

Claiming Your Rights

A Manual for Ordinary People



(Version #6, April 2019)

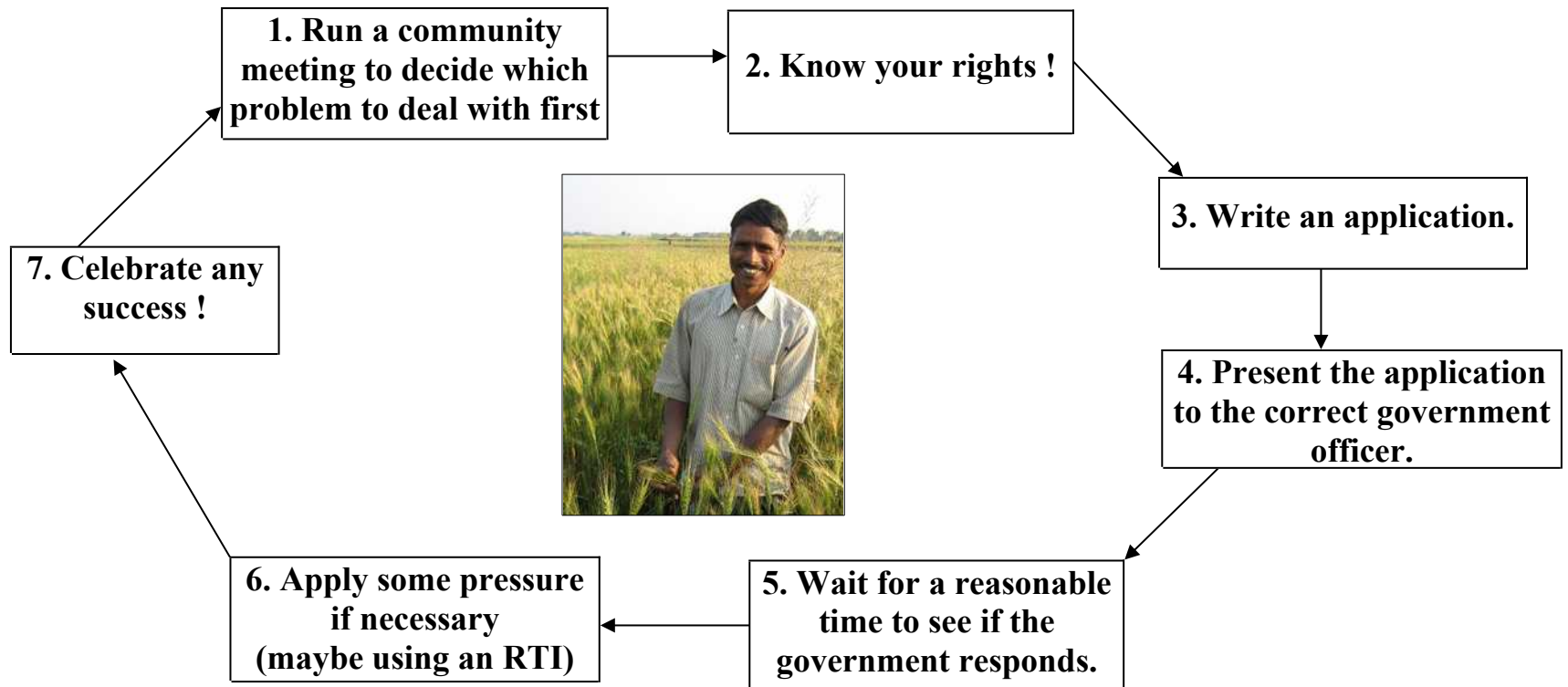
7 Steps to a Better Community !

This booklet is designed to help you and your community improve your lives!

The government has many schemes & benefits designed to help ordinary people like you, but sadly, many of those benefits don't reach ordinary people.

That's partly because many people don't know their rights, and partly because some government officers don't do their job properly. Therefore middlemen often take money from ordinary people to help them get these benefits, when they should be free.

This book takes you through 7 simple steps to increase the chances for you and your community to get those benefits, to which you're entitled! The steps are :-



1st Step: Run a Community Meeting to Choose a Problem

Individual problems, like not getting a pension or a ration card, tend to be easier to resolve. If you face one of these problems, you can work through steps 2-7 in this booklet to resolve it yourself.

If you succeed, then help someone else to solve their similar problem – but **DON'T** take a fee !

Community problems like the lack of electricity, or lack of clean drinking water, affect the whole village, colony or community. These problems are often harder to resolve and need a unified community effort. If your village has community problems like these, then hold a community meeting to decide which problem to focus on first. In the meeting, remember :-

- Everyone is important and should be heard, so invite lots of different people, not just 'big people'. Try to encourage 'little people' like women, children, older people and, people with disabilities, to attend.
- Beforehand, choose someone who's fair and respected by everyone, to facilitate the meeting.
- Listen to everyone's opinion. Summarise what people say to check you've understood them. Praise each person for what they say, so they are likely to say more later.
- Don't let anyone, especially the 'big people', dominate the meeting.
- Seek agreement on which problem to try to solve first. Don't just do what the 'big people' say, but talk about it until everyone agrees on which problem to solve first.





For the first problem you take on, choose one which:-

- Affects **OTHERS** more than you (to show you are **NOT** doing this for your benefit).
- People have plenty of **PASSION** to deal with the problem.
- Affects **MANY PEOPLE** in the village, not just a few.
- Won't create **ENEMIES** (eg trying to stop alcohol or gambling may create enemies).
- Won't take too much **MONEY** or **TIME** to solve.
- Other people in your Block or District have **SUCCESSFULLY** solved this type of problem before.






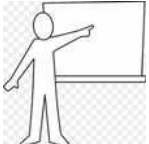




2nd Step: Know your rights!

(current as of April 2019)






Topic	Your Rights Laws (the strongest rights) are in red Schemes (not as strong but still good) are in black * Details of your rights Web reference	Where to Apply: <i>(Write the location of your local office in the space provided)</i>	Time to wait to complain	Where to Complain: <i>(Write the location of the office in the space provided)</i>
Food & Water				
1. Drinking Water 	Scheme: National Rural Drinking Water Program * 55 litres per person Web: http://indiawater.gov.in/mdws_ebook_light/mobile/index.html#p=28 (See page 28, 29)	Local office of Public Health Engineering Dept (PHED)	2 months	State Office of Public Health Engineering Dept (PHED)
2. Food Security 	Law: National Food Security Act 2013 * 5kg of grain per person * Rs1/kg Coarse, Rs2/kg wheat, Rs3/kg rice * 35kg of grain for very poor families Web: http://www.righttofoodindia.org/data/right_to_food_act_data/official_documents/NFSA_2013_Full_Text.pdf See Sct 3(1) and Schedule 1.	Local Government Ration Shop	1 month	State office of Food & Civil Supplies Dept
3. Anganwadi 	Law: National Food Security Act 2013 * Anganwadi with for nutritious food for children under the age of 6 Web: http://www.righttofoodindia.org/data/right_to_food_act_data/official_documents/NFSA_2013_Full_Text.pdf See Sct 5(1) a * Apply with a list of 40 children under 6 http://www.righttofoodcampaign.in/pre-school-nutrition/official-documents Supreme Court document 13 Dec 2006 page 16	Local office of Department of Women & Children	6 months	State Office of Department Women & Children
4. Mid Day Meal 	Law: National Food Security Act 2013 * Nutritious meal at school up to 8th standard Web: http://www.righttofoodindia.org/data/right_to_food_act_data/official_documents/NFSA_2013_Full_Text.pdf See Sct 5(1)b	Local School Principal	1 month	State Mid Day Meal Authority

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Income				
1. NREGA 	Law: National Rural Employment Guarantee Act * 100 days work per rural family Web: http://nrega.nic.in/rajaswa.pdf See Sct 4(1). * Paid minimum wage (at least Rs168 per day) http://nrega.nic.in/netnrega/writereaddata/Circulars/2325Revised_Wage_Rates_2018.pdf	Local Gram Panchayat	2 months	State office of Rural Development Dept
2. Pensions 	Scheme: National Social Assistance Program * Rs200 Old Age Pension for BPL people over 60 * Rs 300 Widow's pension for BPL widows 40-79 Web: http://nsap.nic.in/Guidelines/nsap_guidelines_oct2014.pdf (See page 6, Sct 2.3)	Local Office of Department of Social Welfare	3 months	State office of Department of Social Welfare
3. Payment for girl child 	Scheme: Balika Samridhi Yojana * Deposit Rs 500 for family on registering birth * More deposits for various stages of education * Can be withdrawn once girl reaches 18 and unmarried Web: http://wcdhry.gov.in/balika_samridhi_yojana.htm	Local Office of Department of Women & Children	1 month	State office of Department Women & Children
4. Life Insurance 	Scheme: Aam Aadmi Bima Yojana * Rs 200 per year premium, gives payout of Rs30,000 on death https://www.licindia.in/Products/Aam-Aadmi-Bima-Yojana Scheme: National Family Benefit Scheme *Rs 20,000 lump sum on death of breadwinner http://nsap.nic.in/Guidelines/nsap_guidelines_oct2014.pdf (See page 7, Sct 2.3)	For Aam Admin Bima Yjana: nearest LIC Office For NFBS: Local office of Department of Social Welfare	1 month	For NFBS: State office of Department of Social Welfare

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Health				
1. Hospitals 	Scheme: Pradhan Mantri Jan Arogya Yojna * Rs 5,00,000 of medical treatment for 500 million of most vulnerable families Web: https://www.pmjay.gov.in/	Local PMJAY registered hospital	1 month	PMJAY State Nodal Officer
2. Pregnancy & Delivery 	Law: National Food Security Act 2013 * Every pregnant woman gets Anganwadi meals * Payment of Rs5,000 for first child Web: http://www.righttofoodindia.org/data/right_to_food_act_data/official_documents/NFSA_2013_Full_Text.pdf See Sct 4(a) & (b)	Local Anganwadi, ASHA or PHC	1 month	Chief Medical Officer of District Hospital
3. Immunisations 	Scheme: Universal Immunisation Program * Free immunisations for TB, Polio, Hep B, Diphtheria, Pertussis, Tetanus, Measles, (and Brain Fever in some districts) Web: http://www.nrhmhp.gov.in/content/immunisation	Local Anganwadi, ASHA or PHC	1 month	Chief Medical Officer of District Hospital
4. TB Treatment	Scheme: DOTS * Free testing and treatment for people with TB Web: https://www.nhp.gov.in/revised-national-tuberculosis-control-programme_pg	Local DOTS Centre	1 month	State TB Officer
5. Disability 	Scheme: National Social Assistance Program * Pension Rs300/month if 80%, BPL, and over 18 http://nsap.nic.in/Guidelines/nsap_guidelines_oct2014.pdf (See page 6)	Local Office of Department of Social Welfare	3 months	State office of Dept of Social Welfare office
6. Mental Health 	Law: Mental Health Act * Right to quality, affordable treatment at government (or funded) mental health facilities Web: http://www.prsindia.org/uploads/media/Mental%20Health/Mental%20Healthcare%20Act,%202017.pdf	Nearest Government (or Gov't funded) Mental Health Facility	1 month	State office of Dept of Health and Family Welfare

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Education				
1. Schools 	Law: Right to Education Act 2009 * Free schooling up to 8 th (14yrs) (Sct 3) * Maximum 35 children in a class (Sct 25) * Priv schools: 25% seats free to EWS (Sct 12(b)) http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf See Sct 3, 12(b) & 25	Local government or (Gov't sponsored) private school	1 month	State office of Sarva Shiksha Abhiyan
2. Uniforms and books 	Law: Right To Education Rules * For free uniform & textbooks for all children at primary & upper primary level Web: http://mhrd.gov.in/rte_state_rules	Local government or (Gov't sponsored) private school	2 months	State office of Sarva Shiksha Abhiyan
3. Open school 	Scheme: National Institute of Open Schooling * Inexpensive (less than Rs1,700) distance education for anyone up to 12 th standard Web: https://nios.ac.in/departmentsunits/academic/open-basic-education-(obe).aspx	Local NIOS Centre or On-Line here	1 month	State office of NIOS
Power & Gas				
1. Electricity 	Scheme: Saubhagya * Government promise to provide electricity to all households not yet connected * Cost only Rs500 (10 x Rs50 instalments) Web: https://powermin.nic.in/sites/default/files/webform/notices/FAQs_helpline_for_Saubhagya.pdf (see FAQ#1 & 3)	State DISCOM	3 years	State office of Power Corporation
2. Gas connections 	Scheme: Pradhan Mantri Ujjwala Yojana * BPL women entitled to free connection https://indane.co.in/pradhan-mantri-ujwala-yojana.php * Every household entitled to one gas connection. https://www.iocl.com/Products/LiquefiedPetroleumGasFAQ.aspx#1	Local Indane or Bharat Gas dealer	2 months	State office of Indane / Bharat Gas

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Village				
1. Toilets 	Scheme: Swachh Bharat Mission (urban) Scheme Nirmal Bharat Abhiyan (rural) * Cash subsidy of Rs4,000 for building a toilet Web: http://swachhbharaturban.gov.in/writereaddata/SBM_Guideline.pdf (see 4.4 on page 8) Web: https://mdws.gov.in/sites/default/files/Final%20Guidelines%20%28English%29.pdf (see 5.4.2 on page 5)	Local Gram Panchayat	3 months	Office of State Water and Sanitation Mission
2. Paving and drains 	Scheme: Village Health, Sanitation & Nutrition Comm * VHSNC gets Rs10,000 annually for use for sanitation, including paved alleys & drains http://www.nhm.gov.in/images/pdf/communitisation/vhsnc/Resources/Handbook_for_Members_of_VHSNC-English.pdf (see 3.2 on pg 17)	Village, Health, Sanitation & Nutrition Committee	6 months	State office of Public Health Engineering Dept (PHED)
3. Housing 	Scheme: Pradhan Mantri Awas Yojana * Rs1,20,000 for house for poor rural families * Rs 1,50,000 for upgrade for poor urban families Web: https://pmayg.nic.in/netiay/Uploaded/English_Book_Final.pdf (See page viii (#5) and page 27 (5.1.1)) https://pmaymis.gov.in/PDF/HFA_Guidelines/hfa_Guidelines.pdf (See page 10, #7)	Local office of Dept of Rural Development	1 year	State office of Dept of Rural Development
4. Land for Landless 	Scheme: Indira Awas Yojana Home Site * Rs. 60,000 to buy land (Bihar & Rajasthan) Web: http://www.uniindia.com/landless-beneficiaries-of-pradhan-mantri-aawas-yojana-to-get-rs-60-000-to-buy-land/east/news/1392248.html	Local office of Dept of Rural Development	1 year	State office of Dept of Rural Development
5. Roads 	Scheme: Pradhan Mantri Gram Sadak Yojana * Sealed road for every village with population of over 500 (or over 250 in hilly areas) Web: http://pmgsy.nic.in/pmg61.asp	Local office of Public Works Department	1 year	State office of Public Works Department

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Human Rights				
1. Domestic violence 	Law: Protection of Women from Domestic Violence Act 2005 * No domestic violence (including physical, sexual, verbal, emotional or economic abuse, dowry demands or denying food/shelter) Web: http://wcd.nic.in/sites/default/files/wdvact.pdf (See Sct 3)	Local Police Station or Women's Commission	2 weeks	District Commissioner of Police
2. Child Labour 	Law: Child Labour (Proh'n & Reg'n) Act 1986 * No child under 14 employed in dangerous work including garages, crackers, domestic & daabas * No more than 6 hours a day. Not 7pm-8am Web: https://www.ilo.org/dyn/natlex/docs/WEBTEXT/27803/64848/E86IND01.htm (See Sct 3, Sct 7 and Schedule)	By Phone: Child Line 1098	2 weeks	State office of Labour Department
3. Child Marriage 	Law: Prohibition of Child Marriage Act 2006 * No girl under 18, or boy under 21, can be married * Punishment for anyone assisting Child Marriage Web: http://www.childlineindia.org.in/CP-CR-Downloads/Child%20Marriage%20Act%202006.pdf (See Sct 2 & 11)	By Phone: Child Line 1098	1 week	National Human Rights Commission
4. Commercial Sex work 	Law: Immoral Traffic (Prevention) Act 1956 * Traffickers can be punished up to life in prison * Trafficked minor girl can be put under care of Child Welfare Committee Web: http://www.childlineindia.org.in/CP-CR-Downloads/ImmoralTrafficPreventionact1956.pdf (See Sct 5 & 19)	Nearest Police Station	6 months	National Human Rights Commission
5. Bonded Labour 	Law: Bonded Labour System (Abolit'n) Act 1976 * Bonded labour prohibited * Freed of any debt, and can be given compensation * Can be repatriated & help rejoining mainstream http://www.childlineindia.org.in/CP-CR-Downloads/BondedLabourSystem(Abolition)Act1976andRules.pdf (Sct 4,6)	District Vigilance Committee	6 months	National Human Rights Commission

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I.D. Docs				
1. Election Identity Card 	Scheme: Election Identity Card * Any Indian citizen over 18 yrs can have name put on Electoral Role & get Election ID Card Web: http://ecisveep.nic.in/	In person: Electoral Reg'n Officer On-line: https://www.nvsp.in/Forms/Forms/form6?lang=en-GB	1 month	State Chief Electoral Officer
2. Aadhar Card 	Scheme: Aadhaar Card * Unique 12 digit Aadhaar number for any resident in India Web: https://uidai.gov.in/ (See Get Aadhaar)	At Enrolment Centre	1 month	Unique Identity Authority of India
3. Birth/Death Certificate 	Law: Registration of Births and Deaths Act * Birth certificate for any child born in India Web: Registration of Births and Deaths Act (See Sct 8 & Sct 12) Birth: http://www.advocatekhaj.com/library/legalforms/howdoi/index.php?Pno=birthcertificate.php Death: http://www.advocatekhaj.com/library/legalforms/howdoi/index.php?Pno=deathcertificate.php	If birth registered: Municipal Crpn If birth not registered : Sub-Divisional Magistrate	1 month	District Magistrate
4. OBC certificate 	Scheme: Reservation * Caste certificate for any SC, ST or OBC citizen Web: http://www.advocatekhaj.com/library/legalforms/howdoi/index.php?Pno=castecertificate.php	Sub-Divisional Magistrate	3 months	District Magistrate
5. Labour Card 	Law: Building & Other Construction Workers Act * Anyone in construction industry, 18-60 years old and has actually worked for more than 90 days in previous 12 months eligible for a card. Web: https://clc.gov.in/clc/acts-rules/building-and-other-construction-workers (See Sct 12)	On line at: http://uplmis.in/Guest/frm_CreateLogin.aspx	12 months	Regional office of Chief Labour Commissioner

3rd Step: Apply in Writing

Some applications require a particular form, available from the government office. Otherwise, write your application on blank paper and give it to the relevant department (see yellow 'Where to Apply' column in table)

Be sure to include :

- 1) **A clear statement of your problem:** For example; There is no sealed road to your village, making travel in monsoon very difficult. A photo of the problem (e.g. a muddy road) makes the application even better.
- 2) **The right you have to the benefit,** with the relevant law or scheme name: (see green 'Your Rights' column in table). For example; Under the Pradhan Mantri Gram Sarak Yojana, the government has promised a sealed road to all villages with a population of more than 500. Even better, give the website showing that scheme or law.
- 3) **Your request that is specific and clear:** What do you want, by when. For example; You want your village to be connected by a paved road by 31st March 2020. (See blue 'Time' column in table) for a reasonable time.
- 4) **Pressure:** If you don't get what you've asked for, state clearly what you will do next. Eg; If work on the road hasn't been begun by 1st July 2019, you'll lodge an RTI.

NB Copy your application to the higher government officer (see pink 'Where to Complain' column in table), responsible for this scheme, so the local officer is more likely to respond. An example letter might look like this:-

*The Manager, Public Works Dept
Fatehpur District, Uttar Pradesh
1st April, 2019.*

Re: Sealed road for Sivarampur under Pradhan Mantri Gram Sarak Yojana

Dear sir,

I live in Sivarampur village in District Fatehpur, Uttar Pradesh. Its population is approximately 1,350. I state that:-

1. *The road to my village is not sealed, so travelling to my village is difficult, especially in monsoon. I've attached a photo to show that.*
2. *I note from this website <http://pmgsy.nic.in/pmg61.asp> that under the **Pradhan Mantri Gram Sarak Yojana**, the Government of India has promised all villages of more than 500 population to be connected by an all weather road.*
3. *Since we have 1,350 residents, I am now applying for a sealed road to my village. I would like this road to be made by 31st March 2020.*
4. *If the road is not begun by 1st July 2019, I will lodge an application under the RTI Act to know what has happened to this application.*

Kind regards,

Ramesh Kumar,

H. No 6, Gali No7, Sivarampur Village, District Fatehpur, Uttar Pradesh, Tel 9750 478598

Copy UP State Public Works Department

4th Step: Give Application to Correct Government Officer

After writing the application, you can post it to the relevant office (see yellow 'Where to Apply' column in table). If you do that, send it registered post and keep the receipt, so you have proof of having applied. It may have more impact however, to give the application to the officer in person. If you do that, prepare well for the meeting :



- Go with someone else from the community (to help each other, and to be witness to any bribe).
- Get an appointment if possible (so you don't waste your time).
- Dress formally (so you appear as a person who is serious about his/her rights).
- Have your diary, paper & pen (so you can write down any future dates or promises).
- Take 2 copies of any letter or document you want to present (give one and get a 'received' copy to keep).
- Take originals and copies of documents you have to submit (so you can show, but not give the original).
- Expect many excuses! Be prepared for this, so you don't get angry when you hear the excuses.
- Know your rights (see green 'Your Rights' column in table).
- Know where the office is (see yellow 'Where to Apply' column in table) so you get there on time.
- Before you go in the office, decide what pressure you're prepared to apply (see options in 6th step).
- Learn the superior's name (see pink 'Where to Complain' column in table), so you can apply pressure.
- Decide who will speak, so you don't all try to speak at the same time.

During the meeting : -

- Introduce yourself. Check the officer's name & designation, so you don't start talking to his peon by mistake
- Clearly state your purpose for coming. Assure the officer that you don't want to take much of his/her time.
- If you are submitting an application, be sure to get a 'received' stamp on your copy, so that you have proof.
- If the officer gives excuses, stay calm! If there's an argument or raised voices, you will lose !
- Repeat whatever the officer says (whether negative or positive). That's because when the officer hears his unreasonable response repeated, he might soften it.
- Don't accept 'I'll see later', as 'later' tends to mean 'never'. Tie down any future date and put it in your diary.
- Clearly state whatever follow up / pressure you intend to do (see options in 6th step).
- Thank him/her ! (It's an unusually nice thing to thank someone, so the officer will appreciate it and may welcome you more the next time you visit.

If an officer asks you for a bribe then: -

- Ask him/her to show you where the fee is written down (to highlight it as illegal); or
- Say you'll happily pay the fee, if he gives you a receipt (also to highlight its illegality); or
- Repeat his request loudly, so that others in the vicinity hear, and he is embarrassed; or
- If he/she persists, note the details of the interaction in a way that the officer knows you're noting it. Note the day, time, place & exact demand. Note the officer's name & designation. If he refuses to give his name, then note any feature that might identify him/her like a name badge, which desk he is at, or any physical features.

After the meeting: -

Record what happened including: -

- Date & time of meeting;
- The name and designation of the officer you met;
- What was said / the result of the meeting;
- Keep safely the 'received' copy of any application; and
- Any follow up you intend to take (on the appropriate date in your diary).

Then be sure to take any action you said you would take (lodge RTI etc) by the date you said you'd take it.

5th Step: Wait a Reasonable Period of Time

Remember that in the application letter, you specified when you wanted the action taken. It takes time to build roads, make ID Cards or start anganwadis. Government officers have many people to satisfy, so wait that reasonable period (see blue 'Time' column in table), before you do anything else. As that time approaches, give the officer a call, to remind him of the time frame and to keep a little pressure on him!



6th Step: Apply Pressure if Necessary

If your application is not successful after waiting the reasonable time, it's good to apply a little pressure on the government officer. Run a community meeting to decide which of the ways to apply pressure (below) is best: -

- Complaining to the higher officer (see pink 'Where to Complain' column); or
- Lodging a Right To Information (RTI) application to the department where you applied (there's an example of an RTI below); or
- Contacting anyone you know in the media, who may write a story on the situation; or
- Conducting a non-violent sit-in protest ('dharna') outside the officer's office.



After you've tried one way of applying pressure, meet again to evaluate how successful (or not) it was. If you haven't succeeded yet, decide what pressure to apply next. Don't give up hope!

Sample RTI - Only bold writing needs to change

Public Information Officer
Public Works Department
Fatehpur District, Uttar Pradesh
1st July, 2019.

Subject: Application under the RTI Act 2005 For information regarding application for **paved road for Sivarampur village.**

Sir,

1. I made an application for a **paved road for Sivarampur village to the Manager, Public Works Department, on 1st April, 2019.** A copy of that application is attached. No satisfactory action has been taken on my application so far. Therefore kindly tell me:-
2. According to your department's rules, what is the time within which **a paved road** should be constructed after receipt of an application?
3. Please provide the daily progress made on my application. Please give the names and designations of the officials with whom my application was sitting during this period. Also the periods it was with each official and what action that official took.
4. What actions will be taken against any official who did not perform their duties on time? When will this action be taken?
5. When will **Sivarampur get its paved road?**

I am depositing the application fee (Rs10) separately for this RTI.

Thank you.

Ramesh Kumar, H. No 6, Gali No7, Sivarampur Village, District Fatehpur, Uttar Pradesh, Tel 9750 478598

Copy to: **UP State Public Works Dept** (see pink 'Where to Complain' column in table)

7th Step: Celebrate your Success!



Hopefully, after following these simple steps, you will eventually be successful in getting your rights. If you are successful, be sure to:-

- Celebrate the success with everyone who was a part of it! Have some cold drinks !
- Thank the officer who was most helpful in the success. Thanking him/her is a nice thing to do, and he/she may be more likely to help with your next problem.
- Tell people in other villages of your success, so that they're encouraged to try as well. If they're willing to try, then help them out with your expertise. But remember, don't take a fee. Just help out so you can build stronger relationship with the next village. They might help you next time !
- Decide together again with your community, what problem you want to tackle next ! You're back to Step 1!

Advocacy at work – some real success stories!

Delhi Slum gets Anganwadis

The government policy is to provide one Anganwadi for every 40 children. Janta Colony, an informal colony of 60,000 residents in Delhi, in which there were no Anganwadis, applied for Anganwadis to be established. Five months later, there was still no result, so they lodged an RTI (Right to Information) application. The following month, they received a letter saying that very soon, not one, but 17 centres would be started in Janta colony! There were more delays, but eventually the centres began to open one by one. The whole process had taken over a year, but the perseverance had finally paid off.

Jharkhand village gets electricity

Kadagdoni is a very interior village in Jharkhand, far from the main road. The Community Based Organisation (CBO) had been trying to get electricity to the village for years, but was faced with persistent demands for a bribe from the notoriously corrupt Electricity Board. After a little training, the CBO learnt more about their rights under the Rajeev Gandhi Grameen Vidyut Yojana (a scheme before Saubhagya) and collectively decided NOT to pay the bribe which was being demanded – but to work together to pressurise the government to get electricity. They applied to their Panchayat leader and also did lot of manual work for the clearing up the road to help the materials reach their village. Eventually they got their connection.

This manual was produced in collaboration with:

- Emmanuel Hospital Association www.eha-health.org ;
- EFICOR www.eficor.org ; and
- Justice Ventures International www.justiceventures.org



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