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 December 2, 2025

To,

Shri Santosh Kumar,
Member Secretary,
NALSA, B-Block, Ground Floor,
Administrative Buildings Complex,
Supreme Court of India, New Delhi-110001

Subject: Revised Guidelines and SOP for implementation of "Support to Poor Prisoners" Scheme.

Sir.

As you may be aware, the Ministry of Home Affairs had launched the "Support to Poor Prisoners" scheme in the year 2023 and had issued Guidelines and SOP to all States and UTs for implementation of the scheme on 19.6.2023. The scheme aims at providing financial assistance to poor prisoners, whose freedom is impeded solely by their inability to pay court-imposed fines or secure bail due to financial destitution.

- 2. The Hon'ble Supreme Court of India, vide its order dated 10.10.2025 (copy enclosed) in M.A. No. 2034/2022 titled Satender Kumar Antil vs. CBI & Others, had reviewed the existing Guidelines and SOP for implementation of the scheme and issued directions for modification of certain provisions.
- 3. Accordingly, MHA has reviewed the existing Guidelines and SOP with a view to further strengthening and streamlining the procedures for effective implementation of the Scheme. A copy of the **revised Guidelines and SOP** is enclosed.
- 4. As per the revised guidelines, the Secretary, DLSA has been designated as the Convener/Coordinating In-charge of the District-level Empowered Committees, with responsibility for placing eligible cases before the Committee for examination. You are, therefore, requested to share the revised Guidelines and SOP with all State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) advising them to take note of the revised Guidelines and take necessary action for timely convening of the meetings of the Empowered Committees.
- 5. Further, as provided in the revised guidelines and SOP of the scheme, **NALSA** is requested to prepare a format to be used by the Jail Visiting Lawyer (JVL) or Paralegal Volunteer (PLV) for obtaining information from undertrial prisoners regarding their financial capacity and availability of funds in the Prisoner's Savings Account. The prescribed format may be circulated to all SLSAs/DLSAs at the earliest and a copy of the same may also be shared with the Ministry of Home Affairs to ensure uniformity and timely implementation of the Scheme.

Encl: As above

(Arun Sobti) Director (PR & ATC)

ours sincerely

Phone: 23075297 Email: dspr.atc@mha.gov.in 1

ITEM NO.5 COURT NO.6

Assistant Assistrar (Judi.)

Nell/2028

Supreme Court of India

SECTION II

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Miscellaneous Application No.2034/2022 in MA 1849/2021 in SLP(Crl) No.5191/2021

SATENDER KUMAR ANTIL

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Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

25144921 Respondent(s)

[TO BE TAKEN UP AT THE 2 P.M.] Mr. Sidharth Luthra, Sr. Adv./AC, Mr. D.L Chidananda (AC) Mr. V.N. Raghupathy, Advocate for high court of karnataka; Mr. Tapesh Kumar Advocate for high court of jharkhand; Mr. P.I. Advocate for gauhati high court; Mr. Arjun Garg, Advocate for high court of madhya pradesh; Mr. Amit Gupta, Advocate for high court of Sanjai Kumar Pathak, Advocate for high court meghalaya; Mr. Sibo Sankar Mishra, Advocate for high court of Abhimanyu Tewari, Advocate for State of Arunachal Pradesh, Mr.Somanadri Gaud Katam, Advocate for Hiah Court Telengana; Mr. Aaditya A. Pande, Advocate for the State of of Ankur Prakash, Advocate for the State Maharashtra; Mr. Uttarakhand; M/s Arputham Aruna, Mr. Debojit Borkakati, Advocate for the State of Assam, Mr. S.N.Terdol, Advocate for the State of Ladakh, Mr. Avijit Mani Tripathi, Advocate for the State Meghalaya, Mr. Manish Kumar, Advocate for the State of Bihar, Mr. Mahfooz A.Nazki, Advocate for the State of Andhra Pradesh, Mr. Maibam N.Singh, Advocate for the High Court of Manipur, Prashant S.Kenjale, Advocate for the High Court of Bombay, Mr. Ajay Pal, Advocate for the State of Punjab, Mr. Gagan Gupta, Advocate for High Court of Andhra Pradesh, Mr. Nishe Rajen Shonker, Advocate for the State of Kerala, Mr. SuvenduSuvasis Dash, Advocate for the State of Orissa, Mr. Pradeep Mishra, Advocate for the State of Uttar Pradesh, Mrs. Swati Ghildiyal, Advocate for the State of Gujarat, Mr. Pukhrambam Ramesh Kumar, Advocate for the Government of Manipur, Mr. Abhay Anil Anturkar, Advocate for the State of Goa, Mr. Anupam Raina, Advocate for the High Court of Jammu, Mr. Sunny Choudhary, Advocate for State of Madhya Pradesh, Mr. Varinder Kumar Sharma, Advocate for High Court of Himachal Paradesh, Ms. K. Enatoli Sem, Advocate for State of Nagalanad, Mr. R.Ayyam Perumal, Advocate for State of Madras, Ms. Pallavi Langar, Advocate Govt. of Himachal Pradesh, Mr. Sameer Abhayankar, Advocate for Stae of Sikkim, Mr. Aravindh S.Advocate of U.T. Pudducherry, Ms. D.Bharthi Reddy, Advocate for High Court of Uttrakhand, Mr. Tapesh Kumar Singh, Advocate for High Court of Jharkhand, Mr. Gaurav Agarwal, Advocate for High Court of Patna, Mr. Aproo Kurup, Advocate for High Court of Chhatisgarh, Mr. Nikhil Goel, Advocate for High Court of Gujarat, Mr. Amit Sharma, Advocate for High Court of Tripura,, Mr. Sandeep Kumar Jha, Advocate for State of Rajasthan,, Mr. Shailesh

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Mandiyal, Advocate for U.T. J and K, Ms. Surbhi Kapoor, Advocate for state of Goa, Dr. Monika Gusain, Advocate for State of Haryana, Mr. Shuvodeep Roy, Advocate for State of Tripura, Ms. Manish Ambwani, Advocate for High Court of Rajasthan, Mr. Kunal Chatterjee, Advocate for High Court of Calcutta, Mr. Rahul Gupta, Advocate for High Court of Punjab and Haryana, Mr. Aproov Shukla, Advocate for High Court of Allahabad, Mr. Nirnimesh Dubey, Advocate for state of Mizoram, Mr. Joseph Aristotle S. Advocate for State of Vishal Advocate State Tamil Nadu, Mr. Prasad, for Chhattisgarh, Ms. Astha Sharma, Advocate for State of West Bengal, Raghuvendra Srivastava, Advocate for High Court for State of Karnataka, Mr. Rajiv Kumar Choudhary, Advocate S.N.Terdol, Advocate for State of & Diu.Mr. Telengana, Mr. Daman T.G.N.Nair, Advocate for High Court of Kerala,Mr. Nishe Rajen Shonker, Advocate for State of Kerala, Mr. Arvind S.Advocate for state of Pudducherry, Mr. Mudit Gupta, Advocate state of Himachal Saroj Tripathi, Advocate, Ms. Enakshi Mukhopadhyay Ms. Siddhanta, Advocate for High Court of Sikkim, Mr. Shibashish Misra, Advocate for High Court of Orissa, Mr. Kumar Mihir, Advocate for the High Court of Manipur.

WITH

MA 2035/2022 in SLP(Crl) No. 5191/2021 (II)

Date : 08-10-2025 These applications were called on for hearing ϵ today.

CORAM:

HON'BLE MR. JUSTICE M.M. SUNDRESH HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

By Courts Motion, AOR

For Petitioner(s)

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Mr. Suhail Ahmed, Adv.

Ms. Komal Thakkar, Adv.

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For Respondent(s)

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- Mr. Kapil Katare, Adv.
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Mr. Anando Mukherjee, AOR

Mr. Shwetank Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard the learned Amicus and the learned Additional Solicitor General. It is agreed that the SOP with respect to the formation of the Empowered Committee and the SOP with respect to Under Trial Prisoners as extracted by this Court in order dated 13.02.2024 may be modified:

"Point (iii) in the "Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners" may be modified as under:

iii) 'Empowered An Committee' mav be constituted in each District of the State/UT. comprising of i) District Collector (DC)/District Magistrate (DM)'s *nominee*, ii) Secretary, District Legal Services Authority, iii) Superintendent of Police, iv) Superintendent/Dy. Superintendent the concerned Prison and v) Judge Incharge of the

concerned Prison, as nominee of the District Judge. *Secretary, DLSA will be the Convener/Coordinating Incharge of the meetings of the EC*."

Similarly, the Standard Operating Procedure for Under Trial Prisoners may be modified as under:

"1) If the UTP is not released from jail within a period of 7 days of order of grant of

bail, then the jail authority should inform the

Secretary, DLSA

- 2) Upon receiving information, the Secretary, DLSA must immediately arrange for an interaction with the UTP. The Secretary, DLSA will authorise a JVL/PLV to interact with the UTP and to verify if the UTP has funds in his Prisoner's Savings Account. If not, based on information obtained from the UTP in the format prescribed (to be given by NALSA) the form will be forwarded to the Secretary, DLSA within a period of 5 days, pending integration in the ICJS.
- 3) The District Level Empowered Committee will direct release of funds for surety on the recommendation of DLSA within a period of 5 days from the date of receipt of the report, pending integration in the ICJS.
- 4) The District Level Empowered Committee shall

meet on every 1st and 3rd Monday, (and in the event if there is holiday on such days, then on the next working days) of each month to consider the cases recommended by DLSA.

5) For cases where the Empowered Committee recommends that the identified UTP be extended the benefit of financial support under 'Support to poor prisoners Scheme', then the requisite amount of upto Rs.50,000/- per case for one prisoner, can be directed to be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other prescribed method, which the District Committee feels appropriate within 5 days of its decision pending integration in the ICJS. This decision would simultaneously be informed to DLSA and Jail Authorities by email, pending integration in the ICJS.

In the event, the fund is not forthwith deposited within 5 days in Court, and the UTP not released, the Jail authorities should on the 6th day, inform the DLSA. 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 under Section 389(3) Cr.P.C. [S.430(3)

BNSS] in which event the amount can be utilised for bail by the Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail under Section 389(1) of Cr.P.C.[S.430(1) BNSS];

6) If the bail surety amount is higher than Rs.50,000/the **Empowered** Committee exercise its discretion to pay such higher amount not exceeding Rs.1 lakh. **Empowered** Committee declines to exercise discretion, it would inform the Secretary, DLSA forthwith of its decision by email (and not later than 2 days), pending integration in the ICJS, to enable the Secretary, DLSA to instruct a Legal Aid Advocate to move the Court granting bail or any superior Court to have the surety amount reduced.

Once the Secretary, DLSA instructs a Legal Aid Advocate to seek reduction of surety amount, this application/Petition would be filed by the Legal Aid Advocate within 7 days of the case being assigned to the Legal Aid Advocate."

Accordingly, we direct the Union of India to carry out the necessary modifications and issue a modified SOP in the aforesaid terms.

We have further been informed by the learned

Amicus that the earlier direction issued by this Court vide order dated 21.01.2025 has not been given effect to by the State of West Bengal, while all the other States have complied with the same.

Learned counsel appearing for the State of West Bengal seeks a week's time for compliance.

may note that notwithstanding granted for compliance on different occasions, compliance has been reported even today.

As a last and final opportunity, we are inclined to grant a further time of two weeks to the State of West Bengal to comply with the direction, failing which appropriate orders will be passed, including a direction to the Chief Secretary of the State to appear before this Court nad imposition of adequate costs.

List the matters on 26.11.2025 at 2 p.m.

(POONAM VAID **ASSISTANT REGISTRAR**

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

Guidelines (as on 2 December 2025)

- i) An 'Empowered Committee' may be constituted in each District of the State/UT, comprising of i) Nominee of the District Collector (DC)/District Magistrate (DM), ii) Secretary, District Legal Services Authority (DLSA), 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, to consider cases of eligible prisoners.
- Note 1: Secretary, DLSA will be the Convener/Coordinating Incharge of the meetings of the Empowered Committee.
- Note 2: The Committee may appoint a Nodal Officer and take assistance of Jail Visiting Lawyer (JLV)/ Paralegal Volunteer (PLV) or any civil society representative/social worker/ District Probation Officer, or any other officer, etc. to assist them in processing cases of needy prisoners.
- Note 3: 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 **Nodal Officer of the State/UT Prison Headquarter** shall draw funds from the CNA account and take necessary action in this regard.
- ii) 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.

<u>Note</u>: The composition of the District level 'Empowered Committees' and 'Oversight Committee' are only suggestive in nature. 'Prisons/persons detained therein' being 'State-List' subject, the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

- iii) Funds to the States/UTs will be made available through the Central Nodal Agency (CNA). The Ministry of Home Affairs has designated the National Crime Records Bureau (NCRB) as the Central Nodal Agency (CNA) for implementing this scheme.
- iv) 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 as all funds from the Centre will flow through this account.
- v) Each State/UT may appoint a Nodal Officer at the State/UT Headquarter level. The Nodal Officer of the State/UT Prison Headquarter will draw the requisite amount from the CNA as per the recommendation of the Empowered/Oversight Committee, as the case may be, and release the amount of fine/bail surety, to the concerned Prison's account where the beneficiary is lodged.

vi) The concerned prison shall remit the amount to the Court through challan or any other expeditious mode of payment accepted by the Court.

Note: In case any clarification is required, the Ministry of Home Affairs can be contacted by the State/UT.

Standard Operating Procedure

UNDERTRIAL PRISONERS

- 1. If the undertrial prisoner (UTP) is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority should inform Secretary, District Legal Services Authority (DLSA).
- 2. Upon receiving information, the Secretary, DLSA must immediately arrange for an interaction with the UTP. Secretary, DLSA will authorise a Jail Visiting Lawyer (JLV)/ Paralegal Volunteer (PLV) or any civil society representative/ District Probation Officer, etc. to interact with the UTP to verify if the UTP has funds in his Prisoner's Savings Account. If not, based on information obtained from the UTP in the format prescribed (to be provided by NALSA) the form will be forwarded to the Secretary, DLSA within a period of 5 days.
- 3. The District Level 'Empowered Committee' will direct release of funds for surety on the recommendation of DLSA within a period of 5 days from the date of receipt of the report.
- 4. Secretary, DLSA will place all such cases before the District Level 'Empowered Committee'. The Empowered Committee shall meet on every 1st and 3rd Monday, (and in the event if there is holiday on such days, then on the next working days) of each month to consider the cases recommended by DLSA.
- 5. After examination of such cases, if the Empowered Committee recommends that the identified Under Trial Prisoner be extended the benefit of financial support under 'Support to poor prisoners Scheme', then the requisite amount upto Rs. 50,000/- per case for one prisoner, can be directed to 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 within 5 days of its decision. This decision would simultaneously be informed to DLSA and Jail Authorities by email. In the event, the fund is not forthwith deposited within 5 days in Court, and the UTP not released, the Jail authorities should on the 6th day, inform the DLSA.
- 6. This benefit will not be available to persons who are accused of offences under Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS, Unlawful Activities Prevention Act or any other Act or provisions, as may be specified later.

Persons involved in heinous crimes such as acts of terrorism, offences affecting national security, dowry deaths, rape, human trafficking, or offences under the POCSO Act may also not be extended the benefit of the scheme. The Empowered Committees/Oversight Committee of States/UTs may exercise due caution in this regard.

- 7. 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. [S. 430 (3) BNSS] 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 [S. 430 (1) BNSS].
- 8. If the bail amount is higher than Rs. 50,000/-, the Empowered Committee may exercise discretion to pay higher amount not exceeding Rs. 1 lakh. If the Empowered Committee declines to exercise discretion, it would inform the Secretary, DLSA forthwith of its decision by email (and not later than 2 days), to enable the Secretary, DLSA to instruct a Legal Aid Advocate to move the Court granting bail or any superior Court to have the surety amount reduced.
- 9. Once the Secretary, DLSA instructs a Legal Aid Advocate to seek reduction of surety amount, this application/Petition would be filed by the Legal Aid Advocate within 7 days of the case being assigned to the Legal Aid Advocate.
- 10. In cases where the surety amount exceeds Rs. 1,00,000/-, or where the Empowered Committee does not exercise its discretion to sanction any amount between Rs. 50,000/- and Rs. 1,00,000/-, the proposal shall be referred to the State Level Oversight Committee for its consideration and approval.

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 assistance of a Jail Visiting Lawyer (JLV)/ Paralegal Volunteer (PLV) or any civil society representative/District Probation Officer or any other Government official in processing cases of needy prisoners. (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 Oversight Committee.

SPEED POST

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1	V-17012/125/2025-PR	Smt. Shilpi Rani, W/o Shri Arun Kumar, H. No. 144/26, Jawahar Nagar, Sardaron Wali Gali, Sonipat, Haryana- 131001		
2	-do-	The SPIO, O/o Director General of Prisons, Government of Haryana, 03-04 Bays Building, Sector- 14 Panchkula- 134109		
3	V-17011/16/2024-PR	Ms. Shreyansi Verma, Central Government Counsel, High Court of Punjab and Haryana, #233, Sector 16-A, Chandigarh- 160018	5	
4	<u>V-17011/2/2025-PR</u>	The Director General of Prisons, Government of NCT of Delhi, Tihar Central Jail, Prisons Head Quarter, Near Lajwanti Garden Chowk, New Delhi- 110058		
5	-do-	The Principal Secretary (Home), Government of NCT Delhi, C-Wing, 5 th Level, Delhi Govt. Secretariat, ITO, New Delhi-110002	P	
. 6	V-17013/4/2025-PR	Shri Satya Pal Jain, Additional Solicitor General of India, 33, Lawyers Chambers, Punjab & Haryana High Court, Chandigarh	-	-
7	V-17013/26/2023-PR	Shri Santosh Kumar, Member Secretary, National Legal Services Authority (NALSA), B-Block, Ground Floor, Administrative Building Complex, Supreme Court of India, New Delhi- 110001		
8	<u>V-17013/42/2025-PR</u>	The Director General, BPR&D, NH-8, Mahipalpur, New Delhi- 110037	المنافعة الم	an grander
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