

## **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.

## **Flow of Funds and Institutional Mechanism**

1. The Ministry of Home Affairs has designated the National Crime Records Bureau (NCRB) as the Central Nodal Agency (CNA) for implementing this scheme. NCRB has opened a CNA account in Canara Bank for the Support to Poor Prisoners Scheme. All States and UTs were advised by MHA on 3rd January 2024 to open a subsidiary account and have it mapped with the CNA account on PFMS for seamless flow of funds from the Central Government's CNA account to State/UT Headquarter level subsidiary Child account.

2. For efficient implementation of the scheme and seamless flow of funds from the Centre to the States, the following steps/flow chart is recapitulated for the information of all States/UTs:

a) States/UTs to constitute 'Empowered Committees' in all Districts of the State/UT and an 'Oversight Committee' at the State/UT Headquarter level with the indicative composition of such Committees as provided in the Guidelines.

b) Each State/UT may appoint a Nodal Officer at the State/UT Headquarter level who may engage with the Ministry of Home Affairs or the Central Nodal Agency - NCRB to seek any clarification or amplification about the procedure/guidelines, etc.

c) 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 on most urgent basis as all funds from the Centre will flow through this account.

d) The District level 'Empowered Committee', with the assistance of District Legal Services Authority and prison authorities, shall examine cases of eligible prisoners and shall have the power to sanction the amount required for paying fine/bail amount, etc. within the parameters of the guidelines prescribed on the subject.

e) The district level Empowered Committee/Oversight Committee, as the case may be, will provide intimation about the approval of a case to the State/UT Headquarter level Nodal Officer for releasing the funds to the concerned Court providing full details of the case.

f) On receipt of intimation of approval of a case by the District Level 'Empowered Committee' or the 'Oversight Committee' of the State/UT, as the case may be, the Nodal Officer of the State/UT at Headquarter level shall draw funds from the CNA account (after satisfying the defined parameters of Guidelines and SOP) and release the amount of fine/bail surety, to the concerned Prison's account (where the beneficiary is lodged).

g) The concerned prison shall remit the amount to the Court through challan.