

V-17013/26/2023-PR
Government of India
Ministry of Home Affairs

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

October 23, 2023

To

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

Sub: Implementation of the Scheme for Support to Poor Prisoners

Sir/Madam,

Please refer to Union Home Minister's DO Letter No. 17013/26/2023-PR dated 23.5.2023 (copy attached) addressed to the Chief Ministers of States/UTs informing them that the Government of India has formulated a scheme for support to poor prisoners, whereby it will provide financial support to such 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. The States/UTs were informed that expenditure in this regard will be borne by the Central Government and therefore they may take full advantage of this scheme in providing relief to poor prisoners.

2. Subsequently, Union Home Secretary vide his DO Letter No. 17013/26/2023-PR dated 19.6.2023 (copy attached) had informed the Chief Secretaries of all States/UTs about the scheme and had forwarded a copy of the 'Guidelines and Standard Operating Procedure' which may be followed in implementation of the scheme. States and UTs were inter-alia advised through the Guidelines to constitute an 'Empowered Committee' in each District of the State/UT, which 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 to provide assistance to the prisoner.

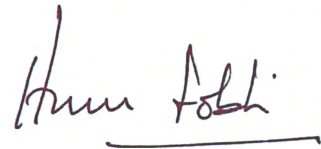
3. It is expected that the State/UT authorities would have initiated necessary action for constituting the 'Empowered Committee' as envisioned in the Guidelines and SOP and would have identified eligible prisoners to whom the benefit of this scheme can be extended. During our recent meetings with the Head of Prisons of all States and UTs, we had requested them to share the details of action taken by them in this regard. However, a response is awaited in the matter.

4. Since this is a significant scheme of the Government of India which can have far reaching effects on the life of poor prisoners who are not able to secure their release from

prisons on bail or due to non-payment of fine, you are requested to kindly review the matter personally and confirm to MHA if Empowered Committees as envisioned in the Guidelines and SOP have been constituted in all Districts of the States/UTs and whether beneficiaries of this scheme have been identified by the States/UTs. The Central Government has made the requisite provision of funds which are ready to be drawn by the States/UTs after following the procedure laid down in the Guidelines/SOP. **The State/UT authorities may therefore issue necessary directions to its concerned officers for activating the scheme on urgent basis and provide a confirmation to MHA in this regard.**

Encl.: As above.

Yours sincerely,



(ArunSobti)

Deputy Secretary (PR & ATC)

Phone: 23075297

Email: dspr.atc@mha.gov.in

अमित शाह
AMIT SHAH



गृह मंत्री एवं सहकारिता मंत्री
भारत सरकार
HOME MINISTER AND COOPERATION MINISTER
GOVERNMENT OF INDIA

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

Dated: 23 May, 2023

Under the leadership and guidance of Hon'ble Prime Minister Shri Narendra Modi, the Ministry of Home Affairs has been taking several steps from time to time to solve the problems faced by the prisoners lodged in the jails of the country. As part of this series, one of the priorities of the Union Budget this time is to provide benefit to the person sitting at the last end of the society. Under this, among other things in the Budget, an important announcement was made by the Central Government, through which financial assistance will be provided to those poor prisoners who are not being released from jails as they are unable to pay the fine imposed on them or in securing bail due to financial constraints.

Therefore, it has been decided by the Ministry of Home Affairs that the Government of India will provide financial assistance to provide relief to such poor prisoners, most of whom are socially disadvantaged or less educated and from low income groups. This step will help them to come out of the jail and join the main stream once again as an able citizen of the society.

You are aware that prisons are an important part of the criminal justice system and play a vital role in maintaining a peaceful and secure environment in the society. Ministry of Home Affairs, through various advisories issued from time to time, shares important guidelines with the State Governments towards better administration and management of prisons. Further, the Ministry of Home Affairs is providing financial assistance to the State Governments to improve and modernize the security infrastructure in prisons. Free legal aid is also being provided to poor prisoners through Legal Services Authority at various levels.

Recently, in this regard, the outdated 'Prison Act, 1894' and 'Prisoners Act, 1900' of the pre-independence era were reviewed in depth by the Ministry of Home Affairs, and for this purpose a comprehensive 'Model Prisons Act, 2023' has been finalized to make prison management and administration in line with the modern and present times, which has been shared by the Union Home Secretary with the Chief Secretaries/Advisors of all States/Union Territories on 10th May 2023 for implementation.

Cont..2/-

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The broad contours of the 'Scheme to provide financial assistance to poor prisoners to pay fine and secure bail' have been finalized in consultation with concerned subject experts, various legal advisors, lawyers and the state officials etc. Under this scheme, the Government of India will provide financial assistance through the State/UT Governments to provide relief to those poor prisoners who are not released from jail due to financial constraints, because of which they are unable to pay the fine or are not able to bear the bail amount. Detailed Standard Operating Procedure in this regard is being shared with the State/UT Governments at the administrative level.

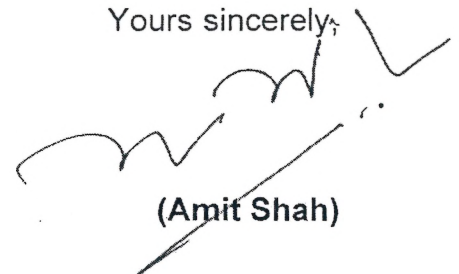
Various technology-based solutions are also being implemented to further streamline and strengthen the solution to the problems of prisoners and to ensure that benefits reach the prisoners, such as strengthening the e-prison platform; strengthening of District Legal Services Authority and capacity-building of stakeholders to ensure availability of quality legal aid to needy poor prisoners etc.

You are requested to take full advantage of this Central Government scheme of 'providing financial assistance to poor prisoners' in your State/UT. The funds in this regard shall be borne entirely by the Central Government and will be released to the appropriate institution directly from the funds of the Central Government through the concerned authority of the State/UT Government.

I hope that this step will ensure delivery of benefit to poor prisoners and this scheme will also help in solving the problem of over-crowding in the jails of your State/ UT.

With regards,

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Amit Shah', written over a diagonal line. The signature is stylized and cursive.

(Amit Shah)

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

19th 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 1st 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 23rd May, 2023 in this regard, a copy of which is enclosed for your reference.

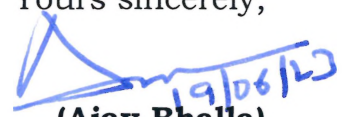
4. I am now attaching a copy of the 'Guidelines and Standard Operating Procedure' which may be followed in implementation of this scheme. You are requested to go through the same and issue necessary directions to the concerned officers for successful implementation of this scheme.

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.