OFFICE OF THE PRINCIPAL DISTRICT COURT, EAST GODAVARI, RAJAMAHENDRAVARAM
Dt.18.05.2026

* * *

Sub:- The Andhra Pradesh Gazette Part IV-B, Dt.02.04.2026 relating to the Act No.16 of 2026, an act enact the law relating to prisons.

Ref:- Letter No.SPWR/Jr./914/2026, dated 07.05.2026 of Superintendent, Special Prison for women, Rajamahendravaram.

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18/5/26.

PRINCIPAL DISTRICT JUDGE.

To

All the Judicial Officers in the Unit with a request to download the said Gazette from the e-courts website, East Godavari.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 16] AMARAVATI, THURSDAY, 2nd APRIL, 2026.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 25th March, 2026 and the said assent is hereby first published on the 2nd April, 2026 in the Andhra Pradesh Gazette for general information :

ACT No. 16 of 2026

AN ACT TO ENACT THE LAW RELATING TO PRISONS AND PROVIDE FOR THE SAFE CUSTODY, CORRECTION, REFORMATION AND REHABILITATION OF PRISONERS AS LAW ABIDING CITIZENS, AND MANAGEMENT OF PRISONS AND CORRECTIONAL SERVICES IN THE STATE OF ANDHRA PRADESH AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-seventh Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title extent and Commencement.

1. (1) This Act may be called the Andhra Pradesh Prisons and Correctional Services Act, 2026.

(2) It shall extend to the whole of the State of Andhra Pradesh.

(3) It shall come in to force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

Definitions. **2.** In this Act, unless the context otherwise requires:

(1) **"After-care Service"** means a service or activity aimed at the rehabilitation of the released prisoner for enabling him to lead life as a dutiful citizen.

(2) **"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.

(3) **"Convict"** means any prisoner under sentence of a court exercising criminal jurisdiction or court martial.

(4) **"Correctional Service"** means any service or program aimed at the reformation and rehabilitation of an inmate, and includes services related to the assessment, supervision, treatment, training, control, custody of an inmate.

(5) **"Court"** includes any officer lawfully exercising civil, criminal or revenue jurisdiction.

(6) **"Directorate"** means the Directorate of Prisons and Correctional Services of the State.

(7) **"Detenue"** means any person detained in prison on the orders of a competent authority under any law providing for preventive detention.

(8) **"Family"** means Spouse, children, siblings, parents, grand-parents, grandchildren, and in the context of transgender inmates, people related through socio-religious family system.

(9) **"Foreign Prisoner"** means any prisoner who is not a citizen of India.

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

(11) **"Government"** means the Government of Andhra Pradesh.

(12) **"Habitual Offender"** means a person who, during any continuous period of five (5) years, whether before or after the commencement of the Andhra Pradesh Habitual Offenders Act,

1962 or partly before and partly after such commencement has been sentenced on conviction on not less than three occasions after he attained the age of eighteen (18) years to a substantive term of imprisonment for any one or more of the scheduled offences committed on different occasions and not so connected together as to form parts of the same transaction, such sentence not having been reversed in appeal or on revision: Act No. 4 of 1962.

Provided that in computing the continuous period of five (5) years referred to above, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account.

Explanation - An order requiring a person to give security for good behaviour with reference to section **129** of Bharatiya Nagarik Suraksha Sanhita **2023,** shall be deemed to amount to a sentence of substantive imprisonment within the meaning of this clause. Central Act No. 46 of 2023.

(13) **"Head of the Directorate of Prisons and Correctional Services"** means an officer appointed by the Government as head of the Directorate of Prisons and Correctional Services.

(14) **"High-risk Prisoner"** means a prisoner with high propensity towards violence, escape, self-harm, disorderly behaviour, likely to create unrest in the prison and a threat to public order and includes those engaged in organised crime and terrorist activities.

(15) **"High Security Prison"** means an independent self sufficient prison complex with dynamic and strengthened security systems with provision for an independent Court complex, etc., to house convicted and under trial inmates, who need to be kept in a high security custody area, such as persons involved in terrorist activities, gangsters, dangerous prisoners, hardened criminals, habitual offenders, prisoners with high propensity of escape, have the potential of rioting and negatively influencing other inmates, etc.

(16) **"History Ticket"** means the ticket, either in physical or electronic form, exhibiting all relevant information in respect of a prisoner.

(17) **"Inmate"** means any person lawfully confined in a prison and correctional institution.

(18) **"Institution"** means a place where prisoners are lawfully confined.

(19) **"Institution for Young Offenders"** means a prison for young prisoners established to ensure their care, welfare and rehabilitation, to provide an environment of education and training conducive to their reformation.

(20) **"Medical Officer"** in relation to prisons means a qualified Government medical practitioner deputed as a medical officer of a prison.

(21) **"Medical Subordinate Staff"** means a qualified Medical Assistant, such as Pharmacist, Nurse, Lab Technician, Male nursing orderly, Female nursing orderly and other paramedical staff deputed in a Prison to provide medical assistance.

(22) **"Open Prisons / Semi Open Prisons"** means a place for confinement of eligible prisoners on such conditions, as may be prescribed under the rules, for giving them more liberty outside a regular prison for facilitating their rehabilitation after release.

(23) **"Parole"** means temporary release of a convict for a short period of time for attending to familial and social obligations.

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

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

Central Act No. 46 of 2023.

(b) any place specially appointed by the Government under Section 457 of the Bharatiya Nagarik Suraksha Sanhita, 2023;

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

(25) **"Prison Officer"** means an officer belonging to the Department of Prisons and Correctional Services and includes officers of any other security force or any other service deployed in the prison for assisting the prison administration for the safe custody of/providing correctional services to the prisoners.

(26) **"Prison Staff'** means an employee appointed by the Directorate, other than a prison officer, who exercises powers or performs duties or functions related to the administration of this Act or as maybe assigned by the Government.

(27) **"Prisoner"** means a person committed to custody in a prison under the writ, warrant, order or sentence of a Court or a competent authority and includes convicted prisoner, civil prisoner, undertrial prisoner, prisoner remanded by a court to prison custody under the orders of a competent authority and a detenue.

(28) **"Prohibited article (contraband)"** means any item that presents a threat to the safety or security of the prisoners, prison staff, prison institution or any object, substance, or material forbidden by the Prisons and Correctional Institutions or the Government from being in a prisoner's possession, like cell phone, a communication device, drugs or anything that can be used as a weapon or to aid in escape, such as fire arms or any of its part, explosives, knives, 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 by this Act or by the rules framed under the Act or by any other law or by any notification of the Government.

(29) **"Recidivist"** means any prisoner who is convicted for a crime more than once.

(30) **"Remission"** means a concession granted to an eligible convicted prisoner by the competent authority with the prospect of early release from prison by shortening of sentence, as may be prescribed under the rules.

(31) **"Rule"** means a rule made under this Act.

(32) **"Officer-in-charge of a Prison"** means an officer appointed

by the competent authority as in-charge of a prison, namely Superintendent, Additional Superintendent and Deputy Superintendent, etc.

(33) **"Undertrial prisoner"** means a person who is not a convict and has been committed to judicial custody pending investigation by the police or trial by a court of competent jurisdiction.

(34) **"Wireless Communication Device"** means a mobile phone, computer, tablet, laptop, palmtop or any other electronic device used for unauthorized communication using any cellular or satellite network or any other device notified by the competent authority.

(35) "Young Offender" means a prisoner who has attained the age of eighteen (18) years and has not attained the age of twenty one (21) years.

CHAPTER - II

FUNCTIONS OF PRISONS AND CORRECTIONAL INSTITUTIONS

3. The functions of Prisons and Correctional Institutions as follows, namely, -

The functions of Prisons and Correctional Institutions.

(1) To keep in safe custody, a prisoner committed to it under any writ, warrant or by the order of any court or any other competent authority;

(2) To take suitable measures for the safety and security of prisoners;

(3) To provide the prisoners with food, clothing, accommodation, other necessities and medical treatment;

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

(5) To maintain discipline in the prison in accordance with the provisions of this Act and the rules made thereunder.

CHAPTER - III

PRISON ACCOMMODATION

Accommodation for prisoners.

4. The Government shall provide sufficient number of prisons and correctional institutions in the State of Andhra Pradesh for accommodating the prisoners, which may be constructed and maintained in such manner so as to comply with the requirements of this Act.

Prison architecture and institutional pattern.

5. (1) The pattern of construction of a prison, ground space, air space, ventilation of cells, barracks, bathing places, kitchen, work-sheds, hospitals etc., shall conform to such standards and requirements, as maybe prescribed under the rules.

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

(3) Prisons may be designed in such a manner so as to facilitate segregation and separate lodging of various categories of prisoners without any discrimination based on caste, gender and disability and /or for attending to special needs of prisoners such as women / transgender/persons with disabilities/ persons suffering from contagious disease or mental illness or substance abuse/old and infirm prisoners, under trial prisoners, convicted prisoners, high security prisoners, habitual/recidivist prisoners, young offenders, civil prisoners, detenues etc., as may be prescribed under the rules.

(4) The setup of prisons and correctional institutions may include accommodation and other facilities for the prison officers and other staff as per functional requirement.

(5) Wherever there is no provision of a stand-alone High Security Prison in the State, high risk offenders, hardened criminals and habitual offenders shall be segregated and lodged in separate barracks or cells of the jail, which shall have a provision of keeping them away from mingling with other prison inmates, young offenders, first time offenders etc.

(6) Such separate accommodation as referred to in sub-section(5) shall have appropriate advanced architecture, design and

institutional pattern, as prescribed under the rules, for keeping inmates in a safe and secure custody.

Categories of Prisons and Correctional Institutions

6. (1) The Government may establish various categories of Prisons and correctional Institutions such as:

(a) Central Prisons;

(b) District Prisons;

(c) Special Sub Jails;

(d) Sub - Jails;

(e) Open Prisons/ Semi Open Prisons;

(f) High Security Prisons;

(g) Special Prisons for Women; and

(h) Institutions for Young Offenders/ Borstal Schools.

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

(3) Each Central Prison/District Prison shall have provision for a separate ward for high-risk prisoners/hardened criminals/ recidivists/ habitual offenders where they may be lodged separately in cells without the scope of mingling with the other inmates so as to protect other prisoners from their negative influence and radicalized thought process.

(4) Appropriate and advanced security infrastructure and procedures shall be in place for High-Risk prisoner ward in all Central/District Prisons. Such prisons shall also have appropriate provisions for an independent Court complex for holding court hearing/trials.

Temporary accommodation for prisoners.

7. Whenever it appears to the Government that,-

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

(2) whenever due to the outbreak of any disease in any prison, or for any other reason, it is desirable to provide for temporary shelter and for the safe custody of prisoners, appropriate provision for temporary prisons may be made, in such manner as the Government may direct, for the shelter and safe custody of as many prisoners that cannot be conveniently or safely kept in a prison.

CHAPTER IV

ORGANIZATIONAL SETUP

Directorate of Prisons and Correctional Services.

8. (1) There shall be a Directorate of Prisons and Correctional Services in the State which shall be responsible for implementing the prison policies laid down by the State Government, and will plan, organize, direct, coordinate and control various prisons and correctional services and matters connected therewith and incidental thereto. The Directorate shall consist of such number of officers and staff as may be prescribed by the Government from time to time.

(2) The institutional set up may be decided in accordance with the need and requirement of accommodating the prisoners, the inmate population, workload of prison officers and staff and the workforce may include executive, ministerial, guarding staff, correctional officers and staff, medical personnel or any other officer/staff who may be required to assist in executing the functions explained in sub-section (1) and as may be prescribed under the rules.

Head of Prisons and Correctional Services.

9. (1) For the administration of Prisons and Correctional Services, the Government shall appoint the Head of Prisons & Correctional Services (of appropriate rank as the Government may deem fit), subject to the provisions of the Act and the rules made thereunder.

(2) The Head of Prisons & Correctional Services shall exercise powers and perform duties under this Act and other officers and staff of prisons shall work under the general supervision, control and direction of the Head of Prisons & Correctional Services.

(3) The Head of Prisons & Correctional Services shall exercise such administrative, financial and disciplinary powers as may be exercised by a Head of Department and such other powers specifically conferred upon him by the Government from time to time, as may be prescribed under the rules.

Other Officers of Prisons.

10. (1) The Government may appoint as many officers as may be necessary to assist the Head of the Directorate of Prisons and Correctional Services for performing such duties as may be prescribed under the Act and the rules.

(2) The strength of Prison Officers and staff shall be so fixed by Government in each cadre as shall be permitted on optimum basis.

(3) For every prison, there shall be an Officer-in-Charge, who may be a Superintendent, Additional Superintendent, Deputy Superintendent or any other officer of the Prisons and Correctional Services, as prescribed under the rules.

(4) The general administrative control and management of prison unit shall vest with the Officer-in-Charge and other officers and staff shall exercise or perform such duties and functions under his direction, as maybe prescribed under the rules and such administrative and functional control and management shall be subject to general supervision and control of Director General of Prisons and Correctional Services.

(5) Salaries and other benefits of officers and staff members may be commensurate with the work performed in a modern prisons and correctional system as may be prescribed under the rules.

Recruitment and Training.

11. (1) The qualifications, recruitment, appointment and training of the officers and staff of the Prisons shall be such as may be prescribed under the rules.

(2) Every member of the prison officers and staff in the prison shall be provided basic induction training and periodic in-service training to enable them to perform their duties efficiently and professionally.

(3) There shall be not less than one training institute to train the prison officers in different ranks in both induction training and in-service training programs

CHAPTER-V

DUTIES OF PRISON OFFICERS AND STAFF

Functions and Duties of Officer-In-Charge.

12. (1) Subject to the provisions of the Act and the rules made thereunder or under orders and directions of the Head of Prisons and Correctional Services, the Officer-In-Charge of a prison shall manage the prison in all matters including admission of prisoners, security of the prison, correctional programs, allowing visitors inside the prison, expenditure, discipline, punishment and control and release of prisoners, with the aid and assistance of other subordinate officers and staff.

(2) The Officer-In-Charge shall be responsible for the proper upkeep of the prison and all equipments and machinery, etc. of the prison under his charge.

(3) The Officer-In-Charge shall be responsible for the safe custody of all documents/records, including records in electronic format, in his care, and for the money and other articles taken from prisoners, and perform such other duties and discharge such other functions as may be prescribed under the rules.

(4) Officer-in-charge of a prison shall exercise such disciplinary powers as assigned to him under the Act or as prescribed under the rules for regulation of prisoners, maintaining prison discipline and proper management of the prison, including high security Wards.

(5) The Officer-in-Charge shall keep or cause to be kept such records as may be prescribed by rules.

Medical Officer and Medical Staff.

13. (1) There may be a medical officer for every prison. If the post of the Medical Officer is vacant, then the medical officer or the 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-Jail or the District or Central Prison, as the case may be or any medical officer designated by the

Medical and Health Department may act as medical officer of Sub-Jail/Special Sub-Jail/District Jail/Central Jail, as the case may be.

(2) The Medical Officer shall be under the control of the concerned in-charge of the Jail and the medical officer shall take charge of the entire medical administration of the institution and every matter connected to Health Management of Prisoners including sanitation and hygiene, as prescribed under the rules.

(3) The Medical Officer shall be assisted by the medical subordinate staff as may be prescribed by rules.

Report on death of a prisoner

14. On the death of any prisoner, the Medical Officer shall forthwith record all relevant details and particulars of the case, as may be prescribed under the rules, and send the report to the Head of Prisons and Correctional Services through Officer-in-charge of the prison.

Duties of other prison officers and staff.

15. All other prison staff shall discharge their duties based on the functions and responsibilities assigned for various categories of prison officers and staff as prescribed under the rules.

Prison officer not to be absent without leave.

16. No prison officer or staff shall be absent from the prison without leave from the competent authority as may be prescribed in the rules.

Prison officers and staff not to have business dealings with prisoners and interest in prison contracts.

17. No prison officer or staff shall have any business dealings with any prisoner or any relative or friend of a prisoner, directly or indirectly, nor shall he have any business dealings with any prison/jail institution or have any interest, direct or indirect, in any contract for supply of provisions or any other article to the prison nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any such provisions or articles. He shall be bound by the conduct rules of the service as may be prescribed.

Exercise of powers of Officer-in-Charge and Medical Officer in their absence.

18. All or any of the powers and duties of an Officer-in-Charge or a medical officer may, in his absence, be exercised and performed by such other officer(s), as the competent authority/ Head of Directorate of Prisons may prescribe, either by name or by official designation.

19. The Head of Prisons and Correctional Services may establish a staff welfare wing to aid and advise the Government in the implementation of welfare measures for prison officers and staff as may be prescribed in rules. Staff Welfare.

CHAPTER-VI

USE OF TECHNOLOGY IN PRISON ADMINSITRATION

20. (1) The State shall ensure integration and embedding of appropriate technology for the effective management and superintendence of prisons and for the safety and security of prisons and the prisoners, which may include biometrics, CCTV system, scanning and detection devices, Radio Frequency Identification Devices (RFID), Video conference facilities, video calling facility to the prisoners etc. in every prison for prisoners to attend Court hearing/trials and to provide for seamless biometric access control system for movement of prisoners. Use of Technology in Prison Administration.

(2) The State shall computerize the entire prison administration and integrate the data base with the Interoperable Criminal Justice System. The state shall also develop suitable interfaces for seamless sharing of information and facilitate the Prison & Prisoner Management System.

(3) The State may use advanced cellular jamming and cellular detection solutions in the Jails to prohibit unauthorized use of cell phones by the prisoners. Latest technological interventions shall be used to detect and prohibit use of cell phones and other electronic devices in prisons and its use by prisoners.

(4) The State may use electronic monitoring technology on prisoners under temporary release/leave from prison, by making use of prisoner tracking devices.

CHAPTER-VII

ADMISSION, TRANSFER AND DISCHARGE OF PRISONERS

21. (1) The Officer In-Charge of a prison shall receive and detain a person duly committed to his custody, under this Act or otherwise, by any Court or any competent authority, according Admission of Prisoners.

to the exigency of any writ, warrant or order by which such person has been committed to the prison until such person is discharged or removed in due course of law.

(2) The Officer-In-Charge of a prison shall, after the 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 of a prison shall give effect to any sentence or order or warrant for the detention of any person, passed or issued by any court or competent authority, under the provisions of any law for the time being in force.

(4) Where an Officer-In-Charge of a prison doubts the legality of a warrant or order sent to him for execution, he shall refer the matter to the Government 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 maybe specified in the warrant or order.

(6) No person shall be admitted into a prison for detention otherwise than under the production of a lawful warrant or under any order of commitment addressed to the Officer-In-Charge of a prison by a Court or any other competent authority.

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

22. (1) Whenever a prisoner is admitted into a prison, he shall be searched and all cash, jewellery, weapons and prohibited articles or any other article which a prisoner cannot retain with him shall be taken from him and retained in safe custody of the Officer-In- Charge of the prison or an officer authorized by him.

Provided that a woman prisoner or a transgender prisoner shall be searched in an appropriate manner as may be prescribed under the rules.

(2) Every inmate received in a prison shall undergo such physical and biometric identification measurements in accordance with the provisions of the Criminal Procedure (Identification) Act, 2022 and any other law in force. Central Act No.11 of 2022.

(3) Every such prisoner shall be examined, on the same day or not later than 24 hours, by the medical officer, who shall enter in a record, the health status of the prisoner, including any illness, present or past, any wounds or marks on his body.

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

(5) The search and examination procedure may be such, as may be prescribed by rules.

23. Any prisoner shall be liable to be searched at any time for detection of any prohibited article, etc., as may be prescribed by rules. Search of Prisoners.

24. All valuable articles of 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 his use, shall be placed in the custody of the officer authorized by the Officer-In-Charge in this behalf. Articles of Prisoners.

25. (1) Where any person is confined in a prison in the State under a sentence of imprisonment or under sentence of death or in default of payment of fine or in default of giving security for keeping peace or for maintaining good behaviour, the State Government may, with the mutual consent of the Government of any other State/UT, by order, provide for the transfer of the prisoner from that prison to any prison in the other State/UT, as may be prescribed by rules. Transfer of Prisoner from the State to another State/ UT.

(2) The transfer of any under trial prisoner from the State to another State/UT, may be done with the consent of the trial Court.

26. (1) The Head of Prisons and Correctional Services shall be empowered to transfer a convict prisoner to any other prison in the State, as may be prescribed under the rules. Transfer of a convict prisoner in the State.

Removal and Discharge of prisoners.

27. (1) No Prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(2) No prisoner shall be discharged against his will from prison, if labouring from any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

Central Act No.46 of 2023.

(3) Officer-in-Charge may act as per section 304 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding prisoner whose release orders have been received in local cases and against whom a production warrant from an outside court has been received by the Officer- in-Charge.

Admission, Transfer and repatriation of foreign prisoners

28. (1) The information of admission of a foreign prisoner in a prison shall be sent forthwith to the Head of the Directorate 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 as may be prescribed under the rules.

Central Act No.49 of 2003.

(2) Transfer of prisoners to outside India and reception to India shall be done as per the Repatriation of Prisoners Act, 2003 and rules framed there under.

CHAPTER-VIII

LIVING CONDITIONS

Accommodation, Food, Clothing & Bedding of Prisoners.

29. (1) Living conditions in every prison and allied institution meant for the custody, care, treatment, reformation and rehabilitation of offenders shall be compatible with human dignity in all aspects such as accommodation, hygiene, sanitation, food, clothing& bedding and medical facilities without any discrimination based on caste, gender and disability as prescribed under the rules.

(2) Every prisoner shall be provided with a sufficient quantity of wholesome and adequate nutritious food and drink based on nutritional guidelines prescribed under the rules.

(3) All reasonable steps shall be taken by the Prisons Department to ensure that environment in prison, the living and working

conditions of prisoner and also of staff members are safe, healthy and free of practices that undermine a person's sense of personal dignity.

(4) Clothing provided to prisoners shall in no manner be degrading or humiliating. It shall be suitable, adequate and meet the requirements of hygiene, climate and shall be made available as per rules framed under the Act.

Supply of Clothing & Bedding to Civil and undertrial Prisoners/ Detenue.

30. (1) A civil Prisoner, undertrial prisoner or detenue shall be permitted to maintain himself, and to purchase or receive from private resources at proper hours, clothing and bedding or other necessaries, but subject to examination and to such rules as may be approved by the Head of the Prisons and Correctional Services.

(2) Every Civil prisoner/Under-trial prisoner / detenue who is unable to provide himself with sufficient clothing and bedding shall be supplied by the Officer-in-charge with such clothing and bedding as may be necessary as prescribed by rules.

Quality of food articles & Kitchen Management.

31. (1) The food articles to be purchased for prisoners should be of good and fit to eat quality. Prisoners' Panchayat shall be associated with the management of kitchen including receipt of ration, preparation and distribution of food in every prison as may be prescribed by rules.

(2) There shall be a separate kitchen for prisoners and separate dining areas in the prisons to cater to the mess facilities for prison inmates as may be prescribed by rules.

(3) No part of any food, clothing, bedding or other necessaries belonging to any civil or un-convicted criminal prisoner or detenue shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as may be prescribed by rules.

CHAPTER-IX

CLASSIFICATION OF PRISONERS

Composition of 32 Classification and Security Assessment Committee.

32. A Committee shall be constituted for classification and security assessment of prisoners, comprising officers of the prisons and Correctional Services and other officers, as may be prescribed under the rules.

Grounds of Classification and Categories.

33. (1) The Classification and Security Assessment Committee may classify the persons admitted into a prison according to their age, gender, physical and mental health needs, safety and security requirements, crime gravity, length of sentence, security needs, aptitude, and needs regarding reintegration into the community and shall constitute groups among them for the purpose of administration of institutional treatment in the form of educational and vocational training during the period of detention.

(2) The prisoners may be classified under the following broad categories, -

(a) Civil Prisoners;

(b) Criminal Prisoners;

(c) Convicted prisoners;

(d) Undertrial prisoners;

(e) Detenues;

(f) Habitual Offenders;

(g) Recidivists.

(3) The prisoners classified into different categories in sub-section (2) may be lodged in separate barracks / enclosures / cells with a view to protect other prisoners from negative influence and radicalized thought process of the hardened / habitual / high risk prisoners.

(4) The prisoners may also be segregated gender-wise - male, female and transgender and lodged separately.

(5) The prisoners classified in sub-section (2) maybe further 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 (65+ years);

(e) Prisoners suffering from infectious/chronic diseases;

(f) Prisoners suffering from mental illness;

(g) Prisoners sentenced to death;

(h) High risk prisoners;

(i) Prisoners with children;

(j) Young Offenders;

(k) Any other category as may be prescribed by rules.

(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 Government in this behalf.

(8) The Officer-In-Charge shall take special care and caution for safe custody of prisoners who are sentenced to death, as may be prescribed by rules.

CHAPTER-X

PROTECTION OF SOCIETY FROM CRIMINAL ACTIVITIES OF HIGH RISK PRISONERS, HABITUAL OFFENDERS AND HARDENED CRIMINALS

Taking appropriate measures against criminal activities of prisoners.

34. (1) It shall be the responsibility of the Department of Prisons and Correctional Services and the Police Department of the State to take all appropriate measures for protecting the society from the criminal activities of high-risk prisoners, habitual offenders and hardened criminals.

(2) Based on the details of the crime committed by the prisoners, available background record, history ticket, etc., prisoners shall be suitably classified, assessed for their propensity and potential to negatively influence other prisoners and may be housed in separate barracks/cells, as may be appropriate and as prescribed by rules.

(3) With a view to protecting the society and the victims, high risk prisoners, hardened criminals and habitual offenders shall not be entitled for parole, furlough, or any kind of prison leave in the normal course as may be prescribed by rules.

Special provisions for security, intelligence gathering, surveillance and rotation of prison staff on duty.

35. (1) Prisons and Correctional Institutions shall ensure special watch and surveillance on such inmates for preventing organized crime and continued criminal activities while imprisoned, including gang activity, intimidating witnesses etc.

(2) For ensuring static and dynamic security, preventing escapes, instances of disorder and criminal activity in prisons, appropriate provision for intelligence gathering from prisoners, careful observation, monitoring of prisoners and analysis of the relevant information may be done by the Department of Prisons and Correctional Services in coordination with the Intelligence Wing of the State Police Department.

(3) The State Government shall ensure strengthened and effective measures for periodic search and detection of contrabands, cell phones, etc., in the cells and barracks of high-risk offenders and hardened criminals and deploy advanced jamming solutions in such areas, including conduct of frequent surprise checks as prescribed by rules.

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

(5) The release of a High-risk/Hardened/Habitual offender/ convict on completion of sentence or an under trial on bail or an inmate released temporarily on parole/furlough, etc., shall be informed to the Superintendent of Police of the concerned District, who shall keep a watch on the activities of such prisoners.

(6) The District Administration shall fully secure the movement of the prisoner, in course of movement to court for judicial proceeding, to the hospital for medical treatment or any other place, as per writ, warrant, or order of the competent authority, as the case may be.

CHAPTER-XI

CUSTODY AND SECURITY OF PRISONERS

Safe custody and security of prisoners.

36. (1) The Officer-In-Charge of the prison shall be responsible to undertake effective measures for ensuring safe custody and security of prisoners as may be prescribed in the rules. These

measures may not be limited to but may include the following:

Secure walls, building gates, good lighting system, central point monitoring of prisoners, watch towers, power fencing, control of prohibited articles, system for gathering intelligence information, closed circuit televisions and other advanced gadgets and devices for guarding purposes and preventing access to prohibited articles in prisons etc,.

(2) On the request of the Officer In Charge, the local police authorities shall provide necessary assistance to the prison authorities, for escorting a prisoner to a court or for visit to hospital or for custody parole, etc., and for ensuring the safe custody of any prisoner who poses a special risk, including escape from prison, rioting, arson resorting to any violent means affecting the law and order and discipline in the prison.

Security classification.

37. (1) The Officer-in-charge of the prison shall cause to ensure that every prisoner is assigned a security classification that reflects level of risk posed by him, including the risk of escape and the risk that escape would pose to the public in general or some persons. The security classification shall be done as per the procedure as may be prescribed by rules.

(2) The level of security necessary shall be reviewed at regular intervals throughout the prisoner's confinement as may be prescribed by rules.

(3) The police authorities shall send the antecedents of every prisoner admitted to the prisons in the prescribed form.

Use of arms and force.

38. The manner of use of restraint and force on prisoners may be regulated as prescribed under the rules.

CHAPTER-XII

PRISON REGIMEN FOR WOMEN PRISONERS

Separate accommodation for Women Prisoners.

39. (1) The Government may establish such number of exclusive prisons for women prisoners as it may consider necessary,to accommodate women prisoners. In a prison housing both women and men prisoners, women prisoners shall be kept in a separate building or a separate part of the same building, with a separate entrance, in such a manner that they do not

come into contact with men prisoners. All basic facilities as provided in the prison for men may also be provided to women prisoners, along with such other facilities that meet their gender specific needs.

(2) A separate female ward in the prison hospital maybe created for women prisoners.

(3) In case of exclusive women prison and women enclosure/ female ward, only women prison officials and staff shall be deputed. Male prison officials and security staff can be deployed for duties outside such prison or enclosure and can be called inside by the Officer-in-charge or the officer on duty, only in case of any situation of emergency or prison offence, as may be prescribed under the rules.

(4) Women prisoners may be provided access to correctional programs and activities which take into account their gender specific needs.

Pregnant/ postpartum/ lactating women prisoners.

40. (1) When a woman prisoner is found to be pregnant at the time of admission or later, the medical officer shall report the fact to the Officer-in-Charge. Necessary arrangements shall be made for providing her medical care and diet as may be prescribed under the rules.

(2) The Postpartum/lactating women prisoners shall be provided such medical care and diet as necessary, as prescribed under the rules.

Inquiry into complaints of sexual harassment.

41. Any complaint or information of sexual harassment of a woman prisoner shall be acted upon without delay as per the provisions of law. The enquiry report shall be sent to such authority as may be prescribed by rules.

CHAPTER-XIII

PRISONERS WITH CHILDREN

Prisoners with children.

42. (1) Male Prisoners may keep their male children and Female Prisoners may keep their male and female children inside the prison until the child attains the age of six (6) years.

(2) A child living with his father/mother in a prison may be provided with health care and such other facilities, as may be prescribed

under the rules.

(3) Specialized programs for the children whose mother/ father is confined in prisons and crossed six (6) years of age and requires such programs may be taken up.

CHAPTER-XIV

TRANSGENDER PRISONERS

Prison Regimen for Transgender Prisoners

43. (1) Separate enclosures/wards for transgender prisoners, both transmen and transwomen, may be provided, as prescribed under the rules.

(2) Transgender prisoners may be provided access to any specific health-care or psycho-social needs as may be required.

(3) Transgender prisoner may be provided access to correctional programs and activities.

CHAPTER -XV

PRISONERS CONTACT WITH OUTSIDE WORLD

Visit to Prisoners.

44. (1) Prisoners may communicate with their Visitors, namely family members, relatives and friends through physical or virtual mode, under proper supervision of prison authorities. Visitors to prisoners shall be verified / authenticated through biometric / iris verification/identification or any specific technology, tool and verification process shall be such as prescribed by rules.

(2) The name, address, photograph and biometric identification of each visitor to the prisoner shall be entered into record as prescribed under the rules.

(3) Foreign prisoners may communicate with their family members and consular representatives, as prescribed under the rules.

(4) Prisoners may communicate with their legal counsel, as prescribed under the rules.

Search of visitors and prison officers and staff

45. (1) All visitors to prisoners shall be searched in a manner as prescribed under the rules.

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

(3) Appropriate provisions for search of visitors who are women, transgender or persons with disabilities may be made, as prescribed under the rules.

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

CHAPTER-XVI

DISCIPLINE IN PRISONS

Discipline in Prisons.

46. (1) The Officer-in-charge shall have the necessary authority and will be responsible for maintaining discipline in the prison and amongst the prisoners, prison officers and staff, in accordance with the provisions of this Act and rules made there under.

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

(3) It shall be the duty of every prisoner to obey the orders and instructions of a prison officer and to abide by the provisions of this Act and to comply with such other directions as may be prescribed under the rules.

Prisons Offences.

47. The following acts are declared as prison offences, when committed by a prisoner, namely,-

(a) Willful disobedience of any rule or regulation of the prison, as prescribed under this Act or under the rules made thereunder;

(b) Any assault or use of force on anyone;

(c) Deliberate and persistent use of insulting or threatening language;

(d) Immoral or indecent or disorderly behaviour;

(e) Willfully disabling himself from labour;

(f) Continuously refusing to work if the prisoner has been punished with rigorous imprisonment;

(g) Willful idleness or negligence at work by any convict prisoner sentenced to rigorous imprisonment;

(h) Willful mismanagement of work by any convict prisoner sentenced to rigorous imprisonment;

(i) Willful damage to prison property;

(j) Tampering with or defecting history tickets, records or documents maintained in physical or electronic form;

(k) Receiving, possessing or transferring any prohibited article;

(l) Willfully making a false accusation against any prison official;

(m) 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 any other person or prison official;

(n) Escape or attempt to escape, conspiring to escape, or to assist in escaping;

(o) Unauthorized use or possession of wireless communication devices and /or their ancillary components;

(p) Trespassing in or loitering about in the prison premises where entry may not be allowed;

(q) Unauthorized communication with any person outside prison;

(r) Pretending to be a prison official or employee of the Department;

(s) Smuggling or attempting to smuggle or to have in possession any prohibited article in the prison;

(t) Intimidating fellow prisoner(s) into making false representation against the prison officials;

(u) Participating in or inciting mass hunger strike or any other act of defiance or indiscipline;

(v) Sexual harassment or sodomy;

(w) Participating in, or organizing any anti-social activities as prescribed by rules;

(x) Aiding or abetting the commission of any aforesaid offences;

(y) Such other offences as prescribed in the rules from time to time.

48. The Officer-in-charge, after conducting an inquiry as prescribed under this Act and the rules made thereunder, may impose any of

Punishment for prison offences.

Central Act No. 45 of 2023.

the following punishments with respect to the prison offences indicated in section 47, except in such case which constitute an offence under the Bharatiya Nyaya Sanhita, 2023 or any other special or/and local laws.

(1) A formal warning, which means a warning personally addressed to a prisoner by the Officer-in-charge and recorded in the punishment book and in the prisoner's history ticket;

(2) Stoppage of recreational facilities, including canteen facility, up to a period of one month;

(3) Forfeiture of remission earned for a period up to three (3) months;

(4) Stopping visits of all visitors (including virtual) and telephone facility for a period of not more than one month (does not include the visit of an advocate);

(5) Separate confinement for a period not exceeding one month;

(6) Any other punishment prescribed in the rules from time to time.

Punishment for possessing or using mobile phones and other contraband.

49. (1) Prison inmates are forbidden from possessing or using mobile phones and other electronic communication devices in prisons. Whoever, being a prisoner or a visitor or a prison official, in contravention of any provisions of the Act or rules made thereunder, is found possessing or using such devices or introduces or removes or attempts by any means whatsoever, to introduce or remove into or from any prison or supplies or attempts to supply to any prisoner, any prohibited article, and every officer or staff of a prison who, 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 and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for term not exceeding three (3) years, or fine not exceeding twenty five thousand rupees, or both.

(2) Whoever, being a prisoner or a visitor, or a prison official, is found in possession of, or operating or using an electronic

device or a wireless communication device or any of its ancillaries or components, or if any such person is found to be assisting or abetting or instigating in the supply thereof, or if any such person is found to be manipulating, damaging or destroying any equipment in the prison, electronic or otherwise, shall on conviction before a Magistrate, be liable to imprisonment for a minimum period of two (2) years which may extend to three (3) years or with fine not exceeding twenty five thousand rupees or with both.

(3) The prisoner shall undergo the sentence awarded under sub-section (1) or sub-section (2) on completion of any sentence if already undergoing.

(4) The offences mentioned in sub-section (1) and (2), shall be cognizable and non-bailable.

Procedure on repeated committal of a prison offence.

50. If any person in the prison premises is guilty of an offence against prison discipline, which by reason of his having frequently committed such offence or otherwise, in the opinion of the Officer-in-charge, is not adequately punishable by the infliction of any punishment which he has the power to inflict under this Act, the Officer-in-charge shall forward the case of such prisoner to the competent Magistrate having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend for a period up to three (3) years. Such term shall be in addition to any other term which such prisoner may be already undergoing.

Display of prison offences and penalties.

51. The Officer-in-Charge may cause to be affixed, at a conspicuous place inside the prison, a notice in English and in the vernacular language, setting forth the acts prohibited under this Act and the penalties incurred by their commission, for the information of the prisoners' and prison staff.

CHAPTER-XVII

HEALTH CARE FACILITIES

Prisoners' health care.

52. All prisoners will have access to adequate, gender-responsive health care facilities as may be prescribed under the rules.

Hospital.

53. In every Central Prison, District prison and Special Prison for Women, a hospital with well-equipped testing laboratory and proper place for the reception of sick prisoners shall be provided with adequate infrastructural facilities including medical officer and medical subordinate staff. There shall also be an ambulance readily available to shift sick prisoners in emergency.

De-addiction:

54. There shall be a de-addiction centre in every Central Prison, District Prison and Special Prison for Women with a view to provide cure for addiction to substance abuse and to provide counselling and treatment programs.

Mental Health Psychological assessment and treatment.

Central Act No. 10 of 2017.

55. (1) The Government may, by a general or special order, direct the transfer of any prisoner with mental illness from the place of detention to any mental health establishment in the State with prior permission of the Board mentioned in Section 103 of the Mental Healthcare Act, 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 under the rules.

CHAPTER-XVIII

WELFARE PROGRAMS FOR PRISONERS

Vocational Training, Skill Development, Education and Recreation facilities.

56. (1) The Prisoners shall be provided appropriate opportunity for enhancing their educational qualification, including making provision for library facilities in a prison, as may be prescribed under the rules.

(2) Vocational training and skill development programs shall be provided to prisoners as part of prison correctional programs. These programs may be diverse in nature to facilitate rehabilitation of the prisoners, as prescribed under the rules.

(3) The Officer-in-charge shall organize spiritual, cultural, and recreational programs, etc., for the prisoners, as may be prescribed under the rules.

(4) The Officer-in-charge shall ascertain the State/Central Government welfare programs/schemes which are in vogue and made applicable to the prisoners.

(5) A prisoner welfare fund with contribution made by the State Government shall be set up to cater the correctional programs and after care needs of prisoners.

(6) Any other program which caters to the rehabilitation of the prisoners may be taken as prescribed under the rules.

Establishment of Canteen and Sales Outlets.

57. Canteens and Sales Outlets may be established in a prison for the sale of products, including jail products to the prisoners, prison staff and the public, and this includes sale of products on e-commerce platform and all such canteens and sales outlets etc., shall be operationalized as may be prescribed under the rules.

CHAPTER-XIX

SENTENCE PLANNING

Individual Sentence Planning.

58. (1) A sentence plan setting out the program of treatment may be prepared by the Officer-in-charge, which will help in the prisoners' reformation, rehabilitation and social reintegration, as may be prescribed undet the rules.

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

(3) Prison work programs and vocational training may be integrated with National/State welfare and developmental schemes by including prisoners as priority target group of beneficiaries.

Work program and wages.

59. (1) Every prisoner, including undertrial prisoner or civil prisoner or prisoner sentenced to simple imprisonment, while in custody, may be provided the opportunity of work without any discrimination based on caste, if available, and be paid commensurate wages, as prescribed under the rules.

(2) The record of wage earned and spent by any prisoner shall be maintained by the Officer-in-charge as prescribed under the rules.

CHAPTER-XX

PRISON INDUSTRIES

Establishment and Modernization of Prison industries.

60. (1) Prison industries shall be modernized in tune with the demand of labour market and necessary skills to that effect shall be imparted to the prisoners.

(2) The prison products shall be oriented in a manner that is driven by the market.

(3) The prison industries shall be designed in such a way to provide real time experience to the inmates.

(4) For modernization of prison industries Public-Private Partnership/Public -Public Partnership/CSR funds modes shall be adopted.

(5) Concerned faculty/instructors shall be appointed for prison industries.

CHAPTER-XXI

OPEN AND SEMI OPEN CORRECTIONAL INSTITUTIONS

open and semi open correctional institutions

61. (1) The State Government shall establish and maintain as many open and semi open correctional institutions for the prisoners as may be required.

(2) The State Government shall allow such facilities or concessions in such open or semi open correctional institutions which may assist the prisoner in his rehabilitation into the society, as may be prescribed under the rules.

(3) The rules for management of open or semi open correctional institutions, including the procedure and eligibility of prisoners who can be transferred to such correctional institutions, dealing with prisoners who violate any condition of transfer to an open or semi open correctional institutions, etc., shall be such as may be prescribed by the Government.

CHAPTER-XXII

PRISON LEAVE, REMISSION AND PRE - MATURE RELEASE

Parole and Furlough.

62. (1) Prison leave shall be granted to eligible convicted prisoners' as an incentive for good behaviour and responsiveness to correctional treatment with the objective of their rehabilitation,

as may be prescribed under the rules. ..

(2) There shall be the following types of prison leave, namely-

(a) Regular Parole;

(b) Emergency Parole;

(c) Furlough.

(3) Regular Parole may be granted to eligible convicts by the competent authority under such conditions and for such purposes as may be prescribed under the rules. The period spent on regular parole may not exceed thirty days at a time and may not be granted more than two times in a year. The period spent on regular parole shall not be counted as part of sentence.

(4) Emergency Parole may be granted by the competent authority to eligible convicts in rare or emergent situations, under police protection for a period extending up to 48 hours, as prescribed under the rules. The period spent under this parole shall becounted towards part of sentence.

(5) Furlough may be granted to eligible convicts by the competent authority for a period not more than fourteen (14) days as an incentive for maintaining good conduct and discipline in the prison under such conditions and for such purpose as may be prescribed under the rules. The period spent on furlough shall be counted as part of sentence served by the prisoner.

(6) For prisoners governed by any of the laws relating to the Armed Forces of the Union, the grant of leave shall be subject to the provisions of those laws.

(7) If a prisoner on parole or furlough fails to surrender on the due date upon intimation by the Officer-in-charge of the prison, the police shall arrest the prisoner under provisions of section 262 of Bharatiya Nyaya Sanhita, 2023 and take action as per the provisions of law. Central Act No.45 of 2023.

(8) Violation of parole/furlough conditions shall attract prison punishment as prescribed by rules.

Use of electronic tracking device on prisoners.

63. For public safety and preventing parole jumping, prisoners may be granted prison leave on the condition of their willingness to wear electronic tracking devices for monitoring the movement and activity of such prisoners. Any violation by the prisoner shall attract cancellation of prison leave, in addition to disqualification from any prison leave being granted in future, as may be prescribed under the Rules.

Remission to prisoners.

64. (1) Subject to the overall good behaviour and conduct of a convicted prisoner while serving the sentence, remission may be granted by the competent authority, as may be prescribed under the rules.

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

Pre-mature release.

65. Pre-mature release shall be allowed to a prisoner by the competent authority with the objective of his rehabilitation and reintegration into the society. The Government may constitute a Sentence Review Board for considering and recommending cases for premature release of convicted prisoner in appropriate cases under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, as prescribed under the rules.

Central Act No.46 of 2023.

CHAPTER -XXIII

BOARD OF VISITORS

Board of Visitors.

66. The State Government shall, by notification, constitute a Board of Visitors comprising Official and Non-official members. The task of the Board of Visitors shall include:-

(1) Monitoring correctional work, with special attention to the degree and quality of the effectiveness of infrastructure/ facilities in the prisons.

(2) Suggesting new avenues leading to improvement in correctional work.

(3) Going into individual or collective grievances of inmates and providing redressal in consultation with the prison authorities

CHAPTER-XXIV

INSPECTION OF PRISONS

Inspection of Prisons.

67. (1) Inspection conducted by senior prison officers - The Head of Prisons and Correctional Services shall have a prison inspected by an officer of appropriate rank at periodic intervals, as may be prescribed under the rules; and

(2) Every inspection shall be followed by a written report to the Officer-in-charge of the Prison and to the Head of the Directorate of Prisons and Correctional Services.

CHAPTER-XXV

AFTER-CARE AND REHABILITATION SERVICES

After-care and Rehabilitation Services.

68. (1) The Government may endeavour to provide after-care services to all needy prisoners released from a prison with a view to ensuring their reformation, rehabilitation and reintegration into the society by involving Non- Government Organizations as prescribed under the rules.

(2) Rehabilitation society shall be established to provide aftercare services to the released prisoners.

CHAPTER-XXVI

MISCELLANEOUS

Legal Aid.

Central Act No. 39 of 1987

69. The Government may provide the facility of free legal aid to the prisoners in accordance with the provisions of the "Legal Services Authorities Act, 1987" and the Standard Operating Procedure prescribed by National Legal Services Authority/ State Legal Services Authority/District Legal Services Authority or as may be prescribed under the rules.

Constitution of under Trial Review Committee for every district.

70. (1) There shall be an Under Trial Review Committee for every district, headed by the District and Sessions Judge, and comprising of such other members and for carrying out such functions, as may be prescribed under the rules.

(2) The committee shall meet periodically and review the cases of eligible prisoners in all prisons of the district, and make appropriate recommendations.

Information on disciplinary requirements in the prison.

71. On admission, all prisoners shall be informed of disciplinary requirements in the prison and their rights and duties in language comprehensible to them. Such information shall also be displayed at a place accessible to prisoners.

Grievance Redressal Mechanism.

72. There may be appropriate mechanism for redressal of the grievances of the prisoners and prison staff, as may be prescribed under the rules.

Utilization of the services of Prisoners.

73. The Officer-in-charge may utilize the services of prisoners without any discrimination based on caste in accordance with the rules for efficient management of the prison and such prisoner shall not be deemed to be a "Public servant" within the meaning of section 2(28) of Bharatiya Nyaya Sanhita, 2023. However, prisoners shall not be used for maintenance of any prison records.

Central Act 45 of 2023

Prohibition of strike and agitation.

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

Emergency.

75. The officer-in-charge shall, as may be prescribed under the rules, take all appropriate measures, including the procurement of necessary equipments and preparation of a contingency plan, for preventing and controlling any emergency situation in the prison, including ensuring availability of Quick Reaction Team, etc., and any other provision in conformity with the Disaster Management Act, 2005 or any other relevant Act and orders or instructions issued by any competent authority.

Central Act 53 2005.

Extramural Custody, Control and employment of prisoners.

76. A prisoner, when being taken to or from any prison, in which he may be lawfully confined, or to a court for production or to a hospital for medical treatment, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the 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 he were actually in prison.

Prisoners Welfare and Staff welfare.

77. The Prisons Development Board constituted under section 3 of the Andhra Pradesh Prisons Development Board Act, 2001 shall in addition to the functions assigned to it under the said Act, also have functions of modernizing prison infrastructure

Act No. 12 of 2001

and facilities for better prison management, correctional and reformational activities for prisoners and welfare of the prison staff and any other under the provisions of this Act, as may be prescribed.

Prisons Department Corpus Fund

78. (1) The State Government shall create a fund called Corpus Fund and allocate funds for running of prison industries without reliance on the Government for budgetary support.

(2) The fund allocation, its modalities and manner of operation shall be such as may be prescribed under the rules.

Delegation of Powers.

79. Any of the powers conferred by this Act may be exercised and performed by such officers as the Government may designate in this regard.

Accounts and Audit.

80. The accounts of every prison shall be maintained and audited in such manner as may be prescribed by the Government.

Protection of action taken in good faith.

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

Power to make rules.

82. (1) The Government may, by notification in the Official Gazette, make rules consistent with this Act.

(2) Every rule made under this Act, shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen (14) days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the legislature agree in making any modifications in the rule or in the annulment of the rule, the rule shall, with effect from the date of notification of such modification of annulment in the Andhra Pradesh Gazette is notified have effect only in such modify from or shall stand annulled, 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 saving.

Central Act No. 9 of 1894.

Central Act No. 29 of 1950.

83. (1) The Prisons Act, 1894, The Prisoners Act, 1900 and Transfer of Prisoners Act, 1950 as applicable to the State of Andhra Pradesh are hereby repealed.

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

Powers to remove difficulties.

84. (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions or take such measures, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty.

Provided that no order shall be made under this section after the expiry of three (3) years from the commencement of this Act.

(2) The Government may make an order under sub-section (1) to have effect from any date not earlier than the date of commencement of this Act.

GOTTAPU PRATIBHA DEVI,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

The Prisons of Andhra Pradesh are broadly governed by the Prisons Act 1894 and Prisoners Act 1900 and the present day Prison Administration is run through the rules framed under these Acts and provisions derived from these Acts. However these Acts which were enacted more than 100 years ago were basically punitive in nature, enacted with the objective of primarily to punish the Prisoners during the British era.

However, with the lapse of 125 years since the enactment of these Acts, several societal changes have taken place. Concepts of human rights, a paradigm shift in approaches to crime and punishment, and the recognition of prisoners' rights in conformity with international covenants and treaties have emerged. These Acts also do not conform to modern evolutionary concepts of reformation, rehabilitation, and reintegration of prisoners back into society.

Further, these century-old Acts do not cover the several technological advancements that have taken place in prison administration. New technical equipment and gadgets have been introduced in the area of prison security, such as biometric systems, CCTV surveillance, scanning and detection devices, Radio Frequency Identification Devices (RFID), video conferencing facilities, and video calling facilities for prisoners. These technologies are now being implemented in prisons to enable prisoners to attend court hearings and trials and to provide a seamless biometric access control system for their movement. The *Transfer of Prisoners Act, 1950,* which deals with the transfer of prisoners from one State to another State or Union Territory, has also outlived its utility and requires amendments.

As such, the Ministry of Home Affairs has felt that it is high time to replace these pre-independence Acts with a new law that encompasses all the changes that have taken place over the past 125 years. However, since prisons fall under the State List as per the Constitution, the Ministry of Home Affairs has drafted a new Act titled *"Model Prisons and Correctional Services Act, 2023"* for adoption by the States, with provisions to make necessary modifications in accordance with their specific requirements.

Accordingly, the Government of Andhra Pradesh have decided to enact a new Act titled "Andhra Pradesh Prisons and Correctional Services Act, 2026" in line with the draft Act prepared by the Ministry of Home Affairs. This new legislation incorporates all the structural changes that the prison administration has undergone over the past 125 years in the areas of correctional philosophy and correctional management. It also addresses the technological advancements in prison administration, introduces stringent punishments for the use of mobile phones within prisons, and includes provisions for staff welfare and prisoner welfare. The new Act proposes to repeal the existing Prisons Act, 1894, Prisoners Act, 1900, and Transfer of Prisoners Act, 1950.

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