

GOVERNMENT OF GUJARAT

Home Department,

No. JLK/392014/1194/J.

Sachivalaya, Gandhinagar.

Date :02/08/2025.

ORDER

**Bhartiya
Nagrik
Suraksha
Sanhita,
2023**

Whereas, Section 302 of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita') empowers a Criminal Court to make an order requiring the officer in charge of the prison to produce a person before the Court for answering to a charge or for the purpose of a proceeding or for giving evidence in the course of an inquiry, trial or proceeding under the Suraksha Sanhita.

AND WHEREAS, sub-section (1) of section 303 of the Suraksha Sanhita empowers the State Government to direct by a general or special order, that any person or class of persons shall not be removed from the prison in which he or they may be confined or detained, and no order under section 302, whether before or after the order of the State Government, shall have effect in respect of such person or class of persons And whereas, before making an order under sub-section (2) of section 303 of the Suraksha Sanhita, the State Government, shall have regard to the following matters, namely:

- A. The nature of the offence for which, or the grounds on which, the person or class of persons has been ordered to be confined or detained in prison;
- B. The likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;
- C. The public interest, generally.

AND WHEREAS, in recent past, incidents have been reported in the State of Gujarat in which the prisoners have attempted to escape from police custody with the help of their accomplices by attacking the police personnel during their transportation from prison to the Court and vice versa. In some cases, they themselves were attacked by the rival gangs during their journey. It has been observed that in almost all such cases fire arms were used by criminals at public places, including court complexes, in full public view, thereby invoking fear in the mind of common citizens and causing disturbance to public order. It has also been observed that prisoners involved in such violent incidents are mainly accused of heinous offences such as organized crimes, terrorist acts, murder, attempt to murder, robbery, dacoity, offences against the State among others.

AND WHEREAS, in view of the above facts, the Governor of Gujarat is satisfied that a certain class of persons, confined or detained in a prison in the State should not be removed from the prison in which they are confined or detained.

AND NOW THEREFORE, in view of the reasons recorded above and in exercise of powers conferred under sub-section (1) of section 303 of the Suraksha Sanhita, The Governor of Gujarat is pleased to order that the persons accused of the following

offences shall not be removed from the prison in which they are confined or detained and no order made under section 302, whether before or after this order, shall have effect in respect of these persons:

- I. Unlawful Activities (Prevention) Act, 1967 (UAPA) and National Security Act, 1980 (NSA).
- II. Organized crimes (section 111, BNS) or terrorist acts (section 113. BNS)
- III. Two or more cases of murder (section 302 IPC/103 BNS) or attempt to murder (section 307 IPC/109 BNS)
- IV. Two or more cases of commercial quantity under NDPS Act, 1985
- V. Five or more cases of robbery/dacoity/extortion (sections 308/309/310/311/312/313 of BNS or corresponding IPC Sections)
- VI. Offences against State (sections 147/L521160 BNS or corresponding IPC Sections)
- VII. Escape from custody (section 224 of IPC/262 of BNS)
- VIII. Two or more cases of Kidnapping or abduction with the intent to murder or for ransom (sections 140(1)/140(2) of BNS or corresponding sections of IPC)
- IX. Two or more cases under sections 25(6)/25(7)/25(8)/27(2)/27(3) of Arms Act, 1959.
- X. Two or more cases of offences against public servants (sections 212/132/195/221 of BNS or corresponding sections of IPC)

Any accused person falling in above categories shall invariably be produced before the Court by the concerned Superintendent of Prison through video conferencing.

By order and in the name of the Governor of Gujarat.



(K.K. Patel)

Section Officer to Government

To,

- Addl. Chief Secretary to Hon. Chief Minister, Sachivalaya, Gandhinagar
- PS to Hon. Minister of State (Home), Sachivalaya, Gandhinagar
- PPS to Addl. Chief Secretary (Home), Home Department, Sachivalay, Gandhinagar
- PS to Principal Secretary (Home), Home Department, Sachivalay, Gandhinagar
- Joint Secretary (Law & Order), Home Department, Sachivalay, Gandhinagar
- Under Secretary (Law & Order), Home Department, Sachivalay, Gandhinagar
- The Director General & Inspector General of Police, Gujarat State, Police Bhavan, Gandhinagar.
- The Director General of Prisons, Gujarat State, 'Jail Bhavan', Near Subhash Bridge Circle, Ahmedabad.
- Addl. Director General of Police (Law & Order), Gujarat State, Police Bhavan, Gandhinagar.
- The Addl. Director General of Police, C.I.D. Crime & Railways, Gujarat State, Police Bhavan, Gandhinagar.
- Select File.