Revised Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners

Guidelines (as on 2 December 2025)

i) An **'Empowered Committee'** may be constituted in each District of the State/UT, comprising of i) **Nominee of the** District Collector (DC)/District Magistrate (DM), ii) Secretary, District Legal Services Authority (DLSA), iii) Superintendent of Police, iv) Superintendent/ Dy. Supdt. of the concerned Prison and v) **Judge incharge** of the concerned Prison **as nominee** of the District Judge, to consider cases of eligible prisoners.

Note 1: **Secretary, DLSA will be the Convener/Coordinating Incharge** of the meetings of the Empowered Committee.

Note 2: The Committee may appoint a Nodal Officer and take assistance of Jail Visiting Lawyer (JLV)/ Paralegal Volunteer (PLV) or any civil society representative/social worker/ District Probation Officer, or any other officer, etc. to assist them in processing cases of needy prisoners.

Note 3: The Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc. and based on the decision taken, the **Nodal Officer of the State/UT Prison Headquarter** shall draw funds from the CNA account and take necessary action in this regard.

ii) An **Oversight Committee** may be constituted at the State Government level, comprising of i) Principal Secretary (Home/Jail), ii) Secretary (Law Deptt), iii) Secretary, State Legal Services Authority, iv) DG/IG (Prisons) and v) Registrar General of the High Court.

Note: The composition of the District level 'Empowered Committees' and 'Oversight Committee' are only suggestive in nature. 'Prisons/persons detained therein' being 'State-List' subject, the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

iii) Funds to the States/UTs will be made available through the Central Nodal Agency (CNA). The Ministry of Home Affairs has designated the National Crime Records Bureau (NCRB) as the Central Nodal Agency (CNA) for implementing this scheme.

iv) Each State/UT should open a subsidiary account at the State/UT Headquarter level under the CNA's account (NCRB) and have it mapped on PFMS as all funds from the Centre will flow through this account.

v) Each State/UT may appoint a Nodal Officer at the State/UT Headquarter level. The Nodal Officer of the State/UT Prison Headquarter will draw the requisite amount from the CNA as per the recommendation of the Empowered/Oversight Committee, as the case may be, and release the amount of fine/bail surety, to the concerned Prison's account where the beneficiary is lodged.

vi) The concerned prison shall remit the amount to the Court through challan or any other expeditious mode of payment accepted by the Court.

Note: In case any clarification is required, the Ministry of Home Affairs can be contacted by the State/UT.

Standard Operating Procedure

UNDERTRIAL PRISONERS

1. If the undertrial prisoner (UTP) is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority should inform Secretary, District Legal Services Authority (DLSA).

2. Upon receiving information, the Secretary, DLSA must immediately arrange for an interaction with the UTP. Secretary, DLSA will authorise a Jail Visiting Lawyer (JLV)/ Paralegal Volunteer (PLV) or any civil society representative/ District Probation Officer, etc. to interact with the UTP to verify if the UTP has funds in his Prisoner's Savings Account. If not, based on information obtained from the UTP in the format prescribed (to be provided by NALSA) the form will be forwarded to the Secretary, DLSA within a period of 5 days.

3. The District Level 'Empowered Committee' will direct release of funds for surety on the recommendation of DLSA within a period of 5 days from the date of receipt of the report.

4. Secretary, DLSA will place all such cases before the District Level 'Empowered Committee'. The Empowered Committee shall meet on every 1st and 3rd Monday, (and in the event if there is holiday on such days, then on the next working days) of each month to consider the cases recommended by DLSA.

5. After examination of such cases, if the Empowered Committee recommends that the identified Under Trial Prisoner be extended the benefit of financial support under 'Support to poor prisoners Scheme', then the requisite amount upto Rs. 50,000/- per case for one prisoner, can be directed to be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other method, which the District Committee feels appropriate within 5 days of its decision. This decision would simultaneously be informed to DLSA and Jail Authorities by email. In the event, the fund is not forthwith deposited within 5 days in Court, and the UTP not released, the Jail authorities should on the 6th day, inform the DLSA.

6. This benefit will not be available to persons who are accused of offences under Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS, Unlawful Activities Prevention Act or any other Act or provisions, as may be specified later.

Persons involved in heinous crimes such as acts of terrorism, offences affecting national security, dowry deaths, rape, human trafficking, or offences under the POCSO Act may also not be extended the benefit of the scheme. **The Empowered Committees/Oversight Committee of States/UTs may exercise due caution in this regard.**

7. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail u/s. 389 (3) Cr.P.C. [S. 430 (3) BNSS] in which event the amount can be utilised for bail by Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail U/s. 389 (1) of Cr.P.C [S. 430 (1) BNSS].

8. If the bail amount is higher than Rs. 50,000/-, the Empowered Committee may exercise discretion to pay higher amount not exceeding Rs. 1 lakh. If the Empowered Committee declines to exercise discretion, it would inform the Secretary, DLSA forthwith of its decision by email (and not later than 2 days), to enable the Secretary, DLSA to instruct a Legal Aid Advocate to move the Court granting bail or any superior Court to have the surety amount reduced.

9. Once the Secretary, DLSA instructs a Legal Aid Advocate to seek reduction of surety amount, this application/Petition would be filed by the Legal Aid Advocate within 7 days of the case being assigned to the Legal Aid Advocate.

10. In cases where the surety amount exceeds Rs. 1,00,000/-, or where the Empowered Committee does not exercise its discretion to sanction any amount between Rs. 50,000/- and Rs. 1,00,000/-, the proposal shall be referred to the State Level Oversight Committee for its consideration and approval.

CONVICTED PRISONERS:

1. If a convicted person is unable to get released from the jail on account of non-payment of fine amount, **the Superintendent of the Jail would immediately inform Secretary, DLSA** (Time bound manner: 7 days).

2. Secretary, DLSA would enquire into the financial condition of the prisoner with the assistance of a Jail Visiting Lawyer (JLV)/ Paralegal Volunteer (PLV) or any civil society representative/District Probation Officer or any other Government official in processing cases of needy prisoners. (Time bound manner: 7 days)

3. The Empowered Committee will sanction the release of the fine amount upto Rs. 25,000/- to be deposited in the Court for securing the release of the prisoner. For **any amount over and above** Rs. 25,000/-, the proposal may be approved by the Oversight Committee.