps taken by Government to significantly enhance the effectiveness of the correctional system, improving infrastructure and promote rehabilitation over punishment in jails in the last five years, the details thereof?**

ANSWER

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

(a): The National Crime Records Bureau (NCRB) compiles prison statistics reported to it by the States and Union Territories (UTs) and publishes the same in its annual publication “Prison Statistics India”. The latest published report is of the year 2022. As on 31st December, 2022, there were 5,73,220 prisoners lodged in the jails of the country against the total available capacity of 4,36,266.

(b): There were 91 Open jails in various States/UTs of the country as on 31.12.2022. However, since ‘prisons’/‘persons detained therein’ is a “State-list” subject under List II of the Seventh Schedule to the Constitution of India, the administration and management of prisons and prisoners is the responsibility of concerned State/UT, who are competent to take necessary action for constructing open jails in their jurisdictions as per local need and requirement for the same.

However, the Ministry of Home Affairs (MHA) had prepared a Model Prison Manual 2016 and had circulated it to all States and UTs in May, 2016. This Model Prison Manual 2016 has a specific chapter on “Open Institutions” which has detailed provisions for assisting the States and UTs in the establishment and administration of Open Prisons. The Ministry has also prepared a “Model Prisons and Correctional Services Act” in the year 2023 and has shared it with all States and UTs for enabling them to make use of the guidance provided therein relating to prisons and prisoner management. The Model Act also provides for establishment and administration of Open and Semi-Open Correctional Institutions.

(c): Since “Prisons” is a ‘State-list’ subject, it is primarily the responsibility of concerned States/UTs to enhance the effectiveness of the correctional system, improving infrastructure and promote

rehabilitation over punishment in jails in their respective jurisdictions. However, the Ministry of Home Affairs has also been supplementing the efforts of States and UTs by way of providing them appropriate guidelines in this regard by issuing various advisories from time to time.

The Model Prison Manual circulated to all States and UTs in the year 2016 has specific chapters on 'After-Care and Rehabilitation', 'Vocational Training and Skill Development Programmes', 'Welfare of Prisoners', 'Education of Prisoners', etc. The guidelines contained in these chapters provide detailed guidance to the States/UTs for rehabilitation and reintegration of prison inmates. States/UTs have been also advised that on release from prisons, the Probation/Welfare Officers should follow up their cases for a period ranging from one year to five years according to the requirement of each case and the status of their rehabilitation and reintegration into the society may be closely monitored at appropriate level.

The Model Prisons and Correctional Services Act prepared by the Ministry of Home Affairs last year also has suitable provisions for reformation, rehabilitation and integration of prisoners in the society. It also has provisions for 'Welfare Programs for Prisoners' and 'After-Care and Rehabilitation Services', as an integral part of institutional care.
