



# 13

**PARLIAMENT OF INDIA  
LOK SABHA**

**COMMITTEE ON EMPOWERMENT OF WOMEN  
(2017-2018)**

**(SIXTEENTH LOK SABHA)**

**THIRTEENTH REPORT  
'WOMEN IN DETENTION AND ACCESS TO JUSTICE'**

*[Action Taken by the Government on the recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Committee on Empowerment of Women (2017-2018) on the subject 'Women in Detention and Access to Justice'.]*



**LOK SABHA SECRETARIAT  
NEW DELHI**

**August, 2018/Shravana, 1940 (Saka)**

**THIRTEENTH REPORT**

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*[Action Taken by the Government on the recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Committee on Empowerment of Women (2016-2017) on 'Women in Detention and Access to Justice']*

Presented to Lok Sabha on 9.08.2018

Laid in Rajya Sabha on 9.08.2018



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2018/Shravana, 1940 (Saka)**

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(i)

## **COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN**

**(2017-2018)**

### **Shrimati Bijoya Chakravarty - Chairperson**

#### **Members**

##### **Lok Sabha**

2. Shrimati Anju Bala
3. Shrimati Renuka Butta
4. Km. Sushmita Dev
5. Shrimati Rama Devi
6. Shrimati Jyoti Dhurve
7. Ms. Bhavana Gawali (Patil)
8. Shrimati Darshanaben Jardosh
9. Shrimati Raksha Khadse
10. Shrimati Poonamben Hematbhai Maadam
11. Shrimati Jayshreeben Patel
12. Shrimati Riti Pathak
13. Sushree Sadhvi Savitri Bai Phoole
14. Shrimati Satabdi Roy (Banerjee)
15. Shrimati Mala Rajya Laxmi Shah
16. Shrimati Supriya Sule
17. Shrimati Rita Tarai
18. Shrimati P. K. Sreemathi Teacher
19. Shrimati Savitri Thakur
20. Shrimati R. Vanaroja

##### **Rajya Sabha**

21. Shrimati Jharna Das Baidya
22. Shrimati Vandana Chavan
23. Shri Prabhat Jha
24. Shrimati Kanimozhi
25. Shri Anubhav Mohanty
26. Shrimati Rajani Patil
27. Shrimati Kahkashan Perween
28. Ms. Dola Sen
29. Shri A.V. Swamy
30. Shrimati Wansuk Syiem

#### ***SECRETARIAT***

1. Shri N.C. Gupta - Joint Secretary
2. Shri T.S. Rangarajan - Director
3. Shri Khakhai Jou - Additional Director
4. Shri Rajesh Mohan - Under Secretary

(ii)

## INTRODUCTION

I, the Chairperson, Committee on Empowerment of Women, having been authorized by the Committee to submit the Report on their behalf, present this 13th Report (Sixteenth Lok Sabha) on the action taken by the Government on the recommendations contained in their Tenth Report (Sixteenth Lok Sabha) on 'Women in Detention and Access to Justice'.

2. The Tenth Report of the Committee on Empowerment of Women was presented to Lok Sabha and laid in Rajya Sabha on 22 December, 2017. The Ministry of Home Affairs has furnished the action taken replies to all the Observations/Recommendations contained in the Report.

3. The Committee on Empowerment of Women (2017-18) considered and adopted the draft Action Taken Report at their sitting held on 3rd August, 2018. Minutes of the sitting are given in Appendix I.

4. An analysis of the action taken by the Government on the recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix II.

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

**NEW DELHI**  
**7, August, 2018**  
**16, Shravana, 1940, (Saka)**

**BIJOYA CHAKRAVARTY,**  
**Chairperson,**  
**Committee on Empowerment of Women**

## CHAPTER I

### REPORT

This Report of the Committee deals with the action taken by the Government on the observations/recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Committee on Empowerment of Women on the subject 'Women in Detention and Access to Justice'.

1.2. The Tenth Report of the Committee was presented to Lok Sabha on 22<sup>nd</sup> December, 2017 and was simultaneously laid in Rajya Sabha on the same day.

1.3. Action Taken Replies of all the 12 observations/recommendations contained in the report have been received from the Government. These have been categorized as follows:-

- (i) Observation/Recommendations which have been accepted by the Government:

Paras Nos. : 2.1,2.2,2.3,2.4,2.6,2.7, 2.9, 2.10, 2.11& 2.12

Total: 10

Chapter II

- (ii) Observation/Recommendations which the Committee do not desire to pursue in view of the replies of the Government:

Para Nos.: 2.7

Total:1

Chapter III

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.

Para No:- NIL

Chapter IV



- (iv) Observations/Recommendations in respect of which the Government have furnished interim replies.

Para No:- 2.5 & 2.8

Total: 02

Chapter V

**1.4. The Committee trust that utmost importance would be given by the Government to the implementation of their recommendations. In case where it is not possible for the Government to implement the recommendations in letter and spirit for any reasons, the matter should be reported to the Committee with reasons for non-implementation. The Committee further desire that the Final Action Taken Notes on the recommendations/observations contained in Chapter-I of this Report and final reply to the observations/recommendations contained in Chapter-V of the Report of which Government has submitted interim reply, may be furnished to the Committee within three months of the presentation of this Report.**

1.5. The Committee will now deal with those actions taken replies of the Government, which need reiteration or merit comments.

### **Overcrowding of Jails and resolution through Jail adalats**

#### **(Recommendation Para No. 2.1)**

1.6. The Committee in their original report recommended as follows:-

The Committee noted that Jails in India are highly overcrowded. As per information furnished to the Committee by Ministry of Home Affairs, the central and district jails were the most crowded in the country. As on 31.12.2015, against the

authorized capacity of 1,59,158 inmates in the central Jails, 185182 inmates were lodged showing an occupancy rate of 116%. Similarly, against the authorized capacity of 1,37,972 inmates of District Jails in the country, 180,893 inmates were lodged showing an occupancy rate of 131%. Further, a staggering 233.9% occupancy rate in Chattisgarh, 139.8% in Madhya Pradesh 177.9% Meghalaya , 166.8% in Uttar Pradesh and 226.9% in Delhi in 2015 was noticed. The Committee were appalled to hear from the Ministry of Home Affairs that the problem of overcrowding may be as huge as 300% in some jails. The Ministry highlighted that there are enormous demand on the limited resources of the states available with them. In this backdrop, the Committee were of the opinion that Right to live in a dignified environment constitutes one of the basic rights which cannot be taken away for the mere reason that the individual is prisoner. The Committee were also of the view that overcrowding in jails results in denial of basic facilities to the prisoners besides being instrumental in lack of sanitation, food and health care in jails. This gives rise to spread of diseases particularly skin infections, T.B., AIDS, etc.

The Committee were further apprised that one of the key reasons for overcrowding is the growing number of under-trial prisoners in the country. The ministry stated that prisoners facing grave, professional, violent crimes are outnumbered by others like suspected drug offenders, ticketless travellers, railway alarm chain pullers, and a variety of others who have technically violated law. The Committee were also informed that many of them were in jail only because they were not in a position to pay the fines imposed on them by courts. The Committee strongly recommended that the ministry must take urgent steps to solve the issue by a variety of measures and a conscious policy of not overcrowding prisons be evolved by finding alternative methods of dealing with non-criminal offenders and petty criminals. Further, the National Police Commission also pointed out that 60% of all arrests were either unnecessary or unjustified which resulted in overcrowding and account for 43.20% of the expenditure of jails according to their study. In this context, the Committee further recommended that the ministry must impress upon the police force to desist from unwarranted arrests. It was seen that the Supreme Court vide its order dated 5 September, 2014 impressed upon a mandatory weekly sitting in each jail/prison for the purpose of effective

implementation of Section 436 A of the Code of Criminal Procedure. Further, the issue of holding jail adalats in the context of release of prisoners had been amply highlighted. The Committee were constrained to see that the problem of overcrowding of jails had not been dealt with in a manner befitting the pressing nature of the problem. The Committee recommend that the Ministry of Home Affairs should coordinate with the various State Governments and ensure that the jail adalats be regularly held in various jails effectively. The Committee recommended that the Ministry in a time bound manner develop strategies to tackle the grave problem of overcrowding and submit a report to the Committee in this regard.

1.7. The Ministry of Home Affairs in its action taken reply on the aforementioned recommendation has stated as under:-

“The Ministry of Home Affairs has shared the report of the Committee with all State Governments and UT Administrations and have informed them about the recommendations made by the Committee.

The Ministry of Home Affairs has issued various advisories and guidelines in the matter of overcrowding to all States and UTs and has informed them about various measures which may be taken by them to address the problem of overcrowding.

The Ministry of Home Affairs has also taken up this matter with the National Legal Services Authority and has requested it to examine the issue in detail and issue suitable directions to SLSAs to take appropriate steps in close coordination with prison authorities and State Governments.

The Ministry of Home Affairs has also requested Bureau of Police Research and Development to examine the matter and come up with suitable recommendations to address the issue in a holistic manner.

The Ministry of Home Affairs had convened a meeting of DG/IG Prisons of all States and UTs on 13.2.2018 and had raised the issue of under trials, overcrowding and the need to take various measures to address the matter in an

effective matter. Representative of National Legal Services Authority was also present in the meeting and the issue of undertrials was deliberated upon in detail.

The Ministry has asked the National Legal Services Authority to advise SLSAs to focus on providing legal resources for all classes of inmates, particularly undertrials. MHA has also shared the observation of the Committee that many of them are in jail only because they are not in a position to pay the fines imposed on them by the courts with NALSA for necessary action.

The Ministry of Home Affairs has assigned the responsibility, of finding alternative methods of dealing with non-criminal offenders and petty criminals, to Bureau of Police Research & Development and has advised them come up with suggestions within a period six months.

On the issue of prison inmates who may be languishing in prisons on not being in a position to pay the fines imposed on them by the courts, the Ministry of Home Affairs has requested National Legal Services Authority to undertake a study and suggest measures to address this specific aspect.

On the point of unnecessary/unjustified arrests which has resulted in overcrowding of prisons, Bureau of Police Research & Development has been instructed to evaluate the implementation of Sections 41 A, B, C & D of the Code of Criminal Procedure.

The Ministry of Home Affairs is committed to continue its endeavours to interact with the State authorities on a regular basis and to provide them guidance on various aspects of Prison Reforms.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

**1.8. The Committee are happy to note that the Ministry have taken efforts to engage the State Governments and UT Administrations, Bureau of Police Research and Training, National Legal services Authority on the matter pertaining to Overcrowding of Jails and resolution through Jail Adalats. The Committee are of the view that given the pressing nature of the problem it is important to arrive**

at definite outcomes. Hence, the Committee would like the Ministry to take proactive steps and coordinate with the institutions concerned and apprise the Committee about the outcomes arrived on the recommendations made by the Committee on the issue.

***Custodial Rapes- Access to Justice through better surveillance in Jails and involvement of Civil Rights Activists***

**(Recommendation Para No. 2.2)**

1.9. The Committee were informed by the ministry that in the state of Uttar Pradesh there were 189 cases of custodial rape in 2014 and 91 in 2015. It was also found that in most other states the data is nil. There is a stark difference in the data provided in various states of the country. The Committee were concerned about the occurrence of so many cases of custodial rapes in Uttar Pradesh. The Committee desired to be informed about the action taken in the cases against the offenders and steps taken to prevent custodial rapes. The Committee were of the view that police brutality during custody is one of the several forms of police misconduct which assumes grave proportions when it is perpetrated against the weaker and vulnerable sections of the society. The Committee were perturbed at the reported instances of custodial excesses (Cases of Rapes, Deaths in Custody) which compromises the basic rights of individual. The general absence of any attention on the part of concerned authorities to the necessity for keeping temper, being civil and respectful to the public, avoiding brutality or unnecessary harshness, were the factors which led to violence. In this context, the Committee observed the recommendations of the Gore Committee on Police Training 1972, which was of the view that one of the objectives of training should be to inculcate the right attitude towards the public which consists in never forgetting that the civil servant is the servant and not the master of the community.

The Committee were of the view that lack of proper training and internalisation of values of the police force result in such irresponsible behavior on the part of the police personnel creating a serious compromise upon the rights of women in detention and access to justice. The Committee recommended that *better surveillance* and supervision through CCTV camera may be encouraged to ensure effective prison

management and inspection of Police Stations by superior officers in real time and greater interface *with Civil Rights activists* and their access to people in custody must be facilitated.

1.10. The Ministry of Home Affairs in its action taken reply on the aforementioned recommendation has stated as under:-

“The Bureau of Police Research & Development has been advised to suggest training modules to sensitize police/training prison officials by devising appropriate training modules to address the issue of lack of proper training and lack of internalisation of values of the police force which results in irresponsible behaviour on their part.

On the point of better surveillance and supervision through CCTV cameras, all States and UTs have been suitably advised in the matter.

The Bureau of Police Research & Development has also been advised to make an assessment of the functioning of existing prison management system. They have advised to formulate model guidelines for installation of CCTV cameras in jail premises.

The Bureau of Police Research & Development has been advised to prepare a list of NGOs working on different aspects of prisons in each State and prepare a framework for constituting a group of NGOs who can be involved in regular visits to jails.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

**1.11. The committee appreciate that Ministry have advised the Bureau of police Research and Training to suggest training Modules to sensitize Police/Prison Officials. Further all states have been advised to enhance better surveillance mechanism, assessment of the functioning of the existing Prison management system, formulate model guidelines for installation of CCTV cameras in Jail premises and to prepare a list of NGOs on different aspects of prisons in each**

**state. The Committee however find that no timelines have been communicated to concerned agencies which is of paramount importance in achieving the desired objectives. The Committee impress upon the Ministry to suggest timelines in the matter and apprise the committee regarding changes brought on the ground level by their directions. The Committee believe that the Ministry recognise the seriousness of the issue and take proactive efforts to transform these ideas in to reality and apprise the Committee about the same .**

### **Skill Building Programme**

#### **(Recommendation No. 2.3)**

1.12. The Committee noted that in most of the jails necessary skill building programmes were organized for women prisoners in order to help them for brighter future after release. The Committee were also informed by the Ministry that women prisoners were generally trained in the work of stitching, pickle making, beauty parlour, candle making, making namkeen items. The Committee were glad to know that women prisoners are imparted training suited to their aptitude and background, making them economically self reliant. Further, vocational training in useful trades were also provided to women prisoners like computer training, beautician care course, tailoring course, painting and dance classes etc. While appreciating the efforts of the various prison departments in terms of skill development of women prisoners, the Committee highlighted that the task would only be complete with prudent strategies to deal with post-release stigmatization, victimization and abandonment by the families of women prisoners as they constitute one of the gravest challenges in access to justice by women. Further, the Committee directed the Ministry of Home Affairs to coordinate with the Ministry of Skill Development and explore suitable opportunities for development of skills of women prisoners and employment opportunities post-release leading to their integration with the society.

1.13. The Ministry of Home Affairs in its action taken reply on the aforementioned recommendation has stated as under:-

“The Ministry of Home Affairs has advised all States and UTs to specifically look into the aspect of developing suitable opportunities for development of skills for women prisoners and their employment opportunities post-release, leading to their re-integration with the society.

The Ministry of Home Affairs has also written to the Ministry of Skill Development informing them about the recommendations of the Committee and has requested them to devise suitable strategies and plan of action in this regard and share the same with the MHA.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

**1.14. The Committee take note of the effort of the Ministry in involving all the States, UTs and Ministry of Skill Development for skill enhancement and re-integration of the Women prisoners in the society. The committee desire that Ministry should continuously pursue the matter with all the state and UTs to ensure that the women prisoners are given opportunities to develop their skill to enable them to get employment after their release from the prison. The Committee would like to be informed of the concrete steps to be taken in this regard.**

### ***Gender specific Health Care Needs***

#### **(Recommendation Para No. 2.6)**

1.15. On the issue of health care needs of women prisoners the Committee desired to know from the ministry whether any study or assessment has been made on the common health problems among women prisoners. The Committee were further surprised at the reply of the ministry that the records of common health ailments prevalent among women prisoners are not available with the Ministry. The Ministry have further informed the Committee that health care facilities by and large need improvement in jails in view of shortages of Doctors, para-medical staff and equipments. The Committee noted that diseases, like TB, HIV/AIDS, certain venereal ailments,



contagious ailments, gynaecological illnesses arising out of poor menstrual hygiene etc show occurrences among women prisoners. Moreover, the Committee understood the critical health implications of nutritional deficiencies on the larger physical and mental well-being of women prisoners, especially for pregnant prisoners and for those in need of fortified diet for other health reasons. Thus, the Committee desired that the Ministry undertake an extensive survey across prisons in the country, in an effective collaboration with State Governments and NGOs, to compile data/information on health of women prisoners and the diseases they suffer the most. The Committee further recommended the Ministry to complete these tasks in a time-bound manner, guided by an advisory body created with experts in the field and finally put in place a robust mechanism to perform the tasks. *The Committee also recommended the ministry to maintain a central data bank of the various health related issues prevailing in different prisons across the country.* The Committee also felt that such an effort may go a long way to provide better health services to women inmates and cater to the healthcare needs of women prisoners much efficiently as such an array of data/information would come in handy to better comprehend their problems and chalk-out the policies most useful to them. *In view of the prevailing shortages of health care officials, the Committee recommended that such shortages must be filled up urgently in the larger interest of justice for women in prisons. The Committee were concerned over the wide variance in ratio of women prisoners with respect to medical staff in various prisons of the country ranging from 0.5 in Arunachal Pradesh to 65.5 in West Bengal. The Committee recommended to oversee this critical ratio to ensure that every prison in the country have ratio of medical staff to prisoners in conformity with laid down norms. The Committee further desired to be informed of the action taken in the matter at the earliest.*

1.16. The Ministry of Home Affairs in its action taken reply has submitted as under:-

“The Ministry of Home Affairs has asked the Bureau of Police Research & Development to carry out surveys across the country to compile data on health of women prisoners and diseases they suffer from most.

The Bureau of Police Research & Development and National Crime Records Bureau have also been advised to maintain a central data base of various health related issues of prison inmates in different prisons across the country.

The Ministry of Home Affairs has assigned the task, of looking into the health issues of women prison inmates through an advisory board of Correctional administration to BPR&D, which will provide its recommendation to Ministry of Home Affairs in a time bound manner.

The States and UTs have also been advised to look in to shortage of healthcare officials and fill up the vacancies on an urgent basis.

The task of evaluating the critical ratio of medical staff to women prisoners which needs to be maintained across all prisons has been brought to the attention of all States/UTs and they have been advised to ensure conformity with the laid down norms.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

**1.17. The Committee note that the Ministry have asked the Bureau of Police Research & Development, National Crime Records Bureau, States and UTs to carry out surveys across the country and maintain a database of various health related issues of prison inmates in the country. The Committee are unhappy to note that Ministry has merely brought to notice of all States / UTs about the task of evaluating the critical ratio of Medical staff to women prisoners. The Committee desire that Ministry should vigorously pursue the matter with all States Govt. / UTs to ensure that the shortage of health care Officers/Medical staff is removed and all the health related issues of prison inmates are properly taken care of.**



## CHAPTER II

### OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### (Recommendation Para No. 2.1)

#### **Overcrowding of Jails and resolution through Jail adalats**

The Committee noted that Jails in India are highly overcrowded. As per information furnished to the Committee by Ministry of Home Affairs, the central and district jails were the most crowded in the country. As on 31.12.2015, against the authorized capacity of 1,59,158 inmates in the central Jails, 185182 inmates were lodged showing an occupancy rate of 116%. Similarly, against the authorized capacity of 1,37,972 inmates of District Jails in the country, 180,893 inmates were lodged showing an occupancy rate of 131%. Further, a staggering 233.9% occupancy rate in Chattisgarh, 139.8% in Madhya Pradesh 177.9% Meghalaya , 166.8% in Uttar Pradesh and 226.9% in Delhi in 2015 was noticed. The Committee were appalled to hear from the Ministry of Home Affairs that the problem of overcrowding may be as huge as 300% in some jails. The Ministry highlighted that there are enormous demand on the limited resources of the states available with them. In this backdrop, the Committee were of the opinion that Right to live in a dignified environment constitutes one of the basic rights which cannot be taken away for the mere reason that the individual is prisoner. The Committee were also of the view that overcrowding in jails results in denial of basic facilities to the prisoners besides being instrumental in lack of sanitation, food and health care in jails. This gives rise to spread of diseases particularly skin infections, T.B., AIDS, etc.

The Committee were further apprised that one of the key reasons for overcrowding is the growing number of under-trial prisoners in the country. The ministry stated that prisoners facing grave, professional, violent crimes are outnumbered by others like suspected drug offenders, ticketless travellers, railway alarm chain pullers,

and a variety of others who have technically violated law. The Committee were also informed that many of them were in jail only because they were not in a position to pay the fines imposed on them by courts. The Committee strongly recommended that the ministry must take urgent steps to solve the issue by a variety of measures and a conscious policy of not overcrowding prisons be evolved by finding alternative methods of dealing with non-criminal offenders and petty criminals. Further, the National Police Commission also pointed out that 60% of all arrests were either unnecessary or unjustified which resulted in overcrowding and account for 43.20% of the expenditure of jails according to their study. In this context, the Committee further recommended that the ministry must impress upon the police force to desist from unwarranted arrests. It was seen that the Supreme Court vide its order dated 5 September, 2014 impressed upon a mandatory weekly sitting in each jail/prison for the purpose of effective implementation of Section 436 A of the Code of Criminal Procedure. Further, the issue of holding jail adalats in the context of release of prisoners had been amply highlighted. The Committee were constrained to see that the problem of overcrowding of jails had not been dealt with in a manner befitting the pressing nature of the problem. The Committee recommend that the Ministry of Home Affairs should coordinate with the various State Governments and ensure that the jail adalats be regularly held in various jails effectively. The Committee recommended that the Ministry in a time bound manner develop strategies to tackle the grave problem of overcrowding and submit a report to the Committee in this regard.

### **Reply of the Government**

“The Ministry of Home Affairs has shared the report of the Committee with all State Governments and UT Administrations and have informed them about the recommendations made by the Committee.

The Ministry of Home Affairs has issued various advisories and guidelines in the matter of overcrowding to all States and UTs and has informed them about various measures which may be taken by them to address the problem of overcrowding.

The Ministry of Home Affairs has also taken up this matter with the National Legal Services Authority and has requested it to examine the issue in detail and issue suitable

directions to SLSAs to take appropriate steps in close coordination with prison authorities and State Governments.

The Ministry of Home Affairs has also requested Bureau of Police Research and Development to examine the matter and come up with suitable recommendations to address the issue in a holistic manner.

The Ministry of Home Affairs had convened a meeting of DG/IG Prisons of all States and UTs on 13.2.2018 and had raised the issue of under trials, overcrowding and the need to take various measures to address the matter in an effective manner. Representative of National Legal Services Authority was also present in the meeting and the issue of undertrials was deliberated upon in detail.

The Ministry has asked the National Legal Services Authority to advise SLSAs to focus on providing legal resources for all classes of inmates, particularly undertrials. MHA has also shared the observation of the Committee that many of them are in jail only because they are not in a position to pay the fines imposed on them by the courts with NALSA for necessary action.

The Ministry of Home Affairs has assigned the responsibility, of finding alternative methods of dealing with non-criminal offenders and petty criminals, to Bureau of Police Research & Development and has advised them come up with suggestions within a period six months.

On the issue of prison inmates who may be languishing in prisons on not being in a position to pay the fines imposed on them by the courts, the Ministry of Home Affairs has requested National Legal Services Authority to undertake a study and suggest measures to address this specific aspect.

On the point of unnecessary/unjustified arrests which has resulted in overcrowding of prisons, Bureau of Police Research & Development has been instructed to evaluate the implementation of Sections 41 A, B, C & D of the Code of Criminal Procedure.

The Ministry of Home Affairs is committed to continue its endeavours to interact with the State authorities on a regular basis and to provide them guidance on various aspects of Prison Reforms.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

***Comments of the committee***

( Please See Para No 1.8 of Chapter-I of the Report)

**(Recommendation Para No. 2.2)**

**Custodial Rapes-Access to Justice through better surveillance in Jails and involvement of Civil Rights Activists**

The Committee were informed by the ministry that in the state of Uttar Pradesh there were 189 cases of custodial rape in 2014 and 91 in 2015. It was also found that in most other states the data is nil. There is a stark difference in the data provided in various states of the country. The Committee were concerned about the occurrence of so many cases of custodial rapes in Uttar Pradesh. The Committee desired to be informed about the action taken in the cases against the offenders and steps taken to prevent custodial rapes. The Committee were of the view that police brutality during custody is one of the several forms of police misconduct which assumes grave proportions when it is perpetrated against the weaker and vulnerable sections of the society. The Committee were perturbed at the reported instances of custodial excesses (Cases of Rapes, Deaths in Custody) which compromises the basic rights of individual. The general absence of any attention on the part of concerned authorities to the necessity for keeping temper, being civil and respectful to the public, avoiding brutality or unnecessary harshness, were the factors which led to violence. In this context, the Committee observed the recommendations of the Gore Committee on Police Training 1972, which was of the view that one of the objectives of training should be to inculcate the right attitude towards the public which consists in never forgetting that the civil servant is the servant and not the master of the community.

The Committee were of the view that lack of proper training and internalisation of values of the police force result in such irresponsible behavior on the part of the police personnel creating a serious compromise upon the rights of women in detention and access to justice. The Committee recommended that *better surveillance* and supervision through CCTV camera may be encouraged to ensure effective prison management and inspection of Police Stations by superior officers in real time and greater interface *with Civil Rights activists* and their access to people in custody must be facilitated.

### **Reply of the Government**

“The Bureau of Police Research & Development has been advised to suggest training modules to sensitize police/training prison officials by devising appropriate training modules to address the issue of lack of proper training and lack of internalisation of values of the police force which results in irresponsible behaviour on their part.

On the point of better surveillance and supervision through CCTV cameras, all States and UTs have been suitably advised in the matter.

The Bureau of Police Research & Development has also been advised to make an assessment of the functioning of existing prison management system. They have advised to formulate model guidelines for installation of CCTV cameras in jail premises.

The Bureau of Police Research & Development has been advised to prepare a list of NGOs working on different aspects of prisons in each State and prepare a framework for constituting a group of NGOs who can be involved in regular visits to jails.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

### ***Comments of the committee***

( Please See Para No 1.11 of Chapter-I of the Report)



### **(Recommendation No. 2.3)**

#### **Skill Building Programme**

The Committee noted that in most of the jails necessary skill building programmes were organized for women prisoners in order to help them for brighter future after release. The Committee were also informed by the Ministry that women prisoners were generally trained in the work of stitching, pickle making, beauty parlour, candle making, making namkeen items. The Committee were glad to know that women prisoners are imparted training suited to their aptitude and background, making them economically self reliant. Further, vocational training in useful trades were also provided to women prisoners like computer training, beautician care course, tailoring course, painting and dance classes etc. While appreciating the efforts of the various prison departments in terms of skill development of women prisoners, the Committee highlighted that the task would only be complete with prudent strategies to deal with post-release stigmatization, victimization and abandonment by the families of women prisoners as they constitute one of the gravest challenges in access to justice by women. Further, the Committee directed the Ministry of Home Affairs to coordinate with the Ministry of Skill Development and explore suitable opportunities for development of skills of women prisoners and employment opportunities post-release leading to their integration with the society.

#### **Reply of the Government**

“The Ministry of Home Affairs has advised all States and UTs to specifically look into the aspect of developing suitable opportunities for development of skills for women prisoners and their employment opportunities post-release, leading to their re-integration with the society.

The Ministry of Home Affairs has also written to the Ministry of Skill Development informing them about the recommendations of the Committee and has requested them to devise suitable strategies and plan of action in this regard and share the same with the MHA.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

### ***Comments of the committee***

( Please See Para No 1.14 of Chapter-I of the Report)

#### **(Recommendation Para No. 2.4)**

#### **Need to fill up shortage of women officials, Psychiatrists, counselors, welfare officers etc leading to focused care of women prisoners**

On the issue of focused care of women prisoners, the Committee were informed by the Ministry of home affairs that there is a shortage of women officials in the management of prisons which has various implications like women officials in prisons not having full access to their leave, backup duties and shift duties leading to an adverse impact in management of women inmates as well. When the Committee desired to know the measures taken to bring more women in the management of prisons the ministry stated that direction has been given to state/UT government to recruit Chief Welfare officers, welfare officers, psychiatrists, after-care officers, Teachers, instructors, Law officers and other Officers. In this context, the Committee noted that the Ministry have also admitted to the shortage of welfare officers in prisons across the country. The ministry in their reply to the Committee have admitted that women prisoners are more prone to suffering from anxiety due to incarceration which gets escalated when there is little or no social contact with their family members who give up due to social stigma and hence a focused intervention by counsellors and psychiatrists is required. Despite the awareness of such interventions, the Committee are perturbed to find that most of the Jails in the country do not have Psychologists/Psychiatrist in them.

The Committee were of the view that women have to undergo emotional and psychological trauma which is more pronounced than that encountered by the male prisoners and there is an urgent need to cater to this concern. The Committee recommended filling up of various vacancies in the prisons across the country in a time bound manner and to ensure focused intervention by counselors, psychiatrists, welfare officers and others to allay the mental anxieties of women prisoners and ensure a more gender sensitive prison management. Further, in view of prevailing shortage of

manpower and its adverse impact upon prison management, special recruitment drive must be initiated to fill up the shortage of prison officials.

### **Reply of the Government**

The Ministry of Home Affairs in its action taken reply on the aforementioned recommendation has stated as under:-

The Ministry of Home Affairs has written to all States and UTs to immediately fill up all vacancies in Jails, including that of Psychiatrists, counsellors, welfare officers etc.

The Ministry of Home Affairs has also advised all States and UTs to initiate special recruitment drive to fill up the vacant positions of prison officials.

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

### **(Recommendation Para No. 2.6)**

#### **Gender specific Health Care Needs**

On the issue of health care needs of women prisoners the Committee desired to know from the ministry whether any study or assessment has been made on the common health problems among women prisoners. The Committee were further surprised at the reply of the ministry that the records of common health ailments prevalent among women prisoners are not available with the Ministry. The Ministry have further informed the Committee that health care facilities by and large need improvement in jails in view of shortages of Doctors, para-medical staff and equipments. The Committee noted that diseases, like TB, HIV/AIDS, certain venereal ailments, contagious ailments, gynaecological illnesses arising out of poor menstrual hygiene etc show occurrences among women prisoners. Moreover, the Committee understood the critical health implications of nutritional deficiencies on the larger physical and mental well-being of women prisoners, especially for pregnant prisoners and for those in need of fortified diet for other health reasons. Thus, the Committee desired that the Ministry undertake an extensive survey across prisons in the country, in an effective

collaboration with State Governments and NGOs, to compile data/information on health of women prisoners and the diseases they suffer the most. The Committee further recommended the Ministry to complete these tasks in a time-bound manner, guided by an advisory body created with experts in the field and finally put in place a robust mechanism to perform the tasks. *The Committee also recommended the ministry to maintain a central data bank of the various health related issues prevailing in different prisons across the country.* The Committee also felt that such an effort may go a long way to provide better health services to women inmates and cater to the healthcare needs of women prisoners much efficiently as such an array of data/information would come in handy to better comprehend their problems and chalk-out the policies most useful to them. *In view of the prevailing shortages of health care officials, the Committee recommended that such shortages must be filled up urgently in the larger interest of justice for women in prisons. The Committee were concerned over the wide variance in ratio of women prisoners with respect to medical staff in various prisons of the country ranging from 0.5 in Arunachal Pradesh to 65.5 in West Bengal. The Committee recommended to oversee this critical ratio to ensure that every prison in the country have ratio of medical staff to prisoners in conformity with laid down norms. The Committee further desired to be informed of the action taken in the matter at the earliest.*

### **Reply of the Government**

“The Ministry of Home Affairs has asked the Bureau of Police Research & Development to carry out surveys across the country to compile data on health of women prisoners and diseases they suffer from most.

The Bureau of Police Research & Development and National Crime Records Bureau have also been advised to maintain a central data base of various health related issues of prison inmates in different prisons across the country.

The Ministry of Home Affairs has assigned the task, of looking into the health issues of women prison inmates through an advisory board of Correctional administration to BPR&D, which will provide its recommendation to Ministry of Home Affairs in a time bound manner.

The States and UTs have also been advised to look in to shortage of healthcare officials and fill up the vacancies on an urgent basis.

The task of evaluating the critical ratio of medical staff to women prisoners which needs to be maintained across all prisons has been brought to the attention of all States/UTs and they have been advised to ensure conformity with the laid down norms.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

***Comments of the committee***

( Please See Para No 1.17 of Chapter-I of the Report)

**(Recommendation Para No. 2.9)**

**Foreign Nationals: access to Justice**

The Committee enquired from the ministry about the various challenges being faced by foreigner Women prisoners in terms of access to justice. The Committee were informed by the ministry that foreign women prisoners face problems of language, culture, lack of awareness of our rules and laws. High level of anxiety is due to remote access to their family and loved ones and lack of bonding with other inmates due to all or any one of the above reasons. As per data provided by NCRB, the undertrial foreign women prisoners stand at 63.3% in 2015. The Committee were of the view that foreign prisoners are more vulnerable and at a disadvantage to access justice because of a lack of understanding of the court and the trial process of another country because of which they can be misled by vested interests. The Committee were further of the view that absence of good interpreters renders the prosecution and trial of a foreign prisoner hazardous. It furthers their isolation in an unknown country. Linguistic differences also prove to be a hindrance in accessing vocational and education programmes in Prisons.

The Committee in this light recommended that the religious, dietary, spiritual needs of a foreign prisoner must be addressed by prison authorities. The Committee further recommended that special cells/officials for dealing with foreign nationals in various custodial situations may be created so that foreigners in India do not face any

hassle in dealing with law enforcement agencies on account of language, cultural, attitudinal and behavioural gaps.

### **Reply of the Government**

The States and UTs have been advised to create special cells/ officials for dealing with foreign nationals in various custodial situations so that foreigners in India do not face any hassle in dealing with law enforcement agencies on account of language, cultural, attitudinal and behavioural gaps.

The States have also been advised to inform the foreign nationals about the Transfer of Sentenced Persons agreement in terms of which he can seek transfer to his native country to serve the remainder of his sentence.

The States have also been advised to establish special cells or appoint nodal officers to deal with prisoners who are foreign nationals and ensure that consular representatives are informed immediately regarding the detention of a foreign national in prison and facilitate consular access.

The States have also been advised to maintain a portal where all information relating to the foreign nationals in the Indian prisons should be updated on a real time basis.

### **(Recommendation Para No. 2.10)**

#### **Modernisation of Jails**

The Committee were informed by the ministry that the management of prisons is regulated by Prisons Act, 1894 which has largely remained unchanged except for few amendments made by states to suit their local conditions. The Committee were also informed that in consonance with the correctional philosophy other states have now started the process of enacting new Prison acts to take care of changing prison administration. The Committee were further informed that second phase of Modernisation of prisons was not launched due to paucity of funds and the states are

expected to allocate more funds in their States/UTs for prison reform from their own funds. The Ministry further stated that MHA is also planning to roll out an integrated prison software system throughout the country to be hosted on cloud. In this context the Committee recommended that the ministry of home affairs must impress upon states to take up the issue of reforms in Prison law as per the local condition of states. Further, the committee desired that a detailed report may be submitted regarding the modernization of jails in phase2 and to take proactive measures to support the state governments in the task of modernization of jails and enabling digital governance of prisons across every prison in the country. The Committee also felt that such a step would ensure greater transparency and accountability in the management of prisons in the country.

### **Reply of the Government**

“The Ministry of Home Affairs is in the process of providing support to all States and UTs in the implementation of e-prisons project which aims at creating an end to end IT solution for automation of prison operations. The proposed project would help in creating standardized and centralized information data base of prison inmates across the country. This project will ensure greater transparency in management of prisons in country.

The project has an outlay of Rs. 100 crore as part of the ICJS-e prisons project and will be operational from 2018 to 2020.

Presently no proposal in under consideration of the Government to initiate phase 2 of Modernisation of jail project due to paucity of funds.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

### **(Recommendation No. 2.11)**

#### **Access to Justice**

The Committee were informed by the ministry that in the context of access to justice the District Legal Aid Societies(DLSAs) are active in all districts which provide legal aid and para-legal assistance to all inmates particularly the indigent one. The

ministry also informed the Committee that the Government of India has now planned to electronically manage such data base regarding status of court cases so that the inmates can have access to the approaching court productions. The Committee were perturbed to know that the system is again bogged down by inadequate manpower for such legal assistance to inmates. The Committee recommended that DLSAs must focus on providing legal resources for all classes of inmates and particularly undertrials. There must be a concerted effort to rope in legal volunteers for rendering various help like drafting of application, affidavits and other legal procedures. The Committee also desired that more women lawyers should be engaged with such DLSAs so that access to justice for women prisoners is facilitated.

### **Reply of the Government**

The Ministry of Home Affairs has taken up the issue of providing legal responses to all classes to inmates, particularly undertrials, with National Legal Services Authority and have requested them to ensure that undertrial review committees are set up in each district.

The National Legal Services Authority has also been asked to ensure that jail adalats are regularly held in various jails of the country.

The National Legal Services Authority has also been requested to promote holding of awareness camps inside the prisons to educate the prisoners on accessing case information.

The National Legal Services Authority has also been advised to facilitate the visit of para-legal volunteers in prison premises and also allow jail visiting lawyers to work in prison legal aid clinics.

The Ministry of Home Affairs has also advised the State Governments to take necessary steps on the recommendations made by the committee in this matter.

The NALSA has also been advised to ensure that legal aid clinics are constituted in women prisons and women enclosures are built in general prisons. These clinics may be managed by women paralegals and women lawyers.”



**(Recommendation No.2.12)**

**Study Visit to Mumbai District Women's Prison, Byculla**

2.12 On 13.07.2017, the Committee visited Mumbai Women District prison in Byculla in the aftermath of the reported death of a convict prisoner. The Committee interacted with the female prisoners about the incident and the general condition of living prevailing in the Prison. The Committee were informed of lathi charge by prison authorities in which some prisoners met injuries. Various complaints were made regarding quality of food, sanitation facilities, unhygienic toilets, availability of water, availability of newspapers, difficulties faced in meeting with the relatives of the prisoners. The Committee enquired about the grievances from the prison authorities. The authorities informed the Committee that due action has been taken against the inmates who indulged in rioting as well as the officials. In this regard the Committee at the outset was appalled to note that a prisoner has died in the custody. The Committee are of the view that police brutality during custody is one of the several forms of police misconduct which assumes grave proportions when it is perpetrated against the weaker and vulnerable sections of the society i.e. women. The Committee are perturbed at the prevalence of such instances which compromises the basic rights of individual. The Committee are of the view that the general absence of any attention on the part of concerned authorities to the necessity of keeping temper, being civil and respectful to the public, avoiding brutality or unnecessary harshness, are the factors which lead to violence. In this context, the Committee are reminded of the recommendations of the Gore Committee on Police Training 1972, which was of the view that one of the objectives of training should be to inculcate the right attitude towards the public which consists in never forgetting that the civil servant is the servant and not the master of the community.

The Committee are of the view that lack of proper training and internalization of values of the police force result in such irresponsible behaviour on the part of the police personnel creating a serious compromise upon the rights of women in detention and access to justice. The Committee recommend that *video Surveillance* through CCTV

camera may be encouraged to ensure effective supervision and inspection of prison by superior officers in real time. There should be a greater interface with Civil Rights activists and their access to people in custody must be facilitated. The Committee recommend that prison authorities should not only be trained in matters pertaining to human rights and prison management but the real effect of such training should be measured. The Committee further recommend that the facility available at present in prison is not adequate in conformity with the numbers of women prisoners lodged in the prison. The Committee were informed that the enquiry Committee have formed to look into the incident on all the issues pertaining to the incident. The Committee recommend that based on the outcome of inquiry responsibility should be fixed and strict action to taken against the guilty. Better skills should be imparted to the officials of the prison authorities so that they are able to deal effectively with the physical and psychological challenges being faced by prisoners.

The Prison authorities at every level must be exposed to Training which aim primarily at sensitization, emotional intelligence, positive attitude towards the Prison inmates and practice of Self control so that the Correctional philosophy of Prison administration does not remain a theoretical idea but is also translated in the actions of the employees. The death of a Convict prisoner has taken place inside the prison and further led to unruly incident has brought forth the fact that there are glitches and loopholes in the administrative mechanism. The Committee recommend that Prisoners are made aware of the various facilities available to them and it must be ensured that no male Jailors/Officials are posted in Women Jails. There must be greater vigilance and compassion exercised in dealing with such issues. Though the institutions are in place, they must be geared up in such a manner so that the highest standards of Integrity, Objectivity, Tolerance and Compassion are upheld. The Ministry of Home Affairs must take serious steps in ensuring the philosophy of prison management which is based upon the Vision of the Father of Nation "all Criminal should be treated as patients and Jails should be hospitals admitting this class of patients for treatment and cure...It (crime) is a sign of a diseased mind. The causes of a particular disease should be investigated and removed."

The Committee observe that there is a big deficit between legal system and social reality of women prisoners. The law talks about equality between genders. Thus, when a woman commits a crime she would be punished equally like men. The social reality on the other hand is full of inequality. Women in prison and the reason for which they are imprisoned are largely different from those of men. Existing prison facilities and programmes for women inmates have not been developed initially for them, but for men, who have historically accounted for the majority of the prison population. It is therefore felt that a gender perspective must be considered while catering to the needs of women in criminal justice system, in general and prison in particular. It is clear from our deliberations that the necessities to be provided to women prisoners are often overlooked by all concerned authorities despite best of intentions. Therefore, the Committee recommend that some of the conditions laid down in the Prison Manual need to be revised in tune with women centric requirements and specially to take care of their children who accompany them to prison.

### **Reply:**

As 'Prisons' and 'persons detained therein' is a State subject in terms of Entry 4 in List-II of the Seventh Schedule to the Constitution, the Report of the Committee, containing its observations and recommendations, was sent to the Government of Maharashtra for their comments.

In response, the Government of Maharashtra has informed that following steps have been taken in light of the recommendations of the Parliamentary Committee on Empowerment of Women on Women in Detention and Access to Justice:

- a) C.R. No. 263 of 2017 has been registered u/s 302, 34 IPC against five guards and one officer in the context of death of prisoner Manjula Shetye. The matter is sub-judice. Departmental action is also under progress.
- b) Training programmes on Human Rights and Women's Rights are being conducted for prison personnel. The training courses being organized by the Training Institute not only generate a positive orientation in the participants

about the correctional philosophy and programmes, but also equip the participants with skills and techniques of Correction. The Institute has also undertaken various research projects on Prison Administration and Human Rights. Human Rights concern is an important area of concern. Hon'ble Judges, Professors of various universities, Jail Administrators and experts in viz., Psychology, Sociology, Criminology, Laws & Psychiatry are invited as guest faculty at training institute.

- c) State Human Rights Commission conducted two days' sensitization program on human rights for prison officials.
- d) The Government of Maharashtra is in the process of filling vacant posts. The Honb'le Supreme Court of India has also directed to appoint counsellors. The Prison Department has sent a proposal to Govt. of Maharashtra in this regard.
- e) With the help of TATA TRUST, counsellors and social workers have been appointed in five prisons and one Borstal School. As regards shortage of women officials, the process of recruiting lady jail guards is in progress. The Regional officers have been asked to do the needful.
- f) A circular has been issued to see that women officials in prisons have full access to their leave, backup duties and shift duties.
- g) The officers of Maharashtra Prison Department have been sent for training/workshops conducted by the Institution of Correctional Administration, Chandigarh, Academy of Prison Administration Vellore and Regional Institution of Correctional Administration, Kolkata. The Maharashtra Prison has improved the basic training. Prison Department organises regular training courses for sensitization of female employee for the betterment of inmates.
- h) The posts of medical officers are being filled on deputation from Health Department. The health department has been asked to fill the vacant post on urgent basis. The health department has asked all Civil Surgeons to form a

team of Physicians, Skin Specialists, Psychologists and Gynaecologist & Child Specialist (where women prisoners are lodged) to visit the prisons once in week for two hours. Medical camps for diagnosis and treatment of TB, Skin, dental and ophthalmic are arranged on regular basis. After taking review of sanctioned medical and para-medical staff with the prisoners, a new proposal has been submitted for approval to the GoM.

- i) Female prisoners are provided with sanitary napkins at the cost of Government. Sanitary napkins are also made available in prison canteen.
- j) The prison department has signed a MoU with TATA Trust. The trust undertakes rehabilitation/reformation of the prisoners, legal aid, health and counselling work. At present this project has been started in 5 Central Prisons and Borstal school Nashik on experimental basis. A Pilot demonstration is carried out in five Central Prisons of Maharashtra. It is a demonstration of social work intervention with undertrials and convicted prisoners and their families leading to the benefit and rehabilitation of prisoners in five Central Prisons and Borstal school.
- k) Total 19 Social Workers (Male & Female) have been appointed in selected five Central prisons and one social worker in Borstal School. One project director, one monitoring and evaluation officer, one finance officer and two project coordinators have been appointed at State Level.
- l) Maharashtra prison department has installed 1402 CCTV across prisons of Maharashtra. The installation of CCTV cameras in rest of the prisons will be done in a phased manner. In phase –I CCTV cameras are installed in all central prisons viz. Pune, Thane, Mumbai, Taloja, Kolhapur, Nasik Road, Aurangabad and Nagpur.
- m) Various NGOs are allowed access to prison as well as inmates for communication and welfare.

- n) In accordance with the provisions of Model Prison Manual, prison authorities have submitted draft changes in the Maharashtra Prison Manual and the same is under consideration of the GoM.

O.M. No.11016/20/2016-PR

Dated : 27.7.2018

## **CHAPTER III**

### **OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT**

#### **(Recommendation Para No. 2.7)**

The Committee noted that a number of NGOs are working in the jails for the reformation and rehabilitation of the prisoners. The Committee were glad to know about the efforts of the NGOs in this regard. However, the Committee felt that there are important areas where there must be a greater interface between the government agency and NGOs like assistance to children of prisoners, assistance in seeking bail, counselling services. The Committee were at the same time, appalled to note that the data regarding the total number of NGOs working for welfare of women prisoners in the country was not available with the ministry. The Committee recommended that there should be regular visits of jails by NGOs and greater access and open communication with the prisoners be provided in the context of financial assistance, rehabilitation, legal aid etc.

#### **Reply of the Government**

“The Bureau of Police Research & Development has been asked to prepare a list of NGOs working on different aspects in each State/UT. They have also been advised to evolve a system where in different NGOs with expertise, work in tandem with prison authorities for betterment of inmates. Bureau of Police Research & Development has been advised to share its recommendations with Ministry of Home Affairs in a time bound manner.

National Legal Services Authority has also been advised to facilitate para-legal volunteers to work in prison legal aid clinics and utilise the services of NGOs in providing assistance to prison inmates.

The recommendations of the Committee have also been shared with all States and UTs and they have been advised to utilise the services of NGOs within the parameters/provisions of law with a view to providing assistance, rehabilitation and legal aid to prisoners.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )



## **CHAPTER IV**

**OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE  
GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE**

**NIL**

## CHAPTER V

### OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH THE GOVERNMENT HAVE FURNISHED INTERIM REPLIES.

#### Recommendation (Para No. 2.5)

##### ***Need to ensure gender sensitive prison management through Training***

The Committee were informed that that the Institute of Correctional Administration, Chandigarh, Academy of Prison Administration Vellore and Regional Institute of Correctional Administration Kolkata conduct various induction/ orientation/ refresher training programmes for prison officials of senior and middle level prison officers on various aspects. The Institutes also conduct various workshops, conferences, seminars for prison officers.

The Prison officials are trained on themes related to Human Rights and Prison Management, security and Prison management, Personality Development, Emergency Medical Care for Prison Doctors and Prison Officers, Mental Health Issues in Prison Management, Reintegration of offenders, Counselling Techniques for Correction, Capacity Building for Prisoner's Welfare, Gender Sensitization, Contemporary Advances in Criminology and Correction, Best Practices in Prisons, Training of Trainers, Custody of Management of undertrial Prisoners, Stress Management etc.

The Committee believe that integrity, self-control, self-awareness, empathy, compassion, tolerance and conscientiousness are the central values required for sensitive handling of the prisoners. The Committee were of the view that In order to ensure that the correctional philosophy regarding prison management become reality it is important that the officers dealing with Jail Administration and those who handle with women prisoners are provided Emotional intelligence training, Specific Attitudinal change training for developing positive attitude towards women prisoners to meet their specific needs. Further, Training and workshops to ensure accountability and probity in Jail Administration must be strictly enforced. The Committee further recommended that these training apart from those already being given should be mandatory for every

officer and impact assessment of such trainings in work culture in prisons must also be done at all India level. The Committee also desired that the impact assessment report be conveyed to the Committee. The Committee also recommended to evolve a system wherein different NGO's with their expertise work in tandem for the betterment of the inmates. The Committee desired to be apprised about the action taken in the matter.

The Ministry of Home Affairs in its action taken reply on the aforementioned recommendation has stated as under:-

The recommendation of the Committee on providing adequate training to prison staff on Emotional intelligence training and Specific Attitudinal change training for developing positive attitude towards women prisoners have been shared with all States/UTs. The Bureau of Police Research & Development has been advised to suggest appropriate training modules to sensitize prison officers about these aspects.

The suggestion of the Committee to evolve a system wherein different NGOs with expertise to work in tandem for the betterment of inmates has been shared with States and UTs and they have been advised to make use of the services of NGOs in accordance with the law for the betterment of the prison inmates.

The Bureau of Police Research & Development has also been requested to prepare a list of NGOs working on different aspects of prisons in various States and setup a core group and obtain the report in a time bound manner.

The Committee will be apprised of the recommendations/report received from BPR&D and the action taken by MHA on the same in due course of time.

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

### **(Recommendation Para No. 2.8)**

The Committee enquired from the Ministry as to whether any survey has been conducted to ascertain compliance rate of the Model Prison Manual of the Government of India for the superintendence and management of prisons. The Ministry in their reply stated that Prisons is a state subject and that the state governments are primarily responsible for formulating their own Prison Manual/ Rules / Regulations. The Committee felt that the reply of the ministry is silent on the efforts made by the Ministry to be proactive in ensuring that the State governments comply with the recommendations of the Central government. The Committee are of the view that the moral responsibilities of the Ministry does not end by mere circulation of the model prison manual to the State Governments. The Committee are further appalled to note that no notable steps were taken by the ministry to ensure the implementation of the manual since the reply of the ministry is silent upon the issue. The Model Prison Manuals were also circulated to the various States/UT for adoption but the Committee are unhappy to note that only few States have adopted Model Prison Manual till now. The Committee will like to highlight the provisions in the New Prison Manual 2016 in this regard highlighting Safety and reformation of women prisoners to be of utmost importance in prison administration. Health of women prisoners has also been recognised as a focus area warranting special attention, Sensitising the staff and imparting training relating to gender issues and sexual violence; Educating women about preventive health-care measures; Enabling proper counselling and treatment for those suffering from psychological disorders; Focussed after-care and rehabilitation measures to ease women's re-integration into society; Restrictions on certain kinds of punishments being awarded to women, for instance, punishment by close confinement should not be awarded to pregnant women, women with infants, counselling programmes etc.

The Committee recommended that the Ministry of Home Affairs to take all possible measures to translate the philosophy of Prison Reform as mandated in the national policy in action in a time bound approach. Further, the challenges which are

being faced by the various State Governments in Administration of prisons must be sorted out by the Ministry of Home Affairs which act as the nodal Ministry for prison related matters in the country. Further, the growing clamour for protection of human rights, ensuring accountability and transparency in view of the RTI Act, 2005 must be seen as a window of opportunity for ensuring a humane prison management system for all convicts. The Committee are further appalled to know that despite the passage of 13 years since the implementation of the Model Prison Manual the Ministry have not conducted any impact assessment on the implementation of such an important policy document of the Government. The Committee strongly recommended that the Ministry must conduct an impact assessment on the Model Prison Manual 2003 and Model Prison Manual 2016 and inform the Committee of the findings. The Committee further recommend that steps may be taken to ensure that implementation of the Model Prison Manual 2016 does not suffer from the same follies and aberrations which crept in the earlier efforts towards dispensing justice to the prison population with special reference to women.

In this regard, the Ministry of Home Affairs in its action taken reply on the recommendation has stated as under:-

“The Ministry of Home Affairs has again written to all States and UTs to make use of the guidelines provided in the Model Prison Manual and adopt the Model Prison Manual and prepare/amend their jail manuals accordingly.

The Ministry of Home Affairs has also asked the Bureau of Police Research & Development to carry out an assessment of the implementation of Model Prison Manual in all States and UTs and carry out an impact assessment and report to the Ministry of Home Affairs in a time bound manner. The outcome of the assessment will be shared with the Committee in due course of time.”

(O.M. No.- VII-11016/20/2016-PR Dated : 26 March, 2018 )

**NEW DELHI;**  
**August , 2018**  
**Shravana, 1940 (Saka)**

**BIJOYA CHAKRAVARTY,**  
**CHAIRPERSON,**  
**COMMITTEE ON EMPOWERMENT OF WOMEN**

**COMMITTEE ON EMPOWERMENT OF WOMEN (2017-2018)**

**MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE  
HELD ON FRIDAY, 3 AUGUST, 2018**

The Committee sat from 1000 hrs. to 1115 hrs. in Committee Room "C", Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

Smt. Bijoya Chakravarty - Chairperson

**MEMBERS**

**LOK SABHA**

2. Smt. Anju Bala
3. Smt. Renuka Butta
4. Smt. Jyoti Dhurve
5. Smt. Darshanaben Jardosh
6. Smt. Raksha Khadse
7. Smt. Jayshreeben Patel
8. Smt. Riti Pathak
9. Smt. Satabdi Roy (Banerjee)
10. Smt. Mala Rajya Laxmi Shah
11. Smt. Supriya Sule
12. Smt. Rita Tarai
13. Smt. Savitri Thakur

**RAJYA SABHA**

14. Smt. Jharna Das Baidya
15. Smt. Vijila Sathyananth
16. Smt. Vandana Chavan
17. Smt. Kahkashan Perween
18. Smt. Wansuk Syiem

**SECRETARIAT**

1. Shri N.C. Gupta. - Joint Secretary
2. Shri Khakhai Zou - Additional Director

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2. At the outset, the Chairperson welcomed the Members of the Committee to the sitting of the Committee:

3. The Committee then took up the following draft Reports for consideration

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(i)\*\*\*\*\*

(ii) Draft Action Taken Report of the Committee on the action taken by the Government on the recommendations contained in their 10th Report (Sixteenth Lok Sabha) on the subject 'Women in Detention and access to Justice'

4. After some deliberations, the Committee adopted the Draft Reports without any modification and authorized the Chairperson to finalise the Draft Reports and present the same to both the Houses of Parliament.

5. \*\*\*\*\*

6. \*\*\*\*\*

7. \*\*\*\*\*

***The Committee then adjourned.***

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\_\_\_ \*\*\*\*\* Matters not related to this Report

(Vide Para 4 of the Introduction)

**ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE TENTH REPORT (SIXTEENTH LOK SABHA) OF THE COMMITTEE ON EMPOWERMENT OF WOMEN (2017-2018) ON 'WOMEN IN DETENTION AND ACCESS TO JUSTICE'.**

(i)	Total No. of Recommendations	12
(ii)	Observations/Recommendations which have been accepted by the Government: Para Nos. 2.1,2.2,2.3,2.4,2.6, 2.7, 2.9, 2.10 , 2.11 & 2.12	05
	Percentage	83.33 %
(iii)	Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government: Para Nos. Nil	Nil
	Percentage	-
(iv)	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee Para Nos. Nil	Nil
	Percentage	-
(v)	Observations/Recommendations in respect of which final replies of the Government are still awaited: Para Nos. 2.5 & 2.8	02
	Percentage	18.18%