

Standard Operating Procedure (SOP)
for providing Legal Aid to the Under Trial Prisoners
to file their Bail Applications in time before
the Trial Court/Hon'ble High Court

This Standard Operating Procedure (SOP) has been prepared by the U.P. State Legal Services Authority (UPSLSA) in compliance of the order dated 12-09-2022, passed by Hon'ble the High Court of Judicature at Allahabad, in Criminal Misc. Bail Application No. 16961 of 2022 Anil Gaur @ Sonu @ Sonu Tomar Vs. State of U.P., to prevent undue long detention of Under Trial Prisoners(UTPs).

The Hon'ble Court has directed the UPSLSA to prepare a SOP for legal aid prisoners, accused of various crimes, including heinous offences, **who have not filed bail applications before the Hon'ble High Court within a period of one year after the rejection of the bail by the Trial Court** and also to prepare a SOP for the above mentioned prisoners, **who have not been able to move bail applications before the Trial Court, 06 months after imprisonment.**

In the order dated 12-09-2022, the Hon'ble Court, in Para 69, has issued following directions:-

- 1- To identify prisoners who are under trial for various crimes including heinous offences and have not applied for bail before the Trial Court in timely manner after their imprisonment.**
- 2- To identify prisoners who are facing trials for various crimes including heinous offences but have failed to file bail**

applications before the High Court even in an expeditious time frame after rejection of their bail application by the Trial court.

- 3- To identify prisoners who are facing trials in various offences including heinous crimes but are unable to file subsequent bails before the High Court after rejection of earlier bail application by the Hon'ble High Court.**
- 4- To identify prisoners who are unable to effectively prosecute their pending bail applications in various offences including heinous crimes causing delays in hearing.**
- 5- To ascertain whether inability of the said prisoners to expeditiously file or effectively prosecute bail application is caused by factors comprehended under Section 12 read with Section 13 of the Act.**
- 6- To approach prisoners who qualify for legal aid, educate them on their rights of filing bail applications without delay, and determine the nature of legal aid needed by them.**
- 7- To provide legal aid and facilitate filing of bail applications of such prisoners in a timely manner before the competent courts.**
- 8- To facilitate counsels in getting necessary instructions, relevant documents, office support for filing the bail applications.**

9- To facilitate effective prosecution of bail applications by the counsels who should take out measures for listing of bails and hearing of matters.

SOP for timely filing of Bail Applications of Under Trial Prisoners before the Trial / Sessions Court

1) The jail authorities and District Legal Services Authority (DLSA) shall maintain a list of all UTPs, who have not been able to move bail applications before the Trial/Sessions Court, 06 months after imprisonment, in the following format:-

Sl.No.	Name & Father's Name of UTP	Crime No. , Sections of the Act, P.S.	Date of imprisonment	Whether bail application filed by panel lawyer of DLSA (Yes / No)	Date of filling of bail application before the Trial/Sessions Court by panel lawyer of DLSA	Date of order of grant / rejection of bail by the Trial / Sessions Court

2) The DLSA shall approach such UTPs, who are entitled for legal aid, make them aware of their rights of filing bail applications without delay and determine the nature of legal aid needed by them.

3) The DLSA, in coordination with Jail Authorities, shall contact with such prisoners and after obtaining his/her consent, provide legal aid (as per Section 12 read with Section 13 of the Legal Services Authorities Act, 1987) to such UTPs and ascertain to expeditiously file and effectively prosecute their bail applications, through panel lawyers, before the competent court.

- 4) The DLSAs shall facilitate panel lawyers in getting instructions, relevant documents etc. for filing the bail applications of such prisoners.
- 5) The Panel Lawyers, so appointed, should take out measures for early hearing of the bail applications by the competent court, by specifically mentioning and apprising to the court that the matter is related to the UTP, who has been provided legal aid.
- 6) The DLSAs shall ensure that the date of grant/rejection of bail application by the competent/trial court shall be mentioned in the above format.
- 7) The DLSAs, through Panel /Jail Visiting Lawyers/PLVs, shall intimate the status of the case to such prisoners and take regular feedback from them.
- 8) The DLSAs as well as the Jail Authorities should regularly update the above mentioned list of UTPs.
- 9) The DLSAs/Jail Authorities should also update the details of above mentioned prisoners on e-prison portal, after modifications made by NIC in the e-prison module.
- 10) The DLSAs should maintain a record of such UTPs, whose bail applications have been filed through the Panel Lawyers of DLSAs and the same shall be shared with the UPSLSA, whenever it is desired.

SOP for timely filing of Bail Applications of Under Trial Prisoners before the Hon'ble High Court

- 1) The Jail Authorities and District Legal Services Authority (DLSA) shall maintain a list of all UTPs, who have not filed bail applications before the Hon'ble High Court, within a period of one year after rejection of bail by the Trial/Sessions Court, in the following format:-

Sl.No.	Name & Father's Name of UTP	Crime No. , Sections of the Act, P.S.	Date of imprisonment	Date of rejection of bail by the Trial/Sessions Court	Date of rejection of bail by the Hon'ble High Court, if any

- 2) The DLSAs shall approach such UTPs, who are entitled for legal aid, make them aware of their rights of filing bail applications before the Hon'ble High Court, Allahabad/Lucknow without delay and determine the nature of legal aid needed by them.
- 3) The DLSA, in coordination with Jail Authorities, shall contact with such prisoners and after obtaining his/her consent provide legal aid (as per Section 12 read with Section 13 of the Legal Services Authorities Act, 1987) to such UTPs and ascertain to expeditiously file and effectively prosecute their bail applications, through panel lawyers of High Court Legal Services Committee (HCLSC) Allahabad or High Court Legal

Services Sub-Committee (HCLSSC) Lucknow, before the Hon'ble Court.

- 4) After taking consent of the prisoner, the Secretary of the concerned DLSA shall make a request, in writing, to the Secretary, HCLSC Allahabad / HCLSSC Lucknow to file bail application of such prisoner through Panel Lawyers.
- 5) The HCLSC, Allahabad/ HCLSSC, Lucknow to facilitate panel lawyers in getting instructions, relevant documents etc., for filing the bail applications of such prisoners, with the assistance of the concerned DLSA.
- 6) The appointed Panel Lawyers of HCLSC Allahabad/ HCLSSC Lucknow, should take measures for listing and early hearing of the bail application by specifically requesting mentioning and apprising to the Hon'ble Court that the matter is related to the UTP, who has been provided legal aid.
- 7) The HCLSC Allahabad/ HCLSSC Lucknow shall communicate to the concerned DLSA, the date of grant/rejection of first / subsequent bail application by the Hon'ble Court, so that the same shall be mentioned in the list of UTPs, on the above mentioned format.
- 8) After receiving the communication from the HCLSC Allahabad/ HCLSSC Lucknow, the concerned DLSA, through Panel /Jail Visiting Lawyers/PLVs, shall intimate the status of bail

application to such prisoners and take regular feedback from them and thereafter communicate the same to the HCLSC Allahabad/ HCLSSC Lucknow, if any.

- 9) The DLSAs/ HCLSC Allahabad/ HCLSSC Lucknow as well as the Jail Authorities should regularly update the above mentioned list.
- 10) The DLSAs/ HCLSC Allahabad/ HCLSSC Lucknow/ Jail Authorities should also update the details of above mentioned prisoners on e-prison portal, after modifications made by NIC in the e-prison module, on regular basis.
- 11) The DLSAs/HCLSC Allahabad/ HCLSSC Lucknow should maintain a record of such UTPs, whose bail applications have been filed through the Panel Lawyers of HCLSC, Allahabad/ HCLSSC, Lucknow and share the same with the UPSLSA, whenever it is desired.
- 12) It is, relevant to mention that , in case, the Trial Court passed the judgment of conviction against a prisoner and no bail application has been filed by him /her before the Hon'ble High Court, even after one year from the date of judgment, such prisoners shall also be made aware of his /her right of filing bail application, before the Hon'ble Court.
- 13) If, such convicted prisoner give his/her consent, the Secretary of the concerned DLSA, shall also request to the Secretary,

HCLSC Allahabad / HCLSSC Lucknow to file bail application of such prisoner before the Hon'ble Court.

- 14) The date of grant / rejection of bail applications and status of appeal shall also be communicated by the Secretary, HCLSC Allahabad / HCLSSC Lucknow to the Secretary of the concerned DLSA/Jail Superintendent, so that the same may be intimated to the prisoner and uploaded on the e-prison portal.
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