



45 DAYS SPECIAL CAMPAIGN FOR CHILDREN WITH DISABILITY

**(An effective intervention of legal services for
protecting the rights of children living with disability)**

(From 13.07.2024 to 26.08.2024)



JHARKHAND STATE LEGAL SERVICES AUTHORITY

1. INTRODUCTION:

Differently Abled Persons, despite having constitutional and statutory protection and various government schemes and programmes, are subjected to multiple deprivations and limited opportunities in several dimensions of their lives. Some of these include not being enrolled on schools, lower employment rates, limited awareness of entitlements and services available and lack of social welfare support. The pseudo-stigma attached to the disabilities further compels them and their family members to lead a life of social isolation and restrictive behaviours.

As per the Census 2011, in India out of the 121 Crore population, 2.68 Crore persons are 'disabled' which is 2.21% of the total population. Out of the 2.68 crore disabled persons, 78.64 lakh are children below the age of 18 years. In the State of Jharkhand, 7,69,980 persons are disabled.

	Total Population	Disabled Population	Percentage
India	1,210,854,97	2,68,14,99	2.21 %
Jharkhand	3,29,88,134	7,69,980	2.33 %

2. STATUTORY FRAMEWORK:

The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all, including persons with disabilities.

Every child in India has the fundamental right to elementary education, including children with disabilities. India was one of the first country to ratify the United Nations Convention on the Rights of Persons with Disabilities (CRPD), showing its strong commitment to upholding the rights of persons with disabilities and to ensuring that children with disabilities have access to inclusive, quality education¹.

The Rights of Persons with Disabilities Act, 2016 makes various provisions that recognise equal rights of persons with disability and advocate for their full participation in all spheres of life. It also mandates that all children with disabilities should be provided free education and be integrated into mainstream schools. 2016 Act has been enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities. Access to justice, free education, the role of local authorities, the National fund, and the State fund for persons with disabilities have been created. 2016 Act requires a march forward look regarding persons with disabilities and the role of the States, local authorities, educational institutions, and companies. The statute

1 <https://www.unicef.org/india/media/1191/file/Making-Schools-Accessible.pdf>

operates in a broad spectrum and the stress is laid to protect the rights and provide punishment for their violation².

Individual dignity signifies identifying the individual's worth as an equivalent member of society, respect for the dignity of others and fostering conditions in which everyone can evolve according to their capacities. The principle of reasonable accommodation concedes that if disability as a social construct must be remedied, conditions must affirmatively be created for facilitating the development of the disabled i.e. it is founded in the norm of inclusion. It also implies a positive obligation to create conditions conducive to the growth and fulfilment of the disabled in every aspect of their existence.

Similarly, The Mental HealthCare Act 2017 enables mentally disabled person`s right to treatment and care in a psychiatric hospital free of cost if their parents are unable to bear the same. The Act also provides certain legal safeguards to the mentally challenged. A mentally challenged person can avail of legal aid as per section 12 of the Legal Services Authorities Act,1987.

3. NEED FOR CAMPAIGN:

NALSA has launched schemes namely the NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015 & NALSA (Legal Services For Differently Abled Children) Scheme, 2021 to ensure effective access to justice for persons with disabilities on an equal basis with other persons. Children with a mental or physical disability equally require extra care and attention. They need different and special kinds of education, skill training, health care and other basic facilities for their welfare and rehabilitation. Community service is equally important for their reintegration into society.

Children with disabilities in India face many challenges. They need special education and resources for their survival e.g. blind children need to be given training in Braille language and deaf & dumb children need to learn sign language to communicate with others. Improving vocational training for children with disabilities is a critical element for enhancing the quality of life for such children and their families.

This campaign envisages taking effective steps to provide the entitlements of targeted groups including mentally or physically disabled children and linking them with beneficial schemes etc.

4. TARGET GROUP

The target group of the campaign is:

- i. The mentally or physically disabled children.

2 JUSTICE SUNANDBHANDARE FOUNDATION v. UNION OF INDIA(2017) 14 SCC 1 - SC

- ii. The Mentally disabled Children
- iii. Children whose either or both parents are mentally or physically disabled and are poor and needy.
- iv. Children whose parents are poor and cannot afford the education of their child.

5. LEGAL BASIS AND BACKGROUND

BACKGROUND

- Persons and children with disabilities, especially those with mental illness or intellectual disabilities, face challenges in the legal system.
- Mental illness and physical immaturity can impact their ability to understand legal information, navigate court procedures, and make informed decisions.
- Effective legal representation is crucial for ensuring fair treatment within the legal system.

LEGAL BASIS

- National Legal Services Authority (NALSA) is tasked with providing legal services to disadvantaged sections of society, including persons with disabilities through the help of the NALSA (Legal Services For Differently Abled Children) Scheme, 2021 and NALSA (Legal Services to the Mentally ill and Mentally Disabled Persons), Scheme, 2015.
- The Legal Services Authorities Act (LSA Act) guarantees free legal services to persons with disabilities (Section 12d & 12g).
- The Mental Healthcare Act 2017 (MHCA) further strengthens legal protections by guaranteeing free legal services to people with mental illness (Section 27).
- As a signatory to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), India is obligated to uphold their rights to access justice (Article 13).
- The Rights of Persons with Disabilities Act, 2016 (RPwD Act) promotes access to justice through legal aid and reasonable accommodation (Section 14 & 16).
- NALSA (Legal Services to Persons with Mental illness and Persons with Intellectual Disabilities) Draft Scheme, 2024 aims to streamline the process of providing legal services to these individuals.

6. THE OBJECT OF THE CAMPAIGN

- **Accessibility & Expertise:** Ensure accessible legal services for children & persons with disabilities (physical/intellectual) with competent legal professionals throughout legal proceedings (criminal, civil, administrative).
- **Disability-Centric Approach:** Prioritize well-being, legal participation, and access

to age-appropriate, multi-disciplinary legal services through a specialized disability-centric workforce.

- **Community Outreach & Awareness:** Identify vulnerable children & persons with disabilities. Raise awareness about their legal rights and disseminate information in an age/disability/gender/culture-sensitive manner.
- **Collaboration & Ecosystem Building:** Partner with stakeholders (government, NGOs, universities) to strengthen the implementation of child rights & disability rights legislation and create a supportive ecosystem.
- **Specific Needs of PWD:** Address the unique legal & social needs of persons with mental illness/intellectual disabilities through specialized legal aid units and ensure equal access to services & information tailored to their mental health & intellectual capabilities.
- **Reception of the due entitlements:** The campaign will extend necessary support to CWCs, JJBs, MHCI, etc. to ensure that the rights and entitlements under schemes centered around the persons with disability are made available to the them, to help them with their social rehabilitation and reintegration.
- **Assurance of equal opportunity and education:** The campaign will extend necessary legal support for persons and children with disability or their dependants to take up education and avail equal opportunities.

7. ROLE OF LEGAL SERVICES AUTHORITIES:

A. Role of District Legal Services Authority (DLSA):

1. DLSAs shall be responsible for implementing all the activities provided in the plan of action.
2. DLSAs shall coordinate with all concerned Departments, NGOs working for children, Other Agencies, Line Govt. Departments/ Authorities/Association etc. in effective implementation of the plan of action. The assistance of Panel Lawyers, LADCs, PLVs etc. may also be taken.
3. The Secretaries of the DLSAs shall be responsible for regularly collecting and reviewing all the data from the activities implemented through the action plan and submitting the same to Jharkhand State Legal Services Authority in time bound manner.
4. DLSAs shall maintain records of all the schemes which are beneficial for the persons and children with disability and apply the benefits and entitlements accordingly.

B. Role of Para Legal Volunteers (PLVs):

1. The Para Legal Volunteers shall work under the guidance of DLSA and

undertake all the tasks under the supervision of the Secretary of DLSA.

2. They shall conduct regular visits to the CCIs, Children Homes, Observation Homes, Special Homes, Mental Hospitals, Centre and other homes for children and aware and assist such children in availing their entitlements.
3. They shall form bridge between the persons with disabilities and DLSAs.
4. They shall aware persons with disabilities about their legal rights and entitlements and procedure to procure them.
5. They shall provide necessary assistance to the persons with disabilities to avail their legal entitlements.
6. They shall bear in mind the following principles which are to inform all aspects of their interaction with persons with disabilities:
 - Principle of presumption of innocence
 - Principle of dignity and worth
 - Principle of participation
 - Principle of best interest
 - Principle of safety
 - Positive measures
 - Principle of non-stigmatising semantics
 - Principle of non-waiver of rights
 - Principle of equality and non-discrimination
 - Principle of right to privacy and confidentiality
 - Principles of natural justice

8. CONSTITUTION OF TEAM:

DLSA shall constitute a dedicated team consisting of members as under for effective implementation of plan of action.

1. DLSA Secretary
2. Civil Surgeon
3. District Social Welfare Officer
4. District Education Officer
5. One Member nominated by reputed NGO working for such cause.

PLAN OF ACTION:

This 45 Days Special Campaign envisages to provide all possible legal assistance to the children with disability and all efforts shall be made to make them aware and empowered about their rights. Concerted efforts shall be made to avail them benefits of Govt. Schemes, entitlements, their social rehabilitation and inclusion. The DLSAs, in effective coordination with concerned Departments, NGOs, Agencies, Institutions, Hospital and other stakeholders, shall implement the plan of action as under:

1. DLSAs shall take all necessary steps to ensure **the legal representation of children with disability.**
2. DLSAs shall take all necessary efforts **to identify children with disability in their districts and prepare a list of such children and thereupon, DLSAs shall do needful in preparation of disability certificates of children** who do not have such certificates.
3. DLSAs shall coordinate with concerned department for **linking of children with disability Govt. Schemes and Sponsorship Programmes etc.**
4. Children with Disability are eligible for getting benefits under Jharkhand Fostercare and Sponsorship Schemes. DLSA shall coordinate with concerned Department to provide each such eligible child benefits of Sponsorship Schemes.
5. DLSAs shall organise **One mega camp for distribution of Disability Certificates, Govt. benefits (such as tricycle, hearing machines, other useful instruments etc.) to children with disability.**
6. It has been seen that some children bear such disability from birth itself. Hence, **Hospital, where such child takes birth with disability, shall be duty bound to report the same to the District Legal Services Authority of their District and DLSA thereupon shall provide legal assistance to such children and their family members.**
7. Children are future of any nation and education plays important role for development of any child. Normally, Children with disability get elementary education with difficulty and even if they get elementary education, they could not continue education after class 8 due to lack of such special schools and their further education gets stopped. **DLSA shall coordinate with concerned Departments to ensure that children with disability get admission in schools and their education should not be discontinued at least till class 12.** The concerned Department may be requested to do needful in this regard.
8. DLSAs shall take all necessary steps **to identify children with disabilities** in Prisons, Children Homes, Observation Homes, Special Homes, Shelter Homes,

Place of safety, Family based alternative care and other Homes where children reside and **provide them all necessary legal assistance** as per law.

DLSA, in coordination with Govt. Department and other stakeholders, shall further take necessary efforts **to ensure linking of children with disability** with Govt. beneficial schemes/programmes/entitlements etc. Efforts shall also be made for **their social rehabilitation and inclusion**.

9. The DLSA shall take all necessary efforts **to protect the rights of children with disabilities across legal categories defined by Juvenile Justice Act- Child in Need of Care and Protection (CNCP) and Children in Conflict with the Law (CCL) and provide them all necessary legal assistance.**
10. The DLSA shall take necessary steps to **ensure legal, translation, counselling and disability friendly services for survivors of violence and sexual abuse.**
11. DLSAs shall take all necessary steps to ensure **maximum enrollment of disabled children in inclusive schools and vocational institutions in the respective Districts** and to further ensure that schools shall not deny admissions to any specially disabled child.
12. DLSA shall further take necessary steps to ensure **service quality and access of such children with disability to nutrition, medical services, counselling, after care planning and intervention to improve their quality of life.**
13. DLSAs shall take into consideration the fact that children with special needs have different characteristics and require a special form of educational service aligned to their abilities and potential and to ensure that **admission of such special children be in special or normal schools in accordance with their specificity.**
14. DLSAs shall also take steps to ensure that **requisite boards reflecting the availability of free legal services to the eligible categories including disabled persons are being displayed outside all Private and Government Schools.**

DLSAs shall further explore the possibility of **displaying such boards outside hospitals, office of Deputy Commissioners, Panchayat Ghar and other important conspicuous places.**

15. DLSAs shall coordinate with other stakeholders including NGOs working **for such cause for protection, rehabilitation and reformation of children with disability.**
16. DLSAs shall take necessary steps to ensure that **appropriate facilities must be available for female trainees with disabilities for their safety and privacy at educational institutions and training centres.**
17. DLSAs in association with Govt. Departments and NGOs shall **create awareness** about Central and State Govt. Programmes/Schemes/Projects, NALSA (Legal Services For Differently Abled Children) Scheme, 2021, NALSA (Legal Services to

the Mentally Ill and Mentally Disabled Persons), Scheme, 2015 and implementation of the Rights of Persons with Disabilities Act, 2016, The Commissions for Protection of Child Rights Act, 2005 and the Juvenile Justice (Care and Protection of Children) Act, 2015.

18. DLSAs in association with Govt. Departments, Police Departments and NGOs working for children shall conduct a **sensitization programme amongst all stakeholders** (including police officials) about:
 - The Central and State Govt. Programmes/Schemes/Projects, NALSA (Legal Services For Differently Abled Children) Scheme, 2021, NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons), Scheme, 2015 and implementation of the Rights of Persons with Disabilities Act, 2016, The Commissions for Protection of Child Rights Act, 2005 and the Juvenile Justice (Care and Protection of Children) Act, 2015.
 - sensibly dealing with such children with disabilities and their cases (behavioural aspect specially).
19. The DLSA in coordination with Govt. Department and Hospitals shall organise **legal awareness programmes**, on topics pertaining to the legal rights, entitlements and remedies for persons with mental illness and persons with intellectual disabilities. Efforts should be made to involve psychiatrists and social workers in such programmes, to address any doubts or misconceptions of participants about mental illness and intellectual disabilities.
20. DLSA shall ensure about children with mental illness's right to access mental healthcare and treatment from mental health services run or funded by the appropriate Government.
21. DLSA shall make **all necessary interventions to protect the rights of persons with intellectual disabilities** which includes: Right to equality and non-discrimination, Right to live in the community, Right to protection from cruelty and inhuman treatment, Right to protection from abuse, violence and exploitation, Right to protection and safety, Right to live at home and with family, Right to access justice, Right to protection of legal capacity, Right to support of a guardian & Right to inclusive education etc.
22. DLSA shall **liaise with the district administration and hospitals**, to provide necessary legal assistance to a person with intellectual disabilities availing benefits under various social welfare schemes including in obtaining disability certificates.
23. DLSAs in association with Govt. Departments, Agencies and NGOs shall take all necessary efforts to connect disabled children with these schemes/programmes to get benefits under them.

24. DLSAs in association with Govt. Departments, Agencies and NGOs shall conduct **special training programmes** to teach new skills to children with disabilities. The use of media for children with special needs to facilitate learning process and vocational skills of children with special needs may be very useful.
25. DLSAs in co-ordination with District Education Officers, Chief Medical Officers and other departments shall take all necessary efforts to ensure through Principal that **disability certificates are issued to all the disabled students.**
26. DLSAs in co-ordination with District Administration/ District Education Officer shall take all necessary efforts to ensure that **an accessible toilet and drinking water facilities for disabled children shall be made easily accessible in schools.**
27. DLSAs in co-ordination with District Administration shall take all necessary efforts to ensure that **an accessible toilet and drinking water facilities for disabled children shall be made easily accessible at public places.**
28. To promote a sense of belonging and togetherness amongst disabled children, DLSAs in co-ordination with District Education Officer shall take all necessary efforts to **organise competitions** and easy games viz. essay competitions, street play competitions. poster making, debates etc. in schools for disabled children. Separate team (including normal and children with disabilities both) may be formed for such competitions.
29. DLSAs in co-ordination with District Administration, Chief Medical Officers and other relevant departments shall organise **special awareness camps** for issuing disability certificates in villages, rural, urban areas and other places.
30. DLSAs shall organise **legal awareness camps for the victims of violence** particularly with disabilities as children with disabilities are more likely to be victims of violence.
31. DLSAs in coordination with Disaster Management Teams shall organise **a special awareness camps** for children with disability to be sensitised on rescue measures to be adopted in times of emergencies.
32. DLSAs shall link such legal awareness camps with NALSA Schemes *inter alia* NALSA (Legal Services For Differently Abled Children) Scheme, 2021, NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons), Scheme, 2015.
33. DLSAs shall, in collaboration with the ASHA workers, Anganwadi workers, teachers, Panchayat members and community-based organisations including Self Help Groups, **organise community-level dialogues** with targeted communities to root out the stigmas against persons with disabilities who are in conflict with the law.
34. DLSAs shall collaborate with regional All India Radio channels and Doordarshan

channels or any other mass media means **to spread awareness regarding the provisions of the schemes/Legislations etc.**

35. DLSAs shall organise workshops **to sensitize active social and outreach workers and impart to them the skills** required to strengthen the communities in the early identification of disabilities and make the communities aware of the issuance of certificates of disability and its benefits as well as the benefits to the dependants of the persons with disabilities.
36. DLSAs shall, in collaboration with the schools, colleges and community forums like the Panchayants, **organise academic recreational activities** like essay competitions, street play competitions, poster-making competitions, painting competitions and debates at different levels to increase awareness regarding the schemes amongst the communities, reduce discrimination and ensure equal opportunity.
37. DLSAs shall organise awareness workshops for Beggars' Homes, Women's Protection Homes, Child-care institutions, Juvenile Justice Boards and Child Welfare Committees to update them on the provisions and their roles in the scheme.
38. DLSAs shall organise surprise visits to child-care institutions, healthcare institutions and mental healthcare institutions as well as their respective talukas to ensure proper functionality.
39. DLSAs shall ensure that beneficiaries of the NALSA (Legal Services For Differently Abled Children) Scheme, 2021 and NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons), Scheme, 2015 shall receive all the necessary legal aid and advice in matters of compensation due to neglect or abandonment as well as benefits including certificates and allowances stemming from any other schemes than are in place for their benefit.

9. REPORTING:

The DLSAs shall be required to send compliance reports in prescribed format (format to be shared by JHALSA) to Jharkhand State Legal Services Authority **on fortnightly basis** covering all activities been conducted by DLSA under this campaign.

The activities under this campaign shall continue to be conducted even after 75 days of this campaign.

10. MAINTENANCE OF RECORD

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

- i. Differently-abled Children were identified.
- ii. Differently-abled children assisted.

iii. A kind of assistance was provided.

iv. Monitoring of wholesome assistance provided.

10. ANY PERSON IN NEED OF ASSISTANCE MAY CONTACT

Member Secretary, JHALSA on Mobile No. 8986601912 (Whatsapp No. as well) or on email: jhalsaranchi@gmail.com.

Email IDs of District Legal Services Authorities and Contact No. of Secretaries DLSA are as follows:

Name of DLSA	Name of Secretary	Contact No	Emails
Bokaro	Mr. Anuj Kumar No. II	9431350936	dlsabokaro@gmail.com
Chaibasa	Sri. Rajeev Kumar Singh	6204956312	dlsachaibasa@gmail.com
Chatra	Sri. Tarkeshwar Das	9709272674	dlsachatra@gmail.com
Deoghar	Sri. Mayank Tushar Topno	9693912400	deoghardlsa@gmail.com
Dhanbad	Mr. Rakesh Raushan	9471725596	dlsa.dhanbad@gmail.com
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