



Commonwealth Human Rights Initiative



June 19, 2018

JAIL MAIL: PRISONS AND PARLIAMENT

Dear Friends,

Greetings from CHRI!

This newsletter is in continuation of our earlier Jail Mail (view [here](#)) on questions asked in the Winter Session of the Parliament. You may recollect that in that session, which was held in Dec 2017 – Jan 2018, the Members of Parliament asked 16 questions relating to prisons and prisoners.

The budget session of parliament was held from 29 January - 6 April 2018 with 31 sittings. This session saw 45 questions on prisons on wide range of issues such as prison conditions & monitoring, prison infrastructure, modernisation, prisoners' rights, legal aid, premature release, Indians in foreign prisoners, foreigners in Indian prisons etc.

20 questions were asked in the Lok Sabha and 25 in the Rajya Sabha. Out of the 45 questions asked, 34 were directed towards the Ministry of Home Affairs, 4 to the Ministry of External Affairs, and 3 to Ministry of Law and Justice, 3 to Ministry of Women & Child Development, and 1 to the Ministry of Skill Development & Entrepreneurship. The attached note provides a link to all these questions and answers as well as provides a brief summary of the information received through these questions in this parliament session.

What can you do?

- **You can suggest us questions that you would like to be asked in the next session of the parliament.**
- **You can appraise your representative about the issues and challenges that you face or are important to you.**
- **You can also ask questions on these issues to your MP or other MPs who may, in turn, ask it from the relevant ministry. The admissibility of the question in parliament is governed by the Rules and Procedures and Conduct of Business in the [Lok Sabha \(Rule 41\)](#) and [Rajya Sabha \(Rule 47\)](#). You can also look at the questions earlier asked in the Lok Sabha [here](#) which would help you in drafting the questions. After the questions are drafted, they can be sent to the MPs through the following links: [Lok Sabha Members details](#) and [Rajya Sabha Member details](#).**
- **In order to understand the areas of work of your MP/ other MPs, you can use PRS Legislative Research's [MP Track](#).**
- **There is another platform where questions can be sent to the parliament. You can view it [here](#).**

Write to us at chriprisonsprog@gmail.com with your comments and suggestions. Please send us an email if you wished to subscribe to these updates.

Best Regards,
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PRISONS & PARLIAMENT

The questions listed below were asked by Members of Parliament during the 2018 Budget Session. These questions pertain to issues relating to prisons and prisoners. 22 of the 45 questions have been asked by BJP (16) and Congress (6) MPs and the rest by MPs from regional parties.

Date & Question Number	Topic	Question Asked by	Forum	Answered by (Name & Designation)
Prison Conditions, Monitoring & Modernisation				
20.03.2018/3987	Non-Official Visitors to Prison	Kirit Solanki	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
06.02.2018/492	Prison Modernisation Reforms	Poonam Mahajan	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
Prison Infrastructure				
13.03.2018/2775	Occupancy Rate of Jails	Anwhar Raajhaa, T. Radhakrishnan	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
21.03.2018/2933	Occupancy Rate of Jails	Tiruchi Siva	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
04.04.2018/4194	Occupancy Rate of Jails	KC Ramamurthy	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
21.03.2018/2944	Overcrowding in Jails	R. Lakshmanan	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
07.02.2018/550	Prison Population in country	K Somaprasad	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
07.02.2018/546	Low level of Infrastructure in Jail	Prabhat Jha	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
28.03.2018/3729	Inhuman Conditions in Jail	Wansuk Syiem	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
13.03.2018/2784	Facilities for Jail Inmates	Kirit Somaiya	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
13.03.2018/2932	Open Jails	B. Shreeramulu	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
Rehabilitation of Prisoners				
13.03.2018/2964	Rehabilitation of Prisoners	Sanjay Jaiswal	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
14.03.2018/2208	Extension of PMKVY to jail inmates	Sanjay Seth	Rajya Sabha	Ministry of Skill Development & Entrepreneurship / (no name mentioned)

03.04.2018/5876	Conjugal Rights of Prisoners	Konda Vishweshwar Reddy,	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
Deaths of Prisoners				
06.02.2018/471	Natural and Unnatural Deaths in Prison	AP Jithender Reddy	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
06.02.2018/619	Death of Prisoners	TG Venkatesh Babu	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
Vulnerable Groups: Women, Children and STs				
20.03.2018/3930	Welfare of Women Prisoners	Baijayant Panya	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
06.03.2018/1613	Women Undertrials	Kalikesh Singh Deo	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
16.03.2018/320	Prison Reforms	Hema Malini	Lok Sabha	Ministry of Women & Child Development / Smt. Maneka Gandhi
07.02.2018/514	Female Prisoners in Jail	Motilal Vora	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
21.03.2018/2945	Female Undertrials	Sardar Balwinder Singh Bhunder	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
07.03.2018/1337	Safety of Children lining with Female Prisoners	Prabhat Jha	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
15.03.2018/2387	Policy for Education & Care for Children of Prisoners	Vandana Chavan	Rajya Sabha	Ministry of Women & Child Development / Shri Virendra Kumar
05.04.2018/4464	Welfare of Children of Prisoners	Tiruchi Siva	Rajya Sabha	Ministry of Women & Child Development / Smt. Maneka Gandhi
04.04.2018/4195	Scheduled Tribe Prisoners detained for Minor Crimes	Mahesh Poddar	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
Undertrials & Legal Aid				
04.04.2018/6113	Release of Undertrials	Asaduddin Owaisi	Lok Sabha	Ministry of Law & Justice / Shri Ravi Shankar Prasad
06.03.2018/1822	Undertrial Prisoners	Konda Vishweshwar Reddy	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
06.03.2018/1738	Prisoners in Jail	Sharad Tripathi	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir

02.02.2018/105	Providing Legal Aid and Advice to Undertrial Prisoners	Bhupender Yadav	Rajya Sabha	Ministry of Law & Justice / Shri PP Chaudhary
07.02.2018/535	Undertrial Prisoners	Sukhram Singh Yadav	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
07.03.2018/1347	Release of Undertrials	AU Singh Deo	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
16.03.2018/2514	Legal Aid Services	Vandana Chavan	Rajya Sabha	Ministry of Law & Justice / Shri PP Chaudhary
04.04.2018/4226	Prisoners awaiting Trial	Hishey Lachungpa,	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
06.03.2018/1614	Legal Aid	Konda vishweshwar reddy A.P. Jithender reddy	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
Foreign National Prisoners				
07.03.2018/1860	Indians in Foreign Jails	Krishn Pratap Singh	Lok Sabha	Ministry of External Affairs / Shri VK Singh
08.02.2018/654	Indians lodged in Pakistani Jails	Chunibhai Gohel	Rajya Sabha	Ministry of External Affairs / Shri VK Singh
05.04.2018/4342	Female and Elderly Prisoners in Pakistan Jails	Narayanlal Panchariya	Rajya Sabha	Ministry of External Affairs / Shri VK Singh
05.04.2018/4332	Repatriation of Mentally Challenged Prisoners	KR Arjunan	Rajya Sabha	Ministry of External Affairs / Shri VK Singh
Miscellaneous				
13.03.2018/2910	Expenditure Incurred on Prisoners	Dushyant Singh	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
13.03.2018/2902	Interview of Prisoners	Konakalla Narayana Rao	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
07.02.2018/555	Guidelines to NGO researchers to visit Prisons	Husain Dalwai	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
14.03.2018/2122	Release of Prisoners before Completion of Awarded Punishment	Partap Singh Bajwa	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
06.02.2018/583	Jail Breaks	Harsh Dwivedi	Lok Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
04.04.2018/4199	Incident of Jail Breaks in the country	Hishey Lachungpa	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir
04.04.2018/4219	Guidelines for granting Parole to prisoners	Partap Singh Bajwa	Rajya Sabha	Ministry of Home Affairs / Shri Hansraj Gangaram Ahir

1. PRISON CONDITIONS, MONITORING & MODERNISATION

Question was raised relating to appointment of concerned citizens as Non-Official Visitors (NOVs) to prisons and constitution of Board of Visitors (BOVs), and the assistance and monitoring mechanism pertaining to it. Further, enquiries were made regarding the role of Government to improve the conditions in jails with regards to Prison Modernisation Reform scheme and the expenditure and utilisation of technology for the same.

The MHA had issued an advisory to all States/UTs in 2011 informing them that the prison visiting system relating to NOVs needs to be streamlined. These included rules on selection and appointment, interviewing, and sensitisation and training through workshops and good practices model. The BOVs are required to submit quarterly reports to state governments under intimation to State Human Rights Commission. He further stated that the MHA has issued the following advisory directions to state governments with regards to BOVs and NOVs:

- a) issuance of appropriate directions regarding criteria of appointment, training and functioning of NOVs
- b) ensuring that BOVs are constituted for each prison as directed in 'Inhuman Conditions in 1382 Prisons'
- c) formulation of mechanisms to conduct regular internal inspections of prisons.

Given that prisons are a state subject and modernisation of prisons is undertaken by respective state governments, the MHA prepared the Model Prison Manual, 2016 and forwarded it to all States/UTs providing detailed guidance on maintenance of prisoners, medical care, welfare of prisoners, prison discipline, and women prisoners etc. The Ministry is supporting in the implementation of the E-Prisons project aiming to introduce efficiency in prison management through digitization for which an allocation of Rs. 33 crore has been approved for the current financial year, the Minister answered. The project supplements the Prisoner Information Management System (PIMS), developed by National Informatics Centre, which provides a centralised approach for recording and managing prisoner information for preparation of reports.

2. PRISON INFRASTRUCTURE

Ministers asked questions pertaining to the following: criteria for minimum accommodation space per capita in jails; feasibility of having open jails; prison population in terms of convicts, detenues, women, undertrials, foreigners and SC/STs; occupancy rate of prisons, and low level of infrastructure and inhuman conditions in jails.

"Prisons" is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prisons is primarily the responsibility of respective State Governments. However, the Union Government has been providing support and guidance to on prison security in the form of guidelines and advisories.

The Minister first responded that the Model Prison Manual provides for minimum accommodation space per prisoner in sleeping barracks as 3.71 sq. meters and 8.92 sq. meters of ground area in cells.

The following table depicts the 2016 NCRB statistics:

Total inmates	4,33,003
Convicts	1,35,683
Detenues	3,089
Women Convicts	5,923
Undertrials	2,93,058
Foreign Convicts	2,366
Foreign Undertrials	3,258
Foreign Detenues	43
SC inmates	93,933
ST inmates	51,761
Excess of Inmates	52,842
Occupancy Rate	114.4%
Jail Breaks	13

3. REHABILITATION OF PRISONERS

Questions were asked regarding the schemes for rehabilitation of prisoners; and policy for provision of conjugal rights of prisoners. Further, a question was raised pertaining to the extension of Pradhan Mantri Kaushal Vikas Yojana (PMKVY) to jail inmates, the statistics on the enrolment and training in trades and the amount allocated for the same; and the steps taken by the government for placement of jail inmates after obtaining skill development training.

The Ministry of Home Affairs has been providing guidance to States and Union Territories, regarding after-care and rehabilitation of prisoners, facilities to children of women prisoners etc. through various advisories; however, no funds have been allocated for rehabilitation of prisoners in last three years. Further, though there is no specific policy on conjugal rights of prisoners, the Model Prison Manual in the chapter 'Parole and Furlough' to inmates provides detailed guidelines on releasing prisoners on parole, with one of the objectives of the same is to enable continuity with their family life and deal with familial and social matters.

With respect to the development of skills of inmates, the Minister answered that is the responsibility of the states. Under the PMKVY 2015-16, 851 inmates of Tihar Jail were enrolled and trained in a range of trades including beauty and wellness, retail, data entry operator, electrician, hospitality, telecom, customer care executive, sewing machine operator etc. through training partners of National Skill Development Corporation (NSDC). Further, under PMKVY 2016-20, training allocation of 1880 has been done for Sunaria Jail (Rohtak), Central Prison (Rajmahendravaram) and Tihar Jail. The project has committed to primarily enhancing the income of the jail inmates through market linkages and commitments to source the items produced by the jail inmates.

4. DEATH OF PRISONERS

An enquiry was made pertaining to report of cases of deaths in various prisons and the steps taken by the government to implement the recommendations made by the NHRC on prevention of suicide in prisons, and the inhuman conditions and lack of basic facilities in prisons resulting in huge number of unnatural deaths.

The Minister answered that the NHRC monograph 'Prevention of Suicide in Prisons', Nelson Mandela Rules and the Guidelines on Investigating Deaths in Custody issued by the International Committee of the Red Cross were circulated to all States/UTs in pursuance of reduction and elimination of unnatural deaths in prisons.

5. VULNERABLE GROUPS: WOMEN, CHILDREN & STs

Women

The Ministers specifically asked questions pertaining to female prisoners in the nature of: policy for menstrual health and hygiene; rehabilitation of undertrials and prisoners; and inadequate facilities and prison reforms to ameliorate the same.

It was answered that the Model Prison Manual, 2016 dedicates a chapter to "Women Prisoners" highlighting steps to be taken for healthcare and welfare of the community. The MHA has provided guidance to Ministry of Skill Development to facilitate reintegration by developing employment opportunities post-release, while working on a parallel with the state governments for institutional care and rehabilitation of women prisoners. According to the NCRB, 18498 female prisoners were lodged in different jails of the country as on 31.12.2016. The Ministry of Women and Child Development in collaboration with NCW conducts visits across the country to assess the condition of women in prison.

Children of Prisoners

Further, issues regarding children of prisoners needed redressal in terms of: policy formulation for the education and care of children below 6 years staying inside the prison with their mothers and of those staying outside the prison; statistics regarding the number of children above 6 years whose parents are incarcerated and who have no family member or guardian to take care of them; and whether the Government took steps for their safety, security and basic needs.

The Minister responded that the MHA has prepared an advisory dated 15th May 2006 titled 'Facilities to the children of women prisoners-Guidelines issued by the Supreme Court' provided for steps to be taken by the States/UTs for education and recreation for children of female prisoners and crèches and nursery attached to the prison for women to look after their children. Similarly, the Ministry of Women and Child Development is executing ICPS (integrated child protection services) for providing financial assistance to State governments/UT administrations, with the aim of creating a safe and secure environment for overall development of children in need of care and protection, including children whose parents are incarcerated, or they are orphan/destitute/neglected/abandoned/surrendered etc. The scheme includes placement in children homes and sponsorship support. The child would receive multiple kinds of care and support including food, education, medical attention, vocational training, counselling etc. so that disturbed family circumstances do not hinder their development. However, the details regarding the children above 6 years whose parents are incarcerated and have no family member or guardian is not maintained centrally in the MWCD.

STs

Minister sought the details of scheduled tribe prisoners detained for less than a year in various jails of the country for not being able to pay penalty or produce a guarantor for their minor crimes. The government replied that the details thereof are not available with the NCRB.

6. UNDERTRIALS & LEGAL AID

Enquiries were made regarding the following: study by the government to find the number of undertrial inmates lodged in different jails across the country for petty crimes and policy response to resolve them; resolution of the issue of overcrowding of jails; statistics on prisoners in excess of the jail capacity and the number of undertrial prisoners who have served more time in jails than the probable maximum punishment period for the accusation they are charged with; release of undertrials; and provision of legal aid and advice to undertrial prisoners as well to those in police custody.

It was replied that the government is committed to ensuring that every undertrial prisoner receives a fair trial and does not languish in jail longer than is absolutely necessary, in pursuance of which the following steps have been taken by it, with the aid of NALSA:

- (i) appeal to the Chief Justices to ensure effective implementation and regular monitoring of section 436-A CrPC by the lower judiciary of the states, and proper functioning of Undertrial Review Committees (UTRC)
- (ii) uniform adoption and application of e-Prisons software in jails for enhanced streamlining, integration and ease of access of prisoner information
- (iii) establishment of digitized legal services clinics in jails to provide legal services to inmates
- (iv) awareness camps to make prisoners aware about the availability of right to bail, free legal aid, plea-bargaining and Lok Adalats.

As per 2016 NCRB data, 4,33,003 prisoners were lodged in various jails of the country, which is 113.7% of the available capacity. The Minister stated that to curb the issue of overcrowding, the MHA is supporting the States/UTs in implementing the E-Prisons by allocating Rs. 100 crore for 2017-2020. Another Minister answered that the Union Government has taken administrative and legislative measures for reducing overcrowding in prisons, viz.: establishment of fast-track courts, creation of additional capacity of prisons through modernisation practices of National Mission for Justice Delivery and Legal Reforms, and insertion of a new section 436-A in CrPC.

The MHA has provided regular guidance to the States and UTs on steps to be taken for providing free legal aid to undertrials and setting up Lok Adalats/ Special courts in prisons for expediting the review of such cases. The Prison Manual has a chapter on 'Undertrial Prisoners' providing guidance on the facilities to be provided to undertrials viz. legal defence, interview with lawyers, signing of Vakalatnama, application to Courts for legal aid at Government cost etc. Further, NALSA has been providing free and competent legal services to all undertrial prisoners and convicts through its 1070 legal service clinics running in jails all over India through empaneled legal services advocates and trained paralegal volunteers. The DLSAs have been advised to take prompt action to ensure that bail orders in respect of undertrial prisoners are passed u/s 436-A CrPC without delay. As on 01.01.2018, NALSA provided free legal services to 7.74 lakh convicts and undertrial prisoners in custody.

With respect to the question on legal aid at police station, the Minister said that Article 39A of the Constitution of India provides that State shall secure that the operation of the legal system which promotes justice on the basis of equal opportunity. He said that the Ministry of Law and Justice has informed that as far as extending legal services at police stations is concerned, Para-Legal volunteer (PLVs) and Panel Advocates are available on demand, and the names and contact details of the office bearers of the District Legal Services Authority are prominently displayed at the police stations for providing legal services. However, no separate data is maintained centrally, with regard to number of persons who have been given legal assistance at police stations.

7. INDIANS IN FOREIGN PRISONS

Questions were asked regarding the demographic details of Indian prisoners in foreign jails. Further, the issues pertaining to the process of exchange of female and elderly prisoners, and the release of detained Indian fishermen were raised. Lastly, the implementation of the Repatriation of the Prisoners Act, 2003 and bilateral treaties was questioned, with focus on the status of repatriation process of mentally challenged prisoners. All these were especially accounted with regards to Pakistani jails.

Demography

As of 28th February, 2018, the number of Indians in foreign jails was 7850 and the number of Indians who have completed their jail terms was 360. The strong privacy laws prevailing in many states makes it difficult to receive information unless consented to such a disclosure.

Exchange

The governments of India and Pakistan have pledged to work together to resolve humanitarian issues related to elderly, women and mentally unsound prisoners in the other's custody. It was disclosed that presently, only 253

out of the 341 Indian fishermen and 58 out of the 63 Indian civilian prisoners have been acknowledged custody by Pakistan. The MHA's suggestion in October 2017 to the Pakistan government was positively responded, that two sides could work together to resolve humanitarian issues and thus proposed that a team of medical experts could be allowed to visit the mentally unsound prisoners with a view to facilitate their nationality verification and subsequent repatriation.

Repatriation

The Minister responded that since the enactment of the Act, 63 Indian prisoners have been repatriated from foreign prisons. India has signed bilateral agreements with 30 countries, including accession to the Inter American Convention which grants the privilege of sending requests to member countries as well as the ratifying parties. The processing of cases of transfer of prisoners involves steps of nationality verification, security clearance, views of investigating authority, identification of prison by government, completion of documents process by the Mission concerned and consent of the government(s). Time taken to process an application for transfer depends on the completion of necessary formalities and documents by the concerned agencies and Government(s).

8. MISCELLANEOUS

Expenditure on Prison

Questions were raised regarding the per capita expenditure on prisoners and the discrepancy in the expenses incurred by various States. Further, the issues of circulation and implementation of the Model Prison Manual along with the auditing of the accounts by CAG were interrogated about.

The Minister replied that for maintaining minimum expenditure per jail inmate, states have been advised to ensure that funds allotted for food, clothing and welfare of prison inmates are diligently and optimally utilized for the purpose for which the same have been ear-marked. He further stated that the Supreme Court directions for having the accounts of prisons audited through CAG is being implemented. .

Premature Release of Prisoners

A Minister asked a question about the status of issuance of guidelines for releasing prisoners before the completion of the awarded punishment; and government proposal to release prisoners sentenced with life imprisonment and languishing in jail for twenty years or more.

The Government of India through the Model Prison Manual, 2016 circulated to all the State Governments/UTs provides guidance on premature release of prisoners, composition of State Level Committee (SLC) to recommend premature release, eligibility conditions for such release, procedure, periodicity of SLC meetings, guidelines for SLC and monitoring of cases etc. The Manual recognises four types of premature release of prisoners:

- i) commutation of sentence: u/s 433 of CrPC
- ii) remitting term sentence: u/s 432 of CrPC
- iii) order of the Head of State: under Article 72 or 161 of the Constitution
- iv) special law enacted by the State: release on probation of good conduct or u/s 436-A for undertrial prisoners.

Apart from this, there are separate guidelines for undertrial prisoners u/s 436-A of CrPC.

Guidelines to NGO researchers

One Minister questioned the 2015 guidelines for NGOs/researchers to visit prisons on the basis of the same undermining transparency and their ability to work towards welfare of prison inmates. Further, he enquired about the security deposit of Rs. 1 lakh required to visit prisons, and whether this provision makes prisons accessible to only the privileged. Lastly, he questioned the discretionary power of jail authorities to delete objectionable content recorded by NGOs/researchers without prescribing guidelines for identifying objectionable material or exercising this power. A Minister also raised a question on the number of permissions granted to private individuals / media persons / NGOs to access prisons to interview prisoners for the purposes of undertaking research, making documentary.

The Minister responded that, taking note of unauthorised and misused permissions by private individuals/documentary makers, the Government issued guidelines in 2015 to all States and UTs for regulating access to entry into the prison by individuals/press/NGOs/companies, for the purposes of making documentaries, writing articles, interviewing inmates or similar research activity. The guidelines provided that the respective governments to use discretionary power in considering allowance of visitors/press/documentary makers if it feels that a particular documentary/article/research is for the purposes of creating constructive social impact and aiding in prison reforms. For granting such permissions, specific measures were prescribed with a view to ensuring that such visits are not misused by the individuals. The competent authority to grant such permissions is the Home/Prison Department of the concerned State/UT, and the relevant information is not maintained centrally.

With respect to the statistics on permissions granted for accessing prisons, the ministry responded that the competent authority to grant permission is the prison department of the concerned State/UT, and thus information about such applications and permissions granted is not maintained centrally.

Parole to Prisoners

Questions were asked regarding the existing guidelines laid down for granting parole to prisoners convicted for heinous crime including anti-national activities.

The Minister responded that the grant of parole is primarily the responsibility of respective State Governments. The Model Prison Manual in the chapter 'Parole and Furlough' to inmates provides detailed guidelines on releasing prisoners on parole.

Jail Break

Questions were raised with regards to incidents of jail breaks and steps by Government to improve the security scenario in the jails of the country.

It was responded that the Union Government through advisories and Model Prison Manual has provided guidance on improving security measures.

About *Jail Mail*

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI, with the conviction that there was little focus on the issues of human rights within the Commonwealth although the organisation provided member countries a shared set of values and legal principles from which to work.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme

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