

I/13490/2023

संघ राज्य प्रशासन, लद्दाख

THE ADMINISTRATION OF
UNION TERRITORY OF LADAKH

सामान्य प्रशासन विभाग

GENERAL ADMINISTRATION
DEPARTMENT

F.No: A/538/2022-GAD SEC

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यूटी सचिवालय/UT Secretariat
लेह/Leh, Dated:- 28/08/2023

Subject: Constitution of UT Level Oversight Committee and District-Level Empowered Committee in Union territory of Ladakh.

Ref. D.O. No. 17013/26/2023-PR dated: 19th June, 2023 from Home Secretary, Government of India.

**Order No: - 275-LA(GAD) of 2023
Dated: -28.08.2023**

Sanction is hereby accorded to the Constitution of UT Level Oversight Committee and District-Level Empowered Committee in Union territory of Ladakh for the implementation of scheme to provide financial support to the poor prisoners who are unable to pay their fine and to help them in securing bails. The composition of the committees are as follows: -

I. Oversight Committee at UT Level.

1.	Administrative Secretary Home Department	Chairman
2.	Member Secretary, Ladakh Legal Services Authority	Member Secretary
3.	Secretary Law Department	Member
4.	DG/IG (Prisons)	Member
5.	Registrar General of the High Court	Member

II. Empowered Committee at District Level.

1.	Deputy Commissioner/CEO, LAHDCs	Chairperson
2.	Secretary, District Legal Services Authority	Member Secretary
3.	Superintendent of Police	Member
4.	Superintendent/Dy. Supdt. of the concerned Prison	Member
5.	Judge In-charge of the concerned Prison (as nominee of the District Judge).	Member

[Handwritten Signature]
28.8.2023

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Terms of Reference:

- i) The District-Level 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 DC/DM will draw money from the Central Nodal Account and take necessary action.
- ii) The Committee may appoint a Nodal Officer and take assistance of any Civil society representative/Social worker/District Probation Officer to assist them in processing cases of needy prisoners.

Standard Operating Procedures for the implementation of the scheme for support to poor prisoners is also enclosed.

By order of competent authority.

Sd/-

(Yetindra M. Maralkar) IAS
Administrative Secretary
General Administration Department

Copy to all officers/members above.

Copy also to the:

1. Sh. Ajay Bhalla, IAS, Home Secretary, Govt. of India.
2. Administrative Secretary, Home Department, UT Ladakh.
3. Additional Director General of Police, Ladakh Police, UT Ladakh.
4. Secretary, Law Department Ladakh.
5. District Informatics Officer, NIC, Ladakh for uploading on UT website.
6. Private Secretary to Advisor to Hon'ble Lt. Governor for information of Advisor to Hon'ble Lt. Governor.
7. e-office file.


28.08.2023

(Sonam Chhosdon/सोनम छोसडोन)

Deputy Secretary/ उप सचिव
General Administration Department/ सामान्य प्रशासन विभाग

Guideline and Standard Operating Procedures for the implementation of the scheme for support to poor prisoners as provided by the Ministry of Home Affairs (MHA) shall be as follows:

I. UNDERTRIAL PRISONERS

1. If the under-trial prisoner is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority would inform Secretary, District Legal Services Authority (DLSA).
2. Secretary, District Legal Services Authority (DLSA) would inquire and examine whether the under-trial prisoner is not in a position to furnish financial surety for securing bail in terms of the bail conditions. For this, DLSA may take the assistance of civil society representative/Social worker/NGO/District Probation Officers or Revenue officer. This exercise would be completed in a time bound manner within a period of 10 days.
3. Secretary, District Legal Services Authority (DLSA) will place all such cases before the District Level Empowered Committee every 2-3 weeks.
4. After examination of such cases, if the Empowered Committee recommends that the identified poor prisoner be extended the financial benefit under 'Support to Poor Prisoner Scheme', then the requisite amount up to Rs. 40,000/- per case for one prisoner, can be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other method, which the district (Empowered)committee feels appropriate.
5. This benefit will not be available to persons who are accused of offences under Prevention of Corrupt Act, Prevention of Money Laundering Act, NDPS or UAPA or any other Acts or provisions, as may be specified later.
6. If the prisoner is acquitted/ convicted, then appropriate orders maybe 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.PC.in which event the amount can be utilized 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 CrPC.



Empowered Committee. Secretary DLSA may also engage with legal aid advocate with a plea to have the surety amount reduced. For any amount over and above Rs. 40,000/-, the proposal may be approved by the UT level Oversight Committee.

II. 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 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 help of civil society representative/Social worker/NGO/District Probation Officers or revenue officer who would be mandated to cooperate with the Secretary, DLSA (Time bound manner: 7 days).
3. The Empowered Committee will sanction the release of the fine amount up to 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 UT level Oversight committee.

Amru
28.08.2023