



DELHI STATE LEGAL SERVICES AUTHORITY

Background

Right to free legal aid and assistance is an essential ingredient of fair and just trial. This right is implicit in the guarantee of Article 21. It is, therefore, essential that Access to Justice is available at all stages of the criminal process. Access to Justice has its importance not only during the early stages of the criminal process but even after the conclusion of trial. To file an appeal against an order is a right of aggrieved person. It ensures, amongst other things, protection of the rights of people and strengthens the criminal justice system.

It is generally observed that the appeals against order of conviction are not filed within period of limitation by jail inmates either due to paucity of funds or non availability of sources/information to prefer an appeal. Delhi State Legal Services Authority(DSLSA) has an obligation to provide free legal aid and assistance to persons in custody. As such, in order to streamline the process of filing appeal within limitation period, DSLSA has come up with a Standard Operating Procedure, so that the appeals by the jail inmates are filed within limitation period.

Objective

This Standard Operating Procedure (SOP) envisages to assist convict, Jail Authorities and Criminal Justice System to work in coordination with stakeholders and respond with aim to file timely appeal against order of conviction. This SOP is an attempt to ensure expeditious mechanism to file appeals and to safeguard the rights of jail inmates.

Standard Operating Procedure

For providing legal services to jail inmates aggrieved by order of conviction, the following procedure would be followed by DSLSA and all District Legal Services Authorities (DLSAs):

- 1. Superintendent, Legal Aid Wing, DSLSA would be the Nodal Officer for operating an email: appealintime.dslsa@gmail.com.
- 2. Role of Jail Superintendent: It is mandatory for Superintendent of all jails in Delhi to send an email to above mentioned address informing about the conviction of jail inmate within two days of his/her conviction. Information shall be sent in a prescribed format enclosed with the SOP as Annexure A.
- 3. Role of Nodal Officer, DSLSA: It would be duty of Nodal Officer, DSLSA to check the emails on every working day at 10:15 A.M. and 04:15 P.M. and forward the emails to the jurisdictional District Legal Services Authority (DLSA) and/or Delhi High Court Legal Services Committee (DHCLSC), as the case may be, at its official NIC email address.
- 4. Nodal Officer, DSLSA would also check the said email: appealintime.dslsa@gmail.com on holidays at 12 noon and forward the same to the DLSA and DHCLSC.
- 5. In order to inform the recipient abount sending ofemail on holidays, Nodal officer, DSLSA would additionally send on SMS to the recipient of concerned DLSA. SMS facility is available at the above said email address of DSLSA.

- 6. Role of Nodal Officer DLSAs: Each DLSA shall nominate one of its official as Nodal Officers for purposes of this SOP. Nodal Officer of DLSA would check the email of their respective DLSA at around 10:30 A.M. and 04:30 P.M. on all working days and on holidays at 12:30 P.M. and bring it to the notice of their respective Secretary, DLSA regarding receipt of any email with respect of conviction of jail inmate on the same day or latest by next working day.
- 7. Role of Secretary, DLSA: To provide legal assistance to jail inmates, Secretary, DLSA would immediately nominate/direct Jail Visiting Advocate/ Legal Services Advocate (LSA) in the said matter to have an interaction with convict.
- 8. Role of LSA: LSA shall have an interaction with the convict within two days of receipt of direction for interaction and will record the interaction in a prescribed Performa enclosed with the SOP as **Annexure B**.
- LSA shall submit duly filled Annexure B to Nodal Officer, DLSA within 24 hours of interaction.
- 10. Nodal Officer, DLSA shall place recommendation of LSA before Secretary, DLSA on same day of receipt of application or latest by next working day.
- 11. In case, jail inmate prefers to file an appeal through legal-aid and appeal is to be filed before Hon'ble High Court then Secretary, DLSA shall immediately forward the matter to Delhi High Court Legal Services Committee.

- 12. For the appeals to be filed in District Courts, concerned Secretary, DLSA shall appoint LSA for drafting and filing of appeal. Appeal shall be filed within the prescribed limitation period.
- 13. If during interaction with inmate, need of providing any other assistance to inmate or his/her family is felt, then an application to this effect would also be forwarded to the Central Office, DSLSA at the earliest.
- 14. Needless to say that Nodal Officer of DSLSA and DLSAs would keep password of email appealintime.dslsa@gmail.com and their respective email IDs confidential.
- 15. Every DLSA would maintain the record of cases entrusted to them and shall maintain the data in respect of number of interactions with convicted jail inmates which shall be submitted to DSLSA on the last date of each calendar month.
- 16. In case of unavailability of Nodal Officer, DSLSA, this assignment would be looked after by Assistant, Legal Aid Wing, DSLSA.
- 17. Similarly, DLSAs would also nominate link officials of their respective Nodal Officers who shall take up the said assignment in case of unavailability of Nodal Officer.

For Free Legal Aid & Assistance Dial Helpline No. 1516 (24 X 7 Toll Free)

Annexure A (to be filled by Jail Authorities)

Jail No.-

1. Name of convict:
2. Parentage of convict:
3. Jail no. in which convict is lodged:
4. FIR No. :
5. PS:
6. U/s:
7. Name of the Trial Court:
8. Date of conviction:
9. Sentence:
10. Fine paid or not:

Annexure-'B' INTERACTION SHEET (To be filled by LAC)

Jail No.-

1.	Name of Convict:
2.	Whether convict has Copy of Judgement & order on Sentence:
3.	Whether convict has copy of charge sheet, Evidence & other documents
4.	Whether convict is made aware of his right to appeal:
5.	Whether convict has paid fine, if not, the reasons:
6.	Date upto which appeal can be filed:
7.	Whether convict was represented by LAC in Trial Court:
8.	Whether convict wants to file appeal:
9.	If no, reasons:
10.	Whether family of Convict is aware of his incarceration:
11.	Whether Convict wants to avail Free Legal Aid Services:
12.	If Yes, details of the Counsel assigned the matter
13.	If Convict is in custody only for non-payment of fine, what action is recommended:
14.	Whether the case in hand is a fit case for filing of an appeal:



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Facebook: https://facebook.com/dslsa