

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
LABOUR EMPLOYMENT & TRAINING DEPARTMENT			
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	67000

		identified vocational group/ rural landless household.	
4.	Rashtriya Swasthya Bima Yojna	<u>BPL Family /People</u> <ul style="list-style-type: none"> ● Rickshaw Driver/ Puller ● Rag Pickers ● Mine Workers ● Sanitation Workers ● Auto Rickshaw Drivers and Taxi Drivers ● Beedi Workers ● Street Vendors ● Building and Construction Workers ● MGNREGA Beneficiaries ● Domestic Workers 	18.14 Lakhs

<u>INDUSTRIES DEPARTMENT</u>			
5.	Handloom Weaver's Comprehensive Welfare Scheme Health Insurance Scheme Mahatma Gandhi Bunkar Bima Yojana	<ul style="list-style-type: none"> ● All Handloom weavers whether male or female are eligible to be covered under the health insurance scheme ● 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 ● 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. ● The weaver should be earning at least 50 % of his income from handloom weaving ● All weavers whether male or female between 18 to 59 years of age including minorities, women weavers and weavers belonging to NER. ● 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. 	----
6.	Handloom Artisan's Comprehensive Welfare Scheme		
<u>HEALTH, MEDICAL EDUCATION AND FAMILY WELFARE DEPARTMENT</u>			
7.	Janani Suraksha	<ul style="list-style-type: none"> ● No Age Restriction 	----

	Yojana	<ul style="list-style-type: none"> ● The Benefit of the Scheme are extended to all pregnant women in LPS status respective of the birth orders ● 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: <ul style="list-style-type: none"> ● BPL Pregnant women ● Aged 19 years and above, preferring to deliver at home is entitled to cash assistance of Rs.500/- per delivery ● Assistance would be available only up to 2 live births. 	
ANIMAL HUSBANDRY AND FISHERIES DEPARTMENT			
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"> ● Beneficiary should be an active fisher identified by state government ● Preference should be given to fishers below poverty line and to landless fishers ● Fishers owning land or Kutcha structure may also be considered for allotment of houses under the scheme. 	----
LIFE INSURANCE CORPORATION OF INDIA			
9.	Janshree Beema Yojna	<ul style="list-style-type: none"> ● Person between age 18 years and 59 years ● The group will be identified and notified by LIC, at present 44 vocational occupational groups are identified ● Minimum membership should be 25 under both rural poor and urban poor. ● The member should normally be the Head of the family. 	----

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 5 years 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 non-implementation, 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 ex-officio 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 (Sub-divisional) 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 manpower 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 16th December, 2013, and the State is hereby directed to file an 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.

(D.N. Patel, A.C.J.)

(Amitav K. Gupta, J.)