

(i) The particulars of its organization functions and duties

Organization

With considerable advancement in the fields of Industrialisation, Information Technology, Education, Transportation and Communication, people have become aware of their legal rights and the regular Courts have been flooded with cases which take years to dispose off. It has become very difficult to cope up with the present system of dispensation of justice with utmost promptitude. The litigation is costly and sometimes beyond the reach of common people, who are below poverty-line. The Preamble of our Constitution provides to secure to all its citizens JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity. Article 21 further provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. Article 22 protects the rights of a person arrested and detained in custody. Article 39-A casts a duty on the State to secure that operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or Scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Thus, there exists constitutional obligation to provide free legal services to needy and poor persons at State expenses.

In the year 1987, the Legal Services Authorities Act was enacted with a view to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats so as to secure that the operation of the legal system promotes justice on the basis of equal opportunity. Pursuant to the Legal Services Authorities Act, many States have framed rules and regulations for providing free and competent legal services to the weaker sections of the society. The State Authority has constituted Legal Services Committees throughout the State at Sub Divisional Head Quarters, headed by the senior most Judicial Officer in the Sub Division. The District Legal Services Authorities have been constituted under the Chairmanship of respective District & Sessions Judges. At the High Court level, a Legal Services Committee is functioning under the Chairmanship of a sitting Judge of the Hon'ble High Court. All these Committees/ Authorities have been provided with adequate funds to meet their requirements, so that Free Legal Aid is provided to the needy persons at their door-steps. As per the Rules framed under the Legal Services Authorities Act, 1987 a person is entitled to free legal aid if his annual

income does not exceed ₹ 3,00,000/- per annum. In deserving cases Legal Services Committee/ Authority is competent to give relaxation in the aforesaid monetary limit of ₹ 3,00,000/- per annum. The following are entitled for legal services:

1. a member of Scheduled Caste/Scheduled Tribe;
2. a victim of trafficking in human beings or 'beggar' as referred to in Article 23 of the Constitutions;
3. a woman or a child;
4. a person with disability;
5. a person under circumstances of undeserved want such as being a victim of mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake, or industrial disaster; or
6. an industrial workman; or
7. a persons in custody, including that of a protective home, juvenile home, psychiatric hospital or psychiatric nursing home; or
8. A person having annual income less ₹ 3,00,000/- (Rupees Three Lacs) shall be entitled to legal services under clause (h) of section 12 of the Act.
9. Transgender people who attain the age of 60 years and above.
10. HIV positive persons or AIDS patients.

Legal Aid Means and includes;

1. Appointment of Advocates for eligible persons;
2. Court Fee on behalf of eligible persons;
3. Expenses regarding typing and preparation of petitions and documents;
4. Expenses for summoning of witnesses on behalf of eligible persons; and
5. Other expenses incidental to litigation.

Eligible person may contact the following persons to seek help:-

1. At High Court level, Secretary of the High Court Legal Services Committee.
2. At District level, District and Sessions Judge who is Chairman of the District Legal Services Authority or Secretary, District Legal Services Authority.
3. At Sub Division level, senior most Judicial Officer who is Chairman of Sub Divisional Legal Services Committee.
4. Retainer Lawyers/Para Legal Volunteers in Front offices and Village Legal Care and Support Centres/Legal Aid Clinics.

Adequate funds are provided to these Authorities/ Committees by the H.P. State Legal Services Authority for giving legal aid to eligible persons.

5. In addition, the persons eligible for Free Legal Aid may also make application on simple paper to the Member Secretary, H.P. State Legal Services Authority, Block No. 22, S.D.A. Complex, Kasumpti, Shimla-171009 or contact on telephone **0177- 2623862, 2624862, Fax: 2626962, Nayaya Sanyog No. 2629862, helpline-94180-33385 and toll free Number -15100.**

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. To give legal service to persons who satisfy the criteria laid down under this Act;
3. To conduct Lok Adalats, including Lok Adalats for High Court cases;
4. To undertake preventive and strategic legal aid programmes, and

To perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.