

V-17013/20/2024-PR
Government of India
Ministry of Home Affairs

Women Safety Division, 2nd Floor
Major Dhyan Chand National Stadium
India Gate Circle, New Delhi-110001
April 29, 2025

To,

1. The Chief Secretaries of all States and UTs
2. The DG/IG of Prisons and Correctional Services of all States/UTs

Sub: - Implementation of the provisions of Section 479 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) by State Prison Authorities to Provide Relief to Undertrial Prisoners

Sir/ Madam,

As you are aware, the Ministry of Home Affairs (MHA) had launched a Special Campaign on the occasion of Constitution Day (26th November 2024) for implementation of Section 479 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS), which provides that undertrial prisoners, who have undergone detention for one-half of the maximum period of imprisonment prescribed for the offence, shall be released on bail by the Court. In the case of first-time offenders, the provision applies upon completion of one-third of the maximum sentence. Furthermore, **Section 479(3) places a specific responsibility on the Superintendent of the Prison** to file an application before the concerned Court for the release of such eligible undertrial prisoners. Under this initiative, States and Union Territories were requested to identify eligible undertrial prisoners and move their applications before the concerned courts for their release on bail/bond under the said provisions.

2. In this regard, MHA had written to the States and UTs on 16.10.2024 and 24.10.2024 requesting them to identify eligible undertrial prisoners and move applications before the concerned courts for their release on bail/bond under the said provision.

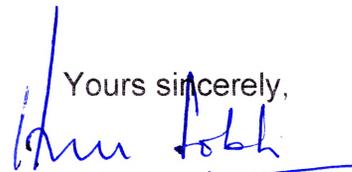
3. The Hon'ble Home Minister also addressed letters to the Chief Ministers of all States and UTs, seeking their cooperation and urging them to issue appropriate instructions to the prison authorities. As a result, States and UTs had actively participated in this initiative and had furnished the details on releases made under Section 479 up to 26.11.2024.

4. Through MHA's letter dated 1.1.2025 it was clarified that this was not a one-time exercise and the States and UTs should **continue to provide the benefits of**

Section 479 to eligible prisoners on a continuous basis and to provide monthly progress reports on its implementation to the MHA on a monthly basis. However, it has been observed that only a limited number of States/UTs have shared the requisite information after 26.11.2024.

5. It is once again reiterated that the provisions of Section 479 of the BNSS can play a vital role in addressing the issue of prolonged detention of undertrial prisoners and in reducing overcrowding in prisons. All States and UTs are, therefore, requested to issue necessary instructions to the prison authorities for proactive implementation of the provisions of Section 479 and to ensure submission of monthly progress reports to MHA in the prescribed format.

Yours sincerely,



(Arun Sobti)

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