

NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015

1. Background

- 1.1 India ram economy tisangtu ber pakhat chu nitina kuthnathawka ei zawngtute hi an ni. The economic survey of India (2007-2008) leh National Sample Survey Unorganised sector (2009-2010) –te chhut danin hnathawk zinga 93-94% te chu hemi sector-a thawk an ni. GDP-a hian 50% aia tam mah an thawh.
- 1.2 Kuthnathawh zinga a tam zawk (52 per cent) chu lo lam hnathawk an ni a. Kuthnathawh hmanga eizawngin a huamte chu in sa, dawr tenaua inhlawh, contractor hnuai inhlawh, kutthemthiam, in lama hnathawk, ramhnuai atanga lakkhawma ei zawng, sangha khawi, mahnia eizawng entirnan - rickshaw hnuk, auto driver, mutia leh a dangte.
- 1.3 Kuthnathawkte danglamna chu labour law leh dan hrang hrang hna tha tak tak thawkte tana pek, hnathawkte hamthatna leh venhimna te an hman ve theih loh hi a ni. Kuthnathawktute hian intiamna an neih theih loh avangin chhawr nasat an hlawh phah thin a. Hmun hrehawm taka thawkin hlawh tlem tham tak, hna pangngai thawkte nena khaikhin phe chuan tlem tak an hlawh bawk a. Kuthnathawktute eizawna hi hunbi nei anih avangin an hna hi sawi lawk theih a ni lo. Hemi avang hian hnathawktute hmundanga insawn a tihluar em em a; hei hian hna leh in mumal tak a neih tir theih loh mai bakah an fate zirna thleng pawhin a nghawng. Khawpuiah chuan, in leh inthiarna tha pawh awm lohna hmun – slum-ahte an khawsa thin a. Hriselna kawnga inenkawlina leh nau neiha hamthatna hna pangngai thawkte tana pek thin chu an tan engmah ruahmanna a awm ve lo. Dan-in a siam tar chawmna, hriselna lama inenkawlina leh thih hnuai tanpuina, inneih leh accident leh a dangte, entirnan - Workmen’s Compensation Act, 1923; Employees State Insurance Act, 1948; Maternity Benefits Act, 1961; Industrial Dispute Act, 1974; Payment of Gratuity Act, 1972; Employee Provident Fund and Miscellaneous Provision Act, 1952 leh a dangte hi an hmang ve thei lo va. Heng kan sawi takte nghawng chu, mi tam tak zingah nun zahthlak leh hnuaihngung takin a awm tir a ni.

1.4 Existing Legal Frame Work

Kut hnathawka ei zawng zingah chi hrang hrang awmin, hnathawhna hmun leh a dangte hi danah siam mahse, a hnuai tarlanhovah chauh hian hman theiha dan siam a ni :-

- Dock Workers (Regulation of Employment) Act, 1948;
- Beedi and Cigar Workers (Conditions of Employment) Act, 1966;
- Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984;

- Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;
- Prohibition of Employment As Manual Scavengers And Their Rehabilitation Act, 2013.

1.5 Inhlawhfa thinte tana hamthatna pe turin Central Sawrkar pawhin dan siamin a hmingah Unorganised Workers Social Security Act, 2008 a ti a. Heng scheme-te hi Building and Construction Worker Act, 1996 leh Unorganised Workers Social Security Act, 2008 tan hian thehdarh a tul a ni.

2 Scheme for providing legal services.

2.1 A chung a kan sawi tak dan siam tlemte hi hnathawktute khawsak phung nena danglamna a awm lo, a chhan chu -

- a) The Social Security Act, 2008 hian scheme tana hmalak theihna tur engmah hmanrua a ngaihtuhsak loh bakah hnathawktute`n hamthatna an hmuh theihna turin ruahmanna tha a awm lo.
- b) State tlemte chauhin Social Security Board hi dinin Section 14 hnuai a sawi lawk angin dan an duang a. State tam takah chuan, welfare scheme te hi an hmang lova, scheme hi awm pawh nise, enkawl na mumal a awm lo. Chutiang bawkin, Building and Other Construction Workers (Regulation of employment and Conditions of Service) Act, 1996 hnuai a tih ngei ngei tura tih Building and other Construction Worker Welfare Board pawh eng state mahin an din lo a ni.
- c) State tam takin Building and Other Construction Workers Welfare Cess Act, 1996 chhiah la mahse, chhiah khawnte hi hnathawktute hamthatna atan hman a ni mang lo a. A chhan awm thei chu hnathawktute inziak lut tlem vang leh/emaw in ziak lut sate tan hamthatna hi pawhsei anih lo vang a ni thei.
- d) Scheme leh hamthatna awm te hi puanzar a ni lova. Nitin inhlawhfate hi lehkhathiam an nih loh bakah an inthural loh chuan scheme chungchang hi an hre dawn lo a ni.
- e) Social Security Act 2008-a Section 19-in a sawi Workers Facilitation Centre hi eng state mahin an la din lo.
- f) Scheme hnuai a an hnathawkte ziak lut turin a chhawrtu/contractor ten mawhphurhna engmah an nei lo. Hei hi hnathawkte dil tur a ni a, amaherawhchu, an hriat loh vang leh a kalhmang an hriatloh vangin an inziak lut ngai lo a ni.
- g) Scheme tin atan a hranga dil a ngaih avangin scheme zawng zawng hamthatna hmu tur chuan hnathawktuten mamawh mahse dil a harsa thin.

h) Scheme hnuai in ziah luh hi hmun danga chhawm theih anilo, hnathawk thenkhatte hi awm kual thin an nih avangin hamthatna an dawng theilo thin a chuvangin scheme hnuai in ziah lut tur hian an in thlahdah ta thin ani.

2.2 Legal Services Institutions ten scheme duangtu thuneitute leh hamthatna dawngtu turte inkar siamthat hna an thawk thei ang. National Legal Services Authority chuan December ni 8, 2010 –a NALSA Central Authority meeting neihnaah scheme a thlang chhuak a; chu chu, National Legal Services Authority (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010 hi a ni.

2.3 Amaherawhchu, kum engemaw zat hnuah he scheme huamchhunga hnathawktu chhawmdawl mamawh tak takte harsatna leh hamthatna atana dan siam te chu hriatthiam a har hle a. Tuna scheme siamthatte hi hemi chungchang tihlawhtling tura tih a ni.

PLV, Legal Services Clinics, Front Office, Panel Lawyers leh Retainer Lawyer-te hi National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 leh National Legal Services Authority (Legal Services Clinics), 2011 leh NALSA Scheme for Para Legal Volunteers (Revised) leh Module for the Orientation – Induction – Refresher Courses for PLV Training hnuai mite nen inang khat vek an ni.

3 Name of the Scheme

Scheme hmingah chuan **“NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015”** tih a ni.

4 Objectives

- 1) Nitin inhlawhfa zawng zawng tan dan lama tanpuina pek
- 2) Dan siam/ruahman kawngah sawrkar thuneitu leh mipuite inkarah thawh hona tha siam.
- 3) State Sawrkar leh District Administration hmangin nitin inhlawhfa zawng zawng te zawn chhuaha ziahluh leh sawrkar scheme zawng zawng an dil theih hamthatna te hrih hriat.
- 4) Hlawhfa chhawrtute zingah hnathawkte chhawr dan, hlawh chungchang leh hamthatna chungchanga zirtirna pek.
- 5) Hnathawktute hnenah dan dinglai leh scheme hman meka an dil theih chungchang hrihhriat.
- 6) Chi hrang hranga inhlawhfa thinte hnenah scheme tina an dil theih tea inziak lut thei turin hrih hriat leh tanpuina pek.

- 7) An mamawh/dil theih scheme an inziah luhnaa hamthatna hmu ngei thei turin hnathawktute tanpui.

5 Guiding Principles

Inhlawhfa thinte tana scheme buatsaih laiin Legal Service Institution-in a hnuai a mi ang hi an zawm tur a ni -

- 5.1 India Constitution-a Preamble-ah hian India khua leh tui zawng zawng zinga zahawmna tichiang turin intluk tlanna leh inunauna tih belhchhah tur leh mimal zahawmna chawikanna tur thu kan hmu. Article 42-ah chuan State Sawrkarin hnathawhna kawnga diktak leh ngilnei tak leh nau neih chhawmdawl na pek an nih ngei theihna turin dan a siam tur a ni. Article 43-ah chuan hnathawk zawng zawng ten an hnathawhna kawngah an him theihna atan te, nun pangngai tak an hman theihna atan te, an hunawl nuam taka an hman theihna atan te, leh khawtlanga inhman theihna atan State tinte chu a phut tlat.
- 5.2 Kuthnathawkte dikna zah sak a ni em tih chian anih hma chu preamble-ah mimal zahawmna chawikan sak tum anihna hi a hlawhtling thei dawn lo a ni.
- 5.3 Inhlawhfa thinte hi India khua leh tui an nih angin hnathawh theihna dan an nei a, nuamsa taka hnathawh, hlawh, nau neih tanpuina leh midang ang bawka khawsak theihna an nei ve a ni. Legal Services Authorities-te hian he Constitution-a thil inziakte tihlawhtling tura hnathawh hi an tih makmawh a ni a. Legal Services Authorities-te hian rorelna kal zelah endik hna an thawk ang.
- 5.4 Sawrkarin mipuite hamthatna tur atan dan siamthat emaw scheme leh thildang a chin chhuahte hmu theitu turten an dikna/hmuh theih tur hriat hmasak a pawimawh. He thil hi inhlawhfa tan chuan hriat a harsa thei a, chuvangin Legal Services Authority- ten hrilhfiahin an pui ang.
- 5.5 Hnathawktute hi a tam ber an nih avangin dan ang taka tanpuina an dawn hi a tul tak meuh a. An dikna leh chanvo an a hun taka an hmuh ngei theih nan a tula hma lak sak tur a ni.

Plan of Action

6 Setting up of Special Cell

- 6.1 Hemi chungchanga hnathawkte tan tanpuina hlawk zawk pek a nih theih nan, State Legal Services Authorities (SLSA) ten hemi atan bik special cell an din ang. He cell enkawltu atan hian panel lawyer pakhat Labour Law lama thiamna bik nei, counselor/consultant pakhat hetiang lama zirna/thiamna nei a ni tur a ni, a remchan chuan NGO lama thawk leh Para Legal Volunteers te pawh SLSA lamin an ruat thei ang.

- 6.2 Special cell hnathawh tur chu :
- i) Inhlawhfa thin te tan Legal Awareness/Literacy programme, training leh seminar-te buatsaih.
 - ii) Inhlawhfate tana duan scheme, hamthatnaa inziah luh leh tul dangah sawrkar thuneitute nena thawhho.
 - iii) Inhnhlawhfate tana duan scheme atana inziah luhna tur application form pek chhuah leh dah khah kawngah tanpuina pek.
 - iv) Court emaw thuneitu dangte lakah inhlawhfa thin ten phut emaw inven an duhna kawngah dan hmanga puihna pek.
 - v) Thildang eng pawh State Authority te tha tih ang.
- 6.3 Special cell chu Member Secretary emaw Authority-a officer tuemaw ber, State Authority ruat kaihhraina hnuaia thawh tur a ni a, an hnathawh chungchangah a khat tawkin report a pe thin tur a ni.
- 6.4 Cell-a memberte chu an hnathawh dan azirin lawm man pek thin tur a ni, a zat chu State Authority-in a bituk ang.

7 Identification of Unorganised Workers

- 7.1 Legal Services Institutions-te hna tur hmasa ber chu an area chhunga hna chi hrang hranga inhlawhfa thinte Labour Department/ Social Welfare Department- te data hmanga zawn chhuah, a tul anih chuan anmahni emaw law zirlai leh an huamchhunga NGO-te nen tang kawpa survey buatsaih.
- 7.2 He zawh chhuah hna thawh lai hian naupang chhawr emaw mi chhawr luh emaw an awm leh awm loh zawng chhuak turin theih tawp chhuah tur a ni, hetiang mi hi hmuh chhuah anih chuan, Legal Services Authorities te'n thuneitu lamte hriattirin Bonded Labour Sysytem (Abolition) Act 1976, The Child Labour (Prohibition and Regulation) Act 1986 leh Juvenile Justice Act, 2000 hnuaia mi angin chhanchhuah, thlah zalen leh siamthat hna an thawk ang.
- 7.3 State tina area, mihring tam zawng leh thildang azirin State Authority ten category hrang hrangte zawn chhuah dan tur an duang ang.

8 Conditions of work and minimum wages

State leh District Legal Service Authorities ten State leh District Administration leh local NGO-te nena tangkawpin inhlawfa thinte a bikin, sekrek khawih thinte tana an hnathawh chungchang

dan siam mamawh leh hlawh chungchang ngaihtuah ngaihte an pui ang, a tul anih chuan State Legal services Authority ten hma an la ang.

9 Setting up of State Social Security Board and Building & Other Construction Workers Welfare Boards

Social Security Board and Building & Other Construction Welfare Boards la din lohna apiangah State Legal Services Authority chuan State Sawrkar nen an thawk dun ang a, a tul anih chuan, Hon'ble Executive Chairman, SLSA hnen atanga phalna la-in a rang thei ang bera board din tur hian High Court-ah Public Interest Litigation an siam ang.

10 Utilisation of Cess

State Legal Services Authorities chuan Building and Constructions Workers Welfare Boards thawhpuiin an chhiah lakte chu fix deposit-in an dah em tih an fiah ang a; scheme azirin hnathawktu hamthatna mamawhtute tan hman a ni em tih an fiah bawk ang. State Authorities ten board atangin chanchin kimchang an la ang a, hnathawktute hnenah hamthatna hmu thei turin an tanpui ang a, hamthatna hmu thei turin board te nen an thawk ho ang.

Hnathawktute hnenah pawh hamthatna hi pek duh loh an awm anih chuan, dan hmanga sukiang turin Special Cell for Unorganised Workers kal tlangin State Legal Services Authority hnenah a bawhzui theih ang.

11 Government Schemes under the statues

Hna hrang hranga inhlawhfa thinte tana scheme siam theuhte hriattir turin Legal Services Authority-in State Sawrkar a ngen ang. A tul anih chuan Hon'ble Executive Chairman remtihpuinain Public Interest Cases kallangin a tih theih ang.

12 Legal Awareness

12.1 Chi hrang hranga inhlawhfa thinte hriat kim hnuah, heng chi hrang hrangte tana scheme te leh hamthatna chungchangah legal awareness buatsaih a ni ang. The special cells for unorganized workers ten hemi chungchangah legal literacy camp an buatsaih ang, duhtusam chuan an hnathawhna hmunah emaw community centre leh a dangah te.

12.2 State Legal Services Authority ten hnathawktute tana scheme awm te, dil thei chin leh he hamthatna hmuhna atana inziah luh dan kimchangte awmna booklet/pamphlet-te an buatsaih ang. He booklet/pamphlet-te hi Front Office zawng zawng, Legal Services Clinics leh Special Cell-ah te a copy dah a ni ang a; tichuan, legal awareness/literacy programme-ah te sem thin a ni ang.

12.3 A chung a sawi takte hi Doordarshan, All India Radio leh Community Radio kal tlanga thehdarh tur a ni.

12.4 State chhunga Labour and Social Welfare Department hnenah Legal Services Institution-te telephone number leh helpline number leh Special Cell-a memberte te tarlang tura ngen nise.

13 Specialised Training for PLVs

State Legal Services Authority ten para legal volunteers-te tan a bik taka training neihpuiin anmahni huamchhunga inhlawhfate tana sawrkarin scheme hrang hrang a duan chungchang a thlur bing ang. PLV ten hnathawkte zirtir chhawnga, hamthatna hrang hrang hmu thei tura tanpui thei tur leh hnathawktu hamthatna mamawhtu ten an hmuhtheih ngei theihna tura thuneitute dawr thei turin training hi pek tur a ni.

14 Workers Facilitation Centres

2008 Act hnuuia Section 9 tarlan angin worker's facilitation centre din turin State Legal Services Authority-in State chhunga Labour Department a thawhpui ang. He centre-a dah turin a bik taka training pek PLV/NGO enkawl legal services clinics an din thei bawk ang.

15 Decent Working Conditions

Dan thenkhat, Building and Other Construction Workers (Conditions of Service) Act leh Beedi and Cigar Workers Conditions of Employment Act te hi heng lama hnathawk thinte tana dan siam a ni. Thildang atana chhawr thin tan dan siam ni chiahlo mahse an hlawh leh chhawr dan kawngah uchuak taka chet phal a ni lo.

State Legal Services Authority-in law zirlaite leh NGO tha takte thawhpuiin hemi atana dan siam angin hlawhfa ruai thinten an mi chhawrte hnathawh dan chungchangah campaign an buatsaih ang.

16 Seminars for Employers

State Legal Services Authority leh Special Cell for Unorganized sector ten hlawhfa la thin tute tih tur leh an mi chhawrte laka an thil tih puitlin tur chungchangah seminar a buatsaih ang.

17 Rehabilitation Schemes

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013-a Section 13-a mi angin hnathawkte siamthatna atan dan thenkhat siam a ni. State Legal Services Authority-in State a thuneitute nen emaw amahin emaw NGO-te nena thawk hovin sawi tak Act angin hnawmhaww thianfai thin te tan rehabilitation scheme a duang ang.

18 Legal Assistant and Legal Representation

Special Cell for Unorganized Workers ten a tul dan azirin hnathawktuten Court engpawh emaw thuneitu dang hmaa an inlan hmain counseling leh dan lama tanpuina an pe ang.