



**Jharkhand State Legal Services Authority (JHALSA)**

# **READING MATERIAL**

## **State Level Colloquium on the Role of Legal Services Authorities in Effective Implementation of Government Beneficial Schemes including the Schemes for Workers of Unorganised Sector**

**Venue : Nyaya Sadan, Doranda, Ranchi**

**Date : 16<sup>th</sup> May, 2015 (Saturday)**

*Organised by :*

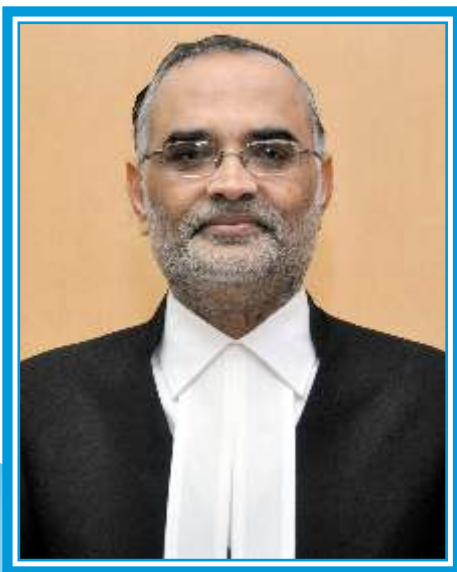
**Jharkhand State Legal Services Authority (JHALSA)**

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# Jharkhand State Legal Services Authority (JHALSA)



**Hon'ble Mr. Justice Virender Singh**  
Chief Justice, High Court of Jharkhand & Patron-in-Chief, JHALSA



**Hon'ble Mr. Justice D.N. Patel**  
Judge, High Court of Jharkhand &  
Executive Chairman, JHALSA



**Hon'ble Mr. Justice R.R. Prasad**  
Judge, High Court of Jharkhand &  
Chairman, HCLSC



# **READING MATERIAL**

## **State Level Colloquium on Role of Legal Services Authorities in Effective Implementation of Government Beneficial Schemes including the Schemes for Workers of Unorganised Sector**

**Date : 16th May, 2015 (Saturday)**

**Venue : NYAYA Sadan, Ranchi**

*Organised by :*

**NYAYA SADAN**

**Jharkhand State Legal Services Authority**

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*2. The Secretary Department of Labour, Employment and Training(Social Security), Govt. of Jharkhand, having its office at Nepal House, P.O. & P.S. Doranda, District-Ranchi*  
*3. The Commissioner, Kolhan Division, Chaibasa, P.O. & P.S. Chaibasa, District-Singhbhum East*  
*4. The Deputy Commissioner, Singhbhum East, P.O. C.H, Area, P.S. Bistupur, Jamshedpur, District-Singhbhum East*  
*5. Block Development Officer, Patamda, P.O. & P.S. Patamda, District-Singhbhum East*  
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## From the Pen of Executive Chairman, JHALSA

We have just concluded successfully 13th All India Meet of State Legal Services Authorities spread across the country under the aegis of His Lordship **Hon'ble Mr. Justice T.S. Thakur**, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority, New Delhi hosted jointly by Jharkhand State Legal Services Authority (JHALSA) and Govt. of Jharkhand at Ranchi held on 21-22 March, 2015. I take this opportunity to extend my heartfelt thanks to all the concerned for a well organized and fruitful Meet under the patronage of His Lordship **Hon'ble Mr. Justice Virender Singh**, the Chief Justice of Jharkhand High Court and Patron-in-Chief, JHALSA including all the Members of Judicial and Executive Fraternity and all those associated with Legal Services Institutions.

*In the said Meet it was resolved that NALSA shall formulate a Comprehensive Scheme/Action Plan for the Workers in the unorganized sector under the guidance of the **Hon'ble Mr. Justice Adarsh Kumar Goel**, Judge, Supreme Court of India, and circulate the same to all SLSAs. In the meanwhile every SLSA must identify the Centre and State Schemes available to workers in the unorganized sector and publish the same in vernacular, within 6 weeks and send a copy to NALSA.*

Continuing our legacy of Access to Justice, we are very happy to organize this State Level Colloquium on the Role of Legal Services Authorities in effective implementation of Govt. Beneficial Schemes by spreading awareness about the rights of the weaker sections of the society including poor unorganized workers, senior citizens, women, widow, differently abled persons etc. inasmuch as deprived of their rights due to ignorance.

As a matter of fact a number of Govt. Beneficial Schemes with an allotment of thousand and thousand crores of Rupees are provided to ensure basic rights of the poor people in order to discharge the Constitutional and statutory obligations, such as Right to Education, Right to Health, Forest Rights Act, Right to Work, Right to Food so on and so forth. In this regard a number of Judicial pronouncements have already been made by the Hon'ble Apex Court and our High Courts from time to time.

Access to Justice has all these attributes and it will remain an aspiration and not an achievement unless and until the Stakeholders of the Legal Services Institutions are committed to discharge their duties willingly by getting themselves involved in discharge of their statutory Obligations to serve legally. In this background, a State Level Colloquium on the Role of Legal Services Authorities in Effective Implementation of Government Beneficial Schemes including the Schemes for Workers of Unorganised Sector have been organized on 16th May, 2015 by JHALSA and to spread knowledge about the various Govt. beneficial schemes a LED-Display Board at Nyaya Sadan is also inaugurated on the occasion.

It is always said that our work can be called a “**success**” only when in some way it serves our fellowmen. So, let us come together and discharge our statutory and constitutional obligations with full determination and devotion.

Best of wishes,

**(Justice D.N. Patel)**  
**Judge, Jharkhand High Court**  
**& Executive Chairman, JHALSA**

# **CASE LAWS**







IN THE HIGH COURT OF JHARKHAND AT RANCHI.

**W.P (PIL) No. 2774 OF 2013**

*Court On Its Own Motion ... Petitioner*  
*-Versus-*  
*State of Jharkhand ... Respondent*

**With**

**W.P (PIL) No. 3114 OF 2012**  
*Sabhapati Prasad Kushwaha ... Petitioner*  
*-Versus-*  
*State of Jharkhand & Others ... Respondents*

**With**

**W.P (PIL) No. 638 OF 2015**  
*Court On Its Own Motion ... Petitioner*  
*-Versus-*  
*State of Jharkhand & Others ..... Respondents*

**CORAM:- HON'BLE MR. JUSTICE VIRENDER SINGH, CHIEF JUSTICE  
HON'BLE MR. JUSTICE P.P. BHATT.**

For the Petitioner : Mr. Manoj Tandon, Advocate  
[WP(PIL) Nos.2774/2013 & 638/2015]

For the Petitioner : Ms. Vipul Dirya, Advocate  
[WP(PIL) No.3114/2012]

For the Respondent-State : Mr. Jai Prakash, A.A.G &  
(all cases) Mr. Abhay Kumar Mishra, SC III

**15/ Dated : 5th May, 2015**

**Per Virender Singh, C.J. :**

Complete list of all the 26 jails in the State of Jharkhand, where mental patients, female prisoners, female prisoners along with children, female prisoners who are pregnant, female prisoners who have delivered child while in jail (under-trial/ convicts) has been provided to the Court. List of number of children who are presently staying with the female prisoners is also supplied to the Court. Mr. Jai Prakash states that a proper care is being given to all these jail inmates in terms of the Supreme Court direction.



Assistant Inspector General (Prison), who is present today, has also filed his affidavit with regard to medical upgradation of prisons in two central jails where X-ray machine, Ultrasound machine, ECG machine, Biochemistry Analyser, Dental Chair and Hospital Beds have been provided . Certain physiotherapy equipments have also been made available in Central Jail, Ranchi. Court has been informed that Technicians have also been deputed by Civil Surgeons for operating the aforesaid machines, as and when required. Doctors of different streams are also visiting the jail inmates periodically.

With regard to the enrollment of the Para Legal Volunteer in the jail, Mr. Jai Prakash states that the latest position is that in all the 26 jails 140 Para Legal Volunteers have been enrolled. He states that however , there is some confusion with the Jail Superintendents with regard to the duties to be assigned to these Para Legal Volunteers and monitoring thereof, therefore, some co-ordination is required in this regard with each District Legal Services Authority so that after working out the modalities, a uniform pattern is adopted. He states that working days to be allotted to each Para Legal Volunteer already enrolled is also one area which requires clarification from Jharkhand State Legal Services Authority and in case any register is to be maintained in this regard, it would be most appropriate if the same is provided by District Legal Services Authority. We appreciate it.

Member Secretary, Jharkhand State Legal Services Authority is directed to look into this aspect and do the needful without any waste of time.

With regard to the minimum wages to be paid to the jail convicts / under-trial prisoners, Mr. Jai Prakash has drawn attention of the Court para-7 of the affidavit filed by AIG (Prison), wherein it is mentioned that the Labour Department vide memo no. 1336 dated 25th August, 2014 has fixed the minimum wages as under :-

Sl.No.	Type Unskilled	Basic (₹)	VDA (₹)	Total (₹)
1	Unskilled	127 to 142 Avg. - 134.50	51.67	186.17
2	Semi-skilled	142 to 158 Avg. - 150.00	57.77	207.77
3	Skilled	158 to 191 Avg. - 174.50	64.29	238.79

However, according to Mr. Jai Prakash, the recommendation of the Prisoners Wages Revision Committee has been sent to the Home Department for its approval, but no decision has been taken by the Home Department till date.

On specific query put to Mr. Jai Prakash as to when was the recommendation forwarded to the Home Department for its approval, he on instructions from the AIG (Prison) states that it was sent on 9th April, 2015. Undoubtedly, there is a delay at the end of AIG (Prison) in making this recommendation to the Home Department.



However, Principal Secretary (Home), [not arrayed as party respondent] is directed to look into it and take an appropriate decision without any waste of time, preferably within two weeks only from the date, copy of the order is made available to him which shall be the responsibility of Mr. Jai Prakash only.

With regard to filling-up of the vacant posts, as indicated in para-15 of the affidavit dated 17th March, 2015, Mr. Jai Prakash states that the State has taken all necessary steps in this regard and that the latest progress report will be provided to the Court on the next date of hearing.

We defer consideration of these petitions for four weeks.

List again on 23rd June, 2015.

Appearance of the State officials, who are present today, is dispensed with.

Copy of this order be provided to learned the counsel for both the sides under the seal and signature of the Court Master and that Member Secretary, Jharkhand State Legal Services Authority be also made aware of the order of the Court for its compliance.

□□□



IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P.(PIL) No. 383 of 2014**

*Pradeep Kumar, Son of Sri A.R. Sarangi, at present resident of village-Sarangidih, P.O. Kamalpur, P.S. Patanda, District-Singhbhum East .... Petitioner*

*Versus*

- 1. The State of Jharkhand through its Chief Secretary, having its office at Project Building, H.E.C., P.O.-Dhurwa, P.S. Jagarnathpur, District-Ranchi*
  - 2. The Secretary Department of Labour, Employment and Training(Social Security), Govt. of Jharkhand, having its office at Nepal House, P.O. & P.S. Doranda, District-Ranchi*
  - 3. The Commissioner, Kolhan Division, Chaibasa, P.O. & P.S. Chaibasa, District-Singhbhum East*
  - 4. The Deputy Commissioner, Singhbhum East, P.O. C.H, Area, P.S. Bistupur, Jamshedpur, District-Singhbhum East*
  - 5. Block Development Officer, Patamda, P.O. & P.S. Patamda, District-Singhbhum East*
  - 6. Block Development Officer, Boram, P.O. & P.S. Boram, District Singhbhum East*
- .... Respondents*

**CORAM : HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE  
HON'BLE MR.JUSTICE APARESH KUMAR SINGH**

For the Petitioner : Mr. Indrajit Sinha, Advocate

For the Respondents : Mr. Rishi Pallava, JC to A.G.

**05/ Dated: 12 th February, 2015**

**Per Virender Singh, C.J.:(Oral)**

Cognizance of the instant petition was taken by the Court yesterday only and kept on board for today on request of Mr. Rishi Pallava as he wanted to have required instructions from concerned quarter.

2. Grievance projected herein is that the respondent authorities are not accepting the applications of the persons eligible for old age pension under the Indira Gandhi National Old Age Pensions Scheme on the ground that they are already getting certain benefits being Antoyadaya Anna Yojna card holders falling under below poverty line category.
3. Mr. Sinha submitted that in many cases applications were made way back in year 2007 and till date no decision has been taken for release of the old age pension under the aforesaid Scheme by the respondent authorities whereas any person after attaining the age of 60 years is entitled to cash assistance per month under the said Scheme.
4. Mr. Rishi Pallava, J.C. to learned Advocate General, after getting the requisite instructions, makes a statement at the Bar that the State has already in the process of identifying the persons who are in possession of cards under



Antoyadaya Anna Yojna so that they are also benefited under Indira Gandhi National Old Age Pensions Scheme. He states that this on going process is likely to take some time.

5. Mr. Pallava submitted that the aforesaid exercise in village Rasiknagar, mentioned in the instant petition, has already been carried out and that about 70 persons have been identified who would be entitled for old age pension under the aforesaid Scheme. He stated that after verifying all particulars, the pension shall be released to them at the earliest.
6. We appreciate the exercise carried out by the State authorities, but, at the same time, expect that the benefit under Indira Gandhi National Old Age Pension Scheme should flow towards each individual who is the Card Holder of Antoyadaya Anna Yojna as this is a social beneficial scheme and no one, who is entitled to be benefitted under this scheme, should be deprived of the same. As certain applications are already pending with the State authorities since long, as submitted by Mr. Sinha at the Bar, all those applications shall be considered as per the eligibility criteria. The entire exercise shall be carried out within 3 months only and any delay on the part of the State shall be taken very seriously.
7. We also request Executive Chairman, Jharkhand State Legal Services Authority (JHALSA) to issue necessary directions to all the Para Legal Volunteers appointed in different Legal Care and Support Centres so that they make the Card Holders of Antoyadaya Anna Yojana aware of Indira Gandhi National Old Age Pension Scheme as all these Card Holders are from lowest strata of the Society and might not be aware of the pension scheme. Para Legal Volunteers, in this situation, can really play a very important role in bridging the gap between needy, poor and ignorant, thus, would be in a position to achieve one of the objectives of the policy, "Access to Justice for All", formulated by National Legal Services Authority (NALSA).
8. Registry is directed to provide copy of the order to Member Secretary, JHALSA for placing it before Executive Chairperson, JHALSA for His Lordship's perusal and further action, if required.

The petition on hand stands disposed of, accordingly.





IN THE HIGH COURT OF JHARKHAND AT RANCHI

## Criminal Appeal (D.B.) No. 311 of 2014

(Against the judgment of conviction dated 8.5.2009 and order of sentence dated 12.5.2009 passed by learned Additional Sessions Judge, XIII, Dhanbad in Sessions Trial No.322 of 2008 )

*Chhotu Gorain son of late Shashi Gorain, resident of village Kusumkanali, PO & PS-Nirsa, District-Dhanbad .....Appellant*

*Versus*

*The State of Jharkhand ..... Respondent*

**PRESENT**

**THE HON'BLE MR. JUSTICE VIRENDER SINGH, CHIEF JUSTICE**

**THE HON'BLE MR. JUSTICE APARESH KUMAR SINGH**

For the Appellant : Mr.Ram Prakash Singh, Advocate

For the State : Mr.Shekhar Sinha, APP

**The 25th March , 2015**

**Per Virender Singh,C.J.(Oral)** - At the very outset, it needs to be mentioned here that when the appellant could not engage any lawyer of his own on account of financial constraint, he made a request to Jharkhand State Legal Services Authority for defending his cause in the present appeal. It is how JHALSA has entrusted this case to Mr.Ram Prakash Singh, Advocate.

- Appellant-Chhotu Gorain (hereinafter to be referred as the 'accused' only) along with his two co-accused, namely, Anil Goswami and Ashok Rawani faced the trial for the charge of Section 376 (2)(g) of the Indian Penal Code and vide impugned judgment dated 8.5.2009/12.5.2009 of learned Additional Sessions Judge, XIII, Dhanbad stands convicted for the said charge and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,000/-, in default thereof rigorous imprisonment for three months. He was also charged along with his other co-accused under Section 342 of the Indian Penal Code and convicted accordingly for the said charge, for which sentence of rigorous imprisonment for one year is slapped upon him and his co-accused. Both the sentences have been ordered to run concurrently.
- It needs to be mentioned here that aforesaid two co-accused, namely, Anil Goswami and Ashok Rawani filed their separate Criminal Appeals being Criminal Appeal (SJ) no. 485 of 2009 and Criminal Appeal(SJ) No.625 of 2009, questioning their conviction and sentence and both the appeals have been allowed vide judgment dated 7th January, 2010 . Records of the said appeals have been tagged with the instant appeal.
- Mr.Ram Prakash Singh, learned Advocate appearing for the accused, states that



once two co-accused of the present appellant have earned acquittal, the instant case cannot be said to be a gang rape but a case of rape simpliciter. He submitted that after the prosecutrix has been disbelieved with regard to involvement of other co-accused on the ground that she herself denied involvement of the co-accused, when stepped into the witness box, and this basic flaw by itself would be enough to disbelieve her, even with regard to the alleged involvement of the accused. But, he without joining issue on the merits of the case, simply prays for reduction of the sentence to the prescribed minimum period of seven years as the accused by now has already undergone six years and about eleven months. In support of his contentions, he has drawn the attention of the medical evidence of the prosecutrix, who happens to be a married lady having two children, eldest one of the age of 18 years.

Learned counsel on reduction of sentence relied on the judgment of the Hon'ble Supreme Court rendered in the case of **Rajesh Vs. State of Goa (2003)11 S.C.C. 736**.

5. Learned State counsel does not strongly oppose the prayer made by counsel for the appellant.
6. Although, learned counsel for the appellant has not joined issue vis-a-vis the merits of the case, yet we have re-scanned the entire evidence once again being first Court of appeal and appeal being continuation of trial. In our view, conviction of the accused under Section 376(2)(g) IPC deserves to be disturbed, in the event of his two co-accused been acquitted by this Court in two different appeals. However, he is convicted under Section 376 IPC . His conviction under Section 342 IPC is also maintained.
7. So far as sentence part is concerned, considering the totality of the facts and circumstances of the present case from all aspects, ends of justice would be adequately met, if sentence of the accused is reduced to the prescribed minimum period of seven years under Section 376 IPC. Ordered accordingly.
8. However, the sentence slapped upon him of one year rigorous imprisonment under Section 342 IPC shall remain intact. Both the sentences shall run concurrently.
9. The appeal on hand thus stands dismissed on merits, except alteration, as indicated hereinabove vis-a-vis the main offence and the sentence part.
10. Since the instant appeal has been filed through Jharkhand State Legal Services Authority, copy of the judgment be sent to Member Secretary of JHALSA, so that the accused who is languishing in the jail is made aware of the outcome of the instant appeal without any delay. Copy of the judgment shall also be provided to the accused through JHALSA
11. Learned trial court shall also be intimated of the judgment.
12. Trial court record in original be remitted to the court concerned.

□□□





IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P. (PIL) No. 4715 OF 2013**

*Court On Its Own Motion*

*Versus*

*The State of Jharkhand & Others*

WITH

**W.P (PIL) No. 6822 OF 2013**

*Mridushila Murmu wife of Sikandar Tudu r/o village Bhetatola PO & PS Maheshpur District Pakuar*

*Versus*

- 1. The State of Jharkhand*
- 2. The Principal Secretary, Deptt. Of Health Medical Education & Family Member at Nepal House, PO & PS Doranda, Distt. Ranchi*
- 3. The Director-in-Chief, Health Services, Jharkhand at Namkum, PO & PS Namkum, Distt. Ranchi*
- 4. The Mission Director, NRHM at Namkum PO & PS Namkum, Distt. Ranchi*
- 5. The Civil Surgeon-cum-Chief Medical officer, Pakur, PO PS & Distt. Pakur*
- 6. The Dy. Commissioner, Pakur, PO PS & Distt. Pakur*
- 7. Jharkhand Public Service Commission, Circular Road, Ranchi*

**CORAM : HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE  
HON'BLE MR.JUSTICE APARESH KUMAR SINGH**

For the Appellant/Petitioner : Mr.Sumeet Gadodia, Amicus Curiae  
(In W.P (PIL) No. 4715/2013)

For the Appellant/Petitioner : Mr.K.K.Ojha  
(In W.P (PIL) No.6822/2013)

For the Respondent-State: Mr.R.S.Mazumdar, Advocate General

For the Respondent-JPSC: Mr.Rajesh Shankar

**Order No. 8**

**Dated 20th February, 2015**

**Per Virender Singh, CJ.(Oral)**

Taking suo motu cognizance of the news item published in the daily newspaper 'Prabhat Khabr' dated 1st of August, 2013, the Court had taken that Public Interest Litigation [now W.P (PIL) No. 4715/2013] on its own motion relating to mortality rate of the children below the age of 5 years or upto the age of 5 years in the State of Jharkhand and sought a detailed report from the State as to what steps have been taken to reduce the infant and child death.

2. The State filed its detailed counter-affidavit in which it is stated that the Government has been providing health services to the people through 3958 HSCs (Health Sub-Center), 330 PHCs (Primary Health Center), 188 CHCs



(Community Health Center), 12 SDHs (Sub-Divisional Hospital) and 23 DHs (District Hospital).

3. The Court, while taking into account number of PHCs as indicated in the counter affidavit filed by the State, was of the view that an average of 12 PHCs for each district may not be adequate in order to provide proper health care to the people and also for increasing the institutional delivery and to reduce the infant mortality rate, it would be most appropriate if the State takes steps for increasing the number of PHCs in a phased manner and take a policy decision in this regard. With regard to filling up the vacancies in all PHCs and also to ensure availability of sufficient and quality medicine in all PHCs, the State was directed to take all required steps.
4. It appears that some steps have certainly been taken for institutional delivery to reduce infant mortality. It is also noticed that under the Janani Suraksha Yojna (JSY) provision has been made for encouraging the pregnant women to avail public health facilities. Under the scheme 'Accredited Social Health Activist' at village level have also been engaged who are known as "Asha-Sahiyaa" for bringing pregnant women to public health facilities for institutional delivery and for bringing infants to the public facilities for any medical care where free drugs, free diagnostics, free blood, free diet and free referral through P.P.P. modes are provided. Referral units have been also created for providing facilities for caesarean operation and blood transfusion. These steps for family medical assistance through home visits are being done by Sahiyaas and Anganbari workers. Auxiliary nurse midwife also appears to have been trained as skilled birth attendant. These facilities have also been created for providing specialized treatment to sick children and more such facilities are proposed to be created.
5. In this regard the role of Asha-Sahiyaa; in reaching out to the large section of rural and urban female population, is quite significant. However, in our view, their services can also be enhanced with the cooperation of Jharkhand State Legal Services Authority for creating awareness about several important welfare schemes of the Central Government/State Government intended to provide beneficial measures for uplifting the living standards of such women folk throughout the State. We, therefore, consider it proper to request the Jharkhand State Legal Services Authority to extend their services and cooperation to create a synergy with the assistance of such accredited social health activist under the NRHM for reaching out to such a large and vulnerable section of society comprising the women folk, infant and child.
6. Adverting to PIL [W.P.(PIL) No.6822 of 2013] filed by a social worker highlighting non-availability of medical treatment at Sadar Hospital, Pakur on account of non-availability of doctors, mainly in 3-4 very important streams where the services of a doctor is required round the clock, the Court took serious note of the said fact and sought response from the State as to whether any step has been taken for recruitment of the medical officers so that no Government



Hospital, especially, in the villages should face this problem. Learned Advocate General informed us that requisition for recruitment of 556 Medical Officers has already been sent to JPSC vide Health Department somewhere in March-April 2014. It is how JPSC was arrayed party-respondent by the Court vide its last order dated 3rd February, 2015.

7. Mr. Rajesh Shankar, learned counsel appearing for the JPSC states that pursuant to the requisition of the State Government, an advertisement has already been notified and even applications were received. He states that the exercise for selecting Medical Officers is likely to be complete months positively.
8. With regard to filling up the vacancies of para medical staff, learned Advocate General has informed the Court that a communication for filling up 93 posts of Grade-A Nurse, 154 Pharmacist and 131 Lab Technician has already been sent to Staff Selection Commission (SSC) of Jharkhand.

We direct SSC to fill up all the aforesaid posts within three months only.

9. With regard to availability of medicines in all PHCs and SHs of the State, learned Advocate General states that funds have been allocated district- wise by the State and perhaps released also.
10. At this stage, Mr. Gadodia states that no doubt, the State has started the exercise of filling up of 556 posts of General Duty Medical Officer, but, State should also appoint Specialized Medical Officers for each main stream so that no one should go out of the State for any specialized treatment, which undoubtedly would cost a lot.
11. Learned Advocate General, while responding to it, states that although the State has already taken required step in this regard, but, he would report complete instructions on the next date of hearing by filing a detailed response.  
List again on 16.06.2015.
12. Registrar General is directed to provide copy of the order to Member Secretary, Jharkhand State Legal Services Authority so that the same is placed before Hon'ble Executive Chairperson, JHALSA for further action, if required, as indicated in para 5 of the order.
13. Copy of this order shall also be provided to Mr. R.S. Mazumdar, learned Advocate General, Mr. Rajesh Shankar, appearing for JPSC and Mr. Sumeet Gadodia, Amicus Curiae.

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IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P.(PIL) No. 3731 of 2014**

*Rajan Kumar Singh ..... Petitioner*  
*Versus*  
*Union of India and ors. .... Respondents*

**CORAM : HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE**  
**HON'BLE MR.JUSTICE D.N. PATEL**

For the Petitioner : Mr.Anup Kumar Agarwal,Adv.

For the Respondents: JC to AAG.

M/s Rajiv Ranjan, Ananda Sen, Tapas Kabiraj, S.Choudhary,  
P.A.Khan, A.Anand, N.Bakshi & D.Sen, Advocates

**Order no. Dated 11th November, 2014**

**Per Virender Singh, C.J.**

**I.A. No. 5625 of 2014**

1. This is an application for deletion of the name of respondent no.4-Bishop School, Ranchi from the array of the respondents.
2. Learned counsel for the non-applicant-writ petitioner did not raise any objection.
3. Resultantly, this application stands allowed. As prayed, name of respondent no.4 is deleted from the array of respondents. I.A. No.5625 of 2014 stands disposed of.
4. Registry is directed to carry out necessary changes in the cause title.

**I.A. No. 5746 of 2014**

1. The learned counsel for the respondents accept notice of this Interlocutory Application. Let a copy of this application be provided to the counsel for the respondents.
2. The respondents may file response to the aforesaid Interlocutory Application.

**W.P.(PIL) No. 3731 of 2014**

1. Issue fresh notice upon respondent no.21 under ordinary process, for which Dusti summon be filed within a week.
2. Registry of this Court is directed to tag W.P.(C) No. 5918 of 2011 along with the instant Public Interest Litigation [W.P.(PIL) No.3731 of 2014].
3. Copy of W.P.(C) No. 5918 of 2011 shall be provided to Mr.Anup Kumar Agrawal, learned counsel appearing for the petitioner in the instant Public Interest Litigation.



4. This Public Interest Litigation has been preferred for getting a writ of mandamus to be issued upon the respondents to consider the applications of the children belonging to the weaker section and disadvantaged group and to provide them admissions in the Schools within the State of Jharkhand, with a reservation of 25% of seats, as per Section 12(1) (c) of the Right of Children to Free and Compulsory Education Act, 2009 (for the sake of brevity to be referred as the "Act, 2009") and the Rules made thereunder.
5. It is submitted by the learned counsel for the petitioner that now the Schools in the State of Jharkhand have started the admission process for the academic year 2015-16. If these seats are filled up by the Schools, then the children belonging to weaker section and disadvantaged group will not be in a position to get admissions and, therefore, he has prayed for an interim order to the effect that 25% of total seats in the Schools within the State of Jharkhand, to whom the Act, 2009 is applicable, may be kept vacant at present and they may be filled up by the children belonging to weaker section and disadvantaged group, after receiving applications from them.
6. We have heard learned Advocates appearing for the respondents, who have submitted that they have no objection to follow the Act, 2009, but, the criteria for giving admissions to the children belong to weaker section and disadvantaged group may be followed scrupulously. It is also submitted by the learned counsel for the respondents that let this admission process of 25% of seats be controlled by Nodal Officer. It is also submitted by the learned Advocates for both the sides that the State of Jharkhand has appointed District Superintendent of Education as a Nodal Officer and, therefore, let this Nodal Officer give the list of those children who are belonging to weaker section and disadvantaged group, who are falling within the ambit of Section 12(1)(c) of the Act, 2009, which reads as under :

***"12. Extent of school's responsibility for free and compulsory education. -***

*(1) For the purpose of this Act, a school, -*

*(a) .....*

*(b) .....*

*(c) specified in sub-clauses(iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:*

*Provided further that where a school specified in clause (n) of section 2 imparts pre- school education, the provisions of clauses(a) to (c) shall apply for admission to such pre- school education.*

*(2) .....*

*(3) .....*



7. Having heard learned Advocates for both the sides and looking to the facts and circumstances of the case and also looking to the provisions of the Act, 2009, there is a prima facie case in favour of the children belonging to weaker section and disadvantaged group. An irreparable loss will be caused to the children belonging to weaker section and disadvantaged group, if all the seats are filled up by the Schools, as defined under section 2(n) of the Act, 2009. Balance of convenience is also in favour of these children.
8. We, therefore, direct :
- (a) the respondents not to fill up 25% of seats by the children other than belonging to weaker section and disadvantaged group;
  - (b) the State of Jharkhand (respondent no.2) to appoint a Nodal Officer, may be District Superintendent of Education, who will scrutinize these applications and the children, who are fulfilling the criteria for getting admissions in these 25% of quota, will be enlisted and the said list will be provided to the concerned schools, who, in turn, will give admissions to the children belonging to the weaker section and disadvantaged group, residing in the neighbourhood. The Nodal Officer shall follow the Act, 2009 and the Rules, made thereunder and will also follow the necessary circular(s), issued by the competent authority, which are enforceable by law.
  - (c) that though in this Public Interest Litigation, the respondents -schools are limited to the city of Ranchi, but, looking to the **statements of object and reasons** of the Act, 2009 and also looking to the fact that in the State of Jharkhand this Act, 2009 is more observed in a breach than in compliance and also looking to the interest of public at large and the children belonging to weaker section and disadvantaged group, we hereby expand the scope of this Public Interest Litigation to the extent that the State of Jharkhand will also direct all the Schools, as defined under Section 2(n) of the Act, 2009 and to all the Schools to which the Act, 2009 is applicable, to fill up 25% of seats only from the children, belonging to weaker section and disadvantaged group, residing in the neighbourhood. This 25% of seats will not be filled up by any children other than what is permitted under Section 12(1)(c) of the Act, 2009. For these Schools also, Nodal Officer shall be appointed by the State, may be the District Superintendent of Education, who will scrutinize these applications and the children, who are fulfilling the criteria for getting admissions in these 25% of quota, will be enlisted and the said list will be provided to the concerned Schools, who, in turn, will give admissions to the children belonging to the weaker section and disadvantaged group, residing in the neighbourhood. The Nodal Officer shall follow the Act, 2009 and the Rules made thereunder and will also follow the necessary circular(s), issued by the competent authority, which are enforceable by law.



- (d) the State of Jharkhand that at every School to which the Act, 2009 is applicable, a notice/board/hoarding/ notice board may be displayed at a conspicuous place, narrating the right of getting admission in Schools of children belonging to weaker section and disadvantaged group. There shall also be a mentioning about eligibility of the children like Income, Below Poverty Line(BPL) Card, Resident in a near neighbourhood etc. in the said notice/board/hoarding/notice board;
- (e) the State of Jharkhand to publish list of persons, included in the BPL list, so that the public at large may look to the list for getting admission in the Schools.
9. List this Public Interest Litigation alongwith I.A. No. 5746 of 2014 again on 2.12.2014.
10. Copy of this order be provided to the learned counsel for the parties under the signature and seal of the Court Master for communicating the order to the concerned quarter without any delay.

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IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P.(PIL) No. 2810 of 2012**

*National Domestic Workers Welfare Trust, Ranchi ..... Petitioner*  
*Versus*  
*The State of Jharkhand & Others ..... Respondents*

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE AMITAV K. GUPTA**

For the Petitioner : M/s. Anup Kumar Agrawal, Advocate Robit Thakur, Advocate

For the Respondents-State : Mr. Rajesh Kumar, G.P.V

For the Union of India : Mr. Md. Mokhtar Khan, A.S.G.I.

**12/Dated: 12th November, 2013**

**Per D.N. Patel, A.C.J.:**

1. Learned counsel appearing for the petitioner has submitted that despite several schemes being floated by the Central Government and despite a sizable amount is being given by the Central Government and despite the readiness of the Central Government to provide substantial financial assistance for implementation of ten schemes under the Unorganized Workers Social Security Act, 2008 (for the sake of brevity, hereinafter referred to as 'the Act, 2008') the State Government of Jharkhand has not yet implemented the schemes fully. Even the Board to be constituted under the Act, 2008, was not constituted and now by the order of this Court in this Public Interest Litigation, the Board has been constituted, but, still not a single meeting has been convened by the said Board. The money or the budget allocated by the Union of India for the State of Jharkhand, is to be unutilized for those ten schemes. There are several schemes out of these ten, which are being hundred per cent financially assisted by the Central government whereas in other schemes, it is partially financed by the Central Government. The State is unable to exploit the benefits of the schemes to its fullest extent, which are meant for the welfare of the downtrodden classes of the State of Jharkhand and also for those who are financially poor.
2. This Court has passed various orders in this writ petition and upon the direction of this Court, vide order dated 7.8.2013, 27.8.2013 and vide order dated 11.9.2013, now, the Board has been constituted as envisaged under Section 6 of Act, 2008, and now the Rules have also been drafted by the State of Jharkhand under The Act, 2008. These Rules have also been approved by the State Government. Thus, this is a Public Interest Litigation in its true sense and in its true spirit.
3. Yesterday, this matter was taken up for hearing and was adjourned for today. We have called Shir Vishnu Kumar, S/o Dr. R.S. Gupta, Principal Secretary, Labour, Employment and Training Department, government of Jharkhand,





who is present in the Court today. He has pointed out that there are ten schemes floated by the Central Government under the Act, 2008. Out of these ten schemes, the State has taken steps for implementation of nine schemes. He has narrated in details about the schemes and has submitted that there are various schemes in which substantial finance is being provided by the Central Government and in few schemes, hundred per cent finance is being provided by the Central Government, like National Family Benefit Schemes, etc. It is also submitted by the aforesaid officer to this Court that it is true that still more beneficiaries should take the advantage of these schemes, and perhaps, the beneficiaries, who are within the State of Jharkhand, are not aware about these schemes. A sizable amount of fund has already been lapsed because these schemes have been floated from the year 2007 onwards and still even as per the aforesaid officer, they are unable to give the benefit to the beneficiaries of the State of Jharkhand to its fullest extent.

4. Having heard the counsel for both the sides and looking to the provisions of the Act, 2008, and the Rules, 2013 and the Schemes floated by the Central Government, it appears that :
- i) The following are the Schemes being floated by the Central Government under the Unorganized Workers' Social Security Act, 2008 (the Act, 2008). The name of the schemes, the eligibility criteria and the number of beneficiaries found out by the State of Jharkhand are referred as under:

**Schemes for Unorganized Workers under Unorganized Workers Social Security Act, 2008, Eligibility Criterion and Number of Beneficiaries**

Sl.No.	Name of Schemes	Eligibility Criteria	Number of Beneficiaries
<b>LABOUR EMPLOYMENT &amp; TRAINING DEPARTMENT</b>			
1.	Indira Gandhi National Old Age Pension Scheme	The age of the applicant (male or female) shall be 60 year or higher (excluding BPL widows and BPL persons with severe and multiple disabilities in the age group of 60-79 yrs.	5.70 Lakhs
2.	National Family Benefit Scheme	1.The 'primary breadwinner' will be the member of the household -male or female -whose earning contribute substantially to the total household income. 2.The death of such a primary breadwinner should have accrued while he or she is in the age group of 18 to 59 years i.e. more than 18 years of age and less than 60 years of age. 3.The bereaved household qualifies as one below the poverty line according to the criterion prescribed by the government of India. 4.The central assistance under the scheme will be Rs.20,000/- in the case of death of the primary breadwinner.	1712
3.	Aam Admi Bima Yojna	1.The member should be aged between 18 years completed and 59 year nearer birthday. 2.The member should normally be the head of the family or an earning member of the below poverty line family (BPL) or marginally above the poverty line under the identified vocational group/ rural landless household.	67000



4.	Rashtriya Swasthya Bima Yojna	<p>BPL Family / People</p> <ul style="list-style-type: none"> <li>• Rickshaw Driver/ Puller</li> <li>• Rag Pickers</li> <li>• Mine Workers</li> <li>• Sanitation Workers</li> <li>• Auto Rickshaw Drivers and Taxi Drivers</li> <li>• Beedi Workers</li> <li>• Street Vendors</li> <li>• Building and Construction Workers</li> <li>• MGNREGA Beneficiaries</li> <li>• Domestic Workers</li> </ul>	18.14 Lakhs
<b>INDUSTRIES DEPARTMENT</b>			
5.	<p>Handloom Weaver's Comprehensive Welfare Scheme</p> <p>Health Insurance Scheme</p> <p>Mahatma Gandhi Bunkar Bima Yojana</p>	<ul style="list-style-type: none"> <li>• All Handloom weavers whether male or female are eligible to be covered under the health insurance scheme</li> <li>• The ancillary handloom workers i.e. those who are engaged in warping, winding, dyeing, printing, fishing, sizing, Jhala making and Jacquard cutting are also eligible to be covered</li> <li>• The handloom weavers/ ancillary handloom worker i.e. the beneficiary shall only be from the census list or from those already enrolled under HIS during the period Oct., 2009 to Oct., 2010.</li> <li>• The weaver should be earning at least 50 % of his income from handloom weaving</li> <li>• All weavers whether male or female between 18 to 59 years of age including minorities, women weavers and weavers belonging to NER.</li> <li>• Weavers belonging to the state handloom Development Corporations/ Apex/ Primary handloom weavers' cooperative society. Wherever outside the cooperative can also be covered under the scheme on a certificate from the state directorate of handlooms that they are fulfilling the eligibility criteria.</li> </ul>	----
6.	Handloom Artisan's Comprehensive Welfare Scheme		



<b>HEALTH, MEDICAL EDUCATION AND FAMILY WELFARE DEPARTMENT</b>			
7.	Janani Suraksha Yojana	<ul style="list-style-type: none"> <li>No Age Restriction</li> <li>The Benefit of the Scheme are extended to all pregnant women in LPS status respective of the birth orders</li> <li>No need for any marriage or BPL certification provided women delivers in government or accredited private health institutions. But for the benefit under home deliveries under yojna following criterion were fixed in LPS and HPS states:</li> <li>BPL Pregnant women</li> <li>Aged 19 years and above, preferring to deliver at home is entitled to cash assistance of Rs.500/- per delivery</li> <li>Assistance would be available only up to 2 live births.</li> </ul>	----
<b>ANIMAL HUSBANDRY AND FISHERIES DEPARTMENT</b>			
8.	National Scheme for Welfare of Fisherman and Training and Extension  Development of Model Fishermen Villages  Group Accident Insurance for Active Fishermen  Grant-in-Aid to FISHCOPPED  Saving Cum Relief Training and Extension	<ul style="list-style-type: none"> <li>Beneficiary should be an active fisher identified by state government</li> <li>Preference should be given to fishers below poverty line and to landless fishers</li> <li>Fishers owning land or Kutcha structure may also be considered for allotment of houses under the scheme.</li> </ul>	----
<b>LIFE INSURANCE CORPORATION OF INDIA</b>			
9.	Janshree Beema Yojna	<ul style="list-style-type: none"> <li>Person between age 18 years and 59 years</li> <li>The group will be identified and notified by LIC, at present 44 vocational occupational groups are identified</li> <li>Minimum membership should be 25 under both rural poor and urban poor.</li> <li>The member should normally be the Head of the family.</li> </ul>	

It is pertinent to mention here that the aforesaid schemes of Government of India for unorganized workers under the Unorganized Workers Social Security Act, 2008, are exclusively meant for the most disadvantaged sections of the society to ensure 'economic justice' and to translate the vision of "Justice" as set out in the preamble to the constitution of India into reality. But it appears that the case in hand is clear example of lack of sensitiveness of the concerned to reach out to the beneficiaries. The concerned persons must know, we live in a country where Rule of law is the foundation of our democratic system. The existence of common man are governed by statutory laws and social welfare schemes and executive orders, almost



nothing is out side the purview of law. Entire human activities including health, food, education, registration of birth and death etc. are governed by various laws, schemes etc. In the backdrop, a denial of the rights conferred through different laws or any deprivation of beneficial schemes becomes integrally connected with the issues of “Legal Awareness” for which the concerned department of State Government and Legal Services Authority of State are under obligation to implement the schemes and to create the awareness about the schemes respectively. Indeed it is shocking that ears are lapsed since the commencement of the beneficial Act, namely, Unorganized Workers Social Security Act, 2008, enacted for the poor, ignorant and illiterate unorganized workers including sr. citizens, members of BPL, Rickshaw Pullers, Sanitation Workers, Auto rickshaw drivers, street vendors, Building and Construction workers, Rag Pickers, Domestic Workers etc. but the State is unable to utilize the benefit of schemes to its full extent. It is a matter of great concern that the very purpose of Act is defeated due to its nonimplementation, therefore, we direct the Chief Secretary of the State Government to look into the matter in person and ask the Principal Secretary of the Department of Labour, Employment and Training, Government of Jharkhand to take intensive measures as per the guidelines issued hereinafter:

- ii) In fact, there are ten schemes floated by the Central Government under the Act, 2008. The State is taking steps in the nine aforesaid schemes. The name of the scheme no.10 is “Pension to Master Craft Persons”. No details have been given by the State Government in their affidavits filed by the State. Not a single beneficiary has been found out by the State of Jharkhand for the scheme no.10. The officer, who is present in the Court, is saying that we have never tried to find out any beneficiary.
- iii) From the argument of the counsels from both the sides including the arguments of the Assistant Solicitor General of India, the counsel for Union of India, it appears that there is no proper awareness in the public at large within the State of Jharkhand for availing the benefits of the aforesaid ten schemes. If the awareness is further analyzed, it appears that there is lack of proper attempt by the State of Jharkhand for proper advertisement in Print and Electronic Media. This is inevitably required because the State is unable to exploit the schemes as referred hereinabove properly in an effective manner so that more number of beneficiaries can avail the benefits of these schemes. Even as per the opinion given by the aforesaid high ranking officer of the State, who is present in the Court, the help of the Print and Electronic Media may be taken by the aforesaid officers accordingly we direct the Chief Secretary of the State that properly these ten schemes with summary and with the criteria of the eligibility and the benefits under the Schemes may be highlighted in the Print media and Electronic media in more than one languages.
- iv) It further appears that it is not possible every time to give advertisement, and therefore, there is one more option available with the State for



distribution of the Pamphlets, which are to be printed by the State in the local languages. These pamphlets ought to have been distributed in the districts, at block level and village level. The governmental hierarchy and machineries should have been properly utilized by the administrators of the State so that the aforesaid ten schemes floated under the Act, 2008, may be made known to the public at large in the State of Jharkhand. When we asked to the lawyers, who are appearing on the side of the respondents that whether they are knowing about the schemes or not and their answer is that they are not aware about these schemes. Thus, even literate persons are not knowing about these schemes, and therefore, it is high time for the State Government to give proper and wide publication of these type of schemes.

- v) Hoardings of these schemes may also be put at proper conspicuous places, like Railway Station, Bus Depot, Hospitals, Government offices, Collectorate, Block offices, Civil Courts etc. There may be some other Acts also under which there may be other schemes like Housing schemes, Supply of water, Sewerage (under Jawaharlal Nehru National Urban Renewal Mission) etc. These schemes may also be published properly as stated hereinabove in Print and Electronic media, by pamphlets by hoardings of proper size at proper places and in local languages.
- vi) We also direct the Chief Secretary, Government of Jharkhand as well as Principal Secretary, Department of Labour, Employment and Training, Government of Jharkhand to take assistance of Jharkhand State Legal Services Authority (hereinafter referred to as the JHALSA) as well as the District Legal Services Authority and the infrastructure thereof. We hope that the concerned departments of Government of Jharkhand, namely, Department of Labour, Employment and Training, must be aware of the fact that District Legal Services Authority (hereinafter referred to as DLSA) are functioning in 22 districts (except Khunti and Ramgarh) of Jharkhand in a full fledged manner with a wholetime Secretary to the rank of Civil Judge (Sr.Division) and its Chairman and Vice Chairman are exofficio Principal District Judge and Deputy Commissioner of the respective district. It's main objects are to create "awareness" and to ensure "access" in lawful and legal manner. In the State of Jharkhand, JHALSA have trained so far more than 3300 para legal volunteers, who are being given training by this Court. As a matter of fact 'Para Legal Volunteers' (hereinafter referred to as PLVs) have been trained by JHALSA under the scheme of National Legal Services Authority, New Delhi, with a view to transmit knowledge about the legal services schemes including new laws, statutes, social welfare schemes like Unorganized Workers Social Security Act, 2008, amongst poor and downtrodden. PLVs created by JHALSA are on the job at grass root level in Panchayats/ Villages/ Basti/ Tolas/ Mohallas level under the guidance of District Legal Services Authorities in the State of Jharkhand. The most important job of PLVs to spread consciousness about



the new welfare schemes of the Government to common citizens with special reference to the tribal and rural populations, women, children, disabled, handicapped and weaker sections of society. The scheme of the para legal volunteers is being properly implemented by the JHALSA and there are several legal aid clinics in every district, in every jail and at several police stations, at which, these para legal volunteers are regularly visiting, the duty as with which, the para legal volunteers are wedded with, is to impart the primary knowledge about the laws, the rights of the public at large including of senior citizens, widows, children and convicts or under trial prisoners. This huge man power can be directly utilized by the State, who are available in every district of the State and working under JHALSA/ DLSAs. There are more than one hundred para legal volunteers per district. With their help, if the pamphlets are to be distributed, they can perform these duties in an effective manner. If these para legal volunteers are to be sent to the villages, they are ready to go because they are working with concerned DLSA under JHALSA. The State may take assistance of these PLVs. They will assist the State officers in finding out the beneficiaries within the State of Jharkhand. The JHALSA and the District Legal Services Authorities and Taluka (Subdivisional) Legal Services Committees are ready to cooperate the State Government officers. It is a dream project floated by the Central Government under the Unorganized workers Social Security Act, 2008, that justice must go at the door steps of the beneficiaries under the principle of “access to justice for all”. The para legal volunteers working with good infrastructure, are available in every district. We, therefore, direct the Chief Secretary, Government of Jharkhand as well as Principal Secretary, Department of Labour, Employment and Training, Government of Jharkhand and other Secretaries, who are also connected with these type of implementation of Welfare schemes to have joint meeting with the Executive Chairman of JHALSA assisted by Member Secretary, JHALSA, ‘Nyay Sadan’, Doranda, Ranchi immediately so that if any pamphlets are to be printed out, full assistance shall be provided by the JHALSA to the concerned department of State and that too in a different variety of languages. The JHALSA will also provide proper man power of 3300 persons who are known as para legal volunteers and fully trained for these purposes.

- vii) The JHALSA will also provide proper vehicles for the distribution in ‘Mela’ or at ‘Festival Places’ and at ‘Haat Bazar’ and also provide assistance of the legal retainers, who are available in every district at village level.
- viii) The JHALSA can also provide the places at which these beneficiaries can be brought (normally at building of District Legal Services Authority) and their applications may be drafted in a proper format and it will be given to the proper governmental officers so that the governmental officers may not have to go or may not have to move from village to village and similarly, the beneficiaries also may not have to move from one office to



another. The District Legal Services Authorities buildings are available in every district where other activities under the aegis of Hon'ble Supreme Court is already going on such as 'legal awareness camps, Lok Adalat, Mediation, Conciliation Activities' etc.

- ix) We also direct the Chief Secretary, Government of Jharkhand as well as Principal Secretary, Department of Labour, Employment and Training, Government of Jharkhand and other Secretaries, who are also concerned and under obligation with the implementation of these type of schemes to make available JHALSA and the District Legal Services Authorities about the schemes, and their criteria and benefits so that in all types of welfare schemes so that the pamphlets can be prepared by JHALSA in the different languages and distributed properly among general masses to create awareness.
- x) We also direct the Chief Secretary, Government of Jharkhand as well as Principal Secretary, Department of Labour, Employment and Training, Government of Jharkhand and other Secretaries, who are also connected with these type of implementation of the schemes that a Board which has been constituted under Section 6 of the Act of 2008, the constitution of which may also be advertised properly so that the weaker sections of the society may know the constitution of the Board and about their members and the office address with proper communication telephone numbers so that they may apply for taking the benefits under the Schemes, if they are eligible.
- xi) We also direct the Chief Secretary, Government of Jharkhand as well as Principal Secretary, Department of Labour, Employment and Training, Government of Jharkhand and other Secretaries, who are also connected with these type of implementation of the schemes that some high ranking officers may be appointed for them and they shall hold periodical meetings atleast once in a month with the Chairman of District Legal Services Authority, Dy. Commissioner of the concerned district, Superintendent of Police of the concerned district and such other officers so that the aforesaid schemes and the other schemes which are referred hereinabove can be implemented in its true spirit and letter.
- xii) We also direct the Chief Secretary, Government of Jharkhand as well as Principal Secretary, Department of Labour, Employment and Training, Government of Jharkhand and other Secretaries, who are also connected with these type of implementation of the schemes to inform the JHALSA and District Legal Services Authorities, if any new scheme is being introduced of either the Central Government or of the State Government so that these two authorities namely JHALSA and the District Legal Services Authorities can also assist through the para legal volunteers for the publicity, awareness and implementation of the schemes.
- xiii) Looking to the several activities being conducted by the JHALSA as well



as by the District Legal Services Authorities across the entire State and also looking to the burden of work and keeping in mind the efficiency of young advocate of the petitioner, we, hereby, request the counsel Shri Anup Kumar Agarwal who is appearing for the petitioner to assist the JHALSA for preparing the pamphlets in any one language either in Hindi or in English as per his choice so that it can be translated in local languages immediately by the JHALSA and it can be distributed at the earliest. We appreciate the assistance rendered by the counsel for the petitioner. The expenditure incurred by the counsel for the petitioner for preparing these pamphlets will be reimbursed by the JHALSA.

- xiv) We also request the Board constituted under Section 6 of the Act, 2008, to take effective steps for implementation of the aforesaid schemes in the light of the aforesaid observations.
5. Registry is directed to send the copy of this order to :-
- a) The Chief Secretary of the State of Jharkhand;
  - b) Member Secretary, Jharkhand State Legal Services Authority (JHALSA), "Nyay Sadan", Doranda, Ranchi,
  - c) Chairmen and Member Secretaries, District Legal Services Authorities of all the districts of State of Jharkhand,
  - d) Secretary of the Board constituted under Section 6 of the Act, 2008
  - e) Principal Secretary, Department of Labour, Employment & Training, Government of Jharkhand.
6. The matter is adjourned on 16 th December, 2013 , and the State is hereby directed to file on affidavit through Principal Secretary, Labour, Employment & Training, Government of Jharkhand, as to what steps have been taken by the State for proper and effective implementation of the aforesaid schemes for the welfare of the public at large in view of aforesaid directives.

□□□





IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P. (PIL) No. 7032 of 2012**

*All India Progressive Women Association, Jharkhand Chapter  
... .. Petitioner*

*Versus*

*The Union of India and others ... .. Respondents*

WITH

**W.P. (PIL) No. 2810 of 2012**

*National Domestic Workers Welfare Trust ... .. Petitioner*

*Versus*

*The State of Jharkhand and others ... .. Respondents*

**CORAM: HON'BLE MR. JUSTICE D. N. PATEL**

**HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

For the Petitioners: M/s. Anup Kumar Agrawal, Ahmed Raza, Jawed Rabbani, Md. Asghar

For the Respondents: M/s. R.S. Mazumdar (AG), Rajiv Sinha (ASGI), Rohit Sinha, Rajesh Kumar (GP-V), Suchita Pandey

**07/Dated: 20th November, 2014**

**Per D.N. Patel, J**

1) These Public Interest Litigations have been preferred with the following prayers: -

**W.P. (PIL) No.7032 of 2012**

- a) For a writ or mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to strict implement the guarantees under the National Rural Health Mission (NRHM), Janani Surakshan Yojna (JSY), National Maternity Benefit Scheme (NMBS), Integrated Child Development Scheme (ICDS) Schemes, specially, to ensure adequate facilities are set up in order to deliver NRHM service guarantees, including but limited to emergency obstetrical care, access to safe abortion services, timely and adequate referral system, and access to a functioning blood bank.

AND

- b) For an order mandating development and implementation of a time bound Plan of Action for implementation of NRHM services as established under the MoUs.

AND

- c) For an order directing an audit and quality control review of all health



facilities be done in Godda District by a third party commission including representatives from civil society appointed by the Court. Further to make publicity available the findings of the Audit and the Action Taken on these findings.

AND

- d) For an order directing the establishment of an efficient and transparent mechanism to review and monitor the implementation and delivery of NRHM services, in particular the expenditure of Government. Data collected during the process of review must take into consideration factors such as, inter alia, conditions of health infrastructure, quality of care provided, and use of ambulance service.

AND

- e) Issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to establish a system of free transportation between facilities.

AND

- f) For an order directing Respondent to immediately ensure the appointment of a sufficient number of Doctors, health professionals and support staff that are available 24 hours and 7 days at each level – Primary Health Centres (PHC), Community Health Centers (CHC), Sub Health Centre (SHC) and District Hospitals (DH) – of health institutions in Godda District.

AND

- g) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to establish a qualified committee to conduct and publish maternal death audits.

AND

- h) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to collect data and implement nationally and internationally recognized policies regarding malaria and pregnancy.

AND

- i) For an order directing Respondents develop and implement training modules for health professionals & community members on the risk associated with contracting malaria during pregnancy and the types of preventive and treatable measures available.

AND

- j) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to implement a centralized,



accountable referral system which must provide patient with the minimum information at time of referral: (1) name of referral facility, (2) contract information of referral facility including staff member name, address, and phone number, (3) reason for referral, (4) diagnosis and treatment to be sought at referral facility, (5) contact information of referring hospital in case of questions or concerns, (6) copies of all medical records and discharge slip(s), and (7) free transport of BPL patients.

AND

- k) For a writ or mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to develop and implement a Grievance Redressal Mechanism to enable persons to report and if necessary, file health complaints with an Independent Commission/ State Health Minister charged with overseeing the NRHM. Grievance mechanism must include a 24-hour emergency hotline, be accessible to persons living in rural areas, and compel the state agency to respond within a specified, time-sensitive period.

AND

- l) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to provide compensation to the victims and/or their families.

**W.P. (PIL) No.2810 of 2012**

- (a) For issuance of an appropriate writ(s)/ order(s)/ direction(s) directing and commanding upon the respondents authority for the strict implementation and enforcement of "The Unorganised Workers Social Security Act, 2008" in the State of Jharkhand.
- (b) For issuance of an appropriate writ(s)/ order(s)/direction(s) directing and commanding upon the respondents authority to frame the mandatory rules under the Unorganised Workers' Social Security Act, 2008.

AND

- (c) For issuance of an appropriate writ(s)/ order(s)/direction(s) directing and commanding upon the respondent authorities for the constitution of State Social Security Board in the State of Jharkhand.
- 2) We have heard Mr. Anup Kumar Agrawal , learned counsel, and we appreciate the services rendered by him. Nicely the matter has been argued out by this counsel and he has brought to our notice several aspects of the matter. As for example, the Labour Laws which are enacted by the Parliament and the State Legislature, namely, the Industrial Disputes Act, the Workmen's Compensation Act, the Factories Act, etc are applicable to very limited number of workers/ employees as defined under the Acts and as per one survey report, only 3% of the labourers are covered under those enacted legislatives. 97% of the workers



are beyond the purview of these Labour Laws and, therefore, the Unorganised Workers Social Security Act, 2008 has been enacted by the Parliament which covers most of the left-out workers. It has also been pointed out by the counsel for the petitioners that under the said Act, especially under Section 3 thereof, various schemes have to be formulated and under Section 6 thereof as well as Rules under Section 14 of the Act have also been enacted after filing of these Public Interest Litigations and, therefore, all these credit goes to these petitioners. No Board was constituted in the State of Jharkhand before these writ petitions were filed.

- 3) We have passed several orders in both these Public Interest Litigations. We have also given directions to the Board as envisaged under Section 6 of the Act. Now, the Board has been constituted.
- 4) Further, we have passed detailed orders on 7th August, 2013, 27th August, 2013, 11th September, 2013, 12th November, 2013 and 29th April, 2014 in W.P. (PIL) No.2810 of 2012. By virtue of these orders, several schemes which have been floated by the Central Government like Indira Gandhi National Old Aged Pension Schemes, National Family Benefit Schemes, Aam Admi Bima Yojna Schemes, Rashtriya Swasthya Bima Yojna Scheme, etc, which have now been implemented by the State of Jharkhand very effectively. The concerned Departments connected with those schemes are;
  - (a) The Labour, Employment and Training Department;
  - (b) Industries Department,
  - (c) The Health, Medical Education & Family Welfare Department;
  - (d) Animal Husbandry and Fisheries Department.
- 5) There is also one scheme, namely, Janshree Bima Yojna, which is to be implemented by the Life Insurance Corporation of India Limited. In our detailed order dated 12th November, 2013, we have narrated all the schemes and the eligibility for getting the benefits under the schemes, etc.
- 6) All the aforesaid Departments are now implementing these schemes very effectively. The rank & file of the State of Jharkhand are in dire need of accurate implementation of the schemes under the Act, 2008. Money is being given by the Central Government on reimbursement basis upon proper presentation of "utilization certificate".
- 7) Time & again, this Court has given enough guidelines for the implementation of these schemes through the Para Legal Volunteers (PLVs) and Jharkhand State Legal Services Authority. The officers of Labour Employment and Training Department were extremely helpful to this Court for better understanding of these schemes. Jharkhand State Legal Services Authority have been provided enough and adequate materials by these Departments and necessary pamphlets have also been prepared by the Jharkhand State Legal Services Authority with the help of officers of Labour, Employment & Training Department. As enough



directions have been given, we see no reason to monitor implementation of the Act by these two Public Interest Litigations. The petitioners, namely, All India Progressive Women Association, Jharkhand Chapter, through Secretary of Jharkhand Chapter and National Domestic Workers Welfare Trust, have painstakingly assisted the Court in these Public Interest Litigations because the schemes which are meant for workers are now reaching to “the last man in the queue”.

- 8) One Interlocutory Application has been preferred for modification of the order dated 29th April, 2014 passed in W.P. (PIL) No.2810 of 2012, especially paragraph 9 thereof. We have heard the counsel for both sides and now we are satisfied that very effectively the Labour, Employment and Training Department is executing the schemes floated under the Act, 2008 and, therefore, we delete paragraph 9 from our order dated 29th April, 2014 passed in W.P. (PIL) No. 2810 of 2012. The observations made in paragraph 9 of the order dated 29th April, 2014 passed in W.P. (PIL) No. 2810 of 2012 are hereby deleted. This order will be treated as part & parcel of the order passed on 29th April, 2014 in W.P. (PIL) No. 2810 of 2012.
- 9) We, therefore, direct;
- (a) The State and especially the officers of four departments and the Life Insurance Corporation to implement the schemes envisaged under the Act, 2008 especially under Section 3 thereof.
  - (b) We also direct the State of Jharkhand to utilize the services of Para Legal Volunteers available in the State of Jharkhand through Jharkhand State Legal Services Authority to create awareness amongst the public at large of the State of Jharkhand, to get benefits under the aforesaid schemes.
  - (c) We also direct the State to assist the Jharkhand State Legal Services Authority in publishing in adequate number of necessary pamphlets/ booklets for the schemes so that through the District Legal Services Authorities, these pamphlets/booklets may be distributed in the Jharkhand so as to make public at large, aware about their rights.
  - (d) We also direct the State to put necessary hoardings, signboards with lights/without lights to give necessary advertisements through print and electronic media and also through LED Electronics Boards. The State will also use community radio for the aforesaid purpose.
  - (e) We also direct the Jharkhand State Legal Services Authority to prepare the necessary summary, pamphlets, hoardings, signboards, LED Electronics Display Boards at conspicuous places like,
    - (i) Railways Station;
    - (ii) Bus Stands;
    - (iii) Public places of the offices like offices of Deputy Commissioners, etc;



- (iv) Civil Courts premises in the districts;
  - (v) All public hospitals;
  - (vi) At different block offices of the State of Jharkhand;
  - (vii) Offices at Panchayet levels;
  - (viii) Primary Health Centres;
  - (ix) Community Health Centres.
- (f) We further direct the State that necessary Utilization Certificate shall be sent to the concerned Department of the Central Government for reimbursement of the money, of which the expenditure will be made by the State for the effective implementation of the schemes floated by the Central Government under Section 3 of the Act, 2008.
- (g) We further direct the Central Government that upon receipt of the necessary papers from the State of Jharkhand including Utilization Certificate, etc, the money will be reimbursed to the State of Jharkhand at the earliest.
- 10) In view of the aforesaid directions and also keeping in mind the earlier directions and orders passed by this Court in both these Public Interest Litigations, we see no reason to further monitor these Public Interest Litigations for effective implementation of the schemes floated under the Act, 2008 and hence, these Public Interest Litigations are hereby disposed of. In view of the disposal of these Public Interest Litigations, any other pending interlocutory application is/are also disposed of.
- 11) Copy of this order will be given to the counsel for both sides.

□□□



**Act & Scheme  
on  
Unorganised Workers**







# The Unorganised Workers' Social Security Act, 2008

No. 33 of 2008

[30th December, 2008]

An Act to provide for the social security and welfare of unorganised workers and for other matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows :—

## CHAPTER I Preliminary

1. (1) This Act may be called the Unorganised Workers' Social Security Act, 2008. Short title,  
extend and  
commencement
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. Definitions.
2. In this Act, unless the context otherwise requires,-
  - (a) "employer" means a person or an association of persons, who has engaged or employed an unorganised worker either directly or otherwise for remuneration;
  - (b) "home-based worker" means a person engaged in the production of goods or services for an employer in his or her home or other premises of his or her choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;
  - (c) "identity card" means a card, document or certificate issued to an unorganised worker by the District Administration under sub-section (3) of section 10;
  - (d) "National Board" means the National Social Security Board for unorganised workers constituted under sub-section (J) of section 5;
  - (e) "notification" means a notification published in the Official Gazette;
  - (j) "organised sector" means an enterprise which is not an unorganised sector;
  - (g) "prescribed" means prescribed by rules made under this Act by the Central Government or the State Government, as the



- case may be;
- (h) "registered worker" means an unorganised worker registered under sub section (3) of section 10;
  - (i) "Schedule" means the Schedule annexed to the Act;
  - (j) "State Board" means the (name of the State) State Social Security Board for unorganised workers constituted under sub-section (1) of section 6;
  - (k) "self-employed worker" means any person who is not employed by an employer, but engages himself or herself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;
  - (l) "unorganised sector" means an enterprise owned by individuals or self employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;
  - (m) "unorganiserl worker" means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule II to this Act; and
  - (n) "wage worker" means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be.

## **CHAPTER II SOCIAL SECURITY BENEFITS**

Framing of  
scheme.

3. (1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganised workers on matters relating to-
- (a) life and disability cover;



- (b) health and maternity benefits;
  - (c) old age protection; and
  - (d) any other benefit as may be determined by the Central Government.
- (2) The schemes included in the Schedule I to this Act shall be deemed to be the welfare schemes under sub-section (1).
- (3) The Central Government may, by notification, amend the Schedules annexed to this Act.
- (4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to-
- (a) provident fund;
  - (b) employment injury benefit;
  - (c) housing;
  - (d) educational schemes for children;
  - (e) skill upgradation of workers;
  - (f) funeral assistance; and
  - (g) old age homes.
4. (1) Any scheme notified by the Central Government may be
- (i) wholly funded by the Central Government; or
  - (ii) partly funded by the Central Government and partly funded by the State Government; or
  - (iii) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the Central Government.
- (2) Every scheme notified by the Central Government shall provide for such matters that are necessary for the efficient implementation of the scheme including the matters relating to,-
- (i) scope of the scheme;
  - (ii) beneficiaries of the scheme;
  - (iii) resources of the scheme;
  - (iv) agency or agencies that will implement the scheme;
  - (v) redressal of grievances; and

Funding  
of Central  
Government  
Schemes



(vi) any other relevant matter.

**CHAPTER III**  
**NATIONAL SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS**

National Social  
Security Board

5. (1) The Central Government shall, by notification, constitute a National Board to be known as the National Social Security Board to exercise the powers conferred in, and to perform the functions assigned to, it under this Act.
- (2) The National Board shall consist of the following members, namely:-
- (a) Union Minister for Labour and Employment-Chairperson, ex officio;
  - (b) the Director General (Labour Welfare) Member-Secretary, ex officio; and
  - (c) thirty-four members to be nominated by the Central Government, out of whom
    - (i) seven representing unorganised sector workers;
    - (ii) seven representing employers of unorganised sector;
    - (iii) seven representing eminent persons from civil society;
    - (iv) two representing members from Lok Sabha and one from Rajya Sabha;
    - (v) five representing central Government Ministries and Departments concerned; and
    - (vi) five representing State Governments.
- (3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.
- (4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the National Board shall be such as may be prescribed:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.



- (5) The term of the National Board shall be three years.
- (6) The National Board shall meet at least thrice a year, at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.
- (7) The members may receive such allowances as may be prescribed for attending the meetings of the National Board.
- (8) The National Board shall perform the following functions, namely:-
  - (a) recommend to the Central Government suitable schemes for different sections of unorganised workers;
  - (b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;
  - (c) monitor such social welfare schemes for unorganised workers as are administered by the Central Government;
  - (d) review the progress of registration and issue of identity cards to the unorganised workers;
  - (e) review the record keeping functions performed at the State level;
  - (f) review the expenditure from the funds under various schemes; and
  - (g) undertake such other functions as are assigned to it by the Central Government from time to time.

#### CHAPTER IV

#### STATE SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

State Social  
Security Board

6. (1) Every State Government shall, by notification, constitute a State Board to be known as (name of the State) State Social Security Board to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.
- (2) The State Board shall consist of the following members, namely:-
  - (a) Minister of Labour and Employment of the concerned State-Chairperson, ex officio;
  - (b) the Principal Secretary or Secretary (Labour)-Member-Secretary, ex officio; and
  - (c) twenty-eight members to be nominated by the State Government, out of whom-



- (i) seven representing the unorganised workers;
  - (ii) seven representing employers of unorganised workers;
  - (iii) two representing members of Legislative Assembly of the concerned
  - (iv) five representing eminent persons from civil society; and
  - (v) seven representing State Government Departments concerned.
- (3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.
- (4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of the State Board shall be such as may be prescribed :
- Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.
- (5) The term of the State Board shall be three years.
- (6) The State Board shall meet at least once in a quarter at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.
- (7) The members may receive such allowance; as may be prescribed for attending the meetings of the State Board.
- (8) The State Board shall perform the following functions, namely:-
- (a) recommend the State Government in formulating suitable schemes for different sections of the unorganised sector workers;
  - (b) advise the State Government on such matters arising out of the administration of this Act as may be referred to it;
  - (c) monitor such social welfare schemes for unorganised workers as are administered by the State Government;
  - (d) review the record keeping functions performed at the District level;
  - (e) review the progress of registration and issue of cards to unorganised sector workers;
  - (f) review the expenditure from the funds under various schemes;



and

(g) undertake such other functions as are assigned to it by the State Government from time to time.

7. (1) Any scheme notified by the State Government may be
- Funding of State Government Schemes.
- (i) wholly funded by the State Government; or
- (ii) partly funded by the State Government, partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the State Government.
- (2) The State Government may seek financial assistance from the Central Government for the schemes formulated by it.
- (3) The Central Government may provide such financial assistance to the State Governments for the purpose of schemes for such period and on such terms and conditions as it may deem fit.
8. The record keeping functions for the purpose of this Act shall be performed by the District Administration:
- Record keeping by District Administration
- Provided that the State Government may direct that the record keeping function shall be performed by-
- (a) the District Panchayat in rural areas; and
- (b) the Urban Local Bodies in urban areas.
9. The State Government may set up such Workers' facilitation centres as may be considered necessary from time to time to perform the following functions, namely:-
- Workers facilitation centres.
- (a) disseminate information on available social security schemes for the unorganised workers;
- (b) facilitate the filling, processing and forwarding of application forms for registration of unorganised workers;
- (c) assist unorganised worker to obtain registration from the District Administration;
- (d) facilitate the enrollment of the registered unorganised workers in social security schemes.

## CHAPTER V REGISTRATION

10. (1) Every unorganised worker shall be eligible for registration subject to the fulfilment of the following conditions, namely:-
- Eligibility for registration and social security benefits.
- (a) he or she shall have completed fourteen years of age; and





- (b) a self-declaration by him or her confirming that he or she is an unorganised worker.
- (2) Every eligible unorganised worker shall make an application in the prescribed form to the District Administration for registration.
- (3) Every unorganised worker shall be registered and issued an identity card by the District Administration which shall be a smart card carrying a unique identification number and shall be portable.
- (4) If a scheme requires a registered unorganised worker to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such contribution.
- (5) Where a scheme requires the Central or State Government to make a contribution, the Central or State Government, as the case may be, shall make the contribution regularly in terms of the scheme.

## **CHAPTER VI MISCELLANEOUS**

11. The Central Government may give directions to
- Power of Central Government to give directions.
- (i) the National Board; or
- (ii) the Government of a State or the State Board of that State, in respect of matters relating to the implementation of the provisions of this Act.
12. No proceedings of the National Board or any State Board shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the National Board or, as the case may be, the State Board.
- Vacancies, etc., not to invalidate proceedings.  
Power to make rules by Central Government.
13. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 4;
- (b) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions



- by, and the manner of filling vacancies of. the National Board under sub section (4) of section 5;
- (c) the rules of procedure relating to the transaction of the business at the meeting of the National Board under sub-section (6) of section 5;
  - (d) the allowances for attending the meetings of the National Board under sub section (7) of section 5;
  - (e) the form for making an application for registration under sub-section (2) of section 10; and
  - (f) any other matter which is required to be, or may be, prescribed.
14. (1) The State Government may, by notification, make rules to carry out the provisions of this Act. Power to make rules by State Government.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or my of the following matters, namely:-
- (a) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of, the State Board under sub section (4) of section 6;
  - (b) the rules of procedure relating to the transaction of business at the meetings of the State Board under sub-section (6) of section 6;
  - (c) the allowances for attending the meetings of the State Board under sub section (7) of section 6;
  - (d) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (I) of section 7;
  - (e) the form in which the application for registration shall be made under sub section (2) of section 10; and
  - (f) any other matter which is required to be, or may be, prescribed.
15. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the
- Laying of rules.



successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

16. Nothing contained in this Act shall affect the operation of any corresponding law in a State providing welfare schemes which are more beneficial to the unorganised workers than those provided for them by or under this Act. Saving of certain laws.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## SCHEDULE I

[See sections 2(i) and (3)]

### SOCIAL SECURITY SCHEMES FOR THE UNORGANISED WORKERS

#### S.N. Name of the Scheme

1. Indira Gandhi National Old Age Pension Scheme.
2. National Family Benefit Scheme.
3. Janani Suraksha Yojana.
4. Hand loom Weavers' Comprehensive Welfare Scheme.
5. Handicraft Artisans' Comprehensive Welfare Scheme.



6. Pension to Master craft persons.
7. National Scheme for Welfare of Fishermen and Training and Extension.
8. Janshree Bima Yojana.
9. Aam Admi Bima Yojana.
10. Rashtriya Swasthya Bima Yojana.

**SCHEDULE II**  
**[See section 2(m)]**

**S.N. Name of the Act**

1. The Workmen's Compensation Act, 1923 (8 of 1923).
2. The Industrial Disputes Act, 1947 (14 of 1947).
3. The Employees' State Insurance Act, 1948 (34 of 1948).
4. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
5. The Maternity Benefit Act, 1961 (53 of 1961).
6. The Payment of Gratuity Act, 1972 (39 of 1972).





## NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES TO THE WORKERS IN THE UNORGANISED SECTOR) SCHEME, 2010

*[Adopted in the Meeting of the Central Authority of NALSA held on 8.12.2010 at Supreme Court of India]*

In the Regional Conference of the State Legal Services Authorities of the Western Region organised by the National Legal Services Authority (NALSA) at Ahmedabad on 28-29 August, 2010 the topic of deliberations was 'Workers in the Unorganised Sector and the Role of Legal Services Authorities'. Detailed discussions took place on the plight of unorganised workers in securing their statutory rights and availing of the benefits of the various schemes put in place by the State Governments.

It is estimated that the workers in the unorganised sector contribute more than 60 per cent of the national economy. Unlike their brethren in the organised sector, they are generally reluctant to come to the forefront and demand for the benefits under the various schemes and other welfare measures put in place by the labour department and other institutions because of their sheer unorganised or loosely organised nature. Such workers are generally not confined to any particular area as their place of work has no permanent status. Quite often their work is seasonal and when the work at once place is finished they migrate to oilier places in search of work. They do different kinds of work depending on the availability of work. Some stick on to certain avocations on the basis of caste and tradition and yet remain unorganised.

In this scenario, the general problem the authorities and welfare institutions face is that the workers in the unorganised sector are not identifiable. Illiteracy, poverty and the concern for earning their daily bread compel these workers to forsake the benefits of the various social welfare measures. It is the duty of the legal services institutions to reach out to the workers in the unorganised sector for making available the benefits of various schemes and to provide them the protection of law.

Most of the schemes and welfare laws for the benefits of the workers in the unorganised sectors are dispensed through the institutional mechanisms of Boards and Corporations. Such schemes and laws are in the nature of social security measures and provide assistance to the unorganised workers, at least to tide over their difficult times. Legal services institutions should come to the help of this disadvantaged group to make available the benefits though small in quantum, to ease their struggle against the odds of life.

Legal Services Authorities can come to the help of the workers in the unorganised sector in the following manner:

- 1. Identifying the unorganised workers within the jurisdiction of each legal services institution by conducting surveys.**



State Legal Services Authorities may take steps for conducting surveys for identifying unorganised workers and all other categories of workers included in Central Act 33 of 2008. Services of law students, NGOs and para-legal volunteers also can be availed of for conducting such surveys. Surveys can be conducted in a phased manner, gradually covering entire area within the jurisdiction of the legal services institutions concerned. The beneficiaries may be categorised into groups depending on the different welfare schemes of the State Government implemented through the Boards and Corporations (i.e. Construction Workers Welfare Board, Bidi Workers Welfare Board, Artisans Welfare Corporation etc). The survey should indicate whether the workers belonging to each category have made efforts to avail of the benefits of the scheme or scheme / legislation / programme of the government. The next step shall be to liaise with the Boards / Corporations concerned to make available the benefits of the schemes / programmes. Every effort shall be made to ensure that all deserving unorganised workers are brought to avail of the benefits.

**2. Conducting legal awareness programmes for the identified groups of unorganised workers.**

After identification of the unorganised labourers in each category, legal awareness programmes may be organised for creating awareness amongst them about the different welfare schemes and social security measures available. For this purpose, awareness programmes may be organised, as far as possible, at the place of work itself (c.g construction work sites, market places in the case of street-vendors etc). Legal awareness classes can be conducted in other places like community halls also. Care shall be taken that the timing of the awareness programmes does not conflict with the work of workers. Lunch intervals and holidays can be utilised for the awareness campaigns.

**3. Persuading and assisting the workers in the unorganised sector to avail of the benefits under the different social welfare legislations, administrative programmes and schemes put in place by the State Governments.**

Workers in the unorganised sector may be temperamentally not inclined to undergo the hassles for availing of the benefits of the schemes, programmes etc. Most of them being poor, illiterate and belonging to the lower strata of the society may not have the mental capacity to demand for their entitlements. Migrant workers being eager to go back to their villages after the work are unlikely to have support from the local people where they work. They are worst sufferers and victims of exploitation. Any such situation demanding individual will have to taken care of attention and, if necessary, legal aid can be given.

**4. Reaching out to the unorganised labourers and facilitating their bargaining capacity with the employers and the institutional mechanisms for their welfare.**

Unorganised workers seldom have bargaining capacity for securing their rightful entitlements. This leads to exploitation by the employers. Temporary



nature of their work also disables them from using the collective bargaining techniques. Support by the legal services institutions to the unorganised workers will empower them in demanding their legal rights and entitlements. It shall be ensured that the workers are able to approach the Legal Services Authorities with confidence to avail of the benefits under the Central Act 33 of 2008.

**5. Providing legal assistance in appropriate cases.**

If any particular case requires legal action the legal services institution shall provide necessary legal assistance. For cases of court based legal services the eligibility criteria prescribed under Section 12 of the Legal Services Authorities Act, 1987 shall be kept in mind. The provisions of the Contract Labour (Regulation and Abolition) Act, 1970; The Bonded Labour System (Abolition) Act, 1976; The Inter-State Migrant Workmen Act, 1979; The Child Labour (Prohibition and Regulation) Act, 1986 and other major labour legislations also may be made use of in appropriate cases.

U. SARATHCHANDRAN, MEMBER-SECRETARY  
NATIONAL LEGAL SERVICES AUTHORITY

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# **Beneficial Scheme at a Glance**







क्र.सं	योजना का नाम	पात्रता	योजना का लाभ
1.	इंदिरा गाँधी राष्ट्रीय वृद्धा पेंशन योजना	इस योजना का लाभ केवल बी.पी.एल. सूची में दर्ज व्यक्तियों को ही दिया जाता है।	600/- ₹0 प्रति माह की दर से 60-69 वर्ष के बीच के आयु वर्ग के व्यक्ति को दी जाती है।
		ऐसे व्यक्ति जिनकी आयु 60-69 वर्ष के बीच है तथा जिनका नाम बी.पी.एल. सूची में अंकित है।	जिनकी आयु 80 वर्ष या उससे अधिक है को 700/- प्रति माह की दर से पेंशन दी जाती है।
2.	राष्ट्रीय पारिवारिक सहायता योजना	बी.पी.एल. परिवार के मुखिया या मुख्य अर्जनकर्ता जिनकी मृत्यु 18-59 वर्ष के बीच होती है।	आश्रितों को एक मुश्त 20,000/- रुपये का लाभ इस योजना के अर्न्तगत मिलता है।
3.	आम आदमी बीमा योजना	ग्रामीण भूमिहीन परिवार के मुखिया या मुख्य अर्जनकर्ता जिनकी मृत्यु 18-19 वर्ष के बीच हो बीमा किया जाता है।	बीमित व्यक्ति के स्वाभाविक मृत्यु होने पर 30,000/- रुपये की राशि उसके आश्रितों को दी जाती है।
		जिसकी पास भूमि मिलाकर 50% से कम हो बीमा किया जाता है।	दुर्घटना की स्थिति में मृत्यु होन पर अथवा स्थायी अपंगता की स्थिति में उन्हें 75,000/- की दर से राशि दी जाती है।
			आंशिक अपंगता की स्थिति में 37,000/- की राशि दी जाती है।
			दो बच्चों को जो कक्षा 9वीं से 12वीं कक्षा में पढ़ते हैं अथवा प्ज में पढ़ते हैं 4 वर्ष के लिए 100/- प्रतिमाह की दर से छात्रवृति दी जाती है।
		इस योजना के लिए बीमित व्यक्तियों को कोई राशि नहीं देनी होती है।	
4.	राष्ट्रीय स्वास्थ्य बीमा योजना	निर्बाधित बी.पी.एल., घरेलू कामगार, स्ट्रीट वेण्डर, मनरेगा भवन निर्माण मजदूर, सफाईकर्मी, टैक्सी रिक्सा ऑटो चालक, बीड़ी मजदूर, आदि।	योजनान्तर्गत सूचीबद्ध अस्पतालों में भर्ती होने पर वार्षिक 30,000/- तक का ईलाज निःशुल्क।
		मुखिया सहित पाँच सदस्यों को	लाभुकों के अस्पताल आने-जाने के लिए प्रति बार 100/- एवं अधिक तम वार्षिक 1000/- का भुगतान अस्पताल के द्वारा।



5.	हस्तकरघा बुनकर समग्र कल्याण योजना	यह योजना बुनकरों के लिए है और बुनकर ही इसका लाभ प्राप्त कर सकते हैं।	इस योजना के तहत एक बुनकर परिवार के पति-पत्नी एवं दो बच्चों समेत कुल चार व्यक्तियों को बीमा का लाभ दिया जाता है। इसके अन्तर्गत 15,000/- ₹ तक की राशि की स्वास्थ्य सुविधा उपलब्ध करायी जाती है। जिसमें से मात्र 50/- ₹ अनुदान के रूप में बुनकर को देना पड़ता है।
6.	स्वास्थ्य बीमा योजना	<p>राज्य के सभी हस्तकरघा बुनकर जिनकी कुल आय का कम से कम 50% हस्तकरघा बुनाई से अर्जित करता हो।</p> <p>भारत सरकार द्वारा निर्गत बुनकर पहचान पत्र/स्वास्थ्य बीमा कार्ड/ उद्योग विभाग/झारक्राफ्ट द्वारा प्रमाणित हस्तकरघा बुनकर।</p> <p>हस्तकरघा सहकारी समिति के नियमित सदस्य।</p>	<p>बुनकर स्वास्थ्य बीमा योजना अन्तर्गत प्रति बुनकर परिवार को 15000/- ₹ तक की वार्षिक स्वास्थ्य सुविधा निम्नवत् उपलब्ध करायी जाती है -</p> <ol style="list-style-type: none"> <li>1. सभी पूर्वव्यापी बिमारियाँ एवं नई बिमारियाँ में-15000/- ₹</li> <li>2. प्रसूति लाभ पहले दो बच्चों के लिए - 2500/- ₹</li> <li>3. दन्त उपचार - 250/- ₹</li> <li>4. नेत्र उपचार - 75/- ₹</li> <li>5. चश्मा - 250/- ₹</li> <li>6. अस्पताल में भर्ती इलाज - 4000/- ₹</li> <li>7. आयुर्वेदिक/होम्योपैथिक/सिद्ध - 4000/- ₹</li> <li>8. शिशु संरक्षण - 500/- ₹</li> <li>9. ओ.पी.डी. - 7500/- ₹</li> </ol>
7.	महात्मा गाँधी बुनकर बीमा योजना	<p>राज्य के सभी हस्तकरघा बुनकर जिनकी कुल आय का कम से कम 50% हस्तकरघा बुनाई से अर्जित होता हो।</p> <p>भारत सरकार द्वारा निर्गत बुनकर पहचान पत्र/स्वास्थ्य बीमा कार्ड/उद्योग विभाग/झारक्राफ्ट द्वारा प्रमाणित हस्तकरघा बुनकर।</p> <p>हस्तकरघा सहकारी समिति के नियमित सदस्य।</p> <p>18 से 59 वर्ष से सभी हस्तकरघा बुनकर इस योजना के अन्तर्गत लाभ प्राप्त करने के पात्र होंगे।</p>	<p>स्वाभाविक मृत्यु की स्थिति में - 60000/- ₹ दुर्घटना में हुई मृत्यु की स्थिति/पूर्ण अपंगता की स्थिति में - 150000/- ₹ दुर्घटना आंशिक अपंगता की स्थिति में - 75000/- ₹</p>



8.	राष्ट्रीय मछुआरा कल्याण कार्यक्रम	<p>योजना के अंतर्गत ऐसे व्यक्तियों को बीमा कवरेज प्रदान किया जाता है, जो मछली पकड़ने, मछली पालने, मत्स्य बीज उत्पादन, प्रशिक्षण आदि मछली से जुड़े कार्यक्रमों में संलग्न हों तथा जिनकी उम्र 18 से 70 वर्ष के बीच हो।</p>	<p>बीमित लाभुकों की आकस्मिक दुर्घटना में मृत्यु होने पर उनके वैध आश्रितों को मो. 2.00 लाख ₹0 का दावा विपत्र का भुगतान बीमा कम्पनी/फिशकोप्फेड, भारत सरकार द्वारा किया जाता है।</p> <p>बीमित लाभुकों की आकस्मिक दुर्घटना में पूर्ण स्थायी अपंगता होने पर भी उनके वैध आश्रितों/बीमित को मो0 2.00 लाख ₹0 का दावा विपत्र का भुगतान बीमा कम्पनी/फिशकोप्फेड, भारत सरकार द्वारा किया जाता है।</p> <p>बीमित लाभुकों की आकस्मिक दुर्घटना में आंशिक स्थायी अपंगता होने पर बीमित को मो0 1.00 लाख ₹0 का दावा विपत्र का भुगतान बीमा कम्पनी/फिशकोप्फेड, भारत सरकार द्वारा किया जाता है।</p> <p>बीमित लाभुकों की आकस्मिक दुर्घटना में मो0 10,000/- ₹0 का अस्पताल व्यय की भी अनुमान्यता इस वर्ष शुरू की गई है।</p>
9.	जनश्री बीमा योजना	निर्बाधित लाभुक	<p>बोर्ड द्वारा स्ब के सहयोग से सामुहिक बीमा योजना का लाभ, नोडल एजेन्सी के रूप में 100/- वार्षिक प्रीमियम राशि का भुगतान।</p> <p>सामान्य मृत्यु दर पर - 30,000/-</p> <p>दुर्घटना से मृत्यु - 75,000/-</p> <p>दुर्घटना से स्थायी व पूर्ण अशक्तता होने पर - 75,000/-</p> <p>दुर्घटना से दो आँखों या दो अंगों की हानि - 75,000/-</p> <p>दुर्घटना से एक आँख या एक अंग की हानि - 37,500/-</p>



			शिक्षा सहयोग योजना में लाभुकों के कक्षा 9वीं से 12वीं कक्षा (I.T.I. कोर्स समेत) में अध्ययनरत दो बच्चों को रूपये 100/- प्रतिमाह की दर छात्रवृत्ति देय होगी।
10.	चिकित्सा प्रतिपूर्ति योजना	निर्बाधित लाभुक एवं उसका परिवार	एक बीमारी हेतु लाभुकों को एक ही बार योजना का लाभ।
		गंभीर बीमारी यथा कैंसर, हृदय रोग (शल्यक्रिया सहित), गुर्दा रोग (शल्यक्रिया सहित), असाध्य मानसिक रोग (शल्यक्रिया सहित) एड्स, टोटल हिप रिप्लेसमेंट, स्पाईनल सर्जरी, मेजर वेस्कुलर डिजीज, बोन मैरो ट्रांसप्लान्ट, लीवर ट्रांसप्लान्ट, हेपाटोमा, एडवांस सिरोसिस ऑफ लीवर, रेटीनल डिटाचमेंट, प्रोलिफरेटिव डाईबेटिक रेटिनोपैथी, रेटीनल आर्टरी ऑक्लूजन, ईल्स डिजीज, मैकुलर होल से पीड़ित हों।	
		जिला स्तरीय समिति के अनुशंसा के उपरांत योजनान्तर्गत लाभ देय होंगे।	स्वास्थ्य चिकित्सा, शिक्षा एवं परिवार कल्याण द्वारा समय-समय पर रोगों की सूची, चिकित्सीय व्यय की अधिकतम अधिसीमा तथा सूचीबद्ध अस्पतालों की सूची में किये गये संशोधन/परिमार्जन Mutatis - Mutandis
11.	मेधावी पुत्र/पुत्री छात्रवृत्ति योजना	निर्बाधित लाभुकों के बच्चों के लिए।	1. कक्षा 1 से 5वीं तक (के सभी छात्रों को) 500/- 750/-
		लाभुकों के दो मेधावी संतानों के लिए।	2. कक्षा 6 से 8वीं 750/- 1000/-
		कक्षा एक (1) से पांचवीं (5) तक सभी श्रेणी के छात्रों को।	3. कक्षा 9 से 12वीं 1000/- 1500/-
		कक्षा 6वीं से उपर की कक्षा में प्रथम श्रेणी से अंक प्राप्त करके उत्तीर्ण की हो या किसी प्रतियोगी परीक्षा के आधार पर पाठ्यक्रम में प्रवेश किया हो।	4. स्नातक कक्षा यथा बी0ए0, बी0एस0सी0 बी0कॉम0, डिप्लोमा आदि 1500/- 2500/-
		स्नातक स्तर के मेडिकल तथा इंजीनियरिंग कोर्स में अध्ययनरत होने पर छात्रवृत्ति या संबंधित संस्थान की वास्तविक ट्यूशन फी की प्रतिपूर्ति, दोनों में से जो अधिक हो। साथ ही एक वर्ष के अध्ययन की अनिवार्यता होगी।	5. स्नातकोत्तर कक्षा यथा एम. ए., एम. एस. सी., एम. कॉम., स्नातकोत्तर, डिप्लोमा इत्यादि 2500/- 3000/-
		अन्य छात्रवृत्ति योजना का लाभ नहीं लिया हो।	6. स्नातक स्तर के व्यावसायिक पाठ्यक्रम में अध्ययनरत होने पर (इंजीनियरिंग तथा मेडिकल छोड़कर) 3000/- 4000/-
			7. इंजीनियरिंग तथा मेडिकल स्नातक स्तर के मेडिकल तथा इंजीनियरिंग कोर्स में 10000/- 15000/-



12.	बाल श्रम शिक्षा प्रोत्साहन योजना	NCLP विद्यालयों में अध्ययनरत बच्चे।	राष्ट्रीय बाल श्रमिक परियोजना से आच्छादित विद्यालयों में अध्ययनरत बच्चों को प्रतिवर्ष एक जोड़ी, ड्रेस, स्कूल बैग, जूता-मोजा, बेल्ट, टाई, परिचय-पत्र, स्वेटर, रेनकोट एवं 100/- छात्रवृत्ति वितरण हेतु रूपये 1000/- प्रति बच्चे के लिए उपायुक्त-सह-अध्यक्ष, एन.सी.एल.पी. को बोर्ड द्वारा राशि आवंटित की जाती है।
13.	रोजगार प्रशिक्षण योजना	निर्बाधित लाभुकों के परिवार के अधिकतम दो (पति/पत्नी तथा पुत्र/पुत्री) को उनकी इच्छा, योग्यता तथा स्थानीय स्तर पर व्यवसायिक पाठ्यक्रमों की उपलब्धता के आधार पर।	<p>बोर्ड द्वारा लाभुकों के नियोजन हेतु वांछित कुशलता में वृद्धि के लिए भारत सरकार के MES योजना के अन्तर्गत झारखण्ड में उपलब्ध VTPs में अर्हताप्राप्त लाभुकों को प्रशिक्षण। प्रशिक्षण अवधि में अकुशल श्रेणी के कामगारों के लिए निर्धारित न्यूनतम मजदूरी दी जायेगी। प्रशिक्षणार्थियों के लिए भोजनादि की व्यवस्था।</p> <p>झारखण्ड सरकार द्वारा संचालित राँची एवं दुमका अवस्थित टूल रूम में 4 (चार) पाठ्यक्रमों-यथा  (i) Fitter Technology,  (ii) Welding Technology,  (iii) Programming &amp; Operation of CNC Lathe, एवं  (iv) Inspection and Quality Control  में अर्हता प्राप्त लाभुकों को प्रशिक्षण की सुविधा।</p> <p>बोर्ड के द्वारा लाभुकों के कुशलता उन्नयन हेतु योजना आयोग के एक अंग C.I.D.C. के साथ MOU हस्ताक्षरित, जिसके तहत Masoin, Carpenter सहित 50 पाठ्यक्रमों में लाभुकों को अल्पकालीन प्रशिक्षण की व्यवस्था।</p>



14.	जननी सुरक्षा योजना	सभी गर्भवती महिलाएं	सरकारी अस्पताल अथवा चुने हुये निजी अस्पताल (Private Accredited Hospital) में प्रसव कराने पर शहरी क्षेत्र में 1000/- रूपया एवं ग्रामीण क्षेत्र में 1400/- का लाभ देय होगा।
		सभी गर्भवती महिलाएं जो BPL श्रेणी में आती है। जिनका प्रसव घर में SBA Trained ANM द्वारा कराया गया है।	500/- रू0 का लाभ देय होगा।
15.	चिकित्सा सहायता योजना	निर्बधित श्रमिक	अकुशल श्रेणी के श्रमिक हेतु विहित दर पर न्यूनतम मजदूरी का भुगतान।
		पाँच या उससे अधिक कार्यदिवसों तक अस्पताल में भर्ती रहने पर।	अधिकतम 40 कार्यदिवस के समतुल्य भुगतान।
16.	विवाह सहायता योजना	निर्बधित लाभुक	दो संतानों के विवाह हेतु 50000/- रूपये की सहायता।
		पाँच वर्षों तक लगातार अंशदान करने पर	
17.	निःशक्तता पेंशन	निर्बधित लाभुक	निःशक्तता पेंशन-500 रूपये प्रतिमाह
		वैसे लाभुक जो कि पक्षाघात, कुष्ठ, यक्ष्मा, दुर्घटना के कारण स्थायी रूप से अशक्त हो।	अनुग्रह राशि - 10,000 एकमुस्त रूप में भुगतान।
18.	पारिवारिक पेंशन योजना	पेंशन भोगी की मृत्यु की अवस्था में परिवार के सदस्यों को	पेंशन का 50% या 300/- रूपया अधिकतम का भुगतान।
19.	अनाथ पेंशन	लाभुक / पेंशनभोगी की मृत्यु होने पर	पेंशनभोगी के मृत्यु होने पर अनाथ पेंशन, परिवार पेंशन जैसे दर से देय होगा व 18 वर्ष से कम उम्र के बच्चों के बीच समान रूप से विभाजित होगा
20.	मातृत्व प्रसुविधा योजना	निर्बधित महिला लाभुक	6 सप्ताह के अकुशल श्रमिकों के लिए देय न्यूनतम मजदूरी का भुगतान।
		प्रथम दो प्रसुतियों के लिए	
21.	राष्ट्रीय पेंशन योजना	निर्बधित लाभुक	प्रति वर्ष लाभुक इस योजना में 1000/- रू0 का निवेश बोर्ड द्वारा।
			लाभुक द्वारा कम से कम 1000/- व अधिकतम 12000/- के अंशदान पर भारत सरकार द्वारा भी 1000/- प्रति लाभुक प्रति वर्ष देय होगा।



22.	सिलाई मशीन सहायता योजना	निर्बाधित 35-60 वर्ष के आयुवर्ग की महिला श्रमिक	प्रशिक्षणोपरान्त सफल लाभुकों को पात्रता के अनुरूप सिलाई मशीन सहायता योजना का लाभ
		साइकिल सहायता योजना का लाभ नहीं लिया हो।	
		एक वर्ष से बोर्ड के सदस्य रहे हों तथा उन्होंने अगले वर्ष का अपना अंशदान जमा कर दिया हों।	
23.	साइकिल सहायता योजना	निर्बाधित महिला एवं पुरुष श्रमिक।	पात्रता के अनुरूप साइकिल सहायता योजना का लाभ।
		महिला लाभुकों के द्वारा सिलाई मशीन सहायता योजना का लाभ नहीं लिया हो।	
		एक वर्ष से बोर्ड के सदस्य रहे हों एवं उन्होंने अगले एक वर्ष का अंशदान जमा किया हो।	
		अन्य किसी योजना का साइकिल नहीं प्राप्त किया हो।	
24.	श्रमिक औजार सहायता योजना	निर्बाधित श्रमिक	पात्रता के अनुरूप औजार किट का लाभ
		आयु 18 वर्ष से अधिक	
		निर्माण कार्य में संलग्न श्रमिक जैसे रा. जमिस्त्री, इलेक्ट्रीशियन, प्लम्बर, कारपेन्टर, कुली, पेन्टर आदि प्रकार के ट्रेड के लाभुकों को योजना का लाभ देय होगा।	
		लाभुक द्वारा किसी अन्य ट्रेड के लिए औजार-किट प्राप्त नहीं किया गया हो।	
		निबंधन के उपरांत तीन माह के भीतर	
25.	सरस्वती योजना	लाभार्थी के माता/पिता बोर्ड के निर्बाधित सदस्य हों।	निर्बाधित लाभुकों के परिवार में संस्थागत प्रसव से उत्पन्न दो बालिकाओं को जन्म के वर्ष से लेकर लगातार पाँच वर्षों तक प्रतिवर्ष 5000/- ₹0 की दर से यानि कुल पाँच वर्षों में कुल 25,000/- ₹0 डाक जमा योजना में विनियोग
		लाभुक के दो बच्चों के परिवार में संस्थ. गत प्रसव से उत्पन्न प्रथम पुत्री या द्वितीय पुत्री अथवा दोनों प्रसवों से उत्पन्न बच्ची (अधिकतम दो बालिकाओं के लिए।)	
		जुड़वाँ प्रसव होने पर दोनों बालिकाओं के लिए मान्य।	
		जन्म के दो वर्ष के अंदर आवेदन देना अनिवार्य। अनाथ बालिका की स्थिति में जन्म के पाँच साल तक पंजीकरण मान्य।	
		मुख्यमंत्री लाडली योजना के अंतर्गत लाभान्वित लाभुक योजना के हकदार नहीं।	





26.	चिकित्सा प्रतिपूर्ति योजना	निर्बाधित लाभुक एवं उसका परिवार	से लाभ लेने के बाद शेष राशि का सम्पूर्ण चिकित्सीय व्यय (जिसमें अस्पताल में भर्ती तथा दवा का खर्च) का वहन बोर्ड के द्वारा।
		गंभीर बीमारी यथा हृदय रोग, कैंसर, गुर्दे की बीमारी, एड्स आदि से पीड़ित हों।	
		मेडिकल बोर्ड की अनुशंसा के साथ चिकित्सा हेतु अनुमोदित व्यय को चिकित्सक अस्पताल से प्रतिहस्ताक्षरित कर आवेदन।	
27.	अंत्येष्टि सहायता योजना	निर्बाधित लाभुक	मृत्यु होने पर अंतिम संस्कार हेतु 5000/- रुपये का भुगतान परिवार के सदस्यों को।
28.	पेंशन योजना	निर्बाधित लाभुक	500/- रुपये प्रतिमाह पेंशन के रूप में।
		तीन वर्षों तक बोर्ड में अंशदान किया हो।	पाँच वर्ष पूर्ण होने पर प्रत्येक संपूरित वर्ष के लिए 25/- रुपये की वृद्धि होगी।
		60 वर्ष की समप्ति पर	
29.	अनाथ पेंशन	लाभुक/पेंशनभोगी की मृत्यु होने पर	पेंशनभोगी के मृत्यु होने पर अनाथ पेंशन, परिवार पेंशन जैसे दर से देय होगा व 18 वर्ष से कम उम्र के बच्चों के बीच समान रूप से विभाजित होगा।



## झारखण्ड सरकार

### स्वास्थ्य, चिकित्सा, शिक्षा एवं परिवार कल्याण विभाग

सं0सं0-6/पी0 नई यो0-02/2012-687( 6 )/स्वा0, राँची, दिनांक : 22.9.14

#### संकल्प

**विषय :** असाध्य बीमारियों के लिए चिकित्सा सहायता योजना के अन्तर्गत बी0पी0एल0 परिवारों के अतिविक्रित अन्य गरीब परिवारों को सम्मिलित करने, स्वीकृति प्रक्रिया में संशोधन करने एवं दी जाने वाली सहायता राशि में वृद्धि के संबंध में।

राज्य सरकार द्वारा राज्य के गरीबी रेखा के नीचे जीवन व्यतीत करने वाले परिवारों के मरीजों को असाध्य रोगों से पीड़ित हो, को अधिकतम 1,50,000 (एक लाख पचास हजार) रूपये तक की चिकित्सा सहायता प्रदान की जाती है। इस हेतु विस्तृत दिशा-निर्देश विभागीय संकल्प संख्या-305/स्वा0 दिनांक-23.11.2001 एवं संकल्प संख्या-337(5) दिनांक-31.07.2010 द्वारा निरूपित किया गया है।

2. ऐसे लोग जिनका नाम बी0पी0एल0 सूची में नहीं है, परन्तु वास्तव में अत्यधिक गरीब हैं को, चिकित्सा सुविधा उपलब्ध कराना संभव नहीं हो पाता है। ऐसे मामले में राज्य सरकार द्वारा यह निर्णय लिया गया है कि ग्रामीण क्षेत्रों में 10500 (दस हजार पाँच सौ) रूपये प्रति वर्ष तथा शहरी क्षेत्रों में 12000 (बारह हजार) रूपये, प्रति वर्ष तक की आय वाले परिवारों को इस योजना के अन्तर्गत लाभार्थी के रूप में सम्मिलित किया जाय। राज्य सरकार द्वारा यह भी निर्णय लिया है कि वर्तमान में दी जा रही चिकित्सा सहायता की राशि 1,50,000 (एक लाख पचास हजार) रू0 से बढ़ाकर 2,50,000 (दो लाख पचास हजार) रू0 किया जाय।
3. इस योजना के लिए आवश्यक शर्तें एवं प्रक्रिया संकल्प संख्या 305/स्वा0 दिनांक 23.11.2001 एवं 337(5) दि0 31.07.2010 द्वारा निरूपित “बी0पी0एल0 परिवारों हेतु असाध्य बीमारियों के लिए चिकित्सा सहायता योजना” के अनुरूप होगी, किन्तु वैसे रोगों के लिए जो तत्काल जीवन रक्षा से संबंधित हो, की स्वीकृति संबंधित जिले के सिविल सर्जन के स्तर से दी जायेगी एवं उसकी घटनोत्तर स्वीकृति जिला स्तरीय समिति से प्राप्त की जायेगी।
4. उपरोक्त कंडिका-2 में उल्लिखित परिवारों के लिए वार्षिक आय का निर्धारण अनुमण्डल पदाधिकारी द्वारा निर्गत आय प्रमाण पत्र के आधार पर किया जायेगा।
5. योजना का तृतीय पक्ष द्वारा मूल्यांकन, सैंपल चेक आदि के लिए अनुश्रवण तंत्र विकसित करने हेतु अलग से आदेश निर्गत किया जाएगा।



6. योजना के अधीन लाभुकों का ईलाज अधिकाधिक रूप से सरकारी अस्पतालों में हो, यह व्यवस्था सुनिश्चित की जायेगी।
7. विभागीय संकल्प संख्या-305/स्वा0 दिनांक-23.11.2001 एवं संकल्प संख्या-337(5) दिनांक-31.07.2010 को इस सीमा तक संशोधित किया जाता है।
8. यह आदेश तत्काल प्रभाव से लागू होगा।

आदेश:- आदेश दिया जाता है कि इस संकल्प को जनसाधारण की जानकारी के लिए झारखण्ड गजट के असाधारण अंक में प्रकाशित किया जाय।

झारखण्ड राज्यपाल के आदेश से।

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( बी0 के0 त्रिपाठी )

सरकार के प्रधान सचिव।



## झारखण्ड सरकार

### स्वास्थ्य, चिकित्सा, शिक्षा एवं परिवार कल्याण विभाग

सं0सं0-3/पी0-1-44/2006-337(5)/स्वा0, राँची, दिनांक : 31.07.2010

#### संकल्प

**विषय :** झारखण्ड राज्य बीमारी सहायता निधि प्रबंधन समिति की शक्तियों का विकेन्द्रीकरण उपायुक्त की अध्यक्षता में जिला स्तर पर गठित व निर्बंधित समितियों को करने के संबंध में।

राज्य सरकार द्वारा राज्य के गरीबी रेखा से नीचे जीवन व्यतीत करने वाले मरीजों, जो असाध्य रोगों से पीड़ित हो, को अधिकतम 1.50 लाख रूपए तक की चिकित्सा सहायता प्रदान की जाती है। इसकी विधि एवं प्रक्रिया का निरूपण विभागीय संकल्प संख्या-305/स्वा0, दि0-23.11.2001 द्वारा निरूपित है। उक्त संकल्प की कंडिका 10 में चिकित्सा हेतु सहायता प्रदान करने के लिए राज्य स्तर पर एक उच्च स्तरीय समिति गठित है। पूरे राज्य से प्राप्त आवेदनों की संख्या अत्यधिक होने के कारण इन आवेदनों पर विचार किये जाने में विलम्ब होता है, साथ ही दूर दराज के क्षेत्रों से आनेवाले मरीजों एवं परिजनों को काफी कठिनाइयों का सामना करना पड़ता है। इन कठिनाइयों के मद्देनजर प्रक्रिया का सरलीकरण करने का विषय सरकार के विचाराधीन था।

1. सम्यक् विचारोपरान्त राज्य सरकार द्वारा संचालित इस लोक कल्याणकारी योजना का लाभ बी0पी0एल0 परिवारों को सुगम एवं सुलभ तरीके से पहुँचाने हेतु झारखण्ड राज्य बीमारी सहायता निधि प्रबंधन समिति झारखण्ड, राँची को प्रदत्त शक्तियों को जिला स्तर पर उपायुक्त की अध्यक्षता में पूर्व से गठित एवं निर्बंधित जिला ग्रामीण स्वास्थ्य समिति को विकेन्द्रीकृत करने का निर्णय लिया गया है।
2. जिला स्तरीय समिति का दायित्व होगा कि सहायता अनुदान हेतु प्राप्त आवेदन पत्रों के साथ प्राप्त कागजात यथा-लाल कार्ड/बी0पी0एल0 कार्ड/अन्त्योदय कार्ड, पहचान पत्र/फोटो पहचान पत्र तथा चिकित्सा संस्थान द्वारा प्रस्तुत प्राक्कलन बीमारी से संबंधित Prescription/सलाह आदि की जाँच कर सहायता अनुदान की स्वीकृति के बिन्दु पर सम्यक् जाँचोपरान्त निर्णय लेंगे। प्रत्येक स्थिति में यह सुनिश्चित किया जाए कि लाभुक बी0पी0एल0 श्रेणी का ही हो।
3. बीमारी सहायता निधि का संचालन विहित प्रक्रिया के अनुसार संबंधित जिला के सिविल सर्जन-संयोजक जिले के उपायुक्त के सर्जन-सह-होगें, जो आवश्यकतानुसार राशि की अग्रिम निकासी कर जिला ग्रामीण स्वास्थ्य समिति के खाते में रखेंगे। राशि का समुचित उपयोग कर इसका डी0सी0 विपत्र महालेखाकार को ससमय भेजेंगे। इस



- राशि का लेखा लग कैश-बुक में संधारित किया जाएगा।
4. बीमारी सहायता अनुदान की राशि संबंधित अस्पताल/संस्थान को बैंक ड्राफ्ट अथवा उनके खाते में 'इलेक्ट्रॉनिक ट्रान्सफर' के माध्यम से दी जायेगी। अनुमानित राशि की व्यय विवरणी/प्राप्ति रसीद तथा उपयोगिता प्रमाण-पत्र प्राप्त कर व इसकी विधिवत् जाँचकर पारित करते हुए अग्रिम का समायोजन किया जाएगा तथा उसका वर्गीकृत ब्यौरा सरकार को एवं राज्य स्तरीय बीमारी सहायता निधि प्रबंधन समिति को उपलब्ध कराया जाएगा।
  5. जिला स्तरीय समिति अपनी सहायता के लिए रोग विशेष से संबंधित जिले में अवस्थित विशेषज्ञ चिकित्सक को अपनी बैठक में बुला सकती है।
  6. आवेदन पत्रों की प्रारंभिक समीक्षा हेतु उपायुक्त एक उपसमिति का गठन करेंगे। इस उप समिति की अध्यक्षता सिविल सर्जन/अपर मुख्य चिकित्सा पदाधिकारी करेंगे। इस उप समिति में रोग विशेष से संबंधित विशेषज्ञ डॉक्टर भी रहेंगे।
  7. आपातकालीन स्थिति में उपायुक्त, सिविल सर्जन की अनुशंसा पर समिति के अनुमोदन की प्रत्याशा में अनुदान की राशि स्वीकृत कर सकेंगे। अनुदान के लिए समर्पित आवेदन पत्रों पर अभ्यर्थी का फोटो लगाना आवश्यक होगा। साथ में परीक्षण करने वाले चिकित्सक की अनुशंसा तथा निर्धारित सूची के किसी अस्पताल का प्राक्कलन भी संलग्न करना होगा।
  8. अभ्यर्थी को अपने जिला में ही अभ्यावेदन देना होगा। अन्य जिलों से प्राप्त अभ्यावेदनों पर विचार नहीं किया जाएगा।
  9. इस योजना में राशि की अग्रिम निकासी आवश्यक होती है, चूँकि अस्पतालों को अग्रिम भुगतान करना पड़ता है। अतः यह सुनिश्चित किया जाएगा कि उतनी ही राशि की अग्रिम निकासी की जाय जितनी आवश्यक है। वर्तमान प्रस्ताव के अनुसार राशि को जिला ग्रामीण स्वास्थ्य समिति के खाता में ही रखा जाएगा, परन्तु कैश-बुक अलग से संधारित की जाएगी।
  10. राज्य बीमारी सहायता निधि प्रबंधन समिति को पूरे राज्य के जिला ग्रामीण स्वास्थ्य समिति के तत्संबंधी कार्यों के बारे में अनुश्रवण, नियंत्रण।
  11. मान्यता, प्राप्त अस्पतालों की सूची में अतिरिक्त अस्पतालों को जोड़ने अथवा किसी अस्पताल को विलोपित करने का कार्य पूर्व की भाँति राज्य स्तरीय समिति द्वारा किया जाएगा।
  12. स्वास्थ्य एवं परिवार कल्याण विभाग, झारखण्ड सरकार द्वारा पूर्व में निर्गत संकल्प सं0-305/स्वा0, दि0-23.11.01 को इस हद तक संशोधित एवं अवक्रमित समझा



जाय।

13. यह संकल्प वित्त विभाग की सहमति तथा महामहिम राज्यपाल एवं उनकी सलाहकार परिषद की स्वीकृति प्राप्त करने के उपरान्त निर्गत किया जा रहा है।

**आदेश:-** आदेश दिया जाता है कि इस संकल्प को जनसाधारण की जानकारी के लिए सरकारी राजपत्र के असाधारण अंक में प्रकाशित किया जाय।

झारखण्ड राज्यपाल के आदेश से।

ह०

( बी० के० त्रिपाठी )

सरकार के प्रधान।



## Welfare Schemes

Launched on 09.05.2015

### प्रधानमंत्री सुरक्षा बीमा योजना

वार्षिक प्रीमियम सिर्फ 12 रूपये में 2 लाख रूपये का दुर्घटना बीमा

- ◆ समस्त बचत बैंक खाताधारकों के लिए जिनकी आयु 18 से 70 वर्ष है।
- ◆ बीमा में दुर्घटनाजनित स्थायी विकलांगता भी शामिल।
- ◆ कोई भी व्यक्ति घोषणा-पत्र देकर सदस्य बन सकता है।

### प्रधानमंत्री जीवन ज्योति बीमा योजना

वार्षिक प्रीमियम सिर्फ 330 रूपये में 2 लाख रूपये का जीवन बीमा

- ◆ समस्त बचत बैंक खाताधारकों के लिए जिनकी आयु 18 से 50 वर्ष है।
- ◆ आपके बाद आपके परिवार को मिलेगी बीमा राशि।
- ◆ प्राकृतिक मृत्यु की दशा में भी बीमा राशि देय।

### अटल पेंशन योजना

- ◆ 18-40 आयु वर्ग के लिए
- ◆ 20 वर्ष तक अंशदान देना है।
- ◆ योगदान के आधार पर 1,000 रूपये से लेकर 5,000 रूपये तक का निश्चित पेंशन

प्रवेश के समय आयु	सालाना योगदान	सांकेतिक मासिक योगदान (रूपये में)	पॉलिसीधारकों को एवं उनकी पत्नी को मासिक पेंशन (रूपये में)	सांकेतिक कोष (संग्रहित राशि) लाभ, पॉलिसीधारकों के नामिती को (रूपये में)
18	42	210	5,000	8.5 लाख
20	40	248	5,000	8.5 लाख
25	35	376	5,000	8.5 लाख
30	30	577	5,000	8.5 लाख
35	25	902	5,000	8.5 लाख
40	20	1,454	5,000	8.5 लाख

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**JHALSA Circular  
for  
School and College Level**







## NYAYA SADAN

### JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)

NEAR A.G. OFFICE, DORANDA, RANCHI- 834002

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail - [jhalsa\\_ranchi@yahoo.co.in](mailto:jhalsa_ranchi@yahoo.co.in), [jhalsaranchi@gmail.com](mailto:jhalsaranchi@gmail.com)

**PATRON-IN-CHIEF**  
**Hon'ble Chief Justice**  
**Jharkhand High Court**

**Executive Chairman**  
**D.N. Patel, Judge,**  
**Jharkhand High Court**

**MEMBER SECRETARY**  
**S.K. Dubey**  
**(Pr. District Judge)**

RefNo: JHA.L.S.A/ 77

Dated : 16/06/14

To,

All the Pr. District Judges-cum-Chairmen  
District Legal Services Authorities  
State of Jharkhand-including  
The Pr. Judicial Commissioner-cum-Chairman  
District Legal Services Authority, Ranchi

Sir,

Enclosing herewith the letter bearing F.No. L/26/2013/NALSA dated 2<sup>nd</sup> April, 2014, received from the Member Secretary, NALSA, as directed, your goodselves are requested to ensure that at least 30 legal literacy/awareness programmes in your District are organized at school level, elementary level, at class VIII to XII and college level with adequate prize money and 30 legal literacy/awareness programmes are organized at the community level specifically for women, government officials, senior citizens, professionals and youth etc., highlighting Fundamental Duties in the light of decisions taken in the 12<sup>th</sup> All India Meet of State Legal Services Authorities held at Lucknow on 8-9 March, 2014 regarding inclusion of Fundamental Duties in the Legal Literacy Programmes and strengthening of Village Legal Care and Support Centres.

As directed, your goodselves are further requested to specifically focus on the programme on senior citizen, child trafficking and women's right/human rights in the Legal Literacy and Awareness Programmes to be undertaken by the DLSAs as per National Plan of Action 2014-15 of NALSA.

You are further requested to hold monthly meeting with the PLVs as per NALSA scheme and with Panel Lawyers which has already been incorporated in the JHALSA calendar for Lok Adalat and Legal Awareness Camp for the year 2014 and to *submit monthly report in the enclosed format latest by 3<sup>rd</sup> of the next calendar month by E-mail/fax* so that the Compliance Report may be sent to the NALSA by 7<sup>th</sup> of each succeeding calendar month.

Thanking You.

Sincerely Yours

(S.K. Dubey)  
Member Secretary

Encl.:- As above



To

All the Member-Secretaries,  
State Legal Services Authorities.

The Minutes of the 12th All India Meet of the State Legal Services Authorities held at Lucknow on 8-9 March, 2014 have already been circulated to you.

2. At the Meet, as you are now aware the following decisions among others, were taken :-
  - a. Fundamental Duties shall be the focus in all Legal Literacy Camps and effort will be made by the State Legal Services Authorities to get 'Lessons in Law' incorporating, Fundamental Duties, included in the school curriculum. All the SLSAs shall organize a three tier Essay Competition - at the Elementary level, for classes 8-12 and for college students with adequate prize money on the topic of Fundamental Duties.
  - b. Special efforts must be made by the SLSAs to strengthen the Legal Services Clinics and the Village Legal Care and Support Centres, ensuring that the services provided therein are of the highest quality whether rendered by the PLV or by the Panel Lawyer and Legal Services Authorities must reach to the maximum number of people and ensure that they cover as many villages as they can.
  - c. There shall be a performance audit of the DLSA's which will be made responsible and accountable for the implementation of the Schemes and Regulations of NALSA including the implementation of the decisions of NALSA. The SLSAs must strictly and continuously monitor all legal services activities in the State and the work of the DLSAs. The SLSAs are duty-bound to submit regularly action taken reports every month along with all relevant statistics and data to NALSA.
  - d. Each SLSA will have to focus on a few areas in the National Plan of Action 2014-15, from amongst the following areas :
    - i. Suicide in Jails;
    - ii. Farmers' suicide;
    - iii. Rehabilitation of Street Children in Maharashtra, Delhi and other cities;
    - iv. Child Marriages;
    - v. Khap Panchayat and similar institutions and their interference in matrimonial and other areas particularly in Haryana;
    - vi. Communal Harmony in bigger States like Uttar Pradesh and others.
    - vii. Mal-nutrition;
    - viii. Senior Citizens;



- ix. National Integration;
  - x. Female foeticide;
  - xi. Child Trafficking; and
  - xii. Women's rights/human rights.
3. In this connection, you are requested to :
- i. Implement the above decisions during the year 2014-15;
  - ii. Inform NALSA by 15.04.2014 about the focused areas chosen by your State Authority apart from the areas suggested by NALSA;
  - iii. Provide to NALSA the Calendar of Activities for implementation of the National Plan of Action starting from April, 2014 to March 2015. This should also include the schedule for the monthly meeting of the Chairman, DLSA with the PLVs as per our Scheme, the meeting of the Chairman, DLSA with Panel Lawyers, the DLSA itself as also the intra and inter district meets to recognize work done by the best PLV & DLSA in the State, the schedule for the essay competition at three level etc.
  - iv. As regards the two areas of NALSA viz inclusion of fundamental duties in the Legal literacy programmes and strengthening of Village Legal Care and Support Centres you may kindly :-
    - a. ensure that at least 30 legal literacy/awareness programmes in each district are organized at School level every month and 30 legal literacy/awareness programmes are organized at the community level specifically for women, government officials, senior citizens, professionals and youth etc., highlighting Fundamental Duties.
    - b. send monthly reports with effect from April, 2014 in the enclosed format by 7th of each succeeding month by e-mail/fax. If no information is received by the first week of each succeeding month, it shall be understood that no activity has been undertaken by the concerned SLSA/DLSA in the month for further action by NALSA. Hence, it is requested that the time schedule may kindly be adhered to.





**Highlights  
of  
13th All India Meet**





## Highlights of 13th All India Meet

- It was further resolved that PLVs shall visit the clinics (village or community) at least twice a week i.e on Wednesdays and Sundays. Legal services advocates on panel should also accompany the PLVs.
- It was resolved that all SLSAs shall prepare the Calendar of visit of PLVs in advance so that all Stakeholders particularly the beneficiaries may know in advance the visits of PLVs in a particular area or clinic.
- It was also resolved that all SLSAs shall set up legal aid clinics in each of the jails in the State within 3 months.
- It was further resolved that SLSAs shall identify the subject/topics for the programmes to be aired and prepare a calendar including at least three to four future telecasts. Anchors may be chosen from willing panel lawyers. Hon'ble High Courts, Senior Lawyers and District Judges, etc. can be invited as Resource Persons. SLSAs may also hire a Media Advisor for this purpose.
- It was resolved that only accurate and real figures of disposal of cases in Lok Adalats shall be reported.
- It was further resolved that under the Category of Pre-litigation cases, only those cases shall be counted which would result in passing of an executable decree immediately or in future, if disposed of through Lok Adalat. Other matters may be taken up separately and may be recorded under the separate head of "Service provided by DLSA".
- It was resolved that NALSA shall make a request to the Central Government to amend the State Mental Health Rules, 1990 in order to include the Member Secretary of each SLSA as a nominated and ex-officio Member Secretary of each SLSA as a nominated and ex-officio Member of State Mental Health Authority. In the meanwhile, the SLSAs should request the respective State Governments to invite the Member Secretaries to the meetings of the Authority as 'Invited Members', 'special invitee' or 'observer'.
- In the meanwhile, every SLSA must identify the Centre and State Schemes available to workers in the unorganized sector and publish the same in vernacular, within 6 weeks and send a copy to NALSA.
- It was resolved that a committee comprising of Hon'ble Mr. Justice V.N. Sinha, Hon'ble Mr. Justice D.N. Patel, Hon'ble Mr. Justice T.P. Sharma, Hon'ble Mr. Justice Rajendra Menon, Hon'ble Mr. Justice Kotiswar be constituted to examine the issue pertaining to the tribals and the Committee shall submit a report.





- It was resolved that all SLSAs shall nominate at least one or upto three (for larger States), panel lawyers or retired judicial officers to be trained as Master Trainers who in turn, will impart trainings to the panel lawyers in their respective States.

□□□

# **FULL Time Secretaries**





## Full Time Secretary : The Crusador at Grass-root Level

Full Time Secretaries in District Legal Services Authorities Sprador the country are the back bone to reach out to grass root people who are deprived of their basic human rights by reason of economic endeavours by the Apex body the National Legal Services Authorities to appointed post Full Time Secretaries is in all the District Legal Services Authorities of the country.

As a consequence the Hon'ble High Court of Jharkhand on the prayer of the Jharkhand State Legal Services Authorities was pleased to take the initiatives for increasing the strength of the cadre of Senior Civil Judge in all the then 22 Districts in order to appoint and post them as Full Time Secretaries in District Legal Services Authorities. The relevant Notification of the Govt. of Jharkhand and resolutions adopted in All India Meet of State Legal Services Authorities are as under :

*Full fledged Secretaries for District Legal Services Authorities in all the 22 District of Jharkhand*

झारखण्ड सरकार,  
कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग।

ज्ञापक-6/स्थापन सू०-001/2005 का.-18.6.8./रांची, दिनांक 29 मार्च, 2008

सेवा में,

महालेखाकार, झारखण्ड,  
पी०-हिनू, रांची।

विषय राज्य के 22 जिला विधिक सेवा प्राधिकार के लिए अवर न्यायाधीश स्तर के सचिव का वेतनमान रु० 12850-17550/- में 22 पदों के सृजन की स्वीकृति।

आदेश : स्वीकृत।

- इन पदों पर होने वाले व्यय का उपबंध मुख्य शीर्ष-2014-न्याय प्रशासन के सुसंगत लघु शीर्ष के अन्तर्गत किया जायेगा।
- निकासी एवं व्ययन पदाधिकारी संबंधित जिला के जिला एवं सत्र न्यायाधीश/अपर जिला एवं सत्र न्यायाधीश होंगे।
- पद सृजन में भ्रष्टाचार, झारखण्ड की स्वीकृति प्राप्त है।
- प्रशासक विभाग अपने बजट उपबंध से ही व्यय का सम्पोषण करेंगे।

झारखण्ड राज्यपाल के आदेश सं.

ह०/-

(आर०एस० शर्मा)

सरकार के प्रधान सचिव।

ज्ञापक-6/स्थापन सू०-001/2005 का.-18.6.8./रांची, दिनांक 29 मार्च, 2008  
प्रतिनिधि-वित्त विभाग, झारखण्ड, रांची/वित्त विभाग (बजट शाखा),  
झारखण्ड/विधि (न्याय) विभाग, झारखण्ड, रांची/महानिबंधक, झारखण्ड उच्च न्यायालय,  
रांची/सभी जिला एवं सत्र न्यायाधीश, झारखण्ड/सभी प्रमण्डलीय आयुक्त, झारखण्ड/सभी  
उपायुक्त, झारखण्ड/सभी विभागाध्यक्ष/प्रधान सचिव/सचिव, झारखण्ड/कोषागार  
पदाधिकारी, झारखण्ड को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

सरकार के प्रधान सचिव।

ज्ञापक-6/स्थापन सू०-001/2005 का.-18.6.8./रांची, दिनांक 29 मार्च, 2008  
प्रतिनिधि-अधीक्षक, राजकीय मुद्रणालय, डोरण्डा, रांची को सूचनार्थ एवं  
आवश्यक कार्रवाई हेतु प्रेषित।  
अनुरोध है कि जन साधारण के सूचनार्थ राजकीय गजट में प्रकाशित कर  
उसकी 200 (दो सौ) प्रतिगो विभाग को उपलब्ध करायी जाय।

सरकार के प्रधान सचिव।



**Full Time Secretary : 13th All India Meet of SLSAs :-**

- It was resolved that full time secretaries must be appointed at each district level. State Authorities shall therefore, take up with the respective State Governments the creation of posts for full time secretaries for each district where they have not been created as yet and where the posts have already been created, to ensure that they are filled up soon.

**Full Time Secretary : 12th All India Meet of SLSAs :-**

- That the post of Full Time Secretaries to be manned by Judicial Officers in the rank of Civil Judge, Senior Division must be created in every State and for ensuring that the Government does so, along with the creation of adequate staff support for the DLSAs/TLSCs **the Hon'ble Patron-in-Chief of every State Legal Services Authority, being the Hon'ble Chief Justice of the High Court** may include creation of these posts as an item on the Agenda to be discussed and followed up at the periodical meetings with the Hon'ble Chief Minister of the State.

**Full Time Secretary : 11th All India Meet of SLSAs :-**

- While noting that some progress has been made, the Hon'ble Patron-in-Chief emphasized the need to create the posts of full time Secretaries in all the Districts. His Lordship said that where sitting Judicial Officers were asked to look after both, the legal services work and the judicial work both suffered. Therefore, a Judicial Officer must be appointed exclusively for the legal services authorities, being completely exempted from the judicial work.
- The Executive Chairman, NALSA reviewed the data of action taken and wondered why there were only 10 full time secretaries in Tamil Nadu which fell short of the number of districts which were 22. This shortfall existed in other States as well. The Hon'ble Patron-in-Chief emphasized that the Hon'ble Executive Chairpersons needed to follow-up this issue with the State Governments with all seriousness and earnestness since, without full time secretaries and adequate staff, the effectiveness of legal services activities which had greatly expanded in their content would suffer.

**Full Time Secretary : 10th All India Meet of SLSAs :-**

- Hon'ble Executive Chairman, Kerala State Legal Services Authority informed that the Government of Kerala has sanctioned the post of seven full-time Secretaries of the District Legal Services Authorities just two days ago. Some States have informed that the Secretaries of the District Legal Services Authorities are given judicial work also in addition to the work in the District Legal Services Authorities. It was generally felt that this is a retrogressive will not be able to devote their full-time attention for organising the different legal services activities, which will result in the dampening of legal services activities.
- It was resolved that State Legal Services Authorities shall take steps for appointment of full-time Secretaries for the District Legal Services Authorities for the efficient working of the District Legal Services Authorities, so that the normal functioning of other judicial officers were not disrupted.





**CALENDAR OF NALSA  
FOR  
NATIONAL LOK ADALAT (2015)**

<b>S. No.</b>	<b>Dates</b>	<b>Subject Matter</b>
1.	14th February, 2015	Bank Matters :- Section-138, NI Act, Recovery Suits etc. (pending and pre-litigation matters)
2.	14th March, 2015	Revenue, MNREGA, Land Acquisition Cases
3.	11th April, 2015	Labour & Family Matters
4.	9th May, 2015 or 13th June, 2015	MACT and Insurance Claims (to be scheduled as per the court summer vacation)
5.	11th July, 2015	Electricity/Water/Telephone/Public Utility disputes
6.	8th August, 2015	Bank Matters :- Section-138, NI Act, Recovery Suits etc. (pending and pre-litigation matters)
7.	12th September, 2015	Criminal Compoundable Matters
8.	10th October, 2015	Traffic, Petty Matters, Municipal Matters
9.	November/December 2015	National Lok Adalat



**For Free & Competent Legal Services Contact :**

**Following Legal Services Authorities**

Sl. No.	Name of the DLSAs	Contact No. of Chairman, DLSA	Contact No. of Secretary, DLSA	
			Mobile	Landline
1	Bokaro	9431126828	9431384033	06542-224015
2	Chaibasa	9431133298	9431190300	06582-255236
3	Chatra	9431140331	9431936540,	06541-224637
4	Deoghar	9431137885	09955395190	06432-275496
5	Dhanbad	9431126026	9431396328	0326-2312588
6	Dumka	9431130451	9334011551	06434-222080
7	Garhwa	9431775680	9431151223	06561-222291
8	Giridih	9431144707	9431189621	06532-229649
9	Godda	9431516559	9431194336	06422-221191
10	Gumla	9431116939	9431281002	06524-291016
11	Hazaribag	9431140946	9431339901	06546-270926
12	Jamshedpur	9431133881	9431391232	0657-2220752
13	Jamtara	9431188437	9431747466	06433-223546
14	Koderma	08986868813	9431155220	06534-252900
15	Latehar	9431135500	9471533786	06565-247306
16	Lohardagga	9431391606	9431962338	06526-222007
17	Pakur	9431137409	9431159420	06435-220108
18	Palamau	9431136805	9431145745	06562-222767
19	Ranchi	9431391484	9471717001	0651-2341013
20	Sahibganj	9431139308	9431364375	06436-222335
21	Seraikella	9431522180	9431782215	06597-234092
22	Simdega	9431391489	8969212448	06525-226471
23	Khunti		9431904647	06528-220127

SI No.	Name of the SDLSc	Contact No. of Secretary, SDLSC
1	Tenughat	9431984812
2	Ghatsila	9708502261
3	Rajmahal	9431961771





**For Free & Competent Legal Services Contact :**

**NYAYA SADAN**

**Jharkhand State Legal Services Authority**

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