

Centre/States Acts, Rules and Manual on Prisons/Prisoners
<http://www.indiacode.nic.in>

Code of Criminal Procedure, 1973 (No. 2 of 1974)

Exchange of Prisoners Act, 1948 (No. 58 of 1948)

Identification of Prisoners Act, 1920 (No. 33 of 1920)

Indian Penal Code Act, 1860 (No. 45 of 1860)

Juvenile Justice (Care & Protection) Act, 2000 (56 of 2000)

Mental Health Act, 1987 (No. 14 of 1987)

Model Prison Manual, 2003

Prison Act, 1894 (No. 9 of 1894)

Prisoners (Attendance In Courts) Act, 1955 (No. 32 of 1955)

Prisoners Act, 1900 (No. 3 of 1900)

Probation of Offenders Act, 1958 (No. 20 of 1958)

Protection of Human Rights Act, 1993 (10 of 1994)

Reformatory School Act, 1897 (8 of 1897)

Repatriation of Prisoners Act, 2003 (No. 49 of 2003)

Representation of People's Act, 1950 and 1951 (No. 43 of 1950 and 43 of 1951)

Transfer of Prisoners Act, 1950 (No. 29 of 1950)

Law Commission Reports
<http://lawcommissionofindia.nic.in/>

Report No.-40-: Law Relating to Attendance of Prisoners in Courts.

Report No.-78-: Congestion of Under-Trial Prisoners in Jails.

Report No.-87-: Identification of Prisoners Act, 1920

Report No.-135-: Women in Custody.

Report No.-152-: Custodial Crimes.

National Schemes (India)

Project and Developmental Schemes:

http://mha.nic.in/uniquepage.asp?Id_Pk=293

_ Modernisation of Prisons

Commissions/Committees Report:-

_ All India Committee on group on prison administration security and discipline, 1986 **Chairman: R. K. Kapoor**

_ All India Committee on jail reforms, 1980-83
Chairman: A. N. Mulla

_ Committee on reforms of Criminal Justice system
[Ministry of Home Affairs, India 2003] **Chairman : Justice V. S. Malimath**

<http://www.mha.nic.in>

_ Committee report on classification of prisoners, 1998
Chairman : Justice Santosh Duggal

_ Committee report on draft National Policy on Criminal Justice.

[Ministry of Home Affairs, India 2007] **Chairman: N. R. Madhava Menon**

<http://www.mha.nic.in>

_ Justice Leila Seth Commission of Enquiry, 1997

_ National Expert Committee for women on custodial justice for women, 1987 **Chairman: Justice V. R. Krishna Iyer. (NHRC)**

_ Prison reforms, Punjab Government, 2007
Chairman: A. P. Bhatnagar (NHRC)

Constitution of India

Article 14. Equality before law.— The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 19. Protection of certain rights regarding freedom of speech,

etc.—(1) All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (g)** to practice any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India the security of the State, friendly relations with Foreign States, public order, decency or morality or in relations to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or] public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the rights conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to.

Article 20. Protection in respect of conviction for offences.—

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

Article 21. Protection of life and personal liberty.— No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 22. Protection against arrest and detention in certain cases.— (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four

hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—

- (a) to any person who for the time being is an enemy alien; or
- (b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—

- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High court has reported before the expiration of the said period of three months that there is in its opinions sufficient cause for such detention:

Provided that nothing in this sub-clause shall authorise the detention of any Parliament under sub-clause (7); or

- (b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—

- a) The circumstance under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);
- b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for

preventive detention; and c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

SEVENTH SCHEDULE

[Article 246]

List II-State List

Entry 4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.