



U.P. STATE LEGAL SERVICES AUTHORITY

(Constituted under the Legal Services Authorities Act, 1987)

To

All the Chairperson/ District Judges,
District Legal Services Authorities,
Uttar Pradesh.

No: 324 /SLSA-LA-166/2019(AK/Ri)

Dated: Feb. 17, 2021.

Sub: In the Matter of Filing Jail Appeals.

Madam/ Sir,

I have been directed to bring to your kind notice, the pathetic state of affairs regarding non filing or inordinate delay in filing Jail Appeal by or on behalf of detained convicts primarily due to lack of means, legal knowledge or poverty etc.

I have been directed to request you to ensure and follow the under mentioned process in respect to filing of jail appeal within stipulated time forthwith and mandatorily:-

- 1- The Secretary, District Legal Services Authority shall visit the district jail every 15 days henceforth and prepare / get prepared a list of detained convicted persons, who have been unable to file appeals due to one or other reasons.
- 2- The details of the said cases shall be maintained at the level of District Legal Services Authority (hereinafter referred as DLSA) and information of the said inspection/visit along with this detail of convicts shall be mandatorily sent to the High Court Legal Services Committee, Allahabad or It's Sub-Committee at Lucknow (High Court Legal Services Committees) through Chairman, DLSA. The copy of said information shall also be sent to concerned CJM/ACJM, deputed to make Jail Inspection every month as per General Rule Criminal G.L. No. 38/ADMN(B), dated 09-12-1968 (Annexure-1).
- 3- The Chairman, DLSA is requested to reflect upon the said report of the Secretary, DLSA and the then existing status of the pendency of Jail Appeals in his quarterly inspection of the District Jail as District Judge with the District Magistrate and District Superintendent of Police in compliance of the provision of General Rule Criminal C.L. No. 82/VIII-9/Inspection Section, dated 12-09-1994 (Annexure no. 2). The copy of the said report be also sent to State Legal Services Authority.
- 4- The Secretary, DLSA is further directed to collect data of judgments of conviction, on merit, by criminal courts of concerned district and collate in co-ordination with the Jail Superintendent so as to monitor the status of

- Jail Appeals filed on behalf of detained convicts. In the eventuality of delay occurring in filing Jail Appeals because of inability to file the same, prompt and effective legal assistance shall be provided to the convicts.
- 5- The Chairman and the Secretary, DLSA are also directed to ensure that the jail visiting Panel Lawyers empanelled with DLSA continuously monitor the implementation of the aforesaid directions. The compliance of the duties statutorily assigned to the Jail Superintendent shall also be ensured and delinquency, if any, be reported /reflected in the aforesaid reports.
 - 6- It has also come to the notice that Jail Appeals as prepared by the advocates on panel at the district level are not generally accompanied with the required affidavit of the convict and the format of such appeals is not always proper. Further, more than often, the Hon'ble Court has to appoint an amicus curie in such Jail Appeals. The process takes a lot of time. The process devised is as under to plug the loop holes and ensure early filing and hearing of Jail Appeals.
 - 6.1. The Jail Superintendent under his statutory duty shall send the proposal/letter for Jail Appeal with requisite documents to the High Court Legal Services Committee, preferably by e-mail. The High Court Legal Services Committee shall in its discretion have a separate e-mail address for Jail Appeals or devise a mode to monitor Jail Appeals received on the existing e-mail.
 - 6.2. The High Court Legal Services Committee shall designate an advocate empanelled with it for preparing the appeal/affidavit and bail applications etc on required formats with promptitude and ensure receipt of papers by advocate through e-mail or otherwise. The Secretary of the said committee shall ensure the early preparation of said Jail Appeal in word format and transmit the so prepared Jail Appeal preferably by e-mail or otherwise, to the concerned Jail Superintendent who shall get the appeal, affidavit and other documents signed by the accused/detained convict and shall also get the affidavit verified in the jail itself. The State Legal Services Authority in co-ordination with the District Legal Services Authority shall ensure that the Oath Commissioner is made available to the Jail Superintendent for swearing the said affidavit in Jail itself through a institutionalized mechanism.
 - 6.3. The Jail Superintendent shall sent the completed appeal to the High Court Legal Services Committee. The Secretary of the said Committee to ensure the filing of said Jail Appeal through designated empanelled lawyer.
 - 7- The Secretary, DLSA is to monitor and ensure that the aforesaid requisites for filing Jail Appeal is compiled within stipulated time at the earliest by the Jail Authorities.

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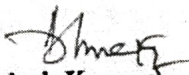
- 8- A copy of the final letter to be sent by the Jail Superintendent to the High Court Legal Services Committees for filing Jail Appeals be also sent to Secretary, DLSA mandatorily for updating the records of pending Jail Appeal/non filing of appeal by detained convicts.
- 9- The State Legal Services Authority shall monitor the factual situation of non filing of appeals by detained convicts.
- 10- It is advised that in case of non availability of copy of judgment or other requisite documents for filing Jail Appeal with the convict or jail authorities for any reason despite the copy of judgment having been given to convict under the provision of 363 Cr.P.C. (Annexure No.3). The Secretary, DLSA shall obtain a copy of aforesaid documents under the provision of Chapter 15, Rule 143(i) (c) and (d) of General Rules Criminal (Annexure No.4) as DLSA, an statutory authority, (Legal Services Authorities Act, 1987 is enacted by the Parliament) is an instrumentality of the State. Hence, a 'State' under article 12 of the Constitution. Therefore, Secretary, DLSA shall as such ensure the fulfillment of the documentary requirement of filing the Jail Appeal within stipulated time.

You are, therefore, requested to comply the aforesaid directions in letter and spirit forthwith. The report of the aforesaid first visit of this month i.e. February, 2021 be sent to the High Court Legal Services Committee, Allahabad or it's Sub-Committee at Lucknow as the case may be and to this office by 27th February, 2021 positively.

With Regards.


Yours faithfully,

Encl: As above


(Ashok Kumar)
Member Secretary

Copy to:

- 1- The Secretary, High Court Legal Services Committee, High Court of Judicature at Allahabad for information and necessary action.
- 2- Secretary, High Court Legal Services Sub-Committee, High Court of Judicature at Allahabad, Lucknow Bench, Lucknow for information and necessary action.
- 3- The D.G. (Prison), Uttar Pradesh.
- 4- All the Jail Superintendents. Uttar Pradesh.


(Ashok Kumar)
Member Secretary