



For Educational Purpose Only

JHALSA (EFFECTIVE INTERVENTION FOR REDUCING HUNGER & PREVENTION OF STARVATION DEATH) SCHEME 2020



YEAR OF PUBLICATION : 2020
ONLY FOR AWARENESS

Published by

JHARKHAND STATE LEGAL SERVICES AUTHORITY

Near A.G. Office, Doranda, Ranchi, Phone : 0651-2481520, Fax : 0651-2482392

Email : jhalsaranchi@gmail.com, Website : www.jhalsa.org

This material is also available on official website of JHALSA "www.jhalsa.org"

JHALSA (EFFECTIVE INTERVENTION FOR REDUCING HUNGER & PREVENTION OF STARVATION DEATH) SCHEME 2020

1. NAME OF THE SCHEME:

The Scheme shall be called the JHALSA (Effective Intervention for Reducing Hunger & Prevention of Starvation Death) Scheme 2020 .

It shall be effective in the State of Jharkhand and shall guide the District Legal Services Authorities in their action on the subject.

2. STATEMENT OF OBJECT AND REASON:

Nation and its farmers produce food grains sufficient to feed its people. The Food Godowns of Government are full of food grains. Central as well as Government of Jharkhand have policy & Schemes to prevent starvation and any death due to hunger. Parliament of India has passed the National Food Security Act 2013. Based on the Act, the Government has framed several food security Schemes. The persons below the poverty line are eligible for the benefit of all the Food Schemes. But, still, a number of people have to rise as well as sleep hungry. State of Jharkhand is a tribal State with majority of people belonging to the Scheduled Castes and Scheduled Tribe Communities. A number of Primitive Tribal Communities (PVTG) live in the remote forests. They are required to be taken very good care of. All of them are eligible for the benefits of Food Security Schemes, so that, they may never suffer from starvation.

Due to shortage of manpower, some times, the benefit of Scheme does not reach the person in acute need thereof. It is the duty of one and all to stand up to the occasion and do their best in right earnestness. JHALSA has trained about three thousand para legal volunteers at Panchayat Level.

Therefore, Jharkhand State Legal Services Authority has resolved to bridge the gap between the people living without two times' proper meal and the benefit of Food Grains Scheme .

3. LEGAL BASIS

- ✧ **Article 21:** "No person shall be deprived of his life or personal liberty except according to procedure established by law."
- ✧ **Article 39(a):** "The State shall direct its policy towards securing that the citizen, men and women equally, have the right to an adequate means of livelihood..."
- ✧ **Article 47:** "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties..."
- ✧ **Article 32(1):** "The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."
- ✧ Supreme Court Orders in the Right to Food Case (PUCL vs Union of India and Others, Writ Petition (Civil) 196 of 2001)
- ✧ **National Food Security Act 2013**

Since food is essential for survival, the right to food is an implication of the fundamental “right to life” enshrined in Article 21 of the Indian Constitution. In the famous Right to Food Case “PUCL vs Union of India and Others, Writ Petition (Civil) 196 of 2001”, most of the orders consist of directions to the governments i.e. the Central Government and the State Governments. This is because the prevention of hunger and starvation is “one of the prime responsibilities of the Government - whether Central or State”.

On 29 th October 2002, the Court also declared that starvation deaths would be taken as evidence that its orders have not been implemented. Further, Chief Secretaries may be held responsible for incidents of starvation deaths. The same order directed the Central and State Governments to ensure that Antyodaya Anna Yojana is extended to “the destitute section of the population”. It is clear that the time has come to abolish hunger, starvation deaths and extreme destitution completely .

Hon’ble Supreme Court of India ,in this PIL , on 28th November 2001 converted the benefits under these eight food-related schemes: (1) the Public Distribution System (PDS); (2) Antyodaya Anna Yojana (AAY); (3) the National Programme of Nutritional Support to Primary Education, also known as “Mid-Day Meal Scheme”; (4) the Integrated Child Development Services (ICDS); (5) Annapurna; (6) the National Old Age Pension Scheme (NOAPS); (7) the National Maternity Benefit Scheme (NMBS); and (8) the National Family Benefit Scheme (NFBS) into legal entitlements. This means, for instance, that if someone has an Antyodaya Card but he is not getting his full quota of 35 kg of grain per month at the official prices (Rs 3/kg for rice and Rs 2/kg for wheat), he can claim his due as a matter of right, by going to Court if necessary.

“UMBRELLA” ORDERS

1. Responsibility for compliance: Chief Secretaries of the concerned states “shall be held responsible” for any “persistent default in compliance with orders”.
2. Accountability to Gram Sabhas: “The Gram Sabhas are entitled to conduct a social audit into all Food/ Employment Schemes and to report all instances of misuse of funds to the respective implementing authorities, who shall on receipt of such complaints, investigate and take appropriate action in accordance with law.”
3. Access to information: “The Gram Sabhas are empowered to monitor the implementation of the various schemes and have access to relevant information relating to, inter alia, selection of beneficiaries and the disbursement of benefits.”
4. Dissemination of Court Orders: 11 Chief Secretaries have been directed “to translate and permanently display” the orders dated 28 th November, 2001 and 8th May, 2002 “on all the Gram Panchayats, School Buildings and Fair Price Shops”. The Central Government is to give “wide publicity” to these orders through All India Radio and Doordarshan.
5. Schemes not to be discontinued: “No scheme covered by the orders made by this Court shall be discontinued or restricted in any way without the prior approval of this Court.”
6. Full utilization of grain quotas: “We direct all the State Governments to forthwith lift the entire allotment of foodgrains from the Central Government under the various Schemes and disburse the same in accordance with the Schemes.”

4. Hon’ble Executive Chairman, JHALSA has approved the proposal to involve 2746 Para Legal Volunteers of JHALSA to assist the District Administration in its efforts to reduce the hunger and prevent starvation deaths. His Lordship has further approved for utilization of cost funds to provide food and medicine to the persons in acute need thereof.

Therefore, there is urgent need to formulate a Scheme for the District Legal Services Authorities of Jharkhand to work in a coherent manner, so that, all the stake holders may understand their role and responsibilities and work accordingly .

5. DEFINITIONS

- 1) In this Chapter, unless the context otherwise requires:—
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “Schedule” means a Schedule annexed to the Scheme;
 - (c) “Front Office” means a room in the Legal Services Institution where legal services are made available;
 - (d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);
 - (e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Sub-divisional Legal Services Committee, as the case may be;
 - (f) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8 of the NALSA (Free & Competent Legal Services) Regulations 2010;
 - (g) “Para-Legal Volunteer” means a para-legal volunteer trained under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;
 - (h) “Secretary” means the Secretary of the Legal Services Institution;
 - (I) Right to Food Act means the National Food Security Act 2013;
 - (J) Vulnerable persons means those who are entitled to the benefits of the Antyodaya Anna Yojna, but, not yet provided benefits thereunder;

6. GUIDING PRINCIPLES

- Our Constitution mandates us to ensure that the people live with human dignity
- Children, women and elderly people are always most vulnerable in crisis.
- No Person can be allowed to starve .
- No Person should be allowed to die for want of food.
- Legal Services Authority has solemn duty to work in close coordination with the Civil Administration to help it in reaching out to the vulnerable persons

7. STARTEGIC INTERVENTION FOR;

- | | | |
|------------|---|--|
| Prevention | : | of starvation death; |
| Awareness | : | as to Right to Food Act, Awas Yojna, Livelihood Schemes; |
| Providing | : | food grains/ medicine to the person in acute need of same from out of cost fund; |
| Arranging | : | for Camps at the village level for extending the benefits of Right to Food Act; |

Assistance	:	to Administration in holding Camps, identification of vulnerable persons & fulfilment of paper works;
Assistance	:	to Administration in identification of persons in acute need of immediate relief measures;
Assistance	:	to administration in distribution of food grains/ other benefits;
Offering	:	to the District Administration the services of the Legal Services Clinics;
Assistance	:	to the people in getting the benefit arising out of Govt of India or State Govt's Policy/ Relief measure;

8. CORE COMMITTEES

There shall be a Core Committee at State and District level for monitoring and mentoring purposes. Its primary duty would be to bring about coherence and cooperation amongst the various departments and functionaries for optimal result. It shall meet virtually or otherwise at such interval as fixed by the Chairperson of the State or District Level Core Committee.

State Level Core Committee shall comprise of the Member Secretary, JHALSA as its Chairperson and Joint Secretary Level Officers of Health Department, Labour Department, Deptt. of Law (Judicial) and the WCD & Social Security Department as its Members. Dy. Secretary, JHALSA shall be the Secretary of the State Level Core Committee. He shall assist the Committee as per the directions of its Chairperson.

District Level Core Committee shall comprise of the Chairman, DLSA as its Chairperson, Vice Chairperson of the DLSA (D.C.) as its Vice Chairperson, Executive Member of the DLSA (S.P.) as its Executive Member and Civil Surgeon of the District as its Member. The Secretary, DLSA shall be the Secretary of the District Level Core Committee. He shall assist the Committee as per the directions of its Chairperson.

State Level Core Committee shall present progress report at least once on bi-monthly basis before the Hon'ble Executive Chairman, JHALSA for His Lordship's kind perusal and necessary directions.

District Level Core Committee shall present progress report at least once on monthly basis before the JHALSA for placing before the State Level Core Committee for further needful.

9. TOOL FOR ACTION

The Supreme Court orders in **PUCL vs Union of India and Others**, Writ Petition (Civil) 196 of 2001 on the right to food is a powerful tool for action.

These orders give people a whole range of legal rights:

- the right to a nutritious Mid-Day Meal at School;
- to a functioning public distribution system;
- to an Anganwadi in the neighbourhood;
- to prompt payment of minimum wages on public works, and so on;

The National Food Security Act 2013 as well as the orders referred to above are sufficient to bring about an eco system where no one may ever have to sleep hungry or die of hunger. But, lots of work is required to be done to bring all the vulnerable persons under the umbrella of the Right to Food Act. It is necessary that Mid Day Meal reach the stomach of eligible children.

COMMUNITY ACTION

JHALSA shall involve the village community in bringing about an eco system as desired. This strategy provides:

- Involvement of Village Level Child Protection Committee in identification of vulnerable persons/families;
- Co ordinating with the Gram Panchayat to play an active role in the implementation of the National Rural Employment Guarantee Act;
- Encouragements to the Social audits of food-related schemes by the Gram Sabha;
- Awareness drive amongst women and elderly persons about the Right to Food and Mid Day Meal;
- Involvement of the members of Legal Literacy Clubs and Legal Cadets of JHALSA in reaching out to vulnerable persons;

10. PEOPLE STARVE WHEREAS THE FOODGRAINS ROT OR DAMAGE

According to an RTI reply given by the Ministry of Consumer Affairs, Food & Public Distribution, 61,824 tonnes of foodgrains were damaged in the godowns of the Food Corporation of India between 2011-12 and 2016-17, enough to feed an estimated eight lakh people for an entire year. The Government is trying to resolve these issues through newer distribution strategies, use of technology, improvement of cold chain facilities and tie-ups with private players.

Fundamentally, the roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food, inter alia because of poverty, by large segments of the State's population.

JHALSA intends to offer its assistance as follows:

- It shall co ordinate with the District Administration in identification of all the eligible persons for their coverage under the various Food Schemes.
- It shall periodically or on request of the District Administration hold Legal Empowerment Camp for facilitating mass distribution of food grains amongst eligible persons to prevent wastage of food grains.
- It shall co ordinate with the District Administration for taking appropriate steps and ensuring that food grains are not wasted or perished in the Godowns of the Food Corporation of India.



11. TRAINING PROGRAMME/WORKSHOP FOR THE PARA LEGAL VOLUNTEERS

JHALSA shall coordinate with the WCD & Social Security Department & Welfare Department of the State for virtual training of Para Legal Volunteers at District level. The services of Para Legal Volunteers may be utilized by the State Govt or the District Administration as per their requirement. The honorarium as fixed by JHALSA shall be paid to the PLVs by the DLSA .

12. COURT BASED LEGAL SERVICES

JHALSA shall endeavour to provide legal aid to those persons who are entitled, but, deprived in spite of their efforts to the benefits of Food Schemes as referred to above. Such assistance shall be given through the High Court Legal Services Committee.

13. THE WHATSAPP NUMBERS AND EMAIL ID OF THE SECRETARY OF JHALSA/DLSA/HCLSC are as follows :

Member Secretary, JHALSA on his Mobile No. 8986601912 (this is whatsapp no. as well) or on email-jhalsaranchi@gmail.com

Email ID of District Legal Services Authorities and Contact Number of DLSA Secretaries are as follows :

NAME OF DLSA	EMAILS	CONTACT NO OF SECRETARY
DLSA bokaro	<dlsabokaro@gmail.com>	Shri Bishwanath Oraon, 9431350935
DLSA Chaibasa	<dlsachaibasa@gmail.com>	Ms Kumari Jiv 9431162084
DLSA chatra	<dlsachatra@gmail.com>	Sri Kumar Kranti Prasad 9430734303
DLSA Deoghar	<deoghardlsa@gmail.com>	Sri Pratap Chandra , 7294181381
DLSA Dhanbad	<dlsa.dhanbad@gmail.com>	Sri Arvind Kachhap 9471725596
DLSA Dumka	<dlsadumka@gmail.com>	Sri Bishwanath Bhagat 7091622651
DLSA Garhwa	<dlsagarhwa@gmail.com>	Sri Sindhu Nath Lamay, 9955684686
DLSA Giridih	<dlsagiridih@gmail.com>	Sri Sandeep Bartam, 7319853377
DLSA Godda	<dalsagodda@gmail.com>	Sri Sanjay Kumar Singh No.III (I/C) 9472788462
DLSA Gumla	<dlsagml38@gmail.com>	Sri Ananda Singh, 9472758172
DLSA Hazaribag	<dlsahazaribag@gmail.com>	Sri Sandeep N Bara, 9939201624
DLSA JAMSHEDPUR	<jamshedpurlsa@gmail.com>	Sri N N Sanga, 9430780325
DLSA JAMTARA	<dlsajamtara@gmail.com>	Sri K Sinku, 9934373894
DLSA Khunti	<khuntidlsa@gmail.com>	Smt. Nitasha Barla, 9771391585
DLSA KODERMA	<dlsakoderma@gmail.com>	Smt Lucy S Tigga, 8789304361
DLSA LATEHAR	<dlsalatehar@gmail.com>	Smt Kamla Rani, 8987736366
DLSA LOHARDAGA	<dlsalohardaga@gmail.com>	Smt Aarti Mala, 9431318932
DLSA Pakur	<dlsapakur@gmail.com>	Sri Sunil Dutta Dwivedi, 9470314478
DLSa Palamau	<dlsapalamu123@gmail.com>	Sri Ashok Kr Upadhyay, 8757269596
DLSA Ramgarh	<secretarydlsaramgarh.court@>	Sri Dilip R Trikey, 8987464765
DLSA RANCHI	<dlsaranchi@gmail.com>	Sri Abhishek Kumar, 9431319907
DLSA Sahibganj	<dlsasahibganj@gmail.com>	Sri Manoranjan Kumar, 9471521725
dlsa seraikella	<dlsaseraikellakharswan@gmail.>	Sri Kuldeep, 8987597517
DLSA SIMDEGA	<dlsasimdega@gmail.com>	Sri A. M Tripathi (I/C), 8987608228
SDLSC Madhupur	Sri Narendra Kumar, 9835928066	Sri Narendra Kumar, 9835928066

SDLSC Ghatshila	Sri Walter Bhengra, 8210688218	Sri Walter Bhengra, 8210688218
SDLSC Rajmahal	Sri Neeraj Kumar, 9546459225	Sri Neeraj Kumar, 9546459225
SDLSC Tenughat	Sri Sanjit Kr Chandra, 9279710950	Sri Sanjit Kr Chandra, 9279710950

14. MAINTENANCE OF RECORDS

It shall be the duty of the Secretary, DLSA to maintain the records of the :

- persons assisted
- kind of assistance
- how the DLSA or the Vulnerable person reached the other

Such record is highly helpful in evolving the best practices for JHALSA and also for the guidance of future generations.

15. CAPACITY BUILDING OF THE WORK FORCE

JHALSA shall commence e-learning programme for the PLVs, Panel Lawyers and other persons involved in actualization of this Scheme. At least one e- Training Programme shall be held per month.

16. HOW TO CONTACT

Any person in need of assistance may contact Member Secretary, JHALSA and Secretary DLSAs on mobile number & email provided here in above in this Scheme

17. AWARENESS / PROPAGATION ABOUT THE SCHEME

JHALSA shall propagate this Scheme through Print and Electronic Medium including the Kanoon ki Baat programme on Doordarshan and All India Radio.

DLSA shall take every endeavour for wide publicity of this Scheme so that no person in need of the benefit under the Scheme may remain unaware and unattended.

18. MOTIVATIONAL

Our Civilizational values gives immense importance to food grains. Our Constitution is the manifestation of our civilizational values. The Parliament through the Right to Food Act and the Supreme Court through the Right to Food Case orders have made it clear that no person can be allowed to remain hungry or die out of hunger. Therefore, it is our time to spring into action for reducing hunger and preventing the starvation deaths.

