

Functions and Duties

1. Functions of the State Authority.

- (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.
- (2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:-
 - (a) Give legal service to persons who satisfy the criteria laid down under this Act.
 - (b) Conduct Lok Adalats, including Lok Adalats for High Court cases;
 - (c) Undertake preventive and strategic legal aid programmes; and
 - (d) Perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.

2. State Authority to act in co-ordination with other agencies etc., and be subject to directions given by Central Authority

In the discharge of its functions the State Authority shall appropriately act in coordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing.

3. High Court Legal Services Committee

- (1) The State Authority shall constitute a Committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such 8 powers and performing such functions as may be determined by regulations made by the State Authority.
- (2) The Committee shall consist of
 - (a) A sitting Judge of the High Court who shall be the Chairman; and
 - (b) Such number of other Members possessing such experience and qualifications as may be determined by regulations made by the State Authority, to be nominated by the Chief Justice of the High Court.
- (3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.
- (4) The terms of office and other conditions relating thereto, of the Members and Secretary of the Committee shall be such as may be determined by the regulations, made by the State Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

4. District Legal Services Authority

- (1) The State Government shall , in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and

perform the functions conferred on, or assigned to, the District Authority under this Act.

(2) A District Authority shall consist of:-

(a) The District Judge who shall be its Chairman; and

(b) Such number of other Members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

(4) The terms of office and other conditions relating thereto, of Members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.

(5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorized by the Chairman of that Authority.

(9) No Act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

4A. Functions of District Authority

(1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:-

(a) Co-ordinate the activities of the Taluk Legal Services Committee and other legal services in the District;

(b) Organise Lok Adalats within the Districts; and (c) Perform such other functions as the State Authority may fix 2[x x x] by regulations.

4B. District Authority to act in co-ordination with other agencies and be subject to directions given by the Central Authority, etc

In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in co-ordination with other governmental and nongovernmental institutions, universities and others engaged in the work of 10 promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

5. Taluk Legal Services Committee

(1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each Taluk or Mandal or for group of Taluks or Mandals,

(2) The Committee shall consist of

(a) The senior-most Civil Judicial officer operating within the jurisdiction of the Committee who shall be the ex-officio Chairman; and

(b) Such number of other Members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

5A. Functions of Taluk Legal Services Committee

The Taluk Legal Services Committee may perform all or any of the following functions, namely:-

(a) Co-ordinate the activities of legal services in the taluk;

(b) Organise Lok Adalats within the taluk; and

(c) Perform such other functions as the District Authority may assign to it.

ENTITLEMENT TO LEGAL SERVICES

6. Criteria for giving Legal Services

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is

(a) A member of a Scheduled Caste or Scheduled Tribe;

(b) A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;

(c) A woman or a child;

(d) A person with disability as defined in clause (i) of section 2 of the persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995.

Disability means

(i) blindness

(ii) low vision;

(iii) leprosy-cured

(iv) hearing impairment

(v) locomotor disability

(vi) mental retardation

(vii) mental illness

(e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) An industrial workman; or

(g) in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956) or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986) or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987);or

(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than

rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

7. Entitlement to Legal Services

- (1) Persons who satisfy all or any of the criteria specified in Section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima-facie case to prosecute or to defend.
- (2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.