

Centre amends prison manual rules, asks States to address issue of caste-based discrimination

The changes have been made in the wake of the October 3, 2024 order of the Supreme Court on the caste-based discrimination of prisoners

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The Union Home Ministry has amended the prison manual rules to check discrimination and classification of inmates in jails on the basis of their caste.

In a communication to Chief Secretaries of all States and Union Territories, the Union Home Ministry said to address the issue of any caste-based discrimination of prisoners, 'Model Prison Manual, 2016' and the 'Model Prisons and Correctional Services Act, 2023' have been amended.

The changes have been made in the wake of the October 3, 2024 order of the Supreme Court on the caste-based discrimination of prisoners.

According to the new addition in the manual, the prison authorities will have to strictly ensure that there is no discrimination, classification, segregation of prisoners on the basis of their caste.

"It shall be strictly ensured that there is no discrimination of prisoners in allotment of any duty or work in prisons on the basis of their caste," it said.

Changes have also been made in the 'Miscellaneous' of the Model Prisons and Correctional Services Act, 2023 with a new heading 'Prohibition of caste-based discrimination in Prisons and Correctional Institutions' as Section 55(A).

The Home Ministry also said that the provisions of 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' shall have a binding effect even in prisons and correctional institutions.

"Manual scavenging or hazardous cleaning of a sewer or a septic tank inside a prison shall not be permitted," it said.

In its order, the apex court had also given directions with regards to "habitual offenders" and observed that the prison manuals and model prison manual shall be in accordance with the definition provided in the Habitual Offenders legislation enacted by respective state legislatures, subject to any constitutional challenge against such legislation in the future.

The top court further directed that in case there is no Habitual Offenders legislation in the State, the Union and the State governments will make necessary changes in their manuals and rules in line with their judgement within a period of three months.

The Home Ministry said since several States and UTs have not enacted the Habitual Offenders Act in their jurisdictions and after examining the definition of the habitual offenders in the available Habitual Offenders Acts of various states, it has been decided to replace the existing definition of 'Habitual Offender' in the Model Prison Manual, 2016 and the Model Prisons and Correctional Services Act, 2023.

The Home Ministry said it added the following: "Habitual offender means a person who during any continuous period of five years, has been convicted and sentenced to

imprisonment on more than two occasions on account of any one or more of the offences committed on different occasions and not constituting parts of same transaction, such sentence not having been reversed in appeal or review".

"Provided that in computing the continuous period of five years referred to above, any period spent in jail either under sentence of imprisonment or under detention shall not be taken into account," it said.

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