

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.520/14

**Subject: Delay in compliance of Bihar State Resident Labour Accident Compensation Scheme, 2008**

**Case of Smt. Heera Devi, distt. Madhepura**

Smt. Heera Devi, w/o Late Upendra Prasad Malakar, Tola- Rambagh (ward no.04) PS Udakishunganj, distt. Madhepura had complained to the Commission that her husband was working as a security guard in Fortune Design Space Pvt. Ltd, **Gurgaon**. He died of accident in the basement of office on 4<sup>th</sup> April, 2010. She requested for grant of Rs. 1,00,000 (One Lakh) compensation as per provisions of compensation scheme announced by Bihar Govt for resident labourers.

2. Commission asked for responses from the Principal Secretary, Labour Resources Deptt., Bihar & the District Magistrate, Madhepura (letter no. 3509 dt. 31.3.2014). DM, Madhepura has just forwarded a report from the Labour Superintendent, Madhepura (letter no. 132 dt. 20.07.2015) informing that the petitioner is entitled to compensation under "Resident Labour Accident Scheme" and that the petitioner is being directed to submit necessary papers in his office.

3. Bihar Govt. had launched a very good scheme entitled "**Bihar State Resident Labour Accident Compensation Scheme, 2008**" which provides for compensation of Rs. One Lakh to Bihari Resident Labourers employed outside the State who die of accident due to train/road accident, electrocution, Snake bite, drowning, fire, fall from tree/building, terrorist/criminal attacks etc, etc. The rule mandates Block Development Officer to complete enquiry within 14 days after getting the information.

Labour Superintendent/District Magistrate to get further enquiries done within a month and DM is supposed to order payment of compensation within one month, thereafter, to be paid to the beneficiary through cheque/draft

4. **Communication from BHRC was sent in April,2014 and the Labour Superintendent has taken more than a year to inform only that provisions of the compensation scheme are attracted in the instant case. This is a highly unacceptable response specially when the scheme mandates specific time limits for various functionaries like the B.D.O, Labour Superintendent and the District Magistrate.**

5. DM, Madhepura will look into the delay and send his report to the Commission by 29<sup>th</sup> Dec, 2015 when the matter is listed next.

6. **Commission would like to proceed u/s 16 of Protection of Human Right Act, 1993. Commission directs the Labour Superintendent, Madhepura to appear before the Commission on 29<sup>th</sup> December, 2015(Tuesday) at 13:00 hrs. along with detailed reasons for non-compliance of the mandate of the Govt. scheme.**

7. Copy of the order be sent to (i) **DM, Madhepura &** (ii) **Labour Superintendent, Madhepura for necessary action** and to the (iii) **Principal Secretary, Labour Resources Deptt., Govt. of Bihar for information.**

Date: 23.11.2015

Sd/-

(Neelmani)  
**Member**

**Registrar**