



NALSA (LEGAL SERVICES TO SENIOR CITIZENS) SCHEME, 2016

The Preamble of the Legal Services Authorities Act, 1987 emphasises 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.

A. CONSTITUTIONAL GUARANTEES

The Constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of the senior citizens. Article 41 of the Constitution lays down that the State shall, within the limits of economic capacity and development, make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

B. LEGISLATIVE FRAMEWORK

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted to protect the rights of senior citizens. This Act provides for setting up of one or more Tribunals for each sub-division to provide protection and reliefs to the Parents and senior citizens. Another important feature of the Act is that abandoning of senior citizen by anyone having care or protection of such senior citizen is an offence punishable for a maximum period of 3 months or fine upto Rs.5000/- or with both. The Act also provides for the establishment of Old Age Homes for Indigent Senior Citizens i.e. senior citizens who do not have sufficient means.

Sections 125 to 128, Code of Criminal Procedure, 1973 enable the father or mother, who is unable to maintain himself or herself to claim maintenance from his/her major son/daughter, if they neglect or refuse to maintain the parents. This is a secular law and applies across all religions.

C. GOVERNMENTAL SCHEMES FOR SENIOR CITIZENS

The Schemes for Senior Citizens include:

- i) Integrated Programme for Older Persons under which financial assistance upto 90% of the project cost is provided to NGOs for establishing and maintaining Old Age Homes, Day Care Centres, Mobile Medicare Units and to provide non-institutional services to older persons.
- ii) Rebate in income tax, deduction in respect of medical insurance premium upto Rs.30,000/- under section 80D of Income Tax Act, 1961, deduction under section 80D for treatment of specified ailment is Rs. 60,000/- for senior citizens.
- iii) 'Senior Citizens Saving Scheme' under which the citizens of 60 years and above can deposit Rs. 1000/- or its multiples

in post offices doing savings bank work which carries an interest of 9% per annum.

- iv) Under the Indira Gandhi National Old Age Pension Scheme, central assistance is given towards pension at the rate of Rs.200/- per month to BPL persons above 60 years and at the rate of Rs.500/- per month to senior citizens of 80 years and above.
- vi) Concession for senior citizens in all classes and trains.
- vii) Reservation of two seats in the front rows of buses of State Road Transport.
- viii) Separate queues for older persons in hospitals.
- ix) Under the Antyodaya Scheme, the Below Poverty Line families which include older persons are provided food grains i.e. 35 kgs per family per month at concessional rates.
- x) Under the Annapoorna Scheme being implemented by the States/UT Administration, 10 kgs of food grains per beneficiary per month are provided free of cost to those senior citizens who remain uncovered under the old age pension scheme.

D. OBJECTIVES OF THE SCHEME

- outlining the basic rights and benefits that should be accorded to senior citizens;
- strengthening legal aid and representation at the national, state, district and taluka levels for senior citizens.
- ensuring access to various Governmental Schemes and programmes to the senior citizens;
- ensuring that the authorities and institutions such as the Tribunals and the Appellate Tribunals under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, old age homes for senior citizens are established;
- creating and spreading awareness about the rights and entitlements of the senior citizens.
- enhancing capacities of Legal Services work-force such as : panel lawyers, para-legal volunteers etc.

PLAN OF ACTION

- Establishment of Tribunals, Appellate Tribunals etc.
 - a) Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for the setting up of one or more Tribunals for each sub-division.
 - b) Section 19 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for the establishment of Old Age Homes for Indigent Senior Citizens i.e. senior citizens.
- JHALSA should carry out regular visits to the old age homes to ensure that the senior citizens have adequate facilities and that they are treated with dignity.
- JHALSA shall set up Legal Services Clinics at every Tribunal and Appellate Tribunal established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and also in old age homes.
- While at present there is a bar to lawyers appearing before the said Tribunals, it shall be ensured that trained para-legal

volunteers are available in the Legal Services Clinics to assist the senior citizens in making applications and carrying out other procedural requirements.

a) JHALSA shall encourage the students in Legal Services Clinics set up in colleges and universities to visit old age homes and provide legal services to senior citizens in the community.

b) The Legal Services Clinics shall also facilitate the widows and senior citizens in getting pensionary benefits and other entitlements.

- **Legal Representation**

a) All senior citizens who are entitled to legal aid under Section 12 of the Legal Services Authorities Act, 1987 shall be provided legal aid on a priority basis.

b) JHALSA shall ensure that the senior citizens do not have to face any kind of discomfort in procedural wrangles.

c) Every District Legal Services Authority and Taluka Legal Services Committee shall designate at least three panel lawyers as Legal Services Officers for the purpose of this Scheme.

d) The PLVs shall act as the interface between the senior citizens.

e) JHALSA shall provide training to panel lawyers to enable them to sensitively deal with cases of senior citizens.

E. Identification of issues affecting senior citizens

a) JHALSA shall make an endeavour to

identify the core issues which affect the senior citizens in a particular area and deal with them accordingly.

b) JHALSA should facilitate the setting up of self-help groups of senior citizens to encourage community support and to reduce a sense of dependency on the part of the senior citizens.

F. Database

a) JHALSA shall have database of all the existing Central or State Schemes, policies, regulations, policy directives concerning senior citizens and the same may also be published in the form of pamphlets or booklets .

b) JHALSA shall publish information booklets in regional languages explaining in simple terms:

1) provisions of law such as on maintenance, Wills, social welfare schemes;

2) details about access to remedies; and

3) contact details of helpline numbers available across the state. Such information booklets may be distributed to senior citizens and used during awareness programmes.

c) DLSAs shall also maintain a database of hospitals, medical centres and other facilities which may be available for senior citizens in their area.

d) The information maintained by DLSAs shall be circulated to the Taluka Legal Services Committees, village panchayats, legal services clinics and PLVs.

e) JHALSA shall also upload the data collected on their website.

- f) DLSAs shall prepare a database of senior citizens in their area so that PLVs may be deputed for their assistance as and when necessary. Such database may also be shared with law enforcement agencies to address the security concerns of senior citizens. This would also enable the DLSAs to provide immediate assistance to persons in distress by coordinating with the concerned departments such as health or police departments.

G. Implementation of various Schemes

- a) JHALSA shall disseminate information regarding the policies, schemes, programmes to the senior citizens and government functionaries.
- b) JHALSA shall ensure that such information is prominently displayed in old age homes, hospitals and other places which are frequented by senior citizens.
- c) JHALSA will liaise with the law enforcement authorities to address the security concerns of senior citizens.
- d) JHALSA shall develop effective coordination and interface with all the governmental bodies or functionaries, non-governmental organizations and other organizations concerning the welfare of senior citizens to ensure that the benefits reach the senior citizens.

H. Awareness

- a) JHALSA shall draw up yearly programme for creating awareness on the rights of senior citizens.
- b) The Legal Services Institutions shall organize awareness programmes to sensitize people to the needs of the senior citizens.
- c) JHALSA shall also create awareness regarding the availability of legal services for senior citizens to facilitate access to their entitlements.
- d) Special awareness drives may be undertaken in old age homes or other places frequented by senior citizens and PLVs and students may be encouraged to actively participate in such programmes.
- e) JHALSA shall engage with senior citizens and actively avail of their services in carrying out awareness programmes on various issues .

I. Observance of the International Day for the Older Persons

JHALSA and all the Legal Services Institutions shall observe 1st October of every year as the International Day for the Older Persons and organize awareness programmes on that day for creating awareness of the rights and entitlements of senior citizens.



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