

ATHIJEEVANAM (അതിജീവനം)



**KeLSA Interventional Programme for Disaster Victims in Kerala
(2024)**

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(KeLSA INTERVENTIONAL PROGRAMME FOR DISASTER VICTIMS)

(Pursuant to NALSA Scheme for Legal Services to Disaster Victims through Legal Services Authorities, 2010)

(ABSTRACT)

I. INTRODUCTION

The Legal Services Authorities Act 1987 mandates legal services to persons under circumstances of undeserved want, including victims of natural and manmade mass disasters like flood, drought, earthquake or industrial disasters and under section 12(e) of the Act. Further under section 7 (c) of the Act a state authority can undertake preventive and strategic legal aid programmes, which includes “schemes” as defined in section 2(g) of the Act. Regulation 47(2) of KeLSA Regulations 1998 stipulates that the state authority shall take extra measures for effective and meaningful implementation of the schemes under the said Act. Pursuant to these statutory dictates the Kerala State Legal Services Authority (KeLSA) has framed this Programme considering the vagaries of nature unleashed in the state with disturbing frequency in recent years on account of the phenomenon of global warming, climate change and extreme weather conditions.

II. BACKGROUND

Kerala “Gods Own Country” has been suffering a spate of natural disasters over the years. The Oakhi disaster of 2017, the devastating floods of 2018, the landslides of “Pettimudi” in Idukki in 2020 and the recent terrifying Wayanad landslide are clear pointers to the dire need for legal services to the victims of mass disasters. Kerala is highly vulnerable to natural disasters and the adverse effects of global warming and climate change, since it has a long coastline on its west. The vulnerable slopes of the Western Ghats in Wayanad, Kozhikode, Idukki and Kottayam districts on its east are highly prone to landslides. Kerala is also one of the most densely populated states in India. Hence the need for an interventional and strategic Programme for protecting victims of natural disasters in the state.

III. NAME OF THE PROGRAMME

The name of the Programme shall be “ATHIJEEVANAM” meaning “Survival” and it is a tribute to the resilience of the people of Kerala to fight any adversity and to emerge as victors in every event of adversity.

IV. AREA OF OPERATION

The Programme shall operate throughout the territory of Kerala State, under the territorial jurisdiction of KeLSA. “Disaster” for the purpose of this scheme shall have the same meaning as in section 2 (d) of the Disaster Management Act, 2005.

V. CORE OBJECTIVES

The Programme has the following primary objective

- To effectuate and provide “free and competent legal services” to the victims of mass disasters on account of floods, droughts, earthquakes, landslides and similar disasters, including manmade and industrial disasters in Kerala, to secure and defend their legal rights and entitlements under various laws and various welfare schemes of the government.
- To coordinate the activities of all Government departments to ensure that all victims of natural and manmade disasters get the full benefits of all central and state government policies, schemes, and programmes.
- To coordinate the integrated, strategic and sustainable development measures taken by the State Disaster Management Authorities under the Disaster Management Act 2005, for reducing the period of crisis and for building a platform for early recovery and development.
- To strengthen the capacity of disaster victims for managing the disaster at all levels by coordinating with government departments and non-governmental organisations.
- To actively engage in all forewarning and preventive measures of the State Disaster Management Authority to prevent loss of life and damage to property including conduct of scientific studies on ecologically fragile lands and vulnerable lands unsuited for human habitation.
- To conduct legal services clinics in affected Municipalities and Panchayats for speedy redressal of grievances of disaster victims.

VI.MODE OF STRATEGIC INTERVENTION UNDER THE PROGRAMME

- Ensuring immediate help, i.e., rescue, relief, temporary and permanent rehabilitation by governmental and non-governmental agencies to the victims in coordination with the state and district level disaster management authorities and the district administration.
- Coordinating the activities of different departments of the government and the NGOs for supplying immediate relief materials to the disaster victims.
- Supervising the distribution of relief materials in relief camps and affected areas and ensuring equitable distribution in all affected areas
- Supervising the construction of temporary shelters and transporting the victims to safer places for habitation and all aspects of temporary and permanent rehabilitation.
- Supervising the reunion of families, in particular families of interstate migrant labourers in coordination with the labour department.
- Supervising the health care and sanitation of the victims and preventing the spread of epidemics in relief camps and affected areas in coordination with the health department
- Supervising the needs of women, children, the elderly, the disabled, tribals transgenders and other backward and oppressed classes who are directly and indirectly affected by the disaster.
- Ensuring the availability of food, medicine and drinking water in relief camps and affected areas.
- Supervising the reconstruction of damaged dwelling houses under government schemes.
- Supervising the restoration of cattle and chattel and claims for compensation for lost domestic animals.
- Conducting Legal Awareness Programmes in the relief camps on the legal rights of the victims.
- Organising Legal Aid clinics and Lok Adalats including mobile Lok Adalats in the affected areas for assisting in reconstruction of valuable documents for victims and conducting of Adalats for the same.

- Assisting the victims to get the benefits of the promises and assurances announced by the government and ministers under government schemes, NGO's and other private donors in a time bound manner.
- Assisting in the rehabilitation, care and future education of orphaned children and in procedures for legal adoption of orphans.
- Taking steps for appropriate debt relief measures for the victims including compensation for loss of land, movables, valuables etc by liaisoning with commercial banks, financial institutions and the state level bankers committee.
- Assisting in the rehabilitation of the senior citizens and disabled both physical and mental, and similar vulnerable victims who lost their supporting families in the disaster.
- Assisting in the problems relating to speedy settlement of insurance policies and claims.
- Arranging bank loans for restarting the lost businesses and avocations and supervising loan waiver schemes and concessions for victims.
- Arranging for physiatrist's help / counselling to the victims who are subjected to physiological shock and depression on account of the disaster in relief camps and affected areas including long-term care.
- Providing free and competent legal aid to all categories of beneficiaries under section 12 of the Legal Services Authorities Act among the victims of the mass disaster.

VII.MACHINERY FOR IMPLEMENTATION OF THE PROGRAMME

The Programme shall be implemented through a three-tier machinery

1.CORE GROUP

2.CORE COMMITTEE

3.TASK FORCE

In order to assist and guide the Hon'ble Executive Chairman, KeLSA, shall form a CORE GROUP comprising of the head of the State Disaster Management Authority, the Secretaries of the Government Departments of Law, Social Justice, Health, Women and Child Development, Finance and Revenue. The Member Secretary KeLSA shall be the convener of the CORE GROUP, and the CORE GROUP shall meet online or offline at least once every week during the entire period of the mass disaster or until such time as directed by the Hon'ble Executive Chairman.

The functions of the CORE GROUP shall be to formulate plans of action for effective implementation of the Programme from time to time, to coordinate the operations of all government departments in implementing the Programme, for review and assessment of operations and activities under the Programme, to suggest corrective and remedial measures and to aid and advice the Hon'ble Executive Chairman, KeLSA, in the effective implementation of the Programme.

The DLSA concerned shall also establish CORE COMMITTEEs in all affected districts under DLSAs to spring into action in the event of a mass disaster, whether manmade or natural immediately after the outbreak of the disaster and within 24 hours.

The CORE COMMITTEEs formed by the DLSA shall consists of a Senior Judicial Officer at the District Head Quarters (District Judge) from the State Higher Judicial Service, senior and junior panel lawyers of DLSA, medical doctors nominated by the local branch of the IMA, experts in the field of disaster management of reputed NGOs and district level officials of the District Administration under the Disaster Management Act, 2006, district heads of the Department of Social Justice, Women and Child Development, health, police and labour departments and the representatives of the media. The Secretary DLSAs shall be the convener of the CORE GROUP, and the CORE GROUP shall report its weekly activities to the Hon'ble Chairman, DLSA, who in turn shall report the activities to the Member Secretary KeLSA.

The CORE COMMITTEE shall work under the general guidance and superintendence of the Hon'ble Executive Chairman, KeLSA and the CORE GROUP of KeLSA. The Secretary DLSA shall be the convenor of the CORE COMMITTEE.

To assist the CORE COMMITTEE of DLSAs, the DLSA can form TASK FORCES at the Taluk Level, in association with TLSCs and the TASK FORCE shall comprise of the Hon'ble Chairman TLSC, Secretary TLSC, Tahsildar of the taluk, senior most officer of the Health, Social Justice, Women and Child development, Police, Labour in the taluk, panel lawyers of TLSCs, para legal volunteers of TLSC, social workers, student volunteers and volunteer advocates of local Bar associations in consultation with the President and Secretary of the Bar association. The TASK FORCE shall act as "foot soldiers" of the Programme to implement the intervention measures aforesaid on the ground. The task force shall aid and assist the District Administration in implementing all government programmes and actions for rescue, relief and rehabilitation of victims at various stages apart from carrying out activities directed by the **CORE COMMITTEE**, to effectuate the strategic intervention measures of DLSA mentioned above.

The TASK FORCE shall work under the general superintendence of the Hon'ble Chairman TLSCs and shall be convened and presided over by the Hon'ble Chairman, TLSC. The CORE GROUP, CORE COMMITTEE and the TASK FORCE shall carry out its activates until all or a majority of the victims of the mass disaster are fully and properly rehabilitated under government or non-governmental schemes and until the **CORE GROUP, CORE COMMITTEE** and the **TASK FORCE** are ordered to be disbanded by the Hon'ble Executive Chairman, KeLSA.

VIII. INTEGRATION OF VARIOUS KeLSA SCHEMES IN THE EVENT OF MASS DISASTER

In the event of mass disasters this Programme shall fully synchronize with the other schemes of KeLSA, mainly the Victim Rights Centre (VRC), SADGAMAYA, CLAP (Child Legal Assistance Programme) and its operation shall be in addition to and not in derogation of the activities under the other schemes. In other words, during times of mass disasters this Programme shall operate simultaneously with the other schemes of KeLSA and the other schemes shall supplement and augment the effective implementation of this Programme. This Programme shall draw inspiration and guidance from the NALSA Scheme for “Legal Services to Disaster Victims through Legal Services Authorities Scheme, 2010” and is meant for effective and meaningful implementation of the NALSA Scheme as adopted and customized to the specific requirements of Kerala State.

IX. REPORTING OF ACTIVITIES AND MONITORING

The Hon’ble Chairman, TLSC through Secretary, TLSC shall submit daily reports of all the activities of the TASK FORCE to the CORE COMMITTEE. The Hon’ble Chairman DLSA shall report all activities of the CORE COMMITTEE on alternate days to the Member Secretary, KeLSA and the Member Secretary in turn shall report all activities of the CORE COMMITTEE and the TASK FORCE to the CORE GROUP and the Hon’ble Executive Chairman, KeLSA, for information and necessary guidance and directions. The directives of the Hon’ble Executive Chairman and CORE GROUP shall be followed by the CORE COMMITTEE AND TASK FORCE scrupulously.

X. FINANCIAL OUTLAY

Payment of honorarium to Panel lawyers and para legal volunteers engaged in “Legal Services activities” under this Programme shall be governed by the norms of NALSA and KeLSA as applicable from time to time.