

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1923 of 2015

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Bihar Domestic Workers Welfare Trust through its State Coordinator Sr. Leema Rose, Daughter of S. George, ICM Sisters, Mariam Manzil, Khan Mirza Mohalla, Mahendru Post Office, Sultanganj Police Station, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Labour, Employment and Training, Government of Bihar, Patna.
3. The Labour Commissioner, Department of Labour, Employment and Training, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Alka Verma

For the Respondent/s : Mr. Roy Shivaji Nath, AAG 3

Mr. Amarendra Kumar, AC to AAG 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-07-2015

The writ petitioner is a Registered Trust having its office at Mumbai. It is stated that undertaking various welfare measures for the unorganized workers is one of its objects. The Parliament enacted the Unorganized Workers Social Security Act, 2008, contemplating various measures for the benefits and welfare of such workers. It also contemplates framing of Rules by the respective State Governments, constitution of the Committees and other steps, such as issuing cards to the unorganized workers to get themselves registered.

This petition is filed by way of Public Interest Litigation, complaining that though nearly seven years have lapsed since the Parliament enacted the law, the State of Bihar did not frame the Rules. On account of that, the unorganized workers in the State

are being deprived of the benefits.

The writ petition has undergone four or five orders, and in one of such order we expressed our displeasure about the undue delay in framing the Rules.

Today, it is reported by Shri Shivaji Roy, learned Additional Advocate General, that the Rules, namely “The Bihar Unorganized Workers Social Security Rules, 2015” have been framed and that have also been published in the Gazette. A copy of the Gazette is made available.

With this, the substantial grievance of the petitioner stands redressed.

The petitioner prays for direction to the respondents of constitution of the Committee and taking other steps contemplated in the Act and the Rules. Since the Rules were framed just few days ago, the State needs some breathing time to constitute the Committee. Further, the Committee is to comprise of various categories and large number of members. We are of the view that the State deserves to be given three months for this purpose.

We, therefore, dispose of this writ petition directing that the State of Bihar shall constitute the Committee as contemplated under rule-4 of the Rules, within three months from today and to implement the Act and the Rules in all respects.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

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