



MEGHALAYA STATE LEGAL SERVICES AUTHORITY

STATE PLAN OF ACTION FOR THE IMPLEMENTATION OF

THE PROJECT OF THE YEAR :

NALSA (EFFECTIVE IMPLEMENTATION OF POVERTY

ALLEVIATION) SCHEME, 2015

ABOUT MEGHALAYA

Meghalaya emerged as a full-fledged State within the Union of India on 21st January 1972. 'Meghalaya' meaning 'abode of clouds' reflects the salubrity of its climate. The wettest places in the world are also located here. The State has an area of 22429 sq. km. and is located between 24°57' and 26°10' North latitudes and 89°46' and 92°53' East longitudes. The temperature varies from 2 degrees Celsius to 35 degree Celsius depending upon the altitude which varies in hills from 300 metres to 2000 metres above mean sea level. It has predominantly hilly terrain with foothills as plains and flood-prone areas. It is bounded by the Brahmaputra valley of Assam in the North and Northwest and Cachar area of Assam in the East; the Surma valley (Bangladesh) borders in the South and partly in the Southwest. Meghalaya has about 443 Kms. of international border with Bangladesh. The capital of Meghalaya, Shillong was also undivided Assam's capital from 1874 till January 1972. Shillong is located at an altitude of 1496 metres above mean sea level. The population of Meghalaya is redominantly tribal, the main tribes are the Khasis, the Jaintias and the Garos

besides other plain tribes such as Koch, Rabhas and Bodos etc. The Khasis and the Jaintias predominantly inhabiting the Districts towards eastern part of Meghalaya, belong to the Proto Austroloid Monkhmer race. The western part of the State, the Garo Hills, is predominantly inhabited by the Garos. The Garos belong to the Bodo family of the Tibeto-Burman race said to have migrated from Tibet.

The Garos are also called Achiks. The Garo, Khasi and Jaintia societies have a matrilineal system. Occupying an area of about 22429sq.km., Meghalaya has a population of about 29,66,889 people of which one third lies below the poverty line. The incidence of poverty in rural areas at about 55% is almost double the percentage of poverty in the urban areas. Meghalaya is predominantly an agrarian economy with about 80% of its total population depending entirely on Agriculture for their livelihood. However, agriculture in the state is characterised by low productivity and unsustainable farm practices, giving rise to a high incidence of rural poverty. As a result, despite the large percentage of population engaged in agriculture, the state is still dependent upon imports from other states. Meghalaya is considered to have a rich base of natural resources which include coal, limestone, sillimanite, kaolin and granite among others.

Meghalaya has a literacy rate of 62.56% as per the 2001 census and is the 27th most literate state in India. This however has rapidly increased to

74.4% in 2011. Although literacy is not very high, large parts of the population speak English as it is a common language among the locals.

The State is also governed by the Sixth Schedule and at present there are three ADC's in Meghalaya viz the Khasi Hills Autonomous District Council, the Garo Hills Autonomous District Council and the Jaintia Hills Autonomous District Council.

Major issues of state include child labour, domestic violence, juvenile delinquency, environment protection, consumer rights, superstitions, illegal migration, illegal mining ,political instability, smuggling, land disputes, ,corruption, insurgency and backwardness of rural areas.

POVERTY IN MEGHALAYA

Extent of poverty : As regards the extent of poverty in Meghalaya, four different sets of results are available, each with its own limitations. These are Planning Commission estimates; based on NSS consumer expenditure data; independent field surveys done by researchers; and house to house census done by the State Government. According to the Planning Commission there has hardly been any

decline in rural poverty in Meghalaya in the last two decades, which has hovered around 40% since 1983, though for the country as a whole rural poverty has declined from 45.7 to 27.1 per cent between 1983 and 1999-00. According to the NSS consumer expenditure data for Meghalaya and the independent surveys, rural poverty levels in 1993-94 have been assessed as between 30 to 37%, with much less destitution than in India as a whole. In addition, Government of Meghalaya conducted two censuses of the people living poverty line in 1991-92 and in 1998, and estimated that the number was 48.9% in 1991-92 but has increased to 54.5% in 1998. The gender-wise break-up of poor people shows a marginally higher number of poor women as compared to men below the poverty line. **(Courtesy :Rural Poverty in Meghalaya:Its nature, dimensions and possible options - N.C. Saxena)**

Reserve Bank of India (2015]

In their annual report of 2012, [Reserve Bank of India](#) has presented the poverty statistics for rural, urban and combined, percent below poverty line (BPL) for Meghalaya in the following order:

No. of Persons (Thousands) Rural	% of Persons (Rural) below poverty line	Poverty line (Rs)/month (Rural)	No. of Persons (Thousands) Urban	% of Persons (Urban) below poverty line	Poverty line (Rs) (Urban)	No. of Persons (Thousands) Combined	% of Persons (Combined) below poverty line
304	12.53	888.00	57	9.26	1154.00	361	11.87

Poverty have worsened in the interior due to stagnant agricultural production, soil erosion and lack of new economic opportunities. In fact falling productivity of jhum lands and the ban on timber felling and coal mining may have increased destitution in the remote villages. Slow economic growth, continuously high share of population in primary sector, and declining share of primary sector contribution to NSDP do not inspire confidence that poverty would have declined in the interior areas.

The State is almost entirely dependent on central resources for its finance and its increasing budget expenditure is due to this rather than fast economic growth in the State. Lack of infrastructure for socio-economic growth, difficulties in communication, low industrial base, and predominance of subsistence mode of agriculture have been hampering the development of the state. A successful poverty alleviation strategy in any state has four distinct elements. First, it is necessary to identify the poor and know their characteristics.

Second, it is important to understand the causes of poverty. Once the poor are identified and the causes of poverty understood, it is possible to determine the third element of the strategy namely, designing a set of specific policies to improve the living conditions of the poor. Effective strategy to improve the living standards of the poor require measures to evolve policies and institutions to accelerate growth (capacity improving) as well as those which directly enhance their immediate consumption entitlements (safety net). Finally, the implementation of the policies should be effective and the institutions evolved to implement them should be accommodating to the policies to ensure that their benefits accrue to the targeted groups. **(Courtesy :Rural Poverty in Meghalaya:Its nature, dimensions and possible options - N.C. Saxena)**

GENERAL ACTION :

- Identification of districts in the State which are in need of strategic intervention.
- Constitution of teams of PLVs and panel lawyers for working on each of the scheme in the respective districts.

- Identification of Government Departments and District authorities responsible for implementing Government schemes on the subject matter in question.
- Request the concerned department, Divisional Commissioner or District Collector to nominate one officer as the nodal officer who would be responsible for ensuring the convergence of NALSA's schemes with the policies, schemes and guidelines of the government on the subject matter. In the absence of a regular officer to fulfil this role, ensure that a retired officer is appointed to take on these responsibilities. This post of a nodal officer can also be assigned to an NGO working on the scheme, an academician or an expert in the field. Remuneration for such officer may be fixed, as determined by the Executive Chairman of each SLSA.
- Conduct sensitization programmes/skills training for the team members with the help of the Nodal officer, NGOs, academicians or any other persons having special knowledge/skills on the subject matter
- Identify NGOs working at the district level on various aspects of each scheme. Assess their utility and send proposals for accreditation of such NGOs to NALSA.
- Continue providing legal services to those entitled under Section 12 of the Legal Services Authorities Act in districts other than those identified to benefit from these schemes.

SPECIFIC ACTION:

1. Identification of Districts :

- Taking into consideration the poverty situation in Meghalaya, the Scheme shall be implemented in all districts. However, taking into consideration the local situations, the presence of Panel Lawyers and PLVs, the Garo Hills Districts shall be divided into 2 Zones viz:
 - i) Zone 1: West Garo Hills, South Garo Hills and South West Garo Hills in which the Scheme shall be implemented by the DLSA, Tura.
 - ii) Zone 2 : East Garo Hills and North Garo Hills in which the Scheme shall be implemented by the DLSA, Williamnagar.

- Efforts will be made to identify communities that have a large population that is below the poverty line also to identify the issues faced by these communities and prepare a database of the same.

2. Identification of Poverty Alleviation Schemes:

- The State Legal Services Authority shall identify the existing and active Poverty Alleviation Schemes that are applicable in the State. The following specific information shall be collected:

- i) The names of the specific districts in which they are applicable in that year.
- ii) The intended beneficiaries under each Scheme.
- iii) The name of the designated authority to be approached for access to each Scheme.
- iv) The criteria for availing each scheme and the documents required to access each Scheme .
- v) The benefits provided under each scheme.

- The State Authority shall approach the concerned State Govt. Department for collecting the above information. After receiving the above information, the State Authority shall compile the list of such schemes and such compilation shall be circulated to all the District Legal Services Authorities(DLSAs).
- The State Authority shall also upload the information in the official website.
- The list of Poverty Alleviation Schemes as compiled by the State Authority shall be circulated by the DLSAs to all the Sub Divisional Legal Services Committees , the Village Authorities, the Legal Services Officers, PLVs, Legal Care & Support Centres Law students and others who may assist in proper implementation of the Scheme.
- The State Legal Services Authority shall also collate information on the basic rights and benefits that are to be afforded to these socially and economically backward individuals.

3. Appointment of Nodal officer:

- Each DLSA shall appoint a Nodal Officer for the purpose of monitoring and monitoring and supervising the implementation of the Scheme in the district.
- The DLSA shall request a the concerned Deputy Commissioner to nominate a competent officer/person to be appointed as a Nodal Officer .
- While making such nomination, the Deputy Commissioner shall consider such officer/person who is well experienced in the field of poverty alleviation schemes. Preference shall be given to serving officers or retired officers under re-employment under the District Rural Development Agency like Assistant Project Officers etc.
- The Nodal Officer shall supervise and monitor the works of the Legal Services Officers and the PLVs in the District including field inspections as and when required by the DLSA .
- The Nodal Officer shall collect reports from the concerned Legal Services Officers on the implementation of the Scheme every month and shall compile the same and submit a monthly report to the DLSA reflecting the activities/workings of the Legal Services Authorities , PLVs etc and also his views, comments and suggestion of further action or steps for improving the implementation of the Scheme.
- On receiving the monthly report from the Nodal officer, the DLSA shall take immediate steps to act on the report in whatever way is necessary.
- A copy of the report shall be included in the consolidated report to be submitted by the DLSA to the State Authority every six months.

4. Legal Awareness Programmes:

- The State Legal Services Authority shall conduct effective legal awareness Programmes on the Scheme including the Poverty Alleviation Schemes in collaboration with the District Legal Services Authorities.
- The legal awareness Programmes shall concentrate on the rural masses with the objective of generating a wide awareness among them. Steps shall be taken by the DLSA and the Sub Divisional Legal Services Committees regarding the availability of legal services for accessing Poverty Alleviation Schemes , in villages, town, festival gatherings or other village gatherings.
- Each DLSA shall organise at least 4 legal awareness programmes on the topic each month at the Block and village levels.
- The Mobile Legal Services Van and the Multi Utility Van shall be put to effective use for spreading legal awareness in this regard.
- The topic shall also be included in the Legal Awareness programmes organised through the Doordarshan and All India Radio.
- The Legal Awareness programmes shall as far as possible be conducted in the local language.
- Pamphlets on Poverty Alleviation Schemes shall be printed for the purpose of wide distribution and display. Efforts shall be made to translate the publicity materials to the local language for the benefit of the local people.

5. Appointment of Legal Services Officers:

- All District Legal Services Authorities shall select at least 3(three) panel lawyers to be designated as Legal Services officers for the purpose of the Scheme.
- The Legal Services Officers shall be in charge of two or more C & R.D. Blocks depending on the requirements.
- Each legal services officer shall be paid an honorarium of not less than ` 500 per day plus TA/DA in connection with their work.

6. Selection of Para Legal Volunteers:

- Sufficient number of PLVS shall be selected.
- Existing PLVs who are best suited or have past experience working with the economically weaker sections of society shall be preferred.
- A team of sufficient number of PLVs shall be placed at the disposal of the each Legal Services Officer who will supervise and mentor the PLVs in his team to help the beneficiaries access the various schemes of the Govt.
- The PLVs shall be paid an honorarium of ` 250/- per day plus TA/DA in connection with their work.

7. Training Programmes:

- The DLSAs shall conduct specialised training programmes for panel lawyers , and PLVs .

- Members of village durbars/committees, law students, members of NGOs, and other stakeholders shall also be included in the Training programmes.
- A panel of Resource Persons drawn from among the Panel Lawyers, competent officers of concerned Govt. Departments shall be formed by each DLSA for the purpose of imparting effective training to the stakeholders.
- The focus of training Programmes shall be to equip the Panel lawyers, Legal Services officers , PLVs etc with the knowledge and the skill to assist in implementation of the Scheme, to sensitise them regarding the needs of persons belonging to the socially and economically weaker sections of the society and the benefits that they can avail through the Poverty Alleviation Schemes.

8. Coordination with concerned Govt. Departments etc:

- The State Legal Services Authority/DLSAs shall coordinate with the concerned Government Departments to formulate strategies to have the benefits reach the intended beneficiaries.
- The DLSAs, Legal Services Officers and PLVS shall work in close coordination with the concerned District Administration, Sub Divisional Officers, Block Development officers and village authorities and secure their cooperation.

9. Identification and Accreditation of NGOs:

- The DLSAs shall identify sufficient number of NGOs working in the field and shall furnish the list to the State Authority along with their recommendations.
- While making the selection, the DLSAs shall follow the guidelines issued by NALSA on the matter of accreditation of NGOs.

10. Legal assistance for access to Poverty Alleviation Schemes :

Legal assistance must be provided to all the Scheme Beneficiaries seeking access to Poverty Alleviation Schemes. Legal services to be provided by Legal Services Officers or volunteers under this Scheme includes, *interalia*:

- Informing the Scheme Beneficiaries about each of the Poverty Alleviation Schemes to which they are entitled, and the benefits there under
- Assisting the Scheme Beneficiary in procuring the documents required for availing the benefits under any of the Poverty Alleviation Schemes
- Informing the Scheme Beneficiary of the name and the address of the designated authority or the officer to be approached for registration under any of the Poverty Alleviation Schemes

- Offering to send para-legal volunteers including from the legal services clinics with Scheme Beneficiaries to the office of the designated authority or the officer to be approached under any of the Poverty Alleviation Schemes
- Informing the Scheme Beneficiary of her option to register a complaint with the Legal Services Officer or PLV, about any designated authority or officer under any of the Poverty Alleviation Schemes who refuses to cooperate with a Scheme Beneficiary in providing her access to the benefits that she is entitled to under the Poverty Alleviation Scheme.
- Maintaining a record of all the complaints received under sub- clause (v).
- Providing Scheme Beneficiaries with the contact number, if available, of the Legal Services Officer, and availability of the Legal Services Officer on call during working hours for such Scheme Beneficiaries to whom contact number is provided

11. Action by Legal Services Officers on complaints :

- On receiving complaints under sub-clause (5) of clause 8, each Legal Services Officer shall herself personally accompany the Complainant Beneficiary to the office of the designated authority or officer, and

assist the Complainant Beneficiary in availing the benefit that she is entitled to under the Poverty Alleviation Scheme.

- In case the designated authority or officer fails to register the Complainant Beneficiary in the Poverty Alleviation Scheme, the Legal Services Officer shall submit a complaint to the District Authority. The letter of complaint shall describe the conduct of the designated authority or officer who refused to register the

Complainant Beneficiary under the Poverty Alleviation Scheme, and circumstances of such refusal and whether refusal was despite submission of all necessary documents.

12. Action by District Authority and State Authority on complaints

- On receiving a complaint regarding the designated authority or officer, the District Authority shall seek a report from the concerned officer regarding the reasons for denying the benefits under the Poverty Alleviation Scheme to the Complainant Beneficiary.. In the event that sufficient reason is not provided by the concerned officer for refusal to register the Complainant Beneficiary in the Poverty Alleviation Scheme or to provide benefits under the Poverty Alleviation Scheme, the District

Authority shall immediately communicate to the superior officer in the department the details of the refusal to provide access to the Poverty Alleviation Scheme.

- If the superior officer, in the opinion of the District Authority, also withholds the benefit under the Poverty Alleviation Scheme without sufficient cause, the District Authority shall then communicate the same to the State Authority.
- On receiving such communication from the DLSA, the State Authority may choose to further pursue the matter with the concerned department or file appropriate legal proceedings to ensure that the Complainant Beneficiary receives the benefit under the Poverty Alleviation Scheme.
- The DLSA, through PLVs or legal services clinics, shall provide regular updates to the Complainant Beneficiary about the status of the complaint.

13. Evaluation of the Scheme

- Every Legal Services Officer shall follow-up with each Scheme Beneficiary who sought legal assistance under this Scheme and record:

a. if such person was able to register under the Poverty Alleviation Scheme sought to be registered under and whether such benefits were being received

b. any grievances experienced by the Scheme Beneficiaries in getting registered and availing benefits under the various Poverty Alleviation Schemes.

- The District Authority shall compile the observations made above for all the Legal Services Officers working under the Scheme in the district, and shall send a copy of such observations in a compiled document to the State Authority every six months.
- The State Authority shall consolidate the compiled documents received from all the District Authorities and hold a meeting every 6 months to review the functioning and effectiveness of this Scheme. The minutes of such meeting shall be recorded and published as a public document.
- If in the meeting mentioned above the State Authority finds a substantive or procedural defect in any of the Poverty Alleviation Schemes which makes seeking benefits under the scheme a problem for the Scheme Beneficiaries, such defect must be brought to the notice of the Central Government or the State Government, as the case may be for improving the specific Poverty Alleviation Scheme and/or its effective implementation.

14. Financial Implication of the Scheme and Financial Management:

- The State Authority shall frame the budget requirement for implement of the Scheme in each district based on local situations and requirements.
- The State Authority shall release a certain amount of funds to the Bank Account of the DLSAs which shall utilise the amount for implementation of the Scheme within their respective Districts.
- The State Authority shall prepare an Advisory on the basis of which the DLSAs shall utilise the funds indicating the amount estimated for each heads of expenditure in connection with the Scheme.
- The funds shall be release to the DLSAs well in advance.
- The DLSAs shall maintain proper account of the funds received including bills/vouchers duly certified and shall follow the proper procedure relating to keeping of such accounts.
- The DLSAs shall submit a monthly statement of the expenditure incurred from the fund provided.
- After the fund has been exhausted, the DLSAs shall submit Utilisation certificates in the proper form to the State Authority

- If additional fund is required, the concerned DLSA shall submit the proposal to the State Authority with proper justifications.
- All DLSAs shall observed strict propriety in matters of finance and expenditure and shall avoid extravagant and unnecessary expenditure.
