AHAN (A Hand Across Needs)

The Legal Aid Scheme for Persons with Disabilities

(With emphasis on those fully dependant)

I. PREAMBLE

Persons with disabilities (PwDs) constitute a vulnerable segment of the society that requires special protection, care, and assistance to realize their rights. Despite existing legal provisions, barriers such as legal, social, physical and attitudinal, impede their access to justice.

This scheme is designed to provide dedicated, accessible and friendly legal aid services to PwDs especially to those who are fully dependent, ensuring they are protected under the law and empowered to claim their rights.

II. OBJECTIVES

- To ensure universal access to free legal aid and justice for PwDs.
- To protect and promote the legal, human, and fundamental rights of PwDs.
- To sensitize the society on the rights and needs of PwDs.
- To integrate rehabilitative and support services into the legal aid framework.
- To collaborate with government institutions and departments, Local Self Government Departments, the district administration, credible non-governmental organizations, universities etc., to strengthen the ecosystem for effective implementation of legislations, schemes and policies that safeguard the rights of PwDs, in their letter and spirit.

III. LEGAL BASIS

The scheme draws its authority from the Legal Services Authorities Act, 1987, the Rights of Persons with Disabilities Act, 2016, NALSA (Legal Services to Persons with Mental Illness and Persons with Intellectual Disabilities) Scheme, 2024 and guiding principles from the following:

- Section12 (d) and (g) of the Legal Services Authorities Act,1987[1]

[1] THE LEGAL SERVICES AUTHORITIES ACT, 1987, Chapter IV, Section 12. Criteria for giving legal services. (d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal

- Section 27 (1) of the Mental Health Care Act, 2017[2]
- Article 12 and 13 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2008[3]
- Article 2 of the Convention on the Rights of the Child (CRC), 1989[4]
- The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Whether required?)
- The Commissions for Protection of Child Rights Acts, 2005.
- The Constitution of India, especially Articles 14, 15, 16, 21, 21A, and 39 (a), (d) (e) & (f).
- The Rights of Persons with Disabilities Act, 2016, especially Sections 2, 4, 6, 7, 8, 9, 12, 13 16 and 31
- The National Trust Act 1999.
- The Juvenile Justice (Care and Protection of Children) Act, 2015.
- The Protection of Children from Sexual Offences Act, 2012.
- The Right to Education Act, 2009.

IV. TARGET BENEFICIARIES

All persons with disabilities, especially those who are fully dependant and having:

- Physical, intellectual, mental, or sensory impairments.
- Multiple disabilities.

v. DEFINITIONS

(i) **Care-giver**, for the purpose of this scheme means any person or organizations

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Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) and (g) …….. or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987);

[2] THE MENTAL HEALTHCARE ACT, 2017, Chapter V, Section 27. Right to legal aid.—(1) A person with mental illness shall be entitled to receive free legal services to exercise any of his rights given under this Act. (2) It shall be the duty of magistrate, police officer, person in charge of such custodial institution as may be prescribed or medical officer or mental health professional in charge of a mental health 16 establishment to inform the person with mental illness that he is entitled to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987) or other relevant laws or under any order of the court if so ordered and provide the contact details of the availability of services.

[3] THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD), 2008, Article 12 – Equal recognition before the law; and Article 13 – Access to Justice.

[4] CONVENTION ON THE RIGHTS OF THE CHILD, 1989, Part 1 Article 2 - 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

including parents and other family members, who with or without payment provides care, support or assistance to a person with disability;

(ii) **Fully Dependent**, for the purpose of this scheme means those persons with disabilities as defined under the National Trust Act[5] and those persons with disabilities with high support needs as defined under the RPwD Act[6] and children with special needs.

(iii) **Legal Aid**, for the purpose of this scheme includes the provision of any service related to the conduct of a case or other legal proceeding before any court, tribunal, or authority, as well as the rendering of legal advice or assistance on any legal matter, as permitted by law and necessary for the protection and welfare of persons with disabilities;

(iv) **Persons with Disability (PwD)**, for the purpose of this scheme means any person with one or more disabilities as defined under Section 2(s) of the RPWD Act, 2016;

(v) **Reasonable accommodation**, for the purpose of this scheme means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others[7];

(vi) **Support Person**, for the purpose of this scheme means a trained Para Legal Volunteer, appointed to assist a person with disability in obtaining legal aid and ancillary services.

(vii) **Reputed Registered Organization**, as defined in Section 2(z) of the RPWD Act, 2016;

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[5] THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES ACT, 1999 Chapter 1 Section 2(j) “persons with disability” means a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability;

[6] THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016, Chapter 1 Section 2(t) “person with disability having high support needs” means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

[7] THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016, Chapter 1 Section 2(y)

Note: All words and expressions used in this Scheme and not defined herein, but defined in other Acts, Rules, NALSA Schemes and Regulations shall have the meanings respectively assigned to them in those Acts, Rules, Schemes and Regulations, as the case may be.

VI. STRUCTURE & ORGANIZATION

The AHAN Scheme shall be rolled out using a two tier system, consisting of a committee at the district level and a task force at the Taluk level. A Steering Committee shall function under a Judge High Court of Kerala and composed of lawyers and experts in the field. The committee constituted at the district level shall be known as AHAN District Level Committee and the task force formed at the taluk level shall be referred to as the AHAN Taluk Level Task Force.

(1) **STEERING COMMITTEE**

A Steering Committee headed by a Judge, High Court of Kerala, consisting of a Judicial Officer, two practicing lawyers and an expert in disabilities will provide guidance and strategic assistance to KeLSA for the proper implementation of the scheme.

The Judge, High Court of Kerala, the judicial officer, the practicing lawyers and the disability expert mentioned above will be nominated by the Executive Chairman, KeLSA. The Member Secretary KeLSA shall convene the meetings of the Steering Committee as and when directed by the Chairman of the Steering Committee.

(2) **AHAN DISTRICT LEVEL COMMITTEE** shall consist of -

(a) Chairman - The Chairman DLSA shall function as the Chairman of the AHAN District Legal Committee.

(b) Vice-Chairman - The Secretary DLSA shall act as the Vice-Chairman of the District Level Committee.

(c) Nodal Officer - A Senior Civil Judge nominated by the Chairman DLSA shall function as the Nodal Officer in each district, in relation to the AHAN Scheme to exercise such powers and perform such duties under the Chairman of the District Level Committee as may be assigned to him/her by the Chairman.

(d) Members

1. Executive Magistrate (ADM)
2. Deputy Director of Panchayats
3. District Woman & Child Development Officer
4. District Social Justice Officer
5. District Medical Officer
6. Deputy Director of Education
7. One representative from a Reputed Registered Organization.

(3) **AHAN TALUK LEVEL TASK FORCE** shall consist of -

(a) Chairman - Chairman TLSC or a judicial officer nominated by the Chairman DLSA.

(b) Convener/Nodal Officer - An officer not below the rank of Superintendent from judicial service, nominated by the Chairman DLSA

(c) Members

1. Secretary, Block Panchayat
2. Representative of District Social Justice Officer
3. Superintendent Taluk Hospital
4. One representative from a reputed registered organization in the field of disability
5. A person actively working in the field of disabilities (preferably a PwD).

(d) The Chairman of the Taluk Level Task Force may at his/her discretion and when necessary require the attendance of a Woman Protection Officer, Child Development Protection Officer, Assistant Educational Officer, Assistant Labour Officer or any expert in the field of disabilities or such other stake holder as may be necessary for effectively rendering assistance in connection with any person(s) with disabilities within the scope of the Taluk Level Task Force.

VII. SCOPE OF WORK UNDER THIS SCHEME

A. **DATA BASE:** The District Legal Services Authority (DLSA) shall maintain a comprehensive database of Persons with Disabilities (PwDs) within their jurisdiction to facilitate follow-up and ensure effective access to justice to such persons. The database shall be updated periodically with the assistance

of the local self government departments (LSGDs) or similar local bodies and government departments such as the Health Department, Social Justice Department etc.

B. **DISABLED-FRIENDLY LEGAL AID CLINICS:** Every District Legal Services Authority (DLSA) shall establish Disabled-Friendly Legal Aid Clinics on their own or jointly with central or state government institutions or departments to facilitate easy and equitable access to justice for persons with disabilities (PwDs). It shall be ensured that such legal aid clinics are easily accessible, physically and through such other means as are feasible to persons with disabilities and shall be adequately equipped to cater to the diverse needs of PwDs.

- The legal aid clinics shall be sufficiently staffed so as to provide door-to-door legal aid services with the support of paralegal volunteers (PLVs), law students, social workers, ASHA workers, Anganwadi teachers, other trained personnel and where possible, availing help from reputed registered organizations, student organizations such as the NSS, NCC, SPC etc to reach individuals who are home-bound or face mobility or communication barriers.

- District Legal Services Authorities (DLSAs) may resort to using mobile legal aid vans with assistive technology or any other such vehicle made available for legal aid purposes provided by reputed registered organizations or other organizations, through collaborative work so as to help persons with disabilities (PwDs) access legal services through online or remote modes, wherever required. Such mobile units can be used to reach persons with disabilities (PwDs) in their homes or communities, especially in cases where physical travel may be difficult or non-feasible.

C. **RANGE OF LEGAL SERVICES**: This Scheme shall cover a comprehensive range of legal services designed to ensure full access to justice for persons with disabilities (PwDs). The scope of work under this scheme may include, but is not limited to, the following:

i. **Legal Aid and initiation of legal proceedings:**

- Representing persons with disabilities before courts, tribunals, quasi- judicial bodies, and administrative authorities.
- Filing and defending cases on behalf of persons with disabilities (PwDs), including public interest litigations involving systemic issues.

Support Services during Legal Proceedings.

- Providing sign language interpreters, scribes, personal assistants, and psychological counselors as needed.
- Ensuring physical and procedural accessibility during the legal proceedings.
- Assisting in obtaining reasonable accommodations in legal and administrative settings.

Custodial and Institutional Support

- Providing legal aid to PwDs in mental health institutions, shelter homes, detention centers and rehabilitation centers.
- Monitoring cases of abuse, neglect or exploitation in institutional care, notifying competent authorities and extending assistance to ensure protection, support and care to such persons through such intervention, including rescue and shifting to a better facility.

Emergency Legal Assistance

- Offering urgent legal help in cases of domestic violence, abuse, eviction, wrongful confinement, or denial of essential services involving persons with disabilities (PwDs).

ii. **Legal Documentation**

- Drafting, reviewing and assisting in the preparation of legal documents such as affidavits, wills, contracts, applications, complaints and petitions concerning persons with disabilities (PwDs) for submission before competent authorities.
- Assisting in filling out forms for disability certification, government benefits, and other legal claims for their benefit.
- Assistance in filing applications under the Rights of Persons with Disabilities Act or other relevant legislation to enable the PwD to

avail benefits they are rightfully entitled to.

iii. Legal Awareness and Education

- Conducting legal literacy camps and workshops, specifically for persons with disabilities, their families, support persons and caregivers.
- Conducting legal literacy camps and workshops for general public and other stakeholders like police personnel, Revenue, LSGD, Health Department officials etc.
- Creating and distributing educational material on legal rights and entitlements in accessible formats (Braille, audio, sign language, easy- read versions, etc.).
- Conducting state wide special training on disabilities for State, District and Taluk level panel lawyers and paralegal volunteers.
- Development of awareness materials and training/workshop modules by experts in the field of disabilities and related law.

iv Assistance in Accessing Rights and Entitlements

- Helping PwDs and fully dependent persons to access government welfare schemes, social security benefits, reservations in education and employment, accessible housing, medical treatment schemes and so on.
- Addressing discrimination in education, healthcare, transport, and public spaces.

D. COLLABORATION WITH DEPARTMENTS AND REPUTED REGISTERED ORGANIZATIONS: This Scheme contemplates extending services to persons with disabilities by collaborating with government departments including police and social welfare, health, education departments, mental health professionals, rehabilitation professionals, the Disability Commission, Commissioner for Persons with Disabilities, institutions for the welfare of PwDs and credible reputed registered organizations for holistic support.

Referring cases to appropriate authorities or legal services institutions when needed.

VIII. HUMAN RESOURCES REQUIREMENTS:

1. **STATE COORDINATOR:** There shall be a State Coordinator who will coordinate with the empanelled lawyers and PLVs of the State under this Scheme, in consultation with the Member Secretary KeLSA. The State Coordinator shall assist KeLSA in the implementation of the Scheme. The State Coordinator shall be a person with proven experience in the field of disability rights or social justice, preferably from a legal, social work, or administrative background. The State Coordinator shall be nominated by the Executive Chairman of the Kerala State Legal Services Authority (KeLSA).

2. **NODAL OFFICER**: There shall be a Nodal Officer in each district who shall be the point of contact for all the stake holders in the district under the Scheme. A senior civil judge nominated by the Chairman DLSA or such other person authorized by the Chairman DLSA shall be the Nodal officer for each district.

3. **PANEL LAWYERS:** There shall be a sufficient number of panel lawyers under this scheme, who demonstrate a genuine interest and preferably have prior experience in handling cases involving disability rights or social justice. Separate panel of lawyers shall be maintained under the AHAN DLCs as well as the AHAN TLTFs

4. **SIGN LANGUAGE INTERPRETERS/ SPECIAL EDUCATORS/ CLINICAL PSYCHOLOGISTS:** There shall be a dedicated panel of Sign Language Interpreters, professionally qualified social workers, and Special Educators to provide necessary assistance in delivering legal aid and related services under this Scheme to persons with disabilities.
   Additionally, the services of empanelled psychologists under the *Samanvaya* Scheme may be made available whenever psychological assistance or counselling is required to support the legal aid process.

5. **PARA LEGAL VOLUNTEERS:** A panel of PLVs specially trained and sensitized on disability rights, accessible communication, and the specific needs of PwDs shall be maintained by the DLSAs and TLSCs. Such PLVs

shall:

- Assist in creating and updating the database of PwDs, identifying eligible beneficiaries, creating awareness about legal rights, and supporting PwDs in accessing legal aid services.
- Provide door-to-door legal aid support, especially for individuals who are homebound or face mobility and communication barriers.
- Assist in filling out legal forms, applications, and coordinating with legal aid clinics, government offices, and support services.
- Act as a bridge between PwDs and legal services institutions, ensuring timely follow-up and support throughout the legal process.

Wherever possible, preference shall be given to:

- PLVs who are themselves differently abled,
- PLVs with experience in community work, disability services, or inclusive education.

6. **SUPPORT PERSONS:** To achieve the objectives of this Scheme, the services of students, student organizations such as the NSS, NCC, SPC, ASHA workers, Anganwadi Workers, Tribal promoters, Social workers, JPHNs, credible reputed registered organizations and other community-based service providers may be availed by the DLSAs and TLSCs.

IX. CAPACITY BUILDING PROGRAMMES

The KeLSA and District Legal Services Authorities (DLSAs) shall ensure regular capacity building programmes for the Panel Lawyers, Para Legal Volunteers, and other stakeholders associated with or working under this Scheme. Panel Lawyers, PLVs and such others regularly associated with providing aid and assistance to the beneficiaries of this Scheme shall endeavour to participate in as many such programmes as may be conducted by the DLSAs.

X. CODE OF ETHICS

- No Panel Lawyer or PLV shall willfully disclose or use any information that he/she has obtained, received or acquired during the discharge of his duties under this Scheme, unless necessary for ensuring

assistance, medical or legal to the said PwD and with approval from the competent authority.

- No Panel Lawyer or PLV shall make use of his empanelment under this Scheme for the purpose of promoting their independent professional practice or any outside activity.
- No persons discharging duties under this Scheme shall solicit, agree to accept, or accept, directly or indirectly, any gift, favour, service, or any other matter of value under circumstances from which it might be reasonably inferred that such gift, service, or other matter of value was given or offered to influence him or rewarding him for the discharge of his official duties.
- Persons functioning under this Scheme shall extend their services with utmost sincerity, and strive to uphold the paramount welfare of PwDs by safeguarding their paramount welfare and by instilling confidence in them to face life.
- No person engaged or working under this Scheme shall undertake any act or omission that is contrary to the objectives, principles, or spirit of this Scheme.
- All individuals associated with the implementation of the Scheme shall maintain integrity, confidentiality, professionalism, and a rights based, non discriminatory approach in all their activities related to legal aid for persons with disabilities.

XI. MONITORING AND EVALUATION

The performance of persons working under this Scheme shall be closely monitored by the respective Nodal Officer of AHAN District Level Committee and the Convenor at the Taluk Level Task Force concerned.

The Member Secretary KeLSA shall coordinate half yearly review meetings by the Steering Committee so as to review the implementation of the Scheme

A bimonthly meeting of the TLTF under the Nodal Officer DLC and a quarterly review meeting of the DLCs shall be held under the chairmanship of the Chairman, DLSA. Minutes of the meetings shall be sent to the Member Secretary, KeLSA.

A quarterly review, assessment and evaluation of the performance of the Panel Lawyers and PLVs shall be made by the Member Secretary, KeLSA with the assistance of the Nodal Officer of AHAN District Level Committee concerned and the minutes shall be placed before the Chairman, Steering Committee.

Based on such assessment the panel of lawyers or volunteers may be reconstituted as and when required so as to ensure that persons consistently involved and contributing to the effective functioning of the scheme are available on a regular basis.

XII. REMOVAL FROM THE PANEL

A Panel Lawyer or PLV or any functionary under this Scheme may be removed from the panel or disengaged from the Scheme at any time without prior notice, by the Member Secretary, KeLSA as approved by the Executive Chairman on or without the recommendation of Chairman, DLSA, if he/she substantially breaches any duty or service required from him/her as per the Scheme or acts against the interest of a PwD or for any other sufficient reason.

XIII. FINANCIAL OUTLAY[i]

Payment of honorarium/expenses against actuals to empanelled lawyers or PLVs, interpreters, special educators, psychologists, professionally qualified social workers, or other support persons other than reputed registered organizations will be in accordance with the NALSA Scheme, Regulations or Guidelines issued by NALSA.

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