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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 17th November, 2026/*Kartika 26*, 1948 *(Saka)*

THE ANDAMAN AND NICOBAR ISLANDS PRISONS AND CORRECTIONAL SERVICES REGULATION, 2026

No. 18 of 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to provide for administration, management, security, discipline, correctional services, rehabilitation and welfare of prisoners in prisons and correctional institutions in the Union territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Andaman and Nicobar Islands Prisons and Correctional Services Regulation, 2026.

(*2*) It extends to the whole of the Union territory of Andaman and Nicobar Islands.

(*3*) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Regulation, and any reference in any such provision to the commencement of this Regulation shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(*a*) "Administrator" means the Lieutenant Governor of the Union territory of Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution;

(*b*) "civil prisoner" means any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction or by the order of a court martial and who is not a detenue;

(*c*) "competent authority" means such authority or officer as the Administrator may, by notification in the Official Gazette, appoint or designate for the purposes of this Regulation;

(*d*) "convict" means any prisoner sentenced by a court of law exercising criminal jurisdiction or court martial;

(*e*) "correctional service" means any service or programme aimed at the reformation and rehabilitation of an inmate, and includes services relating to assessment, supervision, treatment, training, control and custody of an inmate;

(*f*) "detenue" means any person detained in prison under any law providing for preventive detention;

(*g*) "family" means spouse, children, siblings, parents, grandparents, grandchildren and in the context of transgender inmates, persons related through a socio-religious family system;

(*h*) "foreign prisoner" means any prisoner who is not a citizen of India;

(*i*) "furlough" means short leave granted to a convict, after undergoing a prescribed period of sentence, as an incentive for maintaining good conduct in prison;

(*j*) "habitual offender" means a prisoner who is committed to prison repeatedly for a crime;

(*k*) "Head of the Department of Prisons and Correctional Services" means an officer appointed by the Administrator to head the Department of Prisons and Correctional Services;

(*l*) "high-risk prisoner" means a prisoner with high propensity towards violence, escape, self-harm or disorderly behaviour, who is likely to create unrest in prison or pose a threat to public order and includes persons engaged in organised crime and terrorist activities;

(*m*) "high security prison" means an independent self-sufficient prison complex with dynamic and strengthened security systems and provision for an independent court complex to house convicted and undertrial inmates who need to be kept in a high security custody area, involved in terrorist activities, gangsters, dangerous prisoners, hardened criminals, habitual offenders, prisoners with high propensity of escape and prisoners having potential for rioting or negatively influencing other inmates;

(*n*) "history ticket" means the ticket, either in physical or electronic form, exhibiting all relevant information in respect of a prisoner;

(*o*) "inmate" means any person lawfully confined in a prison or correctional institution;

(*p*) "medical officer" means a qualified Government medical practitioner deputed as a medical officer of a prison;

(*q*) "officer-in-charge" means an officer appointed by the competent authority as in-charge of a prison and includes Superintendent, Jailor or such other officer as may be prescribed;

(*r*) "open correctional institution" means a place for confinement of eligible prisoners on such conditions as may be prescribed, for giving them more liberty outside a regular prison and for facilitating their rehabilitation after release;

(*s*) "parole" means temporary release of a convict for a short period for attending to familial and social obligations;

(*t*) "prescribed" means prescribed by rules made by the Administrator under section 69 of this Regulation;

(*u*) "prison" means any place used permanently or temporarily under general or special orders of the Administrator for the detention of prisoners and includes all lands and buildings appurtenant thereto, but does not include—

(*i*) any place for the confinement of prisoners who are exclusively in the custody of the police;

(*ii*) any place specially appointed by the Government under section 457 of the Bharatiya Nagarik Suraksha Sanhita, 2023; or

46 of 2023.

(*iii*) any place which has been declared by the Government by general or special order to be a subsidiary jail;

(*v*) "prisoner" means a person committed to a prison under a writ, warrant, order or sentence of a court and includes a prisoner remanded by a court to prison custody and a detenue;

(*w*) "prison officer" means an officer belonging to the Department of Prisons and Correctional Services and includes officers of any other security force or service deployed in a prison for assisting prison administration in matters relating to safe custody and correctional services;

(*x*) "prison staff" means an employee appointed by the Department of Prisons and Correctional Services, other than a prison officer, who exercises powers or performs duties or functions relating to the administration of prisons under this Regulation or such other duties or functions as may be assigned by the Administrator;

(*y*) "prohibited article" or "contraband" means any item that presents a threat to the safety or security of prisoners, prison staff or prison institution, or any object, substance or material prohibited by the prison or correctional institution or the Administrator from being in possession of a prisoner, and includes mobile phone, communication device, drugs, weapon, firearm or any part thereof, explosives, knife, wire, tools, chemicals, razor blades, alcohol, matches, lighters or any article, the introduction or removal of which into or out of a prison is prohibited under this Regulation or any other article as may be notified by the Administrator;

(*z*) "recidivist" means any prisoner who is convicted of an offence more than once;

(*za*) "remission" means a concession granted to an eligible convicted prisoner by the Administrator with the prospect of early release from prison by the shortening of sentence;

(*zb*) "undertrial prisoner" means a person who is not a convict and has been committed to judicial custody pending investigation by police or trial before a court of competent jurisdiction;

(*zc*) "Union territory" means the Union territory of Andaman and Nicobar Islands;

(*zd*) "wireless communication device" means a mobile phone, computer, tablet, laptop, palmtop or any other electronic device used for unauthorised communication using any cellular or satellite network, or any other device notified by the competent authority;

(*ze*) "young offender" means a prisoner who has attained the age of eighteen years and has not attained the age of twenty-one years.

CHAPTER II

PRISONS AND CORRECTIONAL INSTITUTIONS

Functions of prisons and correctional institutions.

3. The functions of prisons and correctional institutions shall be as follows:—

(*a*) to keep in safe custody every prisoner committed thereto under any writ, warrant or order of a court;

(*b*) to take suitable measures for the safety and security of prisoners;

(*c*) to provide prisoners with food, clothing, accommodation, medical treatment and other necessities;

(*d*) to provide correctional treatment to prisoners with the objective of rehabilitating them in society as law-abiding citizens; and

(*e*) to maintain discipline in prison in accordance with the provisions of this Regulation and the rules made thereunder.

Accommodation for prisoners.

4. The Administrator shall provide sufficient number of prisons and correctional institutions in the Union territory for accommodation of prisoners and such prisons and correctional institutions shall be constructed and maintained in such manner as may be prescribed.

Prison architecture and institutional pattern.

5. (*1*) The pattern of construction of a prison including ground space, air space, ventilation of cells, barracks, bathing places, kitchen, work-sheds, hospitals and other facilities shall conform to such standards and requirements as may be prescribed.

(*2*) The standards of security for each prison shall be such as may be prescribed.

(*3*) The prisons may be designed so as to facilitate segregation and separate lodging of different categories of prisoners and to attend to special needs of prisoners such as women, transgender persons, persons with disabilities, persons suffering from contagious disease or mental illness or substance abuse, old and infirm prisoners, undertrial prisoners, convicted prisoners, high security prisoners, habitual or recidivist, young offenders, civil prisoners and detenues, as may be prescribed.

(*4*) The set-up of prisons and correctional institutions may include accommodation and other facilities for prison officers and other staff as per functional requirement.

(*5*) Wherever there is no stand-alone high security prison in the Union territory, high-risk offenders, hardened criminals and habitual offenders shall be segregated and lodged in separate barracks or cells of the prison, to keep them away from other prison inmates, young offenders and first-time offenders.

(*6*) The separate accommodation as referred to in sub-section (*5*) shall have such advanced architecture, design and institutional pattern as may be prescribed.

Categories of prisons and correctional institutions.

6. (*1*) The Administrator may establish such categories of prisons and correctional institutions as may be necessary, including—

(*a*) district prisons;

(*b*) sub-prisons;

(*c*) open correctional institutions;

(*d*) high security prisons;

(*e*) exclusive women prisons; and

(*f*) institutions for young offenders.

Explanation.—For the purposes of this clause, "institutions for young offenders" means a prison for young prisoners established with the object of ensuring care, welfare and rehabilitation and to provide an environment of education and training conducive to their reformation.

(*2*) The Administrator may determine the number of prisons and correctional institutions of any category and the place at which they may be established.

(*3*) Every district prison shall have separate ward for high-risk prisoners, hardened criminals, recidivists and habitual offenders, where they may be lodged separately in cells without mingling with other inmates.

(*4*) An appropriate and advanced security infrastructure and procedures shall be provided for high-risk wards referred to in sub-section (*3*).

(*5*) The district prisons shall have appropriate provisions for an independent court complex for holding court hearings or trials.

Temporary accommodation for prisoners.

7. Whenever it appears to the Administrator that—

(*a*) the number of prisoners in a prison is greater than can conveniently or safely be kept therein and it is not convenient to transfer the excess number to any other prison; or

(*b*) owing to the outbreak of any disease in any prison or for any other reason, it is desirable to provide temporary shelter for safe custody of prisoners,

the Administrator may make provisions for temporary prisons in such manner as may be prescribed.

CHAPTER III

ORGANISATIONAL SET-UP

Department of Prisons and Correctional Services.

8. (*1*) The Department of Prisons and Correctional Services in the Union territory shall be responsible for implementing prison policies laid down by the Administrator and shall plan, organise, direct, coordinate and control prisons, correctional services and matters connected therewith or incidental thereto.

(*2*) It shall consist of such number of officers and staff as may be prescribed from time to time.

(*3*) The institutional set-up may be determined having regard to the requirements of accommodating prisoners, inmate population, workload of prison officers and staff and the workforce may include executive, ministerial, guarding staff, correctional officers and staff, medical personnel and such other categories as may be prescribed.

Head of Department of Prisons and Correctional Services.

9. (*1*) The Administrator shall appoint the Head of the Department of Prisons and Correctional Services of such rank as may deem fit for the administration of prisons and correctional services, subject to the provisions of this Regulation and the rules made thereunder.

(*2*) The Head of the Department of Prisons and Correctional Services shall exercise powers and perform duties conferred under this Regulation and all other officers and staff of prisons shall be subject to his general supervision, control and direction.

(*3*) The Head of the Department of Prisons and Correctional Services shall exercise such administrative, financial and disciplinary powers and such other powers as may be prescribed.

Other officers.

10. (*1*) The Administrator may appoint such number of officers as may be necessary to assist the Head of the Department of Prisons and Correctional Services for performing such duties as may be prescribed.

(*2*) For every prison, there shall be an officer-in-charge, who may be a Superintendent, Jailor or any other officer of the Department of Prisons and Correctional Services as may be prescribed.

(*3*) The general control and management of a prison shall vest in the officer-in-charge and other officers and staff shall exercise or perform such duties and functions under the directions of the officer-in-charge as may be prescribed.

Recruitment and training.

11. (*1*) The qualifications, recruitment, appointment and training of officers and staff of prisons shall be such as may be prescribed.

(*2*) The salaries and other benefits of officers and staff shall commensurate with the work performed in a modern prison and correctional system, as may be prescribed.

(*3*) The prison officers and staff shall be provided basic induction training and periodic in-service training to enable them to perform duties efficiently and professionally.

Duties and functions of officer-in-charge.

12. (*1*) Subject to the provisions of this Regulation and the rules made thereunder, and orders and directions of the Head of the Department of Prisons and Correctional Services, the officer-in-charge shall manage the prison in all matters, including admission of prisoners, prison security, correctional programmes, admission of visitors inside prison, expenditure, discipline, punishment, control and release of prisoners, with the aid and assistance of subordinate officers and staff.

(*2*) The officer-in-charge shall be responsible for proper upkeep of the prison and all equipment and machinery under their charge.

(*3*) The officer-in-charge shall be responsible for safe custody of all documents and records, including records in electronic form and for money and other articles taken from prisoners and shall perform such other duties and discharge such other functions as may be prescribed.

(*4*) The officer-in-charge shall exercise such disciplinary powers as assigned under this Regulation or as may be prescribed for regulation of prisoners, maintaining prison discipline and proper management of the prison, including high security wards.

Medical officer.

13. (*1*) There shall be a medical officer for every prison.

(*2*) Where the post of medical officer is vacant, the medical officer or doctor in-charge of the Government hospital or the resident medical officer of the District Civil Hospital may act as the medical officer of the sub-prison or the district prison, as the case may be.

Duties of other prison officers and staff.

14. All other prison officers and staff shall discharge such duties and functions and undertake such responsibilities as may be prescribed.

Exercise of powers of officer-in-charge and medical officer in absence.

15. The powers and duties of an officer-in-charge or medical officer may, in their absence, be exercised and performed by such other officer or officers as the competent authority or Head of the Department of Prisons and Correctional Services may direct, either by name or by official designation.

Prohibition of business dealings by prison officers and staff.

16. (*1*) No prison officer or staff shall, directly or indirectly, have any business dealings with any prisoner or relative or friend of a prisoner, nor shall have any business dealings with any prison or correctional institution or any interest, direct or indirect, in any contract for supply of provisions or other articles to the prison, nor shall derive any benefit, directly or indirectly, from the sale or purchase of any such provisions or articles.

(*2*) Every prison officer and staff shall be bound by such conduct rules of the service as may be prescribed.

Staff welfare.

17. The Head of the Department of Prisons and Correctional Services may establish a staff welfare wing to aid and advise the Administrator in implementation of welfare measures for prison officers and staff.

Technology in prison administration.

18. (*1*) The Union territory shall ensure integration and embedding of appropriate technology for the effective management and superintendence of prisons and for safety and security of prisons and inmates, which may include biometrics, closed circuit television system, scanning and detection devices, Radio Frequency Identification, video conferencing facilities and seamless biometric access control system for movement of inmates.

(*2*) The Union territory shall computerise the entire prison administration, integrate the database with the Interoperable Criminal Justice System and develop suitable interfaces for seamless sharing of information and facilitate the prison and prisoner management system.

(*3*) The Union territory shall use advanced cellular jamming and cellular detection solutions in prisons to prohibit unauthorised use of mobile phones by inmates and shall deploy latest technological interventions to detect and prohibit use of mobile phones and other electronic devices in prisons by inmates.

CHAPTER IV

ADMISSION, TRANSFER AND DISCHARGE OF PRISONERS

Admission of prisoners.

19. (*1*) The officer-in-charge shall receive and detain in such prison any person duly committed to prison under this Regulation or under any other law for the time being in force, by any court or by any authority authorised by or under such law, in accordance with the writ, warrant, order or direction by which such person has been committed to prison, until such person is discharged or removed in due course of law.

(*2*) The officer-in-charge shall, after execution of such writ, warrant or order or after discharge of the person committed thereby, return the same to the court by which it was issued, with a duly signed certificate showing how the same has been executed or why the person committed thereby has been discharged from custody before execution thereof.

(*3*) The officer-in-charge shall give effect to any sentence, order or warrant for detention of any person passed or issued by any court or competent authority.

(*4*) Where the officer-in-charge is not sure about the legality of a warrant or order for execution, the matter shall be referred to the concerned court or any other competent authority for confirmation.

(*5*) Pending a reference made under sub-section (*4*), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

(*6*) No person shall be admitted into a prison for detention otherwise than under production of a lawful warrant or under any order of commitment addressed to the officer-in-charge by a court or any other competent authority.

Transfer of prisoner.

20. (*1*) Where any person is confined in a prison in a State or Union territory under a sentence of imprisonment, sentence of death, for default of payment of fine or default of giving security for keeping peace or maintaining good behaviour, the Administrator may, with mutual consent of that Government of State or Union territory, as the case may be, by order, provide for transfer of such prisoner from that prison to any prison in the other State or Union territory.

(*2*) The transfer of any undertrial prisoner from one State or Union territory to another may be done with the approval of the trial court.

Prisoners to be searched on admission, exit and re-entry.

21. (*1*) Whenever a prisoner is admitted into a prison, the prisoner shall be searched and all cash, jewellery, weapons, prohibited articles or any other article which the prisoner is not permitted to retain, shall be taken and retained in safe custody of the officer-in-charge or an officer authorised by him:

Provided that a woman prisoner or transgender prisoner shall be searched in such manner as may be prescribed.

(*2*) Every inmate received in prison shall undergo such physical and biometric identification measurements in accordance with the provisions of the Criminal Procedure (Identification) Act, 2022 or any other law for the time being in force. 11 of 2022.

(*3*) Every prisoner shall be examined on the same day but not later than twenty-four hours by the medical officer, who shall record the health of the prisoner, including any illness, past or present.

(*4*) Every prisoner who leaves a prison or re-enters a prison shall undergo search and physical and biometric identification upon each exit from or entry into the prison.

Search of prisoners.

22. Any prisoner shall be liable to be searched at any time for detection of any prohibited article or the like.

Articles of prisoners.

23. All valuable articles belonging to a prisoner, in respect whereof no order of a competent court has been made and which, under the rules, may be brought into a prison by any prisoner or sent to the prison for the inmate's use shall be placed in the custody of the officer authorised by the officer-in-charge in this behalf.

Admission, transfer and repatriation of foreign prisoners.

24. The information regarding the admission of a foreign prisoner in a prison shall be sent forthwith to the Head of the Department of Prisons and Correctional Services and forwarded to the Ministry of External Affairs, Government of India, or any other agency as may be specified by the Central Government, in such manner as may be prescribed.

CHAPTER V

CLASSIFICATION OF PRISONERS

Constitution of committee.

25. A committee to be called the Classification and Security Assessment Committee may be constituted for classification and security assessment of prisoners, comprising officers of the Department of Prisons and Correctional Services and other officers as may be prescribed.

Grounds of classification and categories.

26. (*1*) The Classification and Security Assessment Committee may classify prisoners admitted into a prison according to their age, gender, length of sentence, safety and security requirements, physical and mental health needs, correctional needs and such other factors as may be prescribed.

(*2*) The prisoners may be classified under the following categories, namely:—

(*a*) civil prisoners;

(*b*) criminal prisoners;

(*c*) convicted prisoners;

(*d*) undertrial prisoners;

(*e*) detenues;

(*f*) habitual offenders; and

(*g*) recidivists.

(*3*) The prisoners classified into different categories may be lodged in separate barracks, enclosures or cells to protect other prisoners from negative influence and radicalised thought process of hardened, habitual or high-risk prisoners.

(*4*) The prisoners may be segregated on the basis of gender, namely, male, female and transgender and lodged separately.

(*5*) The prisoners classified under sub-section (*2*) may further be classified under the following sub-categories and lodged separately:—

(*a*) drug addicts and alcoholic offenders;

(*b*) first-time offenders;

(*c*) foreign prisoners;

(*d*) old and infirm prisoners (above sixty-five years);

(*e*) prisoners suffering from infectious or chronic diseases;

(*f*) prisoners suffering from mental illness;

(*g*) prisoners sentenced to death;

(*h*) high-risk prisoners;

(*i*) women prisoners with children; and

(*j*) young offenders.

(*6*) Dangerous and high-risk prisoners shall be accommodated in special cells or high security prisons.

(*7*) The officer-in-charge shall take special care and caution for ensuring safe and secure custody of high-risk prisoners, as may be specified by the Administrator in this behalf.

Measures against criminal activities of prisoners.

27. (*1*) The Department of Prisons and Correctional Services and the Police Department of the Union territory shall take appropriate measures for protecting society from criminal activities of high-risk prisoners, habitual offenders and hardened criminals.

(*2*) Based on details of the crime committed by the inmate, available background record, history ticket and the like, inmates shall be suitably classified, assessed for their propensity and potential to negatively influence other inmates and be housed in separate barracks or cells.

(*3*) The high-risk prisoners, hardened criminals and habitual offenders shall not be entitled to parole, furlough or any kind of prison leave in the normal course.

Special provisions for prison staff on duty.

28. (*1*) The officer-in-charge and prison staff shall ensure special watch and surveillance over high-risk prisoners, hardened criminals and habitual offenders for preventing organised crime and continued criminal activities while imprisoned, including gang activity, intimidating witnesses, and the like.

(*2*) The Department of Prisons and Correctional Services shall, for ensuring dynamic security, preventing escapes, maintaining order and preventing criminal activities within prisons, undertake intelligence gathering, observation, monitoring and analysis of relevant information in coordination with the Intelligence Wing of the Police Department.

(*3*) The Head of the Department of Prisons and Correctional Services shall strengthen and take effective measures for periodic search and detection of contraband, mobile phones and the like, in the cells and barracks of high-risk offenders and hardened criminals and deploy advanced jamming solutions, including frequent surprise checks.

(*4*) The prison and other security staff deployed in sensitive barracks and cells shall be rotated at periodic intervals to prevent the formation of any nexus or complacency in security.

(*5*) The release of high-risk prisoners, hardened criminals and habitual offenders on completion of sentence or an undertrial prisoner on bail or an inmate released temporarily on parole or furlough, shall be informed to the Superintendent of Police of the concerned district, who shall keep watch on the activities of such prisoner.

(*6*) The district administration shall ensure complete security during movement of the prisoner to court for judicial proceedings, to the hospital for medical treatment or to any other place, as per writ, warrant or order of the court or the competent authority, as the case may be.

CHAPTER VI

WOMEN PRISONERS, TRANSGENDER PRISONERS AND PRISONERS WITH DISABILITIES

Separate accommodation for women prisoners.

29. (*1*) The Administrator may establish such number of exclusive prisons for women prisoners as he may consider necessary.

(*2*) In a prison housing both women and men prisoners, women prisoners shall be kept in a separate building or separate part of the same building, with a separate entrance, in such a manner that they do not come into contact with men prisoners.

(*3*) All basic facilities as provided to men prisoners shall be provided to women prisoners and such other facilities to meet their gender-specific needs.

(*4*) A separate female ward in the prison hospital shall be created for women prisoners.

(*5*) In case of an exclusive women prison or women enclosure or female ward, only women prison officials and staff shall be deputed.

(*6*) The male prison officials and security staff may be deputed for duties outside women prison or enclosure and may be called inside by the officer-in-charge or officer on duty only in case of emergency or commission of prison offence.

(*7*) The women prisoners shall be provided access to correctional programmes and activities taking into account their gender-specific needs.

Pregnant women prisoners.

30. Where a woman prisoner is found to be pregnant at the time of admission or later, the medical officer shall report this fact to the officer-in-charge and necessary arrangements shall be made for providing medical care and diet as may be prescribed.

Women prisoners with children.

31. (*1*) The women prisoners may keep their children with them inside prison until the child attains the age of six years.

(*2*) A child living with his mother in prison shall be provided with healthcare and such other facilities as may be prescribed.

Complaints of sexual harassment.

32. Any complaint or information of sexual harassment of a woman prisoner shall be acted upon without delay in accordance with the applicable laws.

Transgender prisoners.

33. (*1*) Separate enclosures or wards shall be provided for transgender prisoners, both transmen and transwomen.

(*2*) The transgender prisoners shall be provided access to any specific healthcare or psychosocial support according to their needs.

(*3*) The transgender prisoners shall be provided access to correctional programmes and activities.

Prisoners with disabilities.

34. (*1*) No prisoner shall be discriminated against on the ground of disability and shall be entitled to equality, dignity and respect for their integrity on an equal basis with others.

(*2*) The prisoners with disabilities shall be provided with healthcare, including psychiatric and psychological services, as well as access to rehabilitation programmes and therapies.

(*3*) The prison infrastructure, including cells, toilets, medical units, educational and vocational training centres and grievance redressal systems, shall be made accessible in accordance with the standards specified under the Accessibility Standards and Guidelines notified by the Ministry of Home Affairs.

(*4*) The incoming prisoners shall be screened for disabilities at the time of admission to prison.

(*5*) The prison records shall reflect the specific needs of prisoners with disabilities to ensure suitable accommodation and assistance.

(*6*) The prison staff shall undergo regular training to sensitise them to the rights, needs and handling of prisoners with disabilities.

CHAPTER VII

SECURITY OF PRISONERS

Custody and security of prisoners.

35. (*1*) The officer-in-charge shall undertake such measures for safe custody and security of prisoners as may be prescribed.

(*2*) The Head of the Department of Prisons and Correctional Services may transfer a prisoner to any other prison in the Union territory in such manner as may be prescribed.

(*3*) On request of the officer-in-charge, the local police authorities shall provide necessary assistance to prison authorities for escorting a prisoner to court, hospital or for custody parole and the like.

(*4*) The use of restraint and force on prisoners shall be regulated in such manner as may be prescribed.

Visitors of prisoners.

36. (*1*) The prisoners may communicate with their visitors, namely, family members, relatives and friends, through physical or virtual mode under proper supervision of prison authorities.

(*2*) The visitors of prisoners shall be verified or authenticated through biometric verification or identification.

(*3*) The name, address, photograph and biometric identification of each visitor to an inmate shall be entered in record in such manner as may be prescribed.

(*4*) The foreign prisoners may communicate with their family members and consular representatives in such manner as may be prescribed.

(*5*) The prisoners may consult their legal counsel in such manner as may be prescribed.

Search of visitors, prison officers and staff.

37. (*1*) All visitors to prisoners shall be searched upon entry into or exit from the prison in such manner as may be prescribed.

(*2*) In case any visitor refuses to get searched, such visitor shall be denied entry into the prison and the decision shall be entered in record.

(*3*) The search of visitors who are women, transgender persons or persons with disabilities may be made in such manner as may be prescribed.

(*4*) All prison officers and staff shall be searched upon each entry into and exit from the prison.

CHAPTER VIII

PRISON OFFENCES AND PENALITIES

Discipline in prisons.

38. (*1*) The officer-in-charge shall have the authority and be responsible for maintaining discipline in the prison and amongst prisoners, prison officers and staff, in accordance with the provisions of this Regulation and the rules made thereunder.

(*2*) The manner of enforcing discipline in prisons shall be such as may be prescribed.

(*3*) It shall be the duty of every prisoner to obey the lawful orders and instructions of prison officers, to abide by the provisions of this Regulation and to comply with such other directions as may be prescribed.

Prison offences.

39. The following acts may be considered as prison offences when committed by a prisoner, namely:—

(*i*) wilful disobedience of any rule or regulation of the prison;

(*ii*) any assault or use of criminal force on any person;

(*iii*) deliberate and persistent use of insulting or threatening language;

(*iv*) immoral, indecent or disorderly behaviour;

(*v*) wilfully disabling oneself from labour;

(*vi*) continuously refusing to work, if the prisoner has been sentenced to rigorous imprisonment;

(*vii*) wilful idleness or negligence at work by any convict sentenced to rigorous imprisonment;

(*viii*) wilful mismanagement of work by any convict sentenced to rigorous imprisonment;

(*ix*) wilful damage to prison property;

(*x*) tampering with or defacing history tickets, records or documents maintained in physical or electronic form;

(*xi*) receiving, possessing or transferring any prohibited article;

(*xii*) wilfully making false accusation against any prison official;

(*xiii*) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any attempt to escape or preparation to escape or attack on any prisoner or prison official or any other person;

(*xiv*) escaping or attempting to escape, conspiring to escape, or assisting in escaping;

(*xv*) unauthorised use or possession of wireless communication devices or their ancillary components;

(*xvi*) trespassing in or loitering about prison premises where entry is prohibited;

(*xvii*) unauthorised communication with any person outside prison;

(*xviii*) impersonating a prison official or employee of the Department of Prisons and Correctional Services;

(*xix*) smuggling, attempting to smuggle or possessing any prohibited article in prison;

(*xx*) intimidating fellow prisoners into making false representation against prison officials;

(*xxi*) participating in or inciting mass hunger strike or any other act of defiance or indiscipline;

(*xxii*) committing sexual harassment or sodomy;

(*xxiii*) participating in or organising anti-social activities like gambling; and

(*xxiv*) aiding or abetting the commission of any of the aforesaid offences.

Punishment for prison offences.

40. The officer-in-charge may, after an inquiry impose any of the following punishments in respect of prison offences mentioned in section 39, except in cases which constitute an offence under the Bharatiya Nyaya Sanhita, 2023 or any other applicable law:— 45 of 2023.

(*i*) a formal warning personally addressed to a prisoner and recorded in the punishment book and the history ticket of the prisoner;

(*ii*) stoppage of recreational facilities, including canteen facility for a period not exceeding one month;

(*iii*) forfeiture of remission earned for a period not exceeding three months;

(*iv*) stopping visits of all visitors for a period not exceeding one month, excluding visit of an advocate; and

(*v*) separate confinement for a period not exceeding thirty days.

Punishment for possessing or using mobile phones and other contraband.

41. (*1*) The prisoners are prohibited from possessing or using mobile phones or any other electronic communication devices in prisons.

(*2*) Whoever,—

(*a*) being a prisoner, visitor or prison official, in contravention of any provisions of this Regulation or rules made thereunder is found possessing or using such device or introduces, removes or attempts to introduce or remove into or from any prison or supplies or attempts to supply to any prisoner any prohibited article;

(*b*) being an officer or staff of a prison, contrary to any such rule, knowingly allows any such article to be introduced into or removed from any prison, to be possessed by any prisoner or to be supplied to any prisoner;

(*c*) contrary to any such rule, communicates or attempts to communicate with any prisoner or abets any offence punishable under this section,

shall on conviction be liable to imprisonment for a term not exceeding three years or with fine not exceeding twenty-five thousand rupees, or with both.

(*3*) Whoever, being a prisoner, visitor or prison official, is found in possession of, or operating or using, an electronic device or wireless communication device or any of its ancillaries or components or is found assisting, abetting or instigating supply thereof or manipulating, damaging or destroying any equipment in prison, whether electronic or otherwise, shall on conviction be liable to imprisonment for a term not less than two years but which may extend to three years, or with fine not exceeding twenty-five thousand rupees, or with both.

(*4*) The prisoner shall undergo the sentence of imprisonment awarded under sub-section (*2*) or (*3*), in addition to any sentence already being undergone.

(*5*) The offences mentioned in sub-sections (*2*) and (*3*) shall be cognizable and non-bailable.

Repeated prison offence.

42. (*1*) Where a prisoner frequently commits prison offences and the officer-in-charge is of the opinion that, by reason of such frequent commission or otherwise, the punishment which he is empowered to impose under this Regulation is inadequate, such officer shall forward the case to the Judicial Magistrate having jurisdiction, together with a statement of the circumstances of the case.

(*2*) The Judicial Magistrate shall thereupon try the charge so brought against the prisoner and upon conviction, may sentence him to imprisonment for a term which may extend to three years.

(*3*) The term of imprisonment awarded under sub-section (*2*) shall be in addition to any other term which such prisoner may already be undergoing.

Display of prison offences and penalties.

43. The officer-in-charge may cause to be affixed at a conspicuous place inside the prison, a notice in English and in the regional language setting forth acts prohibited under this Regulation and the penalties incurred by their commission, for information of prisoners and prison staff.

CHAPTER IX

HEALTHCARE AND WELFARE FACILITIES

Prisoners' healthcare.

44. All prisoners shall be provided with such gender-responsive healthcare facilities as may be prescribed.

Mental health.

45. (*1*) The Administrator may, by general or special order, direct transfer of any prisoner with mental illness from the place of detention to any mental health establishment in the Union territory, with prior permission of the Medical Board as specified in section 103 of the Mental Healthcare Act, 2017. 10 of 2017.

(*2*) The method, modalities and procedure by which transfer of a prisoner under this section is to be effected shall be such as may be prescribed.

Welfare programmes.

46. (*1*) The prisoners shall be provided appropriate opportunity for enhancing their educational qualification, including provision for library facilities in prison.

(*2*) Vocational training and skill development programmes may be provided to prisoners as part of correctional programmes.

(*3*) The officer-in-charge may organise spiritual, cultural and recreational programmes for prisoners.

(*4*) The eligibility, nature of programmes, manner of participation, timing, supervision, security conditions, coordination with educational or vocational institutions, certification, records to be maintained and other matters relating to the programmes referred to in sub-sections (*1*) to (*3*) shall be such as may be prescribed.

(*5*) The Administrator may establish a fund to be called the Prisoners' Welfare Fund for the welfare of prisoners.

Establishment of canteens and sale outlets.

47. Canteens and sale outlets may be established in the prison for sale of products, including jail products, to prisoners, prison staff and the public.

Individual sentence planning.

48. (*1*) The officer-in-charge may prepare an individual sentence plan for every convicted prisoner for rehabilitation and social reintegration.

(*2*) The individual sentence plans may be updated and recorded in prisoner files on periodic basis.

Explanation.—For the purposes of this section, "sentence plan" means a correctional and rehabilitation plan for a prisoner, having regard to the sentence awarded, conduct, risk and needs assessment, educational and vocational requirements, health needs, family and social background.

Work programme and wages.

49. (*1*) Every prisoner sentenced to simple imprisonment, while in prison may be provided opportunity of work and be paid commensurate wages.

(*2*) The record of wages earned and spent by any prisoner, particulars of deferred wages and matters incidental thereto shall be maintained by the officer-in-charge.

CHAPTER X

OPEN AND SEMI-OPEN CORRECTIONAL INSTITUTIONS

Open and semi-open correctional institutions.

50. (*1*) The Administrator may establish and maintain as many open and semi-open correctional institutions for prisoners as may be required.

(*2*) The Administrator may allow such facilities or concessions in an open or semi-open correctional institution as may be prescribed.

(*3*) The management of open or semi-open institutions, eligibility and procedure for the transfer of prisoners to such correctional institutions and procedure for dealing with prisoners who violate any condition of transfer, shall be such as may be prescribed.

CHAPTER XI

PRISON LEAVE, REMISSION AND PREMATURE RELEASE

Parole and furlough.

51. (*1*) Prison leave may be granted to eligible convicted prisoners as an incentive for good behaviour and responsiveness to correctional treatment.

(*2*) The following types of prison leave may be granted under sub-section (*1*), namely:—

(*a*) regular parole;

(*b*) emergency parole; and

(*c*) furlough.

(*3*) Regular parole may be granted to the eligible convicts by the competent authority under such conditions and for such purposes as may be prescribed.

(*4*) The period spent on regular parole shall not exceed thirty days at a time and shall not be granted more than twice in a year and shall not be counted as part of sentence.

(*5*) Emergency parole may be granted by the competent authority to the convicts in rare or emergent situations, under police protection, for a period not exceeding forty-eight hours and the period spent under emergency parole shall be counted towards sentence.

(*6*) Furlough may be granted to eligible convicts by the competent authority, as an incentive for maintaining good conduct and discipline in prison after completion of three years of incarceration, for a period not exceeding fourteen days in a year and the period spent on furlough shall be counted as part of sentence served by the prisoner.

(*7*) Leave may be granted to the prisoners governed by any of the laws relating to the Armed Forces, subject to provisions of those laws.

(*8*) Where a prisoner on parole or furlough fails to surrender on the due date, upon intimation by the officer-in-charge, the police officer shall arrest the prisoner under section 262 of the Bharatiya Nyaya Sanhita, 2023. 45 of 2023.

Remission to prisoners.

52. (*1*) Subject to good behaviour and conduct of a convicted prisoner while serving sentence, remission may be granted by the competent authority.

(*2*) The period and criteria of granting remission shall be such as may be prescribed.

Pre-mature release.

53. (*1*) The pre-mature release may be allowed to a convicted prisoner by the competent authority, in accordance with the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023. 46 of 2023.

(*2*) The Administrator may constitute a Sentence Review Board for considering and recommending cases for premature release of a convicted prisoner in appropriate cases.

(*3*) The factors governing pre-mature release under sub-section (*2*) shall be such as may be prescribed.

(*4*) The recommendation of the Sentence Review Board shall be placed before the competent authority for taking a final decision.

CHAPTER XII

INSPECTION OF PRISONS

Inspection of prisons.

54. (*1*) The prisons shall be inspected in the following manner, namely:—

(*a*) departmental inspection to be conducted by an officer of such rank, at such intervals and in such manner as may be prescribed;

(*b*) an inspection to be conducted by the Board of Visitors headed by the District Judge, Additional District Judge or Sub-Divisional Judicial Magistrate, as the case may be, and may comprise such other official and non-official members as may be prescribed.

(*2*) Every inspection under sub-section (*1*) shall be followed by a report, which shall be submitted to the Head of the Department of Prisons and Correctional Services and a copy shall be endorsed to the officer-in-charge.

(*3*) The report referred to in sub-section (*2*) shall contain such particulars and be submitted within such timeline as may be prescribed.

CHAPTER XIII

AFTER-CARE AND REHABILITATION SERVICES

After-care and rehabilitation services.

55. The Administrator may provide after-care services to needy prisoners released from prison to ensure rehabilitation and reintegration into society.

Explanation.—For the purposes of this section, "after-care service" means a service or activity aimed at the rehabilitation and social integration of a released prisoner for enabling them to lead life as a dutiful citizen.

CHAPTER XIV

MISCELLANEOUS

Prohibition of caste-based discrimination.

56. (*1*) No prisoner shall be discriminated against, classified or segregated on the ground of caste in any prison or correctional institution.

(*2*) No duty or work shall be allotted to any prisoner on the ground of caste, caste-based practice or any customary arrangement.

(*3*) No act or practice prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, shall be permitted in any prison or correctional institution and the provisions of the said Act shall apply accordingly.

25 of 2013.

(*4*) Manual scavenging or hazardous cleaning of a sewer or septic tank inside a prison shall not be permitted.

Legal aid.

57. The Administrator may provide free legal aid to prisoners in accordance with provisions of the Legal Services Authorities Act, 1987 and Standard Operating Procedures prescribed by the National Legal Services Authority, State Legal Services Authority or District Legal Services Authority, as the case may be.

39 of 1987.

Constitution of Under Trial Review Committee.

58. (*1*) There shall be constituted for every district, an Under Trial Review Committee for periodic review of cases of under trial prisoners in the district, including cases of prisoners who may be eligible for release on bond or bail bond under section 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or under any other law for the time being in force.

46 of 2023.

(*2*) The Committee shall be headed by the District and Sessions Judge and shall comprise such other members as may be prescribed.

(*3*) The Committee shall meet periodically, review cases of eligible undertrial prisoners in all prisons of the district and make appropriate recommendations to the concerned court or authority.

(*4*) The composition, periodicity of meetings, procedure for review, categories of eligible cases, records to be placed before the Committee, format of recommendations and follow-up action shall be such as may be prescribed.

Report on death of prisoner.

59. On death of any prisoner, the medical officer shall forthwith record the cause of death, including relevant details and particulars of the case, as may be prescribed and send the report to the officer-in-charge and the Head of the Department of Prisons and Correctional Services.

Grievance redressal mechanism.

60. There shall be established a grievance redressal mechanism for redressal of grievances of prisoners and prison staff.

Utilisation of services of prisoners.

61. The officer-in-charge may utilise services of prisoners in accordance with the rules for day-to-day administration and management of prisons.

Prohibition of strike and agitation.

62. No prisoner, visitor or person employed in prison shall have any right to strike or start or continue any agitation inside prison for achieving any request or demand.

Emergency.

63. The officer-in-charge shall take measures, including procurement of necessary equipment and preparation of contingency plan for preventing and controlling any emergent situation in prisons, including ensuring availability of Quick Reaction Team and taking any other action in conformity with the Disaster Management Act, 2005 or any other relevant Act, orders or instructions issued by any competent authority.

53 of 2005.

Extramural custody, control and employment of prisoners.

64. A prisoner, while being taken to or from any prison in which the prisoner may be lawfully confined or to court for production or to hospital for medical treatment, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under lawful custody or control of a prison officer belonging to such prison or any other officer deployed for such duty, shall be deemed to be in prison and shall be subject to all directions and discipline as if actually in prison.

Prison Board.

65. (*1*) The Administrator may set-up a Prison Board to modernise the prison infrastructure and facilities for better prison management, correctional and reformational activities for prisoners and welfare of prison staff.

(*2*) The composition, responsibilities and manner of governance of the Board shall be such as may be prescribed.

Delegation of powers.

66. The Administrator may, by notification and subject to such restrictions and conditions as may be specified therein, delegate such of the powers to the Head of the Department of Prisons and Correctional services or any other subordinate officer which may be exercised under this Regulation, except the power to make rules under section 69.

Accounts and audit.

67. The accounts of every prison shall be maintained and audited in such manner as may be prescribed.

Protection of action taken in good faith.

68. No suit, prosecution or other legal proceeding shall lie against the Administrator or any functionary of the Administrator in respect of anything which is done or intended to be done in good faith in pursuance of this Regulation or the rules made, or orders or directions issued, thereunder.

Power to make rules and laying.

69. (*1*) The Administrator may, by notification in the Official Gazette make rules to carry out the provisions of this Regulation.

(*2*) Every rule made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings.

70. (*1*) The Prisons Act, 1894, the Prisoners Act, 1900 and the Transfer of Prisoners Act, 1950, as applicable to the Union territory, are hereby repealed. 9 of 1894. 3 of 1900. 29 of 1950.

(*2*) Notwithstanding such repeal, all rules, regulations, orders, directions and notifications relating to prisons made under the Acts referred to in sub-section (*1*) and in force immediately before commencement of this Regulation shall, except where and so far as they are inconsistent with or repugnant to provisions of this Regulation, continue to be in force until altered, amended or repealed by rules made under this Regulation.

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DROUPADI MURMU,
President.

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DR. RAJIV MANI,
Secretary to the Govt. of India.

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