



WBSLSA
(Legal Services to Children who Lost
Both Parents / One Parent during the Pandemic)
Scheme, 2021

STATE LEGAL SERVICES AUTHORITY
WEST BENGAL

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WBSLSA (Legal Services to Children who lost both parents/one parent during the pandemic) Scheme, 2021

Introduction:

There are children who have become orphan or lost one parent owing to the COVID 19 pandemic after March, 2020 and it has been felt by the State Legal Services Authority, West Bengal prompt and effective legal services to these unfortunate children is the need of hour. In this context, the instant Scheme has been framed by the State Legal Services Authority, West Bengal to ameliorate the condition of the affected children.

The Scheme thus runs as follows:-

- 1) **Name of the Scheme** – The Scheme shall be called **WBSLSA (Legal Services to Children who lost both parents/one parent during the pandemic) 2021**.
- 2) **"Child"** means a person who has not completed eighteen years of age.
- 3) **Identification of affected children** – The State Legal Services Authority, all the District legal Services Authorities and the Sub-Divisional Legal Services Committees shall utilise all their machineries/resources namely PLVs, Panel Advocates, Legal Services Clinics, NGOs etc. to identify the children who have become orphans or lost a parent after March, 2020 either due to COVID 19 or otherwise. The Secretary, DLSA shall collect the data of affected children already available with the District Child Protection Unit for the purpose of implementation of the instant Scheme.



- 4) Immediate passing of information** – On receipt of such information the DLSAs shall immediately pass this information to the SLSA and the District Child Protection Unit.
- 5) Assessing the immediate needs of the child and co-ordinate with the concerned Authorities** – On receipt of information about any such child, the Secretary, DLSA shall depute a competent Para Legal Volunteer to assess the immediate needs/requirements viz., food, clothing, shelter, medicines etc. of the concerned child. Necessary co-ordination be made by the DLSAs with the concerned Authorities in the District so that the child may be provided the immediate requirements by the Authorities concerned. The DLSAs shall complete the entire procedure of assessing the immediate needs of the child and coordinating with the administration to meet the same shall be completed within 3 days from the date of receipt of the information of the affected child.
- 6) Legal Services to the child** – On the death of both parents or one parent, the child will need legal services to obtain death certificate of the parents, inheriting money deposited with Bank Account, making necessary application to the School, inheriting immovable property, executing any will of the parent concerned, preferring application for succession certificate before the District Delegate, mutation of name with the Municipal Corporation/Municipality/BLRO, deposit of property Taxes on behalf of the child, moving appropriate applications before the employer/PF Authorities/Government Departments to get death benefits/service benefits, preferring applications for compassionate appointment etc. and the same will be provided promptly absolutely free of costs. The abovementioned list is not exhaustive and merely illustrative and the DLSAs shall be under an obligation to take care of all the requirements of the child in regard to legal services.



- 7) **Dedicated Panel Advocates** – The Secretary, DLSA in consultation with the Chairman, DLSA shall identify at least two dedicated and willing Advocates from the Panel who shall be competent enough to deal with the matters aforesaid and render effective and competent legal services to the children concerned. The Panel Advocate so identified shall draft applications, letters, and petitions for the child concerned and the Secretary, DLSA shall ensure submission of the same with the concerned Authority either through PLV/Post/e-mail or by special messenger, if required.
- 8) **Honorarium for the Panel Advocate** – The Panel Advocates rendering legal services to children under the Scheme shall be paid honorarium at the same rate as stated in the approved fees structure for Panel Advocates. Drafting of any letter/application shall be considered as drafting of miscellaneous application as mentioned in the fees structure. All other incidental expenses for rendering legal services to the children like postage, stamp paper, expenses towards affidavit, special messenger expenses shall be met out of the NALSA fund on actual basis on production of original invoice/voucher/receipt.
- 9) **Representing the child in legal proceedings** – The Secretary, DLSA shall ensure that the concerned child is properly and effectively representing in the proceedings before the Child Welfare Committee or before any Ld. Court/District Delegate.
- 10) **Pending litigation in the name of deceased parent(s)** - The District Legal Services Authority shall ensure that pending litigation initiated/defended by the deceased parent(s) does not abate and appropriate applications are made before the concerned Court for substitution in accordance with law.



11) Initiative for appointment of legal guardian - The District Legal Services Authority shall ensure appropriate legal proceedings for appointment of legal guardian, if necessary, for the unfortunate child in accordance with law under the Guardian and Wards Act, 1890.

12) Publicity - The District Legal Services Authority shall give wide publicity of the Scheme and to the provisions of Juvenile Justice Act, 2015 and other prevailing Schemes of the Government towards the benefit and welfare of the affected children.

13) Creating awareness - The District Legal Services Authority shall create awareness amongst the public at large against indulging in illegal adoption and child trafficking in disguise.

14) Counselling - The District Legal Services Authority shall also ensure proper counselling of the affected children by a clinical psychologist already attached with the office of the DLSA concerned under various other earlier Schemes.

15) Register to be maintained by DLSA - The District Legal Services Authority shall maintain a register containing particulars of all the matters dealt with under the Scheme in the following format :-

- a) Sl. No.
- b) Name of the child
- c) Date of Birth of the child
- d) Address of the child both permanent and present
- e) Name of the father
- f) Name of the mother
- g) Name of the parent(s) who died
- h) Date of death of the parent(s)



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- b) Name of the child
- c) Date of Birth of the child
- d) Address of the child both permanent and present
- e) Name of the father
- f) Name of the mother
- g) Name of the parent(s) who died
- h) Date of death of the parent(s)
- i) Name of the person with whom the child is staying at present with address and contact number
- j) Nature of problem/requirement
- k) Immediate needs of the child
- l) Whether immediate needs attended to
- m) Nature of legal services required
- n) Name of the PLV appointed for the child with contact number
- o) Name of the Panel Advocate appointed for the child with contact number
- p) Action taken towards rendering legal services to the child.
- q) Remarks

At least two/three pages should be dedicated for each child so that all the actions taken by the Legal Services Authority may be jotted down under the name of each child. The Secretary, DLSA shall submit monthly report in implementation of the Scheme before the Member Secretary, State Legal Services Authority, West Bengal.

16) Nodal Officer – The Registrar cum Deputy Secretary, SLSA, West Bengal shall be the Nodal Officer at the State level and the Secretary, DLSA shall be the Nodal Officer at the District level in implementation of the instant Scheme. The Member Secretary, State Legal Services Authority, West Bengal shall have overall supervision in implementation of the instant Scheme who shall place monthly compiled report before the Hon'ble Executive Chairman, State Legal Services Authority, West Bengal.

