

OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL

Dis.No. 377/Estt/2024

dated 09-01-2024

Communication Endt.No.13/SO/2024, dated 09-01-2024 of the Hon'ble High Court of Andhra Pradesh along with G.O.Ms. No.198, Home (Prisons & Fire) Department, dated 24-11-2023, Government of Andhra Pradesh, is herewith communicated for information.

All the Judicial Officers working in Kurnool District are requested to download the above Communication Endt.No.13/SO/2024, dated 09-01-2024 of the Hon'ble High Court of Andhra Pradesh along with G.O.Ms. No.198, Home (Prisons & Fire) Department, dated 24-11-2023, Government of Andhra Pradesh, from District Court website i.e., <https://kurnool.dcourts.gov.in> for information.

All the Judicial Officers are requested to submit the compliance report after downloading the above copy to this Court.

PRINCIPAL DISTRICT JUDGE,
KURNOOL. 22-1.

Prinivem

To,

All the Judicial Officers in Kurnool District,

The Secretary, District Legal Services Authority, Kurnool.

The Senior Superintendent (Accounts), Principal District Court, Kurnool.

The Stenographer Grade-I, Principal District Court, Kurnool.

The Translator/Superintendent, Principal District Court, Kurnool.

The System Officer, District Court, Kurnool, with a direction to upload the same in the District Court's Official website.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

13
Home Department – A.P. Jail Services – Implementation of the Scheme for Support to Poor Prisoners - Constitution of Empowered Committee and State Level Oversight Committee to assess the requirement of financial support in each case for securing bail or for payment of fine – Orders – Issued.

HOME (PRISONS & FIRE) DEPARTMENT

G.O.Ms. No.198

Dated: 24.11.2023.

Read the following:



1. From the Deputy Secretary (PR & ATC), Ministry of Home Affairs, Women Safety Division Government of India, New Delhi, letter No: V-13/26/2023-PR, dated:23.10.2023
 2. From the Director General of Prisons & Correctional Services, Andhra Pradesh, Mangalagiri, letter No: Jud-2/874/2023, dated:31.10.2023.
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ORDER:

In the reference 1st read above, the Deputy Secretary (PR & ATC), Women Safety Divisions, Ministry of Home Affairs, New Delhi has stated that Government of India has formulated a scheme for support to poor prisoners, whereby it will provide financial support to poor prisoners who are not being released from jails as they are unable to pay the fine imposed on them or are not able to secure bail due to financial constraints. Expenditure in this regard will be borne by the Central Government. Guidelines and Standard Operating Procedure for implementation of the scheme of support to poor prisoners was also forwarded with a request to issue necessary directions to concerned officer for activating the said scheme on urgent basis.

2. In the reference 2nd read above, the Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri has submitted proposals to constitute Empowered Committee and State Level Oversight Committee with the suitable composition for implementation of the said scheme of support to poor prisoners.

3. Government after careful examination of the mater, hereby constitute Empowered Committee at District level in each District and State Level Oversight Committee with the following to assess the requirement of financial support in each case for securing bail or for payment of fine for implementation of the said scheme of support to poor prisoners:

Empowered Committee at District Level:

1	District Collector (DC) / District Magistrate (DM)	Chairman
2	Secretary, District Legal Services Authority	Member
3	Superintendent of Police	Member
4	Superintendent / Dy Superintendent of concerned Prison	Member Convenor
5	Judge, incharge of the concerned Prison, as nominee of the District Judge.	Member

P.T.O



State Level Oversight Committee:

1	Principal Secretary to Government, Home (Paroles & HRC) Department, Government of Andhra Pradesh, Velagapudi, Amaravati.	Chairman
2	Secretary to Government Legal Affairs, Law Department, Government of Andhra Pradesh, Velagapudi, Amaravati.	Member
3	Secretary, State Legal Services Authority, Andhra Pradesh High Court, Nelapadu	Member
4	Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri.	Member Convenor
5	Registrar General of the High Court, Andhra Pradesh High Court, Nelapadu	Member

4. 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 District Collector (DC)/District Magistrate (DM) will draw money from the Central Nodal Agency (CNA) account and take necessary action.

5. The Empowered 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.

6. The above Empowered Committee shall meet every 2-3 weeks either physically or in hybrid mode to assess the requirement of financial support in each case for securing bail or for payment of fine etc. The State Level Oversight Committee shall meet when cases are referred by Empowered Committee.

7. A copy of the Guidelines and Standard Operating Procedure for implementation of the scheme of support to poor prisoners is annexed (Annexure-I) for compliance.

8. The Director General of Prisons & Correctional Services, Andhra Pradesh, Mangalagiri, shall take further necessary action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Principal Secretary to Government, Home (Paroles & HRC) Department,
Government of Andhra Pradesh, Velagapudi, Amaravati.

The Secretary to Government Legal Affairs, Law Department, Government of Andhra Pradesh, Velagapudi, Amaravati.

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The Secretary, State Legal Service Authority, Andhra Pradesh High Court,
Nelapadu.

The Director General of Prisons & Correctional Services, Andhra Pradesh,
Mangalagiri

The Registrar General of the High Court, Andhra Pradesh High Court, Nelapadu.
All the District Judges of Andhra Pradesh.

All the District Collectors of Andhra Pradesh.

The Secretaries, District Legal Services Authorities of all Districts through the
Secretary, State Legal Service Authority, Andhra Pradesh High Court,
Nelapadu.

The Superintendent of Police of all Districts through the Director General of Police,
Andhra Pradesh.

The Superintendent of Jails/ Dy. Superintendent of Jails through Director General of
Prisons & Correctional Services, Andhra Pradesh, Mangalagiri.

Copy to:

The Home (Parole & HRC) Department

OSD to Hon'ble M (Home)

OSD to Chief Secretary to Government, Andhra Pradesh.

P.S to Principal Secretary to Government, A.P Secretariat.

Sc/Sf.

//FORWARDED :: BY ORDER//


SECTION OFFICER

Annexure - I

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

i) Funds to the States/UTs will be provided through the Central Nodal Agency (CNA). The National Crime Records Bureau has been designated as the CNA for this scheme.

ii) States/UTs will draw the requisite amount from the CNA on case-to-case basis and reimburse the same to the concerned competent authority (Court) for providing relief to the prisoner.

iii) An 'Empowered Committee' may be constituted in each District of the State/UT, comprising of i) District Collector(DC)/District Magistrate(DM), ii) Secretary, District Legal Services Authority, 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.

Note: This 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 CNA account and take necessary action.

Note: 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.

iv) 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 State level 'Empowered Committee' and 'Oversight Committee' are suggestive in nature. Prisons/persons detained therein being 'State-List' subject, it is proposed that the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

Standard Operating Procedure

UNDERTRIAL PRISONERS

1. If the undertrial 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, DLSA would inquire and examine whether the undertrial 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 representatives.

social workers/ NGOs, District Probation officers or revenue officer. This exercise would be completed in a time bound manner within a period of 10 days.

3. Secretary, 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 benefit of financial benefit under 'Support to poor prisoners Scheme', then the requisite amount upto 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 Committee feels appropriate.

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

6. 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. 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.

7. If the bail amount is higher than Rs.40,000/-, Secretary, DLSA may exercise discretion to pay such amount and make a recommendation to the 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 State level Oversight Committee.

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 help of District Social Worker, NGOs, District Probation Officer, 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 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 State level Oversight Committee.

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Endt.Roc.No.13/SO/2024

Dated: 09 .01.2024

G.O.Ms.No.198, Home (Prisons & Fire) Department,
Date: 24.11.2023, Government of Andhra Pradesh.

"COMMUNICATED."

J. Lakshmana Rao
9/1/24
REGISTRAR GENERAL

To

- 1) All the Registrars, High Court of Andhra Pradesh.
- 2) The Principal Secretary to the Hon'ble the Chief Justice (for information).
- 3) All the Unit Heads in the State of Andhra Pradesh, with a request to circulate the same to all the Judicial Officers in your unit.
- 4) The Section Officer, Establishment Section