



SCHMES OF NALSA

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SCHEMES OF NALSA

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A Scheme for Legal Services to Disaster Victims through Legal Services Authorities.



Sept. 2014 - Disastours floods across many Districst of Jammu & Kashmir

Courtesy DD

Legal Services to Victims of Disaster : A disaster whether natural or man-made often takes the victims unware and they are subjected to grim situations of loss of life, home and property. Both the Central Government and the State Governments take disaster mitigation measures but many a times the benefits are not accessible to the victims due to various reasons. Disaster victims are entitled to free legal services under Section 12(e) of the Legal Services Authorities Act.

Objectives of the Scheme : The main objective of the Scheme is to coordinate with Government and other Non-Governmental agencies for providing development measures for reducing the period of crises, early recovery and development and providing free legal aid and assistance to them in availing the benefits of legal provisions and schemes announced by the Government.

Plan of Action : The Scheme envisages establishment of a core group in all Districts consisting of a senior judicial officer, a young lawyer, medical personnel and NGOs to take prompt action as and when a disaster whether natural or man-made occurs. The core group shall coordinate with different Government departments and NGOs including the Disaster Management Authorities for supervising distribution of relief materials, construction of temporary shelters, health care of the victims, availability of food and drinking water and other restorative and rehabilitative measures. The Legal Services Authorities shall also aid the victims in reconstruction of lost documents, in availing insurance claims, bank loans etc.

NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015



Legal Services to Victims of Trafficking and Commercial Sexual Exploitation : Trafficking of women and children for commercial sexual exploitation is an organized crime and is said to be the most lucrative trade or business after arms and narcotics. Most of the time, innocent women and children, as young as nine years old, are pushed into this trade by people known to them, including their own families. Once in the trade, the victim has no escape route and has to languish in an environment of violence, abuse and exploitation.

Objectives : The primary objective of the Scheme is to provide legal assistance against trafficking and sexual exploitation. Within its wide ambit, the Scheme covers children, adolescent girls and women of all ages. The Scheme seeks to provide an action plan to prevent sexual exploitation of these individuals while ensuring rescue and rehabilitation of the victims of trafficking and voluntary sex workers.

Action Plan : To coordinate with State, Govt./Non-governmental agencies and organisations to ensure that the benefits of all legislations, policies and schemes of the government reach the exploited persons and effective preventive and rehabilitative measures are initiated at the ground level. The Legal Services Authorities shall create awareness amongst the vulnerable groups with a view to empowering them to demand and avail their entitlements. The Authorities shall work for capacity building of all stakeholders including those in the law enforcing and justice delivery system for them to effectively deal with the issues concerning trafficked and sexually exploited women and children.

NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015



Legal Services to Workers in the Unorganised Sector : The unorganised sector contributes to more than 50% of India's GDP, and employs almost 95% of India's workforce, according to the Economic Survey of India (2007-2008) and the National Sample Survey (2009-2010). The Unorganised Workers Social Security Act, 2008 was passed to provide social security measures for workers in the unorganised sector. NALSA's revised Scheme for Legal Services to Workers in the Unorganized Sector, 2015 makes it obligatory on the part of the State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees to create awareness amongst the workers in the unorganized sector about their rights under the law and to give assistance to them for securing the benefits under the various schemes under the Act and also those put in place by the State Governments.

Objectives and Action Plan : The main objective of the Scheme is to enable workers in the unorganised sector to avail their entitlements under legislations and schemes framed for their benefit. To further this aim, the Scheme provides for the institutionalisation of essential legal services to workers in the unorganised sector through the establishment of a Special Cell. The Special Cell would disseminate information among workers in the unorganised sector regarding their entitlements under the existing legislations and schemes, and provide assistance to workers for registration under welfare legislations, and to avail benefit of schemes framed for their benefit. This Scheme would improve access to justice for the marginalised and vulnerable workers employed in the unorganised sector.

NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015



Legal Services to Children : Children constitute about 46 per cent of the population of India. Being persons of tender age and inexperienced in the vicissitudes of life, they are the most vulnerable group. For this reason the Legal Services Authorities Act, 1987 has enlisted children as persons entitled to free legal services. Children even when they come into conflict with law, have to be treated differently. Social evils like child marriage, child labour and other atrocities against them are quite prevalent. Unless the justice providers reach out to the children, the justice requirements of children will go unnoticed and unredressed.

Objectives : Through the Child Friendly Services to Children and Their Protection Scheme, 2015, the National Legal Services Authority aims to improve access to justice for children. The main purpose of the Scheme is to facilitate proper implementation of the existing legislations and policies in favour of children, and to ensure effective legal assistance to children who come in conflict with the law or require care and protection.

Action Plan : The State Legal Services Authorities and District Legal Services Authorities have been primarily made responsible for implementing this Scheme.

Legal training and orientation is to be provided to all functionaries who come in contact with children under legislation enacted for their protection to secure child friendly justice. Legal Services Clinics are to be set up in all Juvenile Justice Boards and Child Welfare Committees. Separate panel of trained and committed Advocates is to be maintained at SLSAs. Legal Literacy Clubs are to be set up in all Schools. Finally, under the Scheme, efforts are to be made to generate awareness among the general public with respect to the rights of children.

NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015



Objectives : The objective of the Scheme is to ensure that the mentally ill or mentally disabled are not stigmatized and they are able to enforce all rights they are entitled to and as assured to them by law. As regards the mentally disabled persons, they are to be treated as persons with disabilities under Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act). Under the Scheme, the Legal Services Authorities are expected to ensure that the benefits under this Act are accessed by the mentally disabled persons also and to take any remedial action as required to do so.

Role of Legal Services Authorities : The Legal Services Authorities under the Scheme have to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of the mentally ill and mentally disabled persons. The Legal Services Authorities shall promote respect for the inherent dignity, individual autonomy including independence of mentally ill and mentally disabled persons. The Legal Services Authorities are required to open legal services clinics in the mental health facilities and psychiatric homes to render all assistance to the mentally ill persons regarding enforcement of their rights within the facility. The legal services clinics are required to interact with the mentally ill patients who are taking in house treatment from the facility to understand whether there are property and maintenance issues and to move the court for appropriate relief. The Legal Services Authorities are also required to conduct inspection of the mental health facilities in the state or district to ensure that the living conditions of the inmates are safe and habitable and that no cured patients remain in the facility.

Action Plan : Under the Scheme, the Legal Services Authorities shall co-ordinate with NGOs and other voluntary social organizations for dealing with the issues relating to mentally ill and mentally disabled persons. They shall devise sensitization programmes in coordination with mental health officials for Doctors, Police Officials, Lawyers and Judicial Officers. Legal Services Clinics shall be set up in all the mental health facilities to have a continuous interaction with patients and doctors in order to ensure a dignified stay and treatment of patients and to facilitate their production in court whenever required.

NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015.



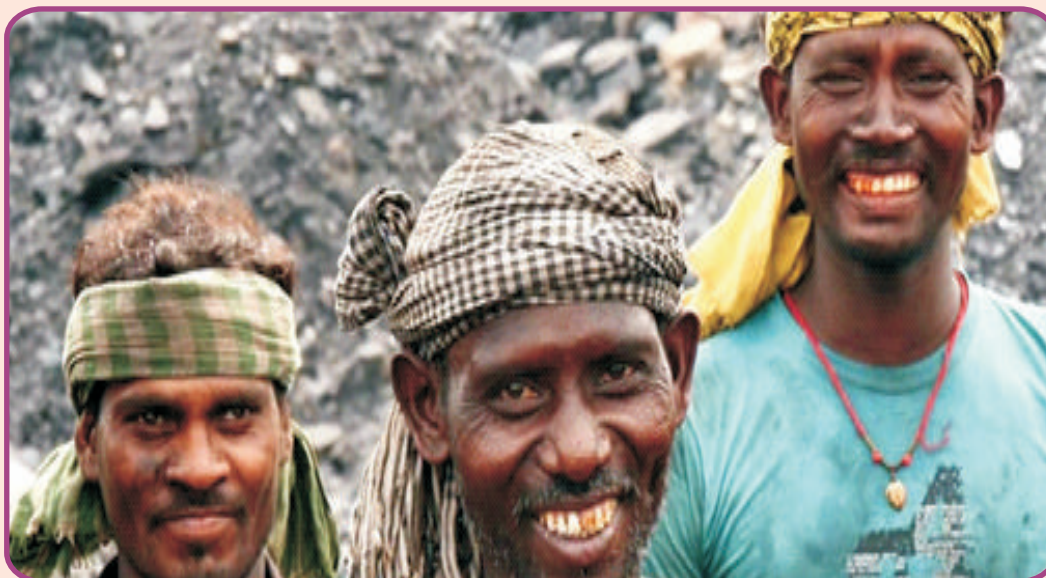
Background : Poverty is a multi-dimensional experience which includes issues like health, housing, nutrition, employment, maternal care, child mortality, access to water, education, sanitation and basic services. There are also issues of social exclusion and discrimination. Income in terms of money is not the only factor responsible for this. Various vulnerable and marginalised sections experience poverty in myriad and unique ways.

The intended beneficiaries of various poverty alleviation and social security measures taken by the Central as well as the State Governments are unable to access their benefits due to lack of education, social structures, economic marginalisation, exploitation, cultural norms and discrimination etc.

Objectives of the Scheme : The main objective of the Scheme is to ensure access to basic rights and benefits under the Poverty Alleviation Scheme and Programmes of the Government to economically and socially backward sections of the society by strengthening legal aid and support at all levels.

Action Plan : The Scheme lays down a mechanism for identification of poverty alleviation and social security measures and for facilitating access to them through the legal services clinics, awareness programmes, panel lawyers, para legal volunteers and publicity through print and electronic media.

NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015



Legal Services to Tribals : Scheduled Tribes constitute 8.2 per cent of the population in India as per the 2011 census. The tribal population in India is governed by their traditional customs and practices. They are extremely vulnerable as they have not yet been assimilated into the mainstream culture while at the same time their habitats have vanished and their rights have been circumscribed by the needs and pressure of development. They have to be relocated every time a forest area is cleared for any development activity, but it is extremely difficult for them to adjust in any other cultural environment. There is also a huge chasm between the various government schemes framed for tribals which are not reaching them. Many a times, tribals have a brush with the law and suffer greatly because neither the formal justice system understands them nor do they comprehend the judicial system.

Objectives : The Scheme is aimed at ensuring Access to Justice to the Tribal population in India including access to rights, benefits, legal aid and other legal services so that the assurance of the Constitution of justice, social, economic and political is meaningfully experienced by them.

Role of Legal Services Authorities and Action Plan : A member of the Scheduled Tribes is entitled to legal assistance under Section 12 of the Legal Services Authorities Act, 1987. The Legal Services Authorities need to reach out to the tribals so that they have equal opportunity to access justice. The Scheme sets out the areas where the Legal Services Authorities can be of help to the tribals such as bringing education and vocational training to them. The Legal Services Authorities are to reach out to the tribals pro-actively by speaking in their language through para-legal volunteers. This would help greater understanding of the issues troubling the tribals and the nature of remedy that the legal services must provide. Most importantly, the Legal Services Authorities are to spread awareness amongst the tribals about the various rights that the Constitution assures them, the rights that are available to them under various laws, the remedies available to them in case of violation of their rights, the support that the Legal Services Authorities can provide them when there are such violations and finally, what are the schemes the government has made for them and how they can access them.

NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.



Background : Drug trafficking is one of the most dreadful organised crimes in the world today. Because of its location between the Golden Crescent and the Golden Triangle, India is highly vulnerable to drug trafficking. The effects are appalling. About 7 crore people are said to be involved in drugs and substance abuse. 17% out of them are said to be addicts. The threshold age of children to try drugs has come down to 9 years. This results in frightening effects on health and psychology of individuals, robustness of the society and economy of the country.

Objectives : The main objectives of the Scheme are to spread awareness amongst all stakeholders regarding ill-effects of drug abuse and the legislative provisions, government schemes, policies etc. available for the victims, to work with Government/Non-Government agencies to prevent trafficking and for putting in place, effective de-addiction and rehabilitative facilities.

Action Plan : The State Legal Services Authorities have established special units in each district with the District Secretary as the Nodal Officer who shall create a database of all existing policies, schemes etc., for prevention of drug abuse and rehabilitation of victims and shall disseminate the same to all stakeholders like local bodies, educational institutions, street children, jails, sex workers, chemists, cultivators, victims of drug abuse and their families etc. They shall also coordinate with De-addiction and Rehabilitation Centres to ensure that drug abuse victims are treated properly and with dignity. The SLSAs shall create awareness amongst the general public and especially amongst students regarding the physical, mental, social and economic ill effects of drug consumption.

NALSA (Legal Services to Senior Citizens) Scheme, 2016.



Legal Services to Senior Citizens : As per the National Policy for Senior Citizens, 2011, nearly 8 per cent of India's population, which in numbers, is about 104 million, is above the age of 60 years. This is also 1/8th of the total population of senior citizens in the world. They face myriad challenges – social, physical, mental and economic. The problem is made more acute with the breakup of the joint family system. With migration of the productive members of the family, the elderly are left to fend for themselves. There is also evidence of systematic abuse of elderly i.e. infliction of physical, emotional and psychological harm by family members and members of the society.

Objectives of the Scheme : The main objective is to strengthen legal aid, advice, counselling to senior citizens at the National, State, District and Taluka level, to enable them to avail benefits of various legal provisions, to ensure access to governmental schemes and programmes for them and to devise ways to extend prompt health care facilities and physical and social security measures in coordination with police, health care authorities and district administration etc.

Action Plan : The Scheme envisages reaching out to the senior citizens through Legal Services Clinics and Para Legal Volunteers who shall act as the interface between senior citizens in the community and the Legal Services Institutions as well as police, district administration, health care personnel and other authorities. The Legal Services Institutions shall create a database of all existing Central and State Government Schemes, policies, etc., concerning senior citizens and disseminate such information by way of booklets, pamphlets, awareness programmes and through print and electronic media. They shall also visit old age homes and ensure availability of basic facilities and dignified treatment of senior citizens. They shall promote and facilitate setting up of self-help groups of senior citizens to encourage community support and to reduce dependency on the part of the senior citizens.

NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016.



Legal Services to Victims of Acid Attacks : Acid attacks are the worst pernicious form of violence that is resorted to, and is mostly gender specific i.e. against women. Quite often, they are a result of rejection of marriage proposals or sexual advances. Acid attacks are also resorted to in conflicts relating to dowry, property, land and inheritance. In view of the nature of the problem and its increasing occurrence, various legislative and judicial initiatives have been taken recently. These include introduction of Sections 326A and 326B in the Indian Penal Code providing for stringent punishment, court directed ban on counter sale of acid and prescribing a minimum amount of compensation for victims of such attacks under the State Victim Compensation Scheme.

Objectives of the Scheme : The main objectives of the Scheme are to create and spread awareness about the entitlements of victims of acid attack and to facilitate their access to medical facilities, rehabilitative services, adequate compensation and other benefits under various legal provisions and government schemes.

Plan of Action : Legal Services Clinics shall be set up at hospitals having facilities for treatment of burns. These clinics shall be in regular touch with the victims and their relatives to ensure all possible help in securing appropriate medical care. Para Legal Volunteers will arrange for and provide counselling, rehabilitative services and active support and assistance to the victims and their family members. The Legal Services Institutions shall arrange for prompt and adequate compensation to be paid to the victims under the Victim Compensation Scheme. The victims shall be provided free legal representation to prosecute their criminal cases and it shall be ensured that they are treated fairly and with dignity during trial.

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