

Webinar
On
The Provisions of Legal Services Authority Act,
Compensation under Prevention of Atrocities Act
&
Victim Compensation Policy(s),

Date: 09.09.2020

By: Human Rights Law Network (HRLN), Chandigarh



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Meeting ID: 987 8164 2917, Passcode: 721006

Timing	Issue	Speaker/Resource Person
3:00 pm to 3:10pm	Welcome	Adv. Veena Kumari, HRLN, Chandigarh.
3:10pm to 3:40Pm	Provisions of Legal Services Authority in regard to avail free legal aid	Dr. Navpreet Kaur (Advocate) former project coordinator, Punjab State Legal Services Authority Co-founder/Vice President Laxmi Foundation
3:40pm to 4:20 pm	Victim compensation policy (Punjab) Policy drafted by NALSA	Adv. Veena Kumari, Human Rights Law Network, Chandigarh

		Adv. Shanno Khan, HRLN , Madhya Pradesh
4:20pm to 5:00pm	Compensation under the Scheduled Caste and Scheduled Tribes(Prevention of atrocities)Act.	Advocate Satish Kumar, High Court of Rajasthan and active member of Centre for Dalit Rights
5:00 to 5:20pm	Q & A	

REPORT

A webinar on the issue of Provisions of Legal Services Authority Act, Compensation under Prevention of Atrocities Act and Victim Compensation Policy, Punjab and Madhya Pradesh & Policy drafted by NALSA was organized on 09.09.2020 by HRLN Chandigarh.

Welcome By Adv. Veena Kumari, HRLN, Chandigarh:



The welcome note was delivered by Adv. Veena Kumari from HRLN, Chandigarh. She opened her address while stating that today we are going to talk about certain issues which are generally not talked about. She further added that our constitution grants us a life which should be protected and dignified but since it is only an ideal thought and number of times either we in the forced circumstances are required to move before the courts or are dragged to the Courts. But due to our Socio-economical and gender issues we are not in position financially to response the situation. We do need financial support to file the case or to responds the case. In the said circumstances to whom we can approach, this issue is going to be discussed. Further in circumstances we do need compensation or rehabilitation due to the crime committed against us by the State. While stating she is not to consume much time of the house and going to straight way introduce the resource persons who have consented to be present in the Webinar.

The first speaker of the webinar was Dr. Navpreet Kaur, the former consultant with Punjab State Legal AIDS Services Authority and Co-founder of the Laxmi Foundation working on the issue of Acid Attacks across the Country. She was to speak about the services available under the Legal Services Authority Act, 1986. The second issue to be discussed was crime against women with a special reference to ACID Attack policy of Punjab, Haryana, Madhya Pradesh and the policy drafted by NALSA on the directions of Hon'ble Apex Court. The third issue to be discussed was the Provisions and procedure of compensation as provided under the SC/ST Act.

Dr. Navpreet Kaur (Advocate) Former Project Coordinator, Punjab State Legal Services Authority and Co-founder/Vice President Laxmi Foundation:



Dr. Navpreet Kaur opened her address Stating that the preamble of our Constitution opens with 'we the people of India' means thereby the Constitution is ours and for us. The Constitution provides us a dignified life. Dignified life includes access to justice in all circumstances. She further added that though the Constitution provides us a dignified life, but at number of times it is violated but on the other hand due to our subjective & objective reasons we are not in position to access the Justice. She viewed that the crimes against vulnerable groups is getting increased day by day. She spoke about the grants as provided under Article 39 A.

Dr. Navpreet Shared with the house that in Legal Services Authority Act has been enacted with two objectives i.e. to provide legal aid and settlement although various forums etc. She also told about the levels of the Authority i.e. at National level, State level & District Level. She explained about the concept of help means to provide support to certain groups to access the justice which they due to their status may be economical, social or under based, they cannot access. She explained that the provisions as provided under Section 12 of the which provides Legal assessment to the members of SC/ST, victims of human trafficking, bonded labour or beggar as defined under Article 23, Women, children, mentally and physically challenged, child abuse cases victims of natural calamity, victims of Industrial disputes, the person in custody and economically low groups. She shared that the economic limit in Punjab is Rs. 2 lakh and it could be different in other States.

Dr. Navpreet lamented that the people are not aware about the Act, as they should be She explained the procedure to apply for the legal which is very simple. She also shared about the portal by NALSA where any eligible person can fill the form which is quite simple. She explained about other methods also to avail the services under the Act include in the toll free number. She also shared about the legal aid avail at the time of arrest and linkage of police Station with the legal aid advocates. She also informed about the legal help available after conviction and help by the Para-legal workers. She also shared about the ingredient of the legal help i.e. services & lawyer, court fee, charge & get certified copies translation expenses.

She also explained about the change of legal aid lawyer it not satisfied, but to do the said exercise in a responsible manner.

Adv. Veena Kumari, HRLN, Chandigarh discussed on Victim compensation policy (Punjab) Policy drafted by NALSA:



The next speaker was Adv. Veena Kumari, HRLN, Chandigarh. She opened her address that through our constitution provides dignified and safe life, but number of times their fundamental right is violated. Though the crime in general is getting increased, but this increases against in vulnerable groups like SC/ST, Women Children and Disable is on the higher side. She further added that while keeping into consideration, Special Acts have been enacted for these groups. Provision of special enactment itself shows that the particular groups need more protections. She also added that the Crime against women can be traced from the patriarchal system and tendency to control, possess or one sided controlling and obsession is reflected in our literature, movies, and songs, cultural & even festival.

She viewed that development and growth of women is not only her personal development but the whole society can get benefit out of that. Advocate Veena Shared with the house that crime committed is not only against the individual but against the State as well. If not prevented, the Criminal mind can go on repeating the offences. Therefore, the criminal Justice System provides it procedure not to prevent the crime that is one part but the adversely effected individual needs more then punishment to the perpetrator i.e. his/her rehabilitation. Though any kind of compensation or financial help cannot restore

the previous status of life to the survivor, but certainly this kind of help can compensate to some extent to the survivor/victim/family.

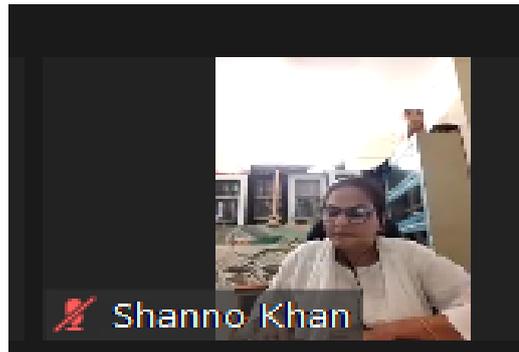
Advocate Veena shared that acid attacks which are mostly against women are getting increased day by day. It could be due to the reason of it's easily and cheap availability. She mentioned that though our Hon'ble Apex Court has passed certain directions qua the sale of acid, but till date it is easily available only by shelling Rs. 10-20/- She shared with the house that the regulation pertaining to the sale of acid and the responsibility of the Concerned SDM.

Advocate Veena Kumari viewed that though any kind of financial support cannot restore the damage cause to the survivor/victim nor her family, but all the States have notified the policies to provide medical treatment, reimbursement, compensation, monthly support, employment and fair price shops etc.

Adv. Veena spoke about the provision of the policy drafted by NALSA in 2018 which is applicable across the Country qua compensation. She also spoke about the quantum of compensation in case of POCSO cases which becomes 50% more in the compensation to the adult cases. She also shared about the circumstances wherein any survivor falls in more than one category as defined in the Schedule enclosed with the NALSA Policy and the compensation is to be paid in all those categories.

Adv. Veena Kumari shared that HRLN has filed certain old cases of acid attacks and is hopeful to get good orders in those cases and the cases where the girl/women passed away and the compensation is payable to the family of the victim.

Advocate Shanno, HRLN, Madhya Pradesh (M.P.) spoke on Victim compensation policy



Advocate Shanno Khan, HRLN, Madhya Pradesh was the next speaker on the issue of Acid attacks. She shared with the house that the State policy of Madhya Pradesh provides less compensation if the income of the survivor is more than 5 lakh. She further added that the State Policy does not provide fair compensation rather is very less. It provides compensation according to the injury caused by the attack whereas in the Laxmi case, the Judgment does not differentiate the survivor according to the injury suffered. She shared the facts of one case i.e. Rupali's case wherein the girl got defaced but her disability was only 17%. She was a bright girl with medical background and all her papers were ready to go abroad. But all her dreams of bright future and career shattered due to the said attack. Advocate Shanno shared that somehow HRLN, MP could get 4 lakh compensation for her after the kind intervention of the Hon'ble High Court. She also shared about 4 cases pertaining to the male survivors where, in view of Laxmi, compensation could be obtained. She also shared about certain cases where the parents of the survivors are not supportive and it becomes very difficult for her team to convince them.

Adv. Shanno also shared about the Constitution of the Authority and the procedure to move an application for getting compensation. She also spoke about the additional compensation in view of the letter issued by the Union of

India amounting to Rs. 1 Lakh in addition to the Compensation granted by the State.

Advocate Shanno shared that about the reimbursement, the policy of her state is silent but with great efforts in some cases they could get medical reimbursement. She shared that in her State there is no provision like monthly support to the survivor reduced to disability to the extent of 40% or more.

Advocate Satish Kumar, High Court of Rajasthan and active member of Centre for Dalit Rights:



Advocate Satish Kumar, High Court of Rajasthan and active member of Centre for Dalit Rights was the next speaker. He spoke on the provisions & procedure of compensation under SC/ST Act. He opened his presentation with the observation that the Act provides for the special Courts and the Act has been amended in the year 2016 to be affective from April 1, 2016. There is a provision of compensation varying from Rs. 1 lakh to 8.25 lakh. He further informed that there are phases to grant the compensation which is generally 25% at the time of Registration of FIR, 25% to 50% at the time of presentation of challan & remaining at the time of final order.

Advocate Satish Kumar also shared about the new offences added to the Act after amendment. He also informed the mandatory provision of uploading the information on the portals with all the details of FIR by the SHO concerned. He also shared that the verification of the details of compensation is done by the

Social Welfare department but the sanctioning power is with the District collector. Adv. Satish also shared that every State is required to make model contingency provision. However, the said exercise has been done only by ten States

Adv. Satish Kumar also shared that Rule 15(6) provides special courts. Further we can move application for compensation since the old Rules provided the same within seven days and according to new Rules it is as early as possible. Further according to Rule 15(A) (6) read with section 12 Court is to see and pass the order why compensation has not been given within two months. Advocate Satish Kumar also shared the format of application which they are using in the State of Rajasthan. Advocate Satish Kumar also shared the information about the compensation support which is granted by Ambedkar Foundation.



Advocate Rajesh Kumar raised the point pertaining to old cases which through decided, but compensation not awarded asking whether the old rate or new rate of compensation would be awarded. This query was satisfied by Adv. Rajesh Kumar that new provision is not applicable retrospectively. Further query was that if the SC/ST Act was added in the FIR but removed while presenting the Challan. Adv. Satish Kumar suggested we should not delay the matter and should try to get compensation according to the provision at the time of FIR. Adv. Satish Kumar also informed that there is no provision of recovery once the compensation granted.

The meeting was concluded with vote of thanks by Advocate Veena Kumari from HRLN Chandigarh.

PARTICIPANTS:

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10.	Shanno Khan	9827717075
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12.	Amrinder Pal Singh	
13.	Manoj Kumar	
14.	Parabhnoor Singh Mehra	
15.	Narinder Pal Khichy	

16.	Umesh Kumar	
17.	Vijay Kumar	
18.	Satish Kumar	
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33.	Ruby Lalwat	

34.	Vickey Nikhil Raj	
35.	Jasbir Kumar	
36.	Baljeet Singh	
37.	Jagdish Kumar	
38.		

END