



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 15
Vol. XV

തിരുവനന്തപുരം,
ശനി

Thiruvananthapuram,
Saturday

2026 ജനുവരി 17
17th January 2026

1201 മകരം 3
3rd Makaram 1201

1947 പൗഷം 27
27th Pousha 1947

നമ്പർ
No.

198

GOVERNMENT OF KERALA

Home (S) Department

NOTIFICATION

G. O. (P) No. 4/2026/Home.

Dated, Thiruvananthapuram,

16th January, 2026

2nd Makaram, 1201

26th Pousha, 1947.

The Government of Kerala is pleased to notify the guidelines to be followed for issuing a formal order excluding the specified individual(s) from the operation of Section 302, thereby preventing their removal from prison for court proceedings, as provided under Section 303 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The guidelines under Section 303 of



the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is attached herewith.

By order of the Governor,

BISHWANATH SINHA,
Additional Chief Secretary to Government.



Guidelines under Section 303 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

Introduction

Section 302 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides that whenever, in the course of an enquiry, trial or proceedings under this Sanhita it appears to a criminal court that a person confined or detained in a prison should be brought before the court for answering a charge of an offence, or for the purpose of any proceedings against him or that it is necessary for the ends of justice to examine such a person as a witness, the court may make an order requiring the officer in charge of the prison to produce such person before the court answering to the charge or for the purpose of such proceeding or for giving evidence.

Whereas section 303 envisages the Power of State Government or Central Government to exclude certain persons from operation of section 302.

(1) The State Government or the Central Government, as the case may be, may, at any time, having regard to the matters specified in sub-section (2), by general or special order, direct 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 thereupon, so long as the order remains in force, no order made under section 302, whether before or after the order of the State Government or the Central Government, shall have effect in respect of such person or class of persons.

(2) Before making an order under sub-section (1), the State Government or the Central Government in the cases instituted by its central agency, as the case may be, 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.

(3) Regarding the above mentioned matters, the Government has to review the report of the Director General of Police and Director General of Prisons.

(4) For the above said purpose an internal committee, comprising of the Director General of Police as Chairman and Director General of Prisons, District Superintendent of Police/Jail



Superintendent concerned as members, is to be constituted for the formulation of report.

(5) The internal committee has to evaluate all the matters pertaining to the particular accused/prisoner and has to submit a report in Annexure-1 before the Government.

(6) Nature of offence, ground of arrest, threat to public order and public interest are to be the deciding factor while preparing the report for the issuance of such order under 303 BNSS, 2023.

(7) The proposal of the internal committee should also include the plan of action for speedy trial of all cases against the prisoner/accused including the plan for fool-proof protection for escorting the prisoner in the event of revoking of such order in future.

(8) The proposal shall not infringe the fundamental right of the prisoner ensured under article 19 and 21 of the constitution.

(9) The Review committee at Government Level, will be authorized to issue or revoke the orders, as the case may be. The order has to be speaking and to be issued for a definite period in such manner that the order shall not affect the trial proceedings of the court for an indefinite period.

(10) After the issuance of such order, the Government has to communicate the same to:

- i. The concerned Jurisdictional Magistrate.
- ii. Director General of Prisons.
- iii. Director General of Police
- iv. Director General of Prosecution

Annexure- I

Sl No	Points	Description
1	Brief history of the Prisoner/Accused	
2	Details of all cases registered against the prisoner/accused	
3	Current status of trial in various courts with details of case number, Name of courts etc.	
4	Updated details of pending investigations against the accused at various	



	Police Stations with the FIR numbers and present stage of the case	
5	Conviction details of the Accused/Prisoner	
6	Details of Preventive action initiated against him.	
7	Details of action taken for the protection of Fundamental Rights of the accused.	
8	Opinion of District Police Chief and jail Authorities (i) Nature of Offence (ii) Grounds for invoking orders U/s 303 BNSS (iii) Likelihood of the disturbances of public order (iv) Public interest (v) Feasibility of conducting trials through video conferencing.	
9	Details of arrangements including the plan of armed escort to the prisoner or accused if it requires to revoke the order issued U/s 303 BNSS.	
10	Opinion of the internal committee for invoking or revoking such order U/s 303 BNSS	

