

No. V-17013/33/2024-PR
Government of India
Ministry of Home Affairs

Women Safety Division, 2nd Floor,
Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi-110001
July 15, 2024

To

1. The ACS/Principal Secretary (Home) of all States and UTs
2. The DG/IG Police of all States and UTs
3. The DG/IG (Prisons) of all States and UTs

Subject: Prison Visitation Rights of Queer Community (LGBTQ+)

Sir/Madam,

It has been the constant endeavour of the Ministry of Home Affairs (MHA) to reach out to all States and Union Territories and share the contemporary guidelines and best practices on varied aspects of efficient prison administration and management. It has come to the notice of this Ministry that members of the queer community (LGBTQ+) are often discriminated against because of their gender identity or sexual orientation and often face violence and disrespect. With the objective of ensuring that there is no discrimination in access to goods and services to the queer community, which are available to the public at large, especially with reference to **prison visitation rights**, the following guidelines are reiterated.

2. MHA had prepared a 'Model Prison Manual, 2016' and a 'Model Prisons and Correctional Services Act' in 2023 and had shared the same with all State Governments and Union Territory Administrations for their guidance and implementation in their respective jurisdictions. The relevant provisions on **prison visitation rights** contained in the above two documents are recapitulated below for the information and guidance of all State/UT authorities:

Model Prison Manual, 2016:

"Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his/her family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his/her property and family affairs. He/she shall be allowed to have interviews with his/her family members, relatives, friends and legal advisers once in a fortnight.

On admission, every prisoner should submit a list of persons who are likely to interview him/ her and the interview shall be restricted to such family members, relatives and friends. The conversation at the interviews shall be limited to private and domestic matters and there shall be no reference to prison administration and discipline and to other prisoners or politics. The number of persons who may interview a prisoner at one time shall ordinarily be limited to three.

Interviews with female prisoners shall, if practicable, take place in the female enclosure/ward.”

It is reiterated that these provisions equally apply to the members of queer community and they can meet a person of their choice without any discrimination or judgement.

Model Prisons and Correctional Services Act, 2023:

“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 inmates shall be verified/authenticated through biometric verification/identification.

Foreigner prisoners may communicate with their family members and consular representatives, as prescribed under the rules.

Every prisoner shall be allowed reasonable facilities of meeting or communicating with their family members (natal or chosen) relatives, friends and legal advisers for preparation of appeal or for procuring bail or for arranging the management of their property and family affairs. They shall be allowed to have interviews with their family members, relatives, friends and legal advisers.”

It is reiterated that these provisions equally apply to the members of queer community and they can meet a person of their choice without any discrimination or judgement.

3. All State/UT Prison authorities are requested to take note of the above and sensitise the concerned officials at all levels to ensure that all persons are treated equally in a fair and just manner and no person, especially those belonging to queer community, are discriminated against in any manner whatsoever.

4. You are requested to acknowledge the receipt of this communication.

Yours sincerely,



(Arun Sobti)

Director (Prison Reforms)

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