



**The Gazette of Meghalaya**  
**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

No. 20

Shillong, Monday, February 16, 2026

27<sup>th</sup> Magha, 1947 (S. E.)

**PART-IIA**

**GOVERNMENT OF MEGHALAYA**  
**DISTRICT COUNCIL AFFAIRS DEPARTMENT**

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**NOTIFICATION**

The 16<sup>th</sup> February, 2026.

**No.DCA.26/2025/102.** - In exercise of the powers conferred under sub-rule (1) of Rule 6 of the Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951, as adopted and amended by the Jaintia Hills Autonomous District Council, and on the advice of the Jaintia Hills Autonomous District Council, the Governor of Meghalaya is pleased to nominate Shri Octomewot Lamin, as member of the said Council with effect from the date of subscribing an oath or affirmation in terms of rule 24 of the aforesaid Rules.

**C. V. D. DIENGDOH,**

Commissioner & Secretary to the Govt. of Meghalaya,  
District Council Affairs Department.



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No. 21

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27<sup>th</sup> Magha, 1947 (S. E.)

## PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

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### NOTIFICATION

The 16<sup>th</sup> February, 2026.

**No.LB.32/LA/2026/2.** – The Meghalaya Fiscal Responsibility and Budget Management (Amendment) Bill, 2026 introduced in the Meghalaya Legislative Assembly on the 16<sup>th</sup> February, 2026 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### THE MEGHALAYA FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT (AMENDMENT) BILL, 2026

A

BILL

to amend the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 (Meghalaya Act No. 4 of 2006).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-Seventh Year of the Republic of India as follows:-

**Short title and  
Commencement.**

- (1) This Act may be called the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Act, 2026.
- (2) It shall come into force at once.

- Amendment of Section 4.**      2. In section 4 of the Meghalaya Fiscal Responsibility and Budget Management Act, 2006, in sub-section (1), for clause (b), the following shall be substituted, namely-
- "(b) to maintain fiscal deficit to an annual limit of 3.5% of GSDP during Fiscal Year 2025-26".**
- Repeal & Savings.**      3. (1) The Meghalaya Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2025 (Ordinance No. 11 of 2025) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

**STATEMENT OF OBJECT AND REASONS**

1. As per the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 (Principal Act) the fiscal deficit of the State has been fixed at 3 percent of GSDP.
2. Government of India, Ministry of Finance *vide* letter No.40(1)/Pt-S/2025-26, dated 4<sup>th</sup> April, 2025 in line with the recommendation of the Fifteenth Finance Commission has fixed the normal borrowing ceiling of the State at 3 percent of GSDP for the financial year 2025-26.
3. Further, in addition to the above normal borrowing ceiling at 3 percent of the GSDP, the Government of India, Ministry of Finance Department of Expenditure *vide* letter mentioned at (2) above extended the facility of additional borrowing ceiling of 0.5 percent of GSDP for the financial year 2025-26 base on achieving certain criteria in the Power Sector.
4. One of the conditions for availing additional borrowing limit of 0.50 percent of GSDP linked to performance in the power sector is amendment of the State FRBM Act.
5. Therefore in compliance with Government of India letter No.40(1)/PF-S/2025-26, dated 4<sup>th</sup> April, 2025 mentioned at (2) above, it is proposed to amend Section — 4(1)(b) the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 raising the Fiscal Deficit to 3.5 percent of GSDP during 2025-26.
6. In view of the circumstances stated above, an immediate legislation was necessitated. As such, the Hon'ble Governor had approved an Ordinance of the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2025 on the 24<sup>th</sup> November, 2025 under clause (1) of Article 213 of the Constitution of India.
7. Therefore, now that the Assembly is in session, a Bill to replace the above Ordinance (Meghalaya Ordinance No. 11 of 2025), without modification is necessary to be introduced in the House by way of a Bill, namely, the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Bill, 2026.

Hence, the Bill.

**CONRAD K. SANGMA,**  
Chief Minister, I/c. Finance.

**MALTHUS S. SANGMA,**  
Secretary,  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

As the amendment will raise the borrowing limit of the State, there will be expenditure on payment of interest and repayment of principal to be incurred from the Consolidated Fund of the State on implementing the provisions of this Act.



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## PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

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### NOTIFICATION

The 16<sup>th</sup> February, 2026.

**No.LB.34/LA/2026/2.** – The Meghalaya Prisons and Correctional Services Bill, 2026 introduced in the Meghalaya Legislative Assembly on the 16<sup>th</sup> February, 2026 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### THE MEGHALAYA PRISONS AND CORRECTIONAL SERVICES BILL, 2026

A

BILL

*to govern and regulate the management of Prisons and Correctional Homes and administration of prisoners in the State of Meghalaya and for matters connected therewith or incidental thereto.*

WHEREAS, it is expedient to provide for the safe custody, correction, reformation and rehabilitation of prisoners as law abiding citizens and efficient management of prisons and correctional services in the State of Meghalaya;

Be it enacted by the State of Meghalaya in the Seventy-Seventh Year of the Republic of India as follows -

**CHAPTER-I**

**PRELIMINARY**

1. **Short title, extent and commencement** - (1) This Act may be called the Meghalaya Prisons and Correctional Services Act, 2026.

(2) It extends to the whole State of Meghalaya.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

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

i) "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.

ii) "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 detainee.

iii) "Convict" means any prisoner under sentence of a Court exercising criminal jurisdiction or Court Martial.

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

v) "Court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction.

vi) "Detainee" means any person detained in prison on the orders of a competent authority, under any law providing for preventive detention.

vii) "Directorate" means the Directorate of Prisons and Correctional Services of the State.

viii) "Family" means spouse, children, siblings, parents, grand-parents, grand-children and, in the context of transgender inmates, people related through the socio-religious family system.

ix) "Foreign Prisoner" means any prisoner who is not a citizen of India.

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

xi) "Government" means the Government of the State of Meghalaya.

xii) "Habitual Offender" means a person who, during any continuous period of five years, has been convicted and sentenced to imprisonment on more than two occasions on account of any one or more of the offences committed on different occasions and not constituting parts of the same transaction; such sentence not having been reversed in appeal or review:

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

- xiii) "Head of the Directorate of Prisons and Correctional Services" means an officer appointed by the Government to head the Directorate of Prisons and Correctional Services.
- xiv) "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.
- xv) "High Security Prison" means an independent self-sufficient prison complex with dynamic and strengthened security systems including 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, high-risk prisoners, etc.
- xvi) "History Ticket" means the ticket, either in physical or electronic form, exhibiting all relevant information in respect of a prisoner.
- xvii) "Inmate" means any person lawfully confined in a prison and correctional institution.
- xviii) "Institution" means a place where prisoners are lawfully confined.
- xix) "Institution for Young Offenders" means a prison for young prisoners established to ensure their care, welfare, rehabilitation and to provide an environment for education and training, conducive to their reformation.
- xx) "Medical Officer" in relation to prisons means a qualified Government medical practitioner deputed as Medical Officer of a prison.
- xxi) "Medical Subordinate Staff" means a qualified Medical Assistant, such as Pharmacist, Nurse, Laboratory Technician, etc., deputed to a prison.
- xxii) "Officer-in-charge of a prison" means an officer appointed by the competent authority to be in charge of the prison i.e., the Superintendent, Deputy Superintendent, etc.
- xxiii) "Open Correctional Institution" means a place for confinement of eligible prisoners on such conditions as may be prescribed under the rules, to provide them greater liberty outside a regular prison, for facilitating their rehabilitation after release.
- xxiv) "Parole" means temporary release of a convict for a short period of time to attend to familial and social obligations.
- xxv) "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;
  - (b) any place specially appointed by the Government under the relevant sections of the Bharatiya Nagarik Suraksha Sanhita;
  - (c) any place which has been declared by the Government by a general or special order to be a subsidiary prison.
- xxvi) "Prison Officer" means an officer belonging to the Directorate and includes officers of other security forces or services deployed in the prison to assist the prison administration in providing safe custody and correctional services to the prisoners.
- xxvii) "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 may be assigned by the Government.

xxviii) "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 a convicted prisoner, civil prisoner, under-trial prisoner and a detainee.

xxix) "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 Prisons and Correctional Institutions or the Government from being in a prisoner's possession, like a cell phone/ communication device, drugs, anything that can be used as a weapon or to aid in escape such as a fire arm or any of its parts, 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.

xxx) "Recidivist" means a convicted prisoner who offends repeatedly.

xxxi) "Remission" means a concession granted by the competent authority to a convicted prisoner eligible for early release from prison, by reducing the sentence as may be prescribed under the rules.

xxxii) "Rule" means a rule made under this Act.

xxxiii) "Under-trial 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.

xxxiv) "Wireless Communication Device" includes a mobile phone, computer, tablet, lap-top, palm-top or any other electronic device for communication or any other device notified by the competent authority.

xxxv) "Young Offender" means a prisoner who has attained the age of 18 years but has not attained the age of 21 years.

## CHAPTER-II

### FUNCTIONS OF PRISONS AND CORRECTIONAL INSTITUTIONS

**3. Functions of Prisons and Correctional Institutions-** The functions of prisons and correctional institutions are as follows:

- (i) to keep in safe custody, a prisoner committed to it under any writ, warrant or by the order of any court or other competent authority;
- (ii) to take suitable measures for the safety and security of prisoners;
- (iii) to provide prisoners with food, clothing, accommodation, other necessities and medical treatment;
- (iv) to provide correctional treatment to the prisoners with the objective of rehabilitating them in the society as law abiding citizens;
- (v) to maintain discipline in the prison in accordance with the provisions of this Act and the rules made there-under.

### CHAPTER-III

#### PRISON ACCOMMODATION

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

**5. Prison architecture and institutional pattern-** (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 may be prescribed under the rules.

(2) The standards of security for each prison shall be such as may be prescribed under the rules. Each prison shall also have a Disaster Management Plan prepared and kept in place.

(3) Prisons may be designed in such a manner so as to facilitate segregation and separate lodging of various categories of prisoners and/or for attending to special needs of prisoners, such as women, transgenders, persons with disabilities, persons suffering from contagious diseases, mental illness or substance abuse, old and infirm prisoners, under-trial prisoners, convicted prisoners, high security prisoners, habitual offenders, recidivists, young offenders, civil prisoners, detainees, etc., as may be prescribed under the rules.

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

(5) Where there is no provision for 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 prison, which shall have provision for keeping them 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 safe and secure custody.

**6. Categories of Prisons and Correctional Institutions-** (1) The Government may establish various categories of Prisons and Correctional Institutions, such as:

- (a) Central Prisons
- (b) District Prisons
- (c) Sub-Prisons
- (d) Open Correctional Institutions
- (e) High Security Prisons
- (f) Women Prisons
- (g) Institutions for Young Offenders

(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 or 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 other inmates so as to protect other prisoners from their negative influence and radicalised thought processes.

(4) Appropriate and advanced security infrastructure and procedures shall be in place for High-Risk Prisoners' Wards in all Central or District Prisons. Such prisons shall also have appropriate provision for an independent Court complex for holding court hearings or trials.

**7. Temporary accommodation for prisoners-** Whenever it appears to the Government that-

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

(ii) due to the outbreak of any disease or for any other reason, it is desirable to provide for temporary shelter and 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 the excess number of prisoners.

#### CHAPTER-IV

##### ORGANISATIONAL SET UP

**8. Directorate of Prisons and Correctional Services-** (1) There shall be a Directorate of Prisons and Correctional Services in the State which shall be responsible for implementing the policies laid down by the State Government and the planning, organisation, direction, coordination and control of the Prisons and Correctional Services and matters connected therewith and incidental there-to. 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 for accommodating prisoners, the inmate population and the work-load of prison officers and staff. The work-force may include executive, ministerial, guarding staff, correctional officers and staff, medical personnel, etc., as may be prescribed under the relevant rules.

**9. Head of Prisons and Correctional Services-** (1) The Government shall appoint the Head of the Prisons and Correctional Services either in the rank of Director General or Inspector General, for the administration of Prisons and Correctional Services, subject to the provisions of the Act and the rules made there-under.

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

(3) The Head of Prisons and 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.

**10. Other officers of prisons-** (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 made there-under.

(2) There shall be an officer-in-charge of a prison, who may be a Superintendent, Deputy Superintendent or any other officer of the Prisons and Correctional Services, as prescribed under the rules.

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

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

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

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

## CHAPTER-V

### DUTIES OF PRISON OFFICERS AND STAFF

**12. Functions and duties of the officer-in-charge-** (1) Subject to the provisions of the Act and the rules made there-under or under orders and directions of the Head of the Prisons and Correctional Services, the officer in-charge of a prison shall manage the prison in all matters including expenditure, admission or release of prisoners, security of the prison, correctional programmes, allowing visitors inside the prison, discipline, punishment and control 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 equipment and machinery, etc., of the prison under his charge.

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

(4) The 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.

**13. Medical Officer-** There shall be a medical officer for every prison. If the post of medical officer is vacant, then the medical officer or the doctor in-charge of the nearest Government Hospital or the resident medical officer of the District Civil Hospital may act as the medical officer of the prison.

**14. Duties of other prison officers and staff-** All other prison officers and staff shall discharge their duties based on the functions and responsibilities assigned to them, as prescribed under the rules.

**15. Exercise of powers of the officer-in-charge and Medical Officer in their absence-** 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 or the Head of the Directorate of Prisons and Correctional Services may prescribe.

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

**17. Staff Welfare-** 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.

#### CHAPTER-VI

##### USE OF TECHNOLOGY IN PRISON ADMINISTRATION

**18. Use of Technology in prison administration-** (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 inmates, which may include biometrics, CCTV systems, scanning and detection devices, Radio Frequency Identification (RFID), video conference facilities, etc., in every prison, for prisoners to attend Court hearings or trials and to provide for seamless biometric access control system for movement of inmates.

(2) The State shall computerize the entire prison administration and integrate the database with the Inter-operable Criminal Justice System. The State shall also develop suitable interfaces for seamless sharing of information and facilitate the Prison and Prisoner Management System.

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

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

#### CHAPTER-VII

##### ADMISSION, TRANSFER AND DISCHARGE OF PRISONERS

**19. Admission of prisoners-** (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 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 there-by, 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 there-by has been discharged from custody before execution there-of.

(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) above, 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.

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

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

**21. Prisoners to be searched and examined on admission, exit and re-entry-** (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 the 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.

(3) Every such prisoner shall be examined on the same day or not later than 24 (twenty four) hours, by the medical officer, who shall enter in the records, the health status of the prisoner, including any illness, present or past.

(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.

**22. Search of Prisoners-** Any prisoner shall be liable to be searched at any time for detection of any prohibited article, etc.

**23. Articles of prisoners-** All valuable articles of a prisoner in respect of which, no order by 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-in-charge or an officer authorized by the officer-in-charge, in this behalf.

**24. Admission, transfer and repatriation of foreign prisoners-** 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, through the State Government.

## CHAPTER-VIII

### CLASSIFICATION OF PRISONERS

**25. Composition of the Classification and Security Assessment Committee-** A Committee maybe constituted for classification and security assessment of prisoners, comprising of officers of the Prisons and Correctional Services and other officers, as may be prescribed under the rules.

**26. Grounds of classification and categories-** (1) The Classification and Security Assessment Committee may classify the prisoners admitted into a prison according to their age, gender, length of sentence, safety and security requirements, physical and mental health needs, correctional needs, etc., as may be prescribed under the rules.

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

- (a) Civil prisoners;
- (b) Criminal prisoners;
- (c) Convicted prisoners;
- (d) Under-trial prisoners;
- (e) Detenues;
- (f) Habitual Offenders;
- (g) Recidivists.

(3) The prisoners classified into different categories as above, may be lodged in separate barracks or enclosures or cells with a view to protect other prisoners from negative influence and the radicalised thought processes of the hardened or habitual or high-risk prisoners.

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

(5) The prisoners classified in sub-section (2) above may be 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 or chronic diseases;

- (f) Prisoners suffering from mental illness;
  - (g) Prisoners sentenced to death; (h) High risk prisoners;
  - (i) Women prisoners with children; (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 precaution for ensuring safe and secure custody of high-risk prisoners, as may be specified by the Government in this behalf.

### CHAPTER-IX

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

**27. Taking appropriate measures against criminal activities of prisoners-** (1) It shall be the responsibility of the Directorate 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 inmate, available background record, history ticket, etc., inmates shall be suitably classified, assessed for their propensity and potential to negatively influence other inmates and be housed in separate barracks or cells, as may be appropriate.

(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.

**28. Special provisions for security, intelligence gathering, surveillance and rotation of prison staff on duty-** (1) Prisons and Correctional Institutions shall ensure special watch and surveillance on inmates for preventing organised crime and continued criminal activities while imprisoned, including gang activity, intimidating witnesses, etc.

(2) For ensuring 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 Prisons and Correctional Services in co-ordination with the Intelligence Wing of the State Police Department.

(3) The State shall ensure strengthened and effective measures for periodic search and detection of contraband, 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.

(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 convict or hardened or habitual offender on completion of the sentence or an under-trial on bail or an inmate released temporarily on parole or furlough, etc., shall be informed to the Superintendent of Police of the concerned district as well as the Superintendent of Police of the home district of the prisoner, who shall keep watch on the activities of such prisoners.

(6) The district administration shall fully secure the movement of the prisoner, in the course of movement to court for judicial proceedings, 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.

**29. Use of electronic tracking devices on prisoners-** Prisoners may be granted prison leave on the condition of their willingness to wear electronic tracking devices for monitoring the movement and activities 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.

## CHAPTER-X

### PRISON REGIMEN FOR WOMEN PRISONERS

**30. Separate accommodation for women prisoners-** (1) The Government shall establish such number of exclusive prisons for women prisoners as it may consider necessary, to accommodate women prisoners. In a prison housing both male and female prisoners, female 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 male 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 prisons and women enclosures or female wards, 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 programmes and activities which take into account their gender specific needs.

**31. Pregnant women prisoners-** 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.

**32. Women prisoners with children-** (1) Women prisoners may keep their children inside the prison until the child attains the age of six years.

(2) A child living with his mother in prison maybe provided with health care and such other facilities, as may be prescribed under the rules.

**33. Inquiry into complaints of sexual harassment-** Any complaint or information of sexual harassment of a woman prisoner shall be acted upon without delay, as per the provisions of law.

## CHAPTER-XI

### TRANSGENDER PRISONERS

**34. Prison Regimen for Transgender prisoners-** (1) Separate enclosures or wards for transgender prisoners, both trans-men and trans-women, may be provided as prescribed under the rules.

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

(3) Transgender prisoners may be provided access to correctional programmes and activities.

## CHAPTER-XII

### CUSTODY AND SECURITY OF PRISONERS

**35. Safe custody and security of prisoners-** (1) The officer-in-charge of the prison shall be responsible to undertake effective measures for ensuring safe custody and security of prisoners. These measures may not be limited to but may include the following:

Secure walls, buildings, 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) The Head of Prisons and Correctional Services shall be empowered to transfer a prisoner to any other prison in the State, as may be prescribed under the rules.

(3) 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 visits to hospitals 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 or resorting to any violent means affecting the law and order and discipline in the prison.

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

**36. Visits to Prisoners-** (1) Prisoners may communicate with their visitors, namely family members, relatives and friends through physical or virtual mode, under the proper supervision of prison authorities. Visitors to inmates shall be verified or authenticated through biometric verification or identification.

(2) The name, address, photograph and biometric identification of each visitor shall be entered in the records 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 counsels, as prescribed under the rules.

**37. Search of visitors and prison officers and staff-** (1) All visitors to prisoners shall be searched in a manner as prescribed under the rules.

(2) In case any visitor refuses to allow search, he shall be denied admission to the prison and such decision shall be entered in the records.

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

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

### CHAPTER-XIII

#### DISCIPLINE IN PRISONS

**38. Discipline in prisons-** (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.

**39. Prison Offences-** The following acts are declared as prison offences, when committed by a prisoner, namely:

(i) wilful disobedience of any rule or regulation of the prison, as prescribed under this Act or under the rules made there-under;

(ii) any assault or use of force on anyone;

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

(iv) immoral or indecent or disorderly behaviour;

(v) wilfully disabling himself from labour;

(vi) continuously refusing to work if the prisoner has been punished with rigorous imprisonment;

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

(viii) wilful mis-management of work by any convict prisoner 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 a 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 any other person or prison official; (xiv) escape or attempt to escape, conspiring to escape, or to assist in escaping;
- (xv) un-authorized use or possession of wireless communication devices and/or their ancillary components;
- (xvi) trespassing in or loitering about in the prison premises where entry may not be allowed;
- (xvii) unauthorized communication with any person outside prison;
- (xviii) pretending to be a prison official or employee of the Directorate;
- (xix) smuggling or attempting to smuggle or to have in possession any prohibited article in the prison;
- (xx) intimidating fellow prisoners into making false representations against the prison officials; (xxi) participating in or inciting mass hunger strike or any other act of defiance or indiscipline; (xxii) sexual harassment or sodomy; (xxiii) participating in, or organizing anti-social activities like gambling;
- (xxiv) aiding or abetting the commission of any of the aforesaid offences.

**40. Punishment for Prison Offences-** The officer-in-charge, after conducting an inquiry as prescribed under this Act and the rules made there-under, may impose any of the following punishments with respect to the prison offences indicated in section 39, except in such cases which constitute an offence under the Bharatiya Nyaya Sanhita, 2023 or any other special or local laws,-

- (i) 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;
- (ii) Stoppage of recreational facilities up to a period of one month.
- (iii) Forfeiture of remission earned for a period up to three months.
- (iv) Stopping visits for a period of not more than one month (does not include the visit of an advocate).
- (v) Separate confinement for a period not exceeding one month.

**41. Punishment for possessing or using mobile phones and other contraband-** (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 there-under, is found possessing or using such devices or introduces or removes or attempts by any means whatsoever, to introduce into or remove 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 a term not exceeding three 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 there-of, 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 years which may extend to three 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) above, on completion of any sentence if already undergone.

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

**42. Procedure on repeated committal of a prison offence-** 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 there-upon 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 years. Such term shall be in addition to any other term which such prisoner may be already undergoing.

**43. Display of prison offences and penalties-** 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 actions prohibited under this Act and the penalties incurred by their commission, for the information of the prisoners and prison staff.

## CHAPTER-XIV

### HEALTHCARE FACILITIES

**44. Prisoners' Health Care-** All prisoners will have access to adequate, gender-responsive health care facilities as may be prescribed under the rules.

**45. Mental health - psychological assessment and treatment-** (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 in accordance with 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-XV

### WELFARE PROGRAMS FOR PRISONERS

#### **46. Vocational Training, Skill Development, Education and Recreational facilities-** (1) The

prisoners may be provided appropriate opportunity for enhancing their educational qualifications, including library facilities in a prison, as may be prescribed under the rules.

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

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

(4) The Government may frame a scheme which may be called the Prisoners Welfare Fund for the welfare of the prisoners in the State.

**47. Establishment of Canteens and Sales Outlets-** Canteens and Sales Outlets may be established in a prison for the sale of products including prison products, to the prisoners, prison staff and the public, as may be prescribed under the rules.

## CHAPTER-XVI

### SENTENCE PLANNING

**48. Individual Sentence Planning-** (1) A sentence plan setting out the programme of treatment may be prepared by the officer-in-charge, which will help in the prisoner's rehabilitation and social re-integration, as may be prescribed under the rules.

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

**49. Work programme and wages-** (1) Every prisoner, including an under-trial prisoner or civil prisoner or prisoner sentenced to simple imprisonment, while in custody, may be provided the opportunity of work, if available, and be paid commensurate wages, as prescribed under the rules.

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

## CHAPTER-XVII

### OPEN AND SEMI-OPEN CORRECTIONAL INSTITUTIONS

**50. Open and semi-open Correctional Institutions-** (1) The Government may establish and maintain as many open and semi-open correctional institutions for prisoners, as may be required.

(2) The Government may 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 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 institution, etc., shall be such as may be prescribed by the Government.

## CHAPTER-XVIII

### PRISON LEAVE, REMISSION AND PRE-MATURE RELEASE

**51. Parole and Furlough-** (1) Prison leave may 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 made under this Act.

(2) There may 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 the 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 forty-eight hours, as prescribed under the rules. The period spent under this parole shall not be counted as part of the sentence.

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

(8) 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 the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and take action as per the provisions of law.

**52. Remission to prisoners-** (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.

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

## CHAPTER-XIX

### INSPECTION OF PRISONS

**54. Inspection of Prisons-** (1) There may be a two-fold system for inspections of prisons:

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

(b) Inspections conducted by the Board of Visitors - Boards of Visitors may be headed by the District Magistrate or District Judge and may comprise of such other official and non-official members for carrying out such functions as may be prescribed under the rules.

(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-XX

### AFTER-CARE AND REHABILITATION SERVICES

**55. After-Care and Rehabilitation Services-** The Government may endeavour to provide after-care services to all needy prisoners released from a prison, with a view to ensuring their rehabilitation and re-integration into the society.

## CHAPTER-XXI

### MISCELLANEOUS

#### **55(A). Prohibition of Caste-based discrimination in Prisons and Correctional Institutions-**

(1) It shall be strictly ensured that there is no discrimination/classification/segregation of prisoners on the basis of their caste.

(2) It shall be strictly ensured that there is no discrimination of prisoners in allotment of any duty/work in prisons on the basis of their caste.

(3) The provisions of 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' shall have a binding effect even in Prisons and Correctional Institutions. Manual scavenging or hazardous cleaning of a sewer or a septic tank inside a prison shall not be permitted.

**55(B). Rights and Facilities for Prisoners with Disabilities-** (1) Non-Discrimination: No prisoner shall be discriminated against on grounds of disability. All prisoners with disabilities shall be entitled to equality, dignity, and respect for their integrity on an equal basis with others.

(2) Accessibility: All 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, Government of India.

(3) Healthcare and Rehabilitation: Persons with disabilities shall be provided with appropriate healthcare, including psychiatric and psychological services, as well as access to rehabilitation programs and therapies.

(4) Screening and Identification: All incoming prisoners shall be screened for disabilities at the time of admission. Relevant prison records must reflect their specific needs to ensure suitable accommodations and assistance.

(5) Staff Training: Prison staff shall undergo regular training to sensitize them to the rights, needs, and appropriate handling of prisoners with disabilities.

**56. Legal Aid-** 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 the National Legal Services Authority or the State Legal Services Authority or the District Legal Services Authority or as may be prescribed under the rules.

**57. Constitution of the Under-Trial Review Committee for every district-** (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 for carrying out such functions, as may be prescribed under the rules.

(2) The Committee shall meet once every three months and review the cases of eligible prisoners in all prisons of the district and make appropriate recommendations.

**58. Report on the death of a prisoner-** On the death of any prisoner, the Medical Officer shall forth-with record all relevant details and particulars of the case, as may be prescribed under the rules, and send the report to the officer-in-charge of the prison and the Head of Prisons and Correctional Services.

**59. Grievance Redressal Mechanism-** There may be an appropriate mechanism for redressal of the grievances of the prisoners and prison staff, as may be prescribed under the rules.

**60. Utilisation of services of prisoners-** The officer-in-charge may utilize the services of prisoners in accordance with the rules for the day to-day administration and management of the prisons, as may be prescribed.

**61. Prohibition of strikes and agitations-** 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.

**62. Emergency-** The officer-in-charge shall, as may be prescribed under the rules, take all appropriate measures, including the procurement of necessary equipment and preparation of a contingency plan, for preventing and controlling any emergency in the prison, including ensuring availability of Quick Reaction Teams, 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.

**63. Extramural custody, control and employment of prisoners-** 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 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.

**64. Prison Development Board-** (1) The State may set up a Prison Development Board with the objective of modernizing prison infrastructure and facilities for better prison management, correctional and reformatory activities for prisoners and welfare of the prison staff.

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

**65. Delegation of Powers-** Any of the powers conferred by this Act may be exercised and performed by such officers as the Government may designate in this regard.

**66. Accounts and Audit-** The accounts of every prison shall be maintained and audited in such manner as may be prescribed by the Government.

**67. Protection of action taken in good faith-** 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 there-under.

**68. Power of the Government to make rules-** The Government may, by notification in the official Gazette, make rules consistent with this Act.

**69. Power to remove difficulties-** (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 such order shall be made under this section after the expiry of a period of two years, from the commencement of the Act.

**70. Repeal and Saving-** (1) The Prisons Act, 1894 (9 of 1894), The Prisoners Act, 1900 (3 of 1900) and the Transfer of Prisoners Act, 1950 (29 of 1950) as applicable to the State of Meghalaya, 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 in 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.

## **STATEMENT OF OBJECTS AND REASONS**

Prisons are an important and integral part of the Criminal Justice System of the country. They not only discharge the critical role of keeping the offenders in custodial segregation but also help in the process of reformation of the prisoners through correctional programmes. It is important to ensure that their functioning is not hindered for want of a legal framework that facilitates the fulfilment of this role and the efficacy of the Criminal Justice System for the welfare of the society.

Currently, the management of prisons and administration of prisoners are regulated by two pre-independence era Acts, namely, 'The Prisons Act, 1894' and 'The Prisoners Act, 1900'. With the passage of time and evolution of scientific and technological interventions in prison management, the ideology of reformation and rehabilitation of prisoners and their re-integration into society, many of the provisions of these colonial Acts have become outdated and obsolete. There is a felt need for these Acts to be replaced by an Act which is in tune with contemporary needs and correctional ideology.

Recognizing his need, the Ministry of Home Affairs has reviewed 'The Prisons Act, 1894', 'The Prisoners Act, 1900' as well as 'The Transfer of Prisoners Act, 1950' and finalised a comprehensive 'Model Prisons and Correctional Services Act, 2023' for the benefit of State Governments and Union Territories.

The provisions of the 'Model Prisons and Correctional Services Act, 2023' have been examined by the Government of Meghalaya and are found ideal for the management of prisons and administration of prisoners in the State. Hence this Meghalaya Prisons & Correctional Services Bill.

**SNIAWBHALANG DHAR,**

Minister In-Charge,

Department of Prisons & Correctional Services

**MALTHUS S. SANGMA,**

Secretary,

Meghalaya Legislative Assembly.

## **FINANCIAL MEMORANDUM**

Financial Memorandum - All expenditure incurred for the purpose of implementation of any of the provisions of the Meghalaya Prisons & Correctional Services Act will be borne on the Consolidated Fund of the State.

**MEMORANDUM OF DELEGATED LEGISLATION**

The following clauses of the Bill, if enacted, shall empower the State Government to make rules and the Competent Authority to make regulations, with respect to matters noted against each such clause:-

<b>Clauses</b>	<b>With respect to State Government (Rules)</b>
5(1)	Prescribing standards and requirements for prison architecture and institutional pattern/s.
5(2)	Prescribing standards of security for prisons and correctional homes.
5(3) and 5(6)	Prescribing standards and requirements for accommodation of different categories of prisoners.
8(2)	Prescribing the work-force required for the administration of prisons.
9(1)	Appointment of the Head of the Prisons & Correctional Services.
9(3)	Exercise of powers by the Head of the Prisons & Correctional Services.
10(1)	Appointment of officers to assist the Head of the Prisons & Correctional Services.
10(2)	Appointment of the officer in charge of a prison.
10(3)	Prescribing the authority upon whom the general administrative control and management of prison shall vest.
11(1)	Prescribing the qualifications, recruitment, appointment and training of officers and staff of the Prisons & Correctional Services
11(2)	Prescribing the salaries and other benefits of officers and staff of the Prisons & Correctional Services.
12(3)	Duties and functions to be performed by the officer in charge of a prison.
12(4)	Exercise of disciplinary powers by the officer in charge of a prison.
14	Prescribing the duties of other prison officers and staff.
15	Prescribing the authority who shall exercise the powers and duties of the officer in charge of a prison or the Medical Officer of a prison, in their absence.
21(1) [Proviso]	Search of a prisoner who is a female or a transgender.
25	Prescription for the composition of the Classification and Security Assessment Committee.
26(1)	Prescribing for the classification and categorization of prisoners.
26(7)	Prescribing the manner in which the safety and secure custody of high-risk prisoners is to be ensured.
29	Prescribing prison leave to prisoners on the condition that they wear electronic tracking devices to monitor their movement and activities during the period of leave.
30(3)	Specifying the deployment of staff for women prisons and women enclosures or female wards and restriction of access thereto by male officials and staff.
31	Specifying the medical care and diet for pregnant women prisoners.
32(2)	Specifying the health care and facilities for children living with their mothers in prisons.
34(1)	Specifying accommodation for transgender prisoners.
35(2)	Prescribing for the transfer of a prisoner to any other prison in the State.
35(4)	Prescribing the manner of use of restraints and force on prisoners.
36(2)	Prescribing the manner of entry of records of prisoners.
36(3)	Prescribing the manner of communication of foreign prisoners with their family members and consular representatives.
36(4)	Prescribing the manner of communication of prisoners with their legal counsels.
37(1)	Prescribing the manner of search of visitors and prison officers and staff.
37(3)	Prescribing the manner of search of visitors who are women, transgenders or persons with disabilities.

- 38(1) Maintenance of discipline in the prison by the officer in charge of the prison.
- 38(2) Manner of enforcing discipline in the prison by the officer in charge.
- 38(3) Directions that may be issued to prisoners.
- 44 Specifying prisoners' health-care.
- 45(2) Specifying the method, modalities and procedure by which transfer of a prisoner with mental illness is to be effected.
- 46(1) Provision of vocational training, skill development, education and recreational facilities to prisoners.
- 46(2) Specifying vocational training and skill development programmes for the rehabilitation of prisoners.
- 46(3) Prescribing the organization of cultural and recreational programmes, etc., for the prisoners.
- 47 Prescribing for the establishment of canteens and sales outlets in prisons.
- 48(1) Requirement for individual sentence planning.
- 49 Provision for work that may be extended to prisoners.
- 50(2) Prescribing for facilities or concessions in open or semi-open prisons.
- 50(3) Rules for the management of open or semi-open prisons, eligibility of prisoners who may be kept in these prisons and procedures to be followed when dealing with prisoners who violate any condition of transfer to these prisons.
- 51(1) Prescribing prison leave that may be granted to eligible convicts.
- 51(7) Prescribing penalties for prisoners who do not wear electronic tracking devices while on prison leave.
- 52 Prescribing the period and criteria for granting remission of the sentence imposed upon convicts.
- 53 Prescribing the constitution of the Sentence Review Committee to consider cases and recommend convicts eligible for pre-mature release.
- 54(1) Prescribing the inspection of prisons by the Head of the Prisons & Correctional Services and the Board of Visitors and the other functions of the Board of Visitors.
- 56 Prescribing free legal aid to prisoners, whenever required.
- 57 Prescribing the constitution and functions of Under-Trial Review Committees in the districts.
- 58 Prescribing the manner of reporting the death of a prisoner by the Medical Officer of the prison.
- 59 Prescribing the mechanism for redressal of grievances of prisoners and the prison staff.
- 60 Prescribing the manner of utilisation of the services of prisoners.
- 62 Prescribing the measures that may be taken by the officer in charge of the prison in an emergency.
- 64 Prescribing the composition and manner of governance, etc., of the Prison Development Board.
- 65 Delegation by the Government of the powers conferred under this Act and the exercise of these powers.
- 69 Conferring power on the Government to make rules consistent with this Act.
- 70 Conferring power on the Government to remove difficulties that may arise in giving effect to any of the provisions of this Act, by way of orders published in the official Gazette.
- The proposed delegation is of normal character and relates mainly to matters of detail.