



NALSA

ENSURING ACCESS TO JUSTICE
FOR
WIDOWS LIVING IN SHELTER HOMES

NATIONAL LEGAL SERVICES AUTHORITY

12/11 JAM NAGAR HOUSE, SHAHJAHAN ROAD, NEW DELHI-110011

Ensuring Access to Justice for widows living in Shelter Homes.

Background:

As per the 2011 census, there are 5.6 crore widowed persons in India. Women outnumber men accounting for nearly 78 % i.e 4.36 crore of total widowed population. Many widows live life as social and economic outsiders, denigrated and abandoned. Often illiterate, the widows themselves are unable access any beneficial government Scheme or Justice System. They are not even aware of their entitlements under the welfare schemes. They are not aware of their inheritance and land rights.

NALSA, keeping in view the same, filed the Writ Petition titled “National Legal Services Authority Vs. Union of India” W.P. (Civil) No. 133/2012, in Hon’ble Supreme Court of India for protection of rights of the widows. Various orders were passed with regard to the widows living in the Shelter Homes of Vrindavan, Uttar Pradesh. Work was carried out for the welfare of Widows accordingly.

In a related matter (WP (C) 659 of 2007), Hon’ble Supreme Court passed judgment dated 11.08.2017. In the said judgment as many as 18 reports on the plight of widows all over the nation have been mentioned. Also a separate Committee has been constituted to scan through the reports and suggest and prefer an Elaborate Action Plan. However as per the inputs received by Hon’ble Supreme Court on Agreed Action Plan is put forth whereby NALSA is mandated to create a mechanism to provide Legal Services at Shelter Homes where Widowed women reside.

Hence, in view of the same, the following protocol has been devised.

(1) **Database of Homes housing widows:-**

State Legal Services Authorities shall help Ministry of Woman and Child Development (WCD) and State Commission for Woman(SCW) prepare a common database of Shelter Homes, run by Government or NGOs providing shelter to widows. In this process, help from the Police Departments as well as other Government departments may be sought for compiling correct data base. Data shall include the name and address of the home, total number of inmates and the organization which runs it.

(2) **Database of Widows:-**

After identification of the homes, SLSAs shall assist WCD and SCW to prepare a data base of the, data base of the widows residing therein with the help of special teams constituted with Government representatives. The information shall contain the following:

- i. Name of the widow.
- ii. Name of her deceased husband, if any.
- iii. Age.
- iv. Particulars of address where she lived with her husband (last family).
- v. The number and particulars of her children, if any.

(3) **Compilation of Welfare Schemes:-**

The State Legal Services Authorities shall make compilation of welfare schemes run by Department of Woman and Child Development or State Commission for Woman or any other Department of Central or State Government which are applicable to the widows. Poverty alleviation schemes particularly be identified and

complied. The said compilation be sent to the District Legal Services Authorities.

(4) **Constitution of Teams & Training:**

The District Legal Services Authority shall constitute a team of five members consisting of 4 Para Legal Volunteers (PLVs) and 1 Panel Lawyer. Preferably team shall be comprised of women PLVs and Panel Lawyers, if feasible one representative of DWCD and SCW as well. Credible NGOs already working in the field may be also associated with the team.

After formation of the team, a workshop be conducted for the team so as to apprise the team members about the various welfare schemes, programmes and policies related to the Widows. They be also apprised about Woman laws and law regarding inheritance. Request be made to the Department of Woman and Child Development, Department of Social Welfare, State Commission for Woman and other concerned departments to provide necessary training so that the team constituted know the various applicable welfare schemes and the formalities/process required to be completed before submitting form/application to the concerned department.

(5) **Sensitization and visits to homes:-**

The team shall also be sensitized about the objective of the visits. The following objectives of visits shall be kept in view:

- i. Verify if such widow has identification documents like Aadhar Card, Voter Card etc.
- ii. Examining as to whether widows are connected to welfare schemes meant for them, if not how to ensure it.

- iii. To identify as to whether they have been denied any right in the property to which they are entitled, if so proper litigation.
- iv. To ascertain as to whether any offence has been committed against any widowed woman, if so remedial action.
- v. To understand the legal needs of widows and suggest remedies.
- vi. To spread awareness about their entitlements under law and welfare schemes.
- vii. Whether they have Bank Account in their personal names.

Wherever and whenever deemed appropriate, Secretary, DLSA shall accompany the team during the visit. The team shall also be sensitized that their visits shall not cause unnecessary interference in the day to day working of the Home. The visits shall be accordingly devised and executed so as to cause the least interference and at the same time fulfil the objectives effectively and meaningfully.

(6) **Remedying the disconnect** :-

- i. The team shall visit the identified homes once in a fortnight.
- ii. Teams shall spread awareness amongst the inmates about the availability of free legal services and relevant welfare schemes.
- iii. The teams during their visits shall examine as to whether each of the inmates of the Home is linked to the welfare schemes or not.
- iv. They shall also determine as to whether inmates have their bank accounts and the documents such as Aadhar Card and Voter Card.
- v. In case the inmates are not having such documents and not connected to the welfare schemes then appropriate steps such as

filling of forms, writing applications and submission of forms etc.
be taken

- vi. Facilitate the making of Aadhar Card, Voter Card, opening of bank account etc. and connecting the said identified inmates with the welfare schemes.
- vii. The report in this regard be sent to the office of District Legal Services Authorities. The District Legal Services Authority shall overview the entire process.

(7) **Abandonment and denial of rights in property:-**

- i. The team shall also determine as to whether the inmates have been deprived of the self-earned or inherited property to which they are legally entitled. In such a case, the matter be reported to the office of DLSA. If matter comes within the area of operation of the concerned/local DLSA then immediately steps will be taken by DLSA for providing legal advice and assistance for institution of appropriate proceedings, if required
- ii. If the matter pertains to other DLSAs or other SLSAs, the matter be reported to the State Legal Services Authority. The State Legal Services Authority shall accordingly refer the matter to the concerned Legal Services Institution.
- iii. It be ensured that appropriate proceedings are instituted and the inmate is kept informed of the proceedings instituted and the next date of hearing etc.
- iv. In case of abandonment, steps be taken to initiate appropriate legal proceedings under Maintenance of Parents and Senior Citizens Act, 2007 against the offenders.

(8) **Facilitating remarriages of widows:-**

Widows of marriageable age be identified in the Shelter Homes. Steps be taken to promote their remarriage to bring them in main stream society. In this regard, NGOs already working in the field, may also be associated.

(9) **Identification of Mentally ill or other associated problems:-**

If in the house, the team come across any inmate who appears to be suffering from mental illness or any other associated problem, the matter be taken up with the Health Department so that the concerned department does the requisite for remedying the health problem.

(10) **Report :**

The State Legal Services Authorities shall submit compiled reports in the format annexure 'A' to the National Legal Services Authorities on quarterly basis.

ANNEXURE ' A '

Database of Shelter Homes housing widow

NAME OF SLSA: _____

Period/quarter: _____

S.NO	NAME OF HOME (ADDRESS BE MENTIONED)	NUMBER OF INMATES	INMATES CONNECTED WITH WELFARE SCHEMES	INMATES PROVIDED LEGAL ADVICE	INMATES PROVIDED LEGAL AID IN INSTITUTING PROCEEDINGS BEFORE COURT OF LAW/AUTHORITY	AWARENESS CAMPS HELD