

अजय भल्ला, भा.प्र.से.  
AJAY BHALLA, IAS

गृह सचिव  
Home Secretary  
भारत सरकार  
Government of India  
नॉर्थ ब्लॉक/North Block  
नई दिल्ली/New Delhi

D.O. No. 17013/26/2023-PR

19<sup>th</sup> June, 2023

Dear Chief Secretary,

As you are aware, a sustained and conscious effort is being made by the Government of India to ensure that the benefits of the Budget are felt across all sections of society. While tabling the Union Budget 2023-24 in Parliament on 1<sup>st</sup> February 2023, the Union Minister for Finance and Corporate Affairs announced that as part of the Government's priority in 'Reaching the Last Mile: No one to be left behind', required financial support will be provided to poor persons who are in prisons and are unable to afford the penalty or the bail amount.

2. The Ministry of Home Affairs has therefore finalised a scheme to provide relief to poor prisoners, who are unable to pay the fine imposed on them or are unable to secure bail due to financial constraints. Many of these prisoners may be socially disadvantaged or less educated or belong to low income groups. It is expected that providing financial support to such poor prisoners in paying their fine amount or helping them in securing bail will help them to come out of jail and join the main stream as a responsible citizen of the country.

3. Hon'ble Home Minister has also written to the Chief Minister/Lieutenant Governor of your State/UT on 23<sup>rd</sup> May, 2023 in this regard, a copy of which is enclosed for your reference.

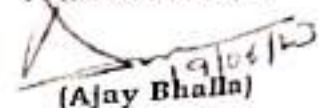
4. I am now attaching a copy of the 'Guidelines and Standard Operating Procedure' which may be followed in implementation of this scheme. You are requested to go through the same and issue necessary directions to the concerned officers for successful implementation of this scheme.

5. I am hopeful that this Scheme will go a long way in not only mitigating the problems faced by poor and indigent prisoners but will also help in solving the problem of overcrowding in your prisons.

With regards,

Encl. as above

Yours sincerely,

  
(Ajay Bhalla)

The Chief Secretaries of all States and UTs

## **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.

V-17013/20/2023-PR  
Government of India  
Ministry of Home Affairs  
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Women Safety Division, 2<sup>nd</sup> Floor,  
Major Dhyan Chand National Stadium,  
India Gate Circle, New Delhi-110001

December 8, 2023

To

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

**Sub:** RoD of the meeting taken on 29.11.2023 to review the 'Support to Poor Prisoners' Scheme

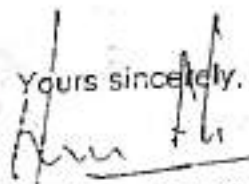
Sir/Madam,

A Video Conference meeting was convened by the Ministry of Home Affairs on 29<sup>th</sup> November, 2023 with all States/UTs to review the progress of the 'Support to Poor Prisoners' scheme.

2. A copy of the RoD of the meeting is attached for information of all concerned.

Encl.: As above.

Yours sincerely,



(Arun Sobti)

Deputy Secretary (PR & ATC)

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प्रति प्रमुख / प्रमुख  
प्रमुख प्रमुख  
21/12/2023



## ROD OF THE MEETING TAKEN BY AS (WS) TO REVIEW THE 'SUPPORT TO POOR PRISONERS' SCHEME ON 29 NOVEMBER 2023

A virtual meeting was convened by the Ministry of Home Affairs on 29th November, 2023 with all State/UT administrative authorities as well as DG IG Prisons to review the progress of the 'Support to Poor Prisoners' scheme. The meeting was chaired by AS (WS).

2. The participants of the meeting were apprised that:

a) It was announced during the 2023-24 Union Budget that as part of the Government's priority in 'Reaching the Last Mile: No one to be left behind', financial support will be provided to poor persons who are in prisons and are unable to afford the penalty or the bail amount.

b) The Ministry of Home Affairs has finalised a scheme to provide relief to poor prisoners, who are unable to pay the fine imposed on them or are unable to secure bail due to financial constraints.

c) Hon'ble Home Minister had written to the Chief Minister/Lieutenant Governor of the States/UTs on 23rd May, 2023 informing them about the scheme.

d) The 'Guidelines and Standard Operating Procedure' which may be followed in implementation of the Scheme were forwarded to all States and UTs by the Union Home Secretary on 19th June, 2023.

e) MHA had followed up this matter with the States and UTs through its letter dated 23rd October, 2023 and the States and UTs were requested to share the details of the action taken by them in this regard and were advised to issue necessary directions to concerned officers for activating the scheme on urgent basis as this is a significant scheme of the Government of India aimed at providing relief to poor prisoners.

3. The States and UTs were again briefly apprised about the provisions of the scheme, underlining certain categories of prisoners who may not be eligible for this scheme. The States and UTs were advised to pay specific attention to this particular aspect as in their response to MHA some States had included the details of non-eligible categories of prisoners.

4. States and UTs were specifically asked to inform if orders constituting the Empowered Committee and Oversight Committee have been issued by them. They were also requested to share the details of number of prisoners identified by them who may benefit from the scheme and the estimated amount which they expect to incur in this regard.



5. It was reiterated that this is a fully Centrally sponsored scheme and the expenditure will be borne by the Central Government for providing support to poor prisoners.

6. It was informed that as provided in the Guidelines of the Scheme, persons accused of offences under Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS or Unlawful Activities Prevention Act are not eligible for availing the benefit of this Scheme. It is further clarified that persons involved in heinous crimes like any act of terrorism, national security, Dowry death, Rape, human trafficking, POCSO, corruption, etc. may also not be extended the benefit of the scheme.

7. States and UTs were advised to set up a Nodal point at the State/UT Headquarter level, who may coordinate with the various Districts in the States/UTs and will be responsible for coordinating drawal of funds from the CNA account and making it available to District authorities for providing relief to poor prisoners. States/UTs may confirm establishment of this Nodal Point to MHA on urgent basis.

8. The matter regarding review of implementation of High Security Prisons project as well as the implementation of the Model Prison Manual 2016 was also taken up with the concerned States and they were reminded to take urgent necessary steps in both the matters.

9. The States/UTs were also reminded that MHA has issued a letter on 17<sup>th</sup> October, 2023 requesting them to make use of the Aadhaar authentication facility of prison inmates and the visitors to prison inmates with a view to strengthening the safe and secure custody of inmates. The NIC representative present in the meeting briefed the States/UTs about the Standard Operating Procedure to be followed in this regard and advised that if any State/UT is facing any problem they can contact the NIC Nodal points for resolving the same.

10. The Chair advised the State/UT representatives to share a copy of the orders constituting the relevant Committees through email and also take urgent steps to follow up with their respective authorities where such Committees have not been constituted so far. They were also advised to take urgent steps to identify the number of prisoners who can benefit from the scheme and provide their numbers to MHA through email.

11. It was reiterated to the States and UTs that wherever the threshold limit of Rs. 40,000/- (for bail) and Rs. 25,000/- (for fine) exceeded, as provided in the Guidelines, the matter can be put up to the State Level Oversight Committee who has the jurisdiction and authority to approve such cases as clearly provided in the Guidelines/SOP.