

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

1) Background

Under Section 4 (l) of the Legal Services Authorities Act, 1987, the National Legal Services Authority envisaged as the Central Authority under the Act, is obligated to "take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures". The Preamble of the Legal Services Authorities Act, 1987, underscores that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Very often intended beneficiaries of poverty alleviation and social security measures are unable to access the benefits due to severe lack of capabilities, social structures, economic marginalisation and exploitation, social values, cultural norms, discrimination etc. In this context, the role of legal services authorities must be a proactive one where measures designed to alleviate poverty must be brought to the attention of the intended beneficiaries. Further, legal services authorities are very well suited to facilitating access to such poverty alleviation measures due to their last mile presence. Therefore this scheme lays down a mechanism for identification of poverty alleviation and social security measures, a framework for facilitating access to such measures by intended beneficiaries and a model for effective review of these processes. In designing this scheme, the concern that there could be local variations and requirements have been particularly considered and sufficient flexibility has been built in for local legal aid authorities to adapt this national scheme according to their needs.

This scheme is built on the foundation that poverty is a multi-dimensional experience and is not limited to issues of income. Multi-dimensional poverty include issues like health (including mental health), housing, nutrition, employment, pension, maternal care, child mortality, access to water, education, sanitation, subsidies and basic services, social exclusion, discrimination etc. Further, in identifying the specific schemes for implementation at the state and district level, legal services authorities are expected to be cognisant of the fact various vulnerable and marginalised groups experience poverty in myriad and unique ways.

2) Name of the Scheme

This Scheme shall be called "NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015".

3) Definitions

- 1) "Act" means the Legal Services Authorities Act, 1987.
- 2) "Central Authority" means the National Legal Services Authority constituted under Section 3 of the Act.
- 3) "Complainant Beneficiary" refers to any Scheme Beneficiary who files a complaint against any designated authority or officer who is identified as the designated authority or officer under any of the Poverty Alleviation Schemes.
- 4) "District Authority" means a District Legal Services Authority constituted under section 9 of the Act.
- 5) "Legal Services Officer" refers to any person who is designated as such for the purpose of this Scheme.
- 6) "Para-legal volunteers" refers to 'PLV' as defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation – Induction – Refresher Courses for PLV Training.

- 7) "Poverty Alleviation Schemes" refer to any scheme/ programme/ launched either by the Central Government, or the State Government, that is aimed at addressing any dimension of poverty. They also include social security measures.
- 8) "Scheme Beneficiaries" include:
 - a. Scheduled Castes or Scheduled Tribes;
 - b. all persons eligible for applying under the Poverty Alleviation Schemes; and
 - c. other persons for whom special economic, social or political measures are taken including but not limited to children, women and transgenders.
- 9) "State Authority" means State Legal Services Authority constituted under Section 6 of the Act.
- 10) "Taluka Legal Services Committee" means a Taluka Legal Services Committee constituted under section 11-A of the Act.
- 11) The terms Legal Services Clinics, Front Office, Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

4) Objectives of the Scheme

The main objectives of the Scheme are as follows:

- 1) To ensure access to basic rights and benefits afforded to socially or economically weaker sections of society;
- 2) To strengthen legal aid and support services at the national, state, district and taluka levels for persons belonging to socially or economically weaker sections in accessing Poverty Alleviation Schemes;

- 3) To spread awareness about the Poverty Alleviation Schemes through the members of the District Authority, Taluka Legal Services Authority, panel of lawyers, social workers, para-legal volunteers, and students in legal aid clinics;
- 4) To create a database of all the existing central or state schemes, policies, regulations, policy directives, conventions, rules, and reports available concerning Poverty Alleviation Schemes along with the latest funding information on these schemes;
- 5) To undertake and organise training and orientation programs, for panel lawyers, para-legal volunteers, officers under Poverty Alleviation Schemes, student volunteers in legal aid clinics for their skill enhancement and for developing a sense of deeper engagement amongst them for implementing this Scheme; and
- 6) To develop effective coordination and interface with all government bodies or functionaries, institutions, authorities, NGOs and other organisations concerning or entrusted with the responsibilities relating to welfare of socially/ economically weaker sections of the society.

5) Identification of Poverty Alleviation Schemes

- 1) Every State Authority shall identify the existing and active Poverty Alleviation Schemes applicable in the state and circulate a list of the same every twelve months to all the District Legal Services Authorities in the state. The list shall include the following:
 - a. Poverty Alleviation Schemes applicable in that State along with the names of the specific districts in which they are applicable in that year;
 - b. The intended beneficiaries under each of the Poverty Alleviation Schemes;
 - c. The name of the designated authority or the designated officer to be approached to access each of the Poverty Alleviation Schemes, as identified under each of them;

- d. The list of documents required to access each of the Poverty Alleviation Schemes, as identified under each of them;
 - e. The benefits under each of the Poverty Alleviation Schemes, as provided for in each of them;
 - f. The amount of funds allocated to each of the Poverty Alleviation Schemes by the Central Government, or the State Government, or both of them, as the case maybe, for the particular year;
- 2) The list prepared by every State Authority under sub-clause (1) shall be circulated annually to all the District Authorities. A copy shall also be sent to the Central Authority.
 - 3) The State Authority shall also upload the list under sub-clause (1) on their web-site.
 - 4) Every District Authority shall, on the receipt of the list prepared under sub-clause (1), within 7 days of receipt of the list, send a copy of the list to the following functionaries:
 - a. All Taluka Legal Services Committees in the district;
 - b. All the village panchayats in the district;
 - c. People working in legal services clinics, members of Panchayats, law students and other para-legal volunteers who volunteer to assist in the implementation of the Scheme.

6) Organisation of Awareness programmes

- 1) The State Authorities in collaboration with concerned District Authorities shall take steps for conducting awareness programmes to generate awareness about various Poverty Alleviation Schemes available in that District. Steps shall also be taken by Taluka Legal Services Committees to create awareness regarding the availability of legal services for accessing Poverty Alleviation Schemes, in Panchayat meetings, town hall meetings, Pulse Polio camps, festival gatherings or other village gatherings.

- 2) All State Authorities shall send a list of such programmes organised in their respective jurisdictions every six months to the Central Authority.

7) Legal Services Officers and Para-legal Volunteers

- 1) Every District Authority and Taluka Legal Services Authority shall designate at least three panel lawyers as Legal Services Officers for the purpose of this Scheme.
- 2) District Authorities shall constitute teams of PLVs under a Legal Services Officer to implement this Scheme and the Legal Services Officer will supervise and mentor the PLVs in his team to help the beneficiaries access the various schemes of the Govt.
- 3) District Authorities shall conduct specialised training programs for panel of lawyers, members working in legal services clinics, members of panchayats, law students and other para-legal volunteers to assist in the implementation of the Scheme, to sensitise them regarding the needs of persons belonging to socially and economically weaker sections and the benefits that they can avail through Poverty Alleviation Schemes.

8) Legal assistance for access to Poverty Alleviation Schemes

Legal assistance must be provided to all the Scheme Beneficiaries seeking access to Poverty Alleviation Schemes. Legal services to be provided by Legal Services Officers or volunteers under this Scheme includes, *inter alia*:

- 1) Informing the Scheme Beneficiaries about each of the Poverty Alleviation Schemes to which they are entitled, and the benefits thereunder

- 2) Assisting the Scheme Beneficiary in procuring the documents required for availing the benefits under any of the Poverty Alleviation Schemes
- 3) Informing the Scheme Beneficiary of the name and the address of the designated authority or the officer to be approached for registration under any of the Poverty Alleviation Schemes
- 4) Offering to send para-legal volunteers including from the legal services clinics with Scheme Beneficiaries to the office of the designated authority or the officer to be approached under any of the Poverty Alleviation Schemes
- 5) Informing the Scheme Beneficiary of her option to register a complaint with the Legal Services Officer or para-legal volunteer, about any designated authority or officer under any of the Poverty Alleviation Schemes who refuses to cooperate with a Scheme Beneficiary in providing her access to the benefits that she is entitled to under the Poverty Alleviation Scheme.
- 6) Maintaining a record of all the complaints received under sub-clause (5).
- 7) Providing Scheme Beneficiaries with the contact number, if available, of the Legal Services Officer, and availability of the Legal Services Officer on call during working hours for such Scheme Beneficiaries to whom contact number is provided
- 9) **Action by Legal Services Officers on complaints**
 - 1) On receiving complaints under sub-clause (5) of clause 8, each Legal Services Officer shall herself personally accompany the Complainant Beneficiary to the office of the designated authority or officer, and assist the Complainant Beneficiary in availing the benefit that she is entitled to under the Poverty Alleviation Scheme.
 - 2) In case the designated authority or officer fails to register the Complainant Beneficiary in the Poverty Alleviation Scheme, the

Legal Services Officer shall submit a complaint to the District Authority. The letter of complaint shall describe the conduct of the designated authority or officer who refused to register the Complainant Beneficiary under the Poverty Alleviation Scheme, and circumstances of such refusal and whether refusal was despite submission of all necessary documents.

10) Action by District Authority and State Authority on complaints

- 1) On receiving a complaint regarding the designated authority or officer, the District Authority shall seek a report from the concerned officer regarding the reasons for denying the benefits under the Poverty Alleviation Scheme to the Complainant Beneficiary. In the event that sufficient reason is not provided by the concerned officer for refusal to register the Complainant Beneficiary in the Poverty Alleviation Scheme or to provide benefits under the Poverty Alleviation Scheme, the District Authority shall immediately communicate to the superior officer in the department the details of the refusal to provide access to the Poverty Alleviation Scheme.
- 2) If the superior officer, in the opinion of the District Authority, also withholds the benefit under the Poverty Alleviation Scheme without sufficient cause, the District Authority shall then communicate the same to the State Authority.
- 3) On receiving such communication from the District Authority, the State Authority may choose to further pursue the matter with the concerned department or file appropriate legal proceedings to ensure that the Complainant Beneficiary receives the benefit under the Poverty Alleviation Scheme.
- 4) The District Authority, through para-legal volunteers or legal services clinics, shall provide regular updates to the Complainant Beneficiary about the status of the complaint.

11) Evaluation of the Scheme

- 1) Every Legal Services Officer shall follow-up with each Scheme Beneficiary who sought legal assistance under this Scheme and record:
 - a. if such person was able to register under the Poverty Alleviation Scheme sought to be registered under and whether such benefits were being received
 - b. any grievances experienced by the Scheme Beneficiaries in getting registered and availing benefits under the various Poverty Alleviation Schemes.
- 2) The District Authority shall compile the observations made under sub-clause (1) for all the Legal Services Officers working under the Scheme in the district, and shall send a copy of such observations in a compiled document to the State Authority every six months.
- 3) The State Authority shall consolidate the compiled documents received from all the District Authorities under sub-clause (2), and hold a meeting every 6 months to review the functioning and effectiveness of this Scheme. The minutes of such meeting shall be recorded and published as a public document.
- 4) If in the meeting under sub-clause (3), the State Authority finds a substantive or procedural defect in any of the Poverty Alleviation Schemes which makes seeking benefits under the scheme a problem for the Scheme Beneficiaries, such defect must be brought to the notice of the Central Government or the State Government, as the case may be for improving the specific Poverty Alleviation Scheme and/or its effective implementation.
