

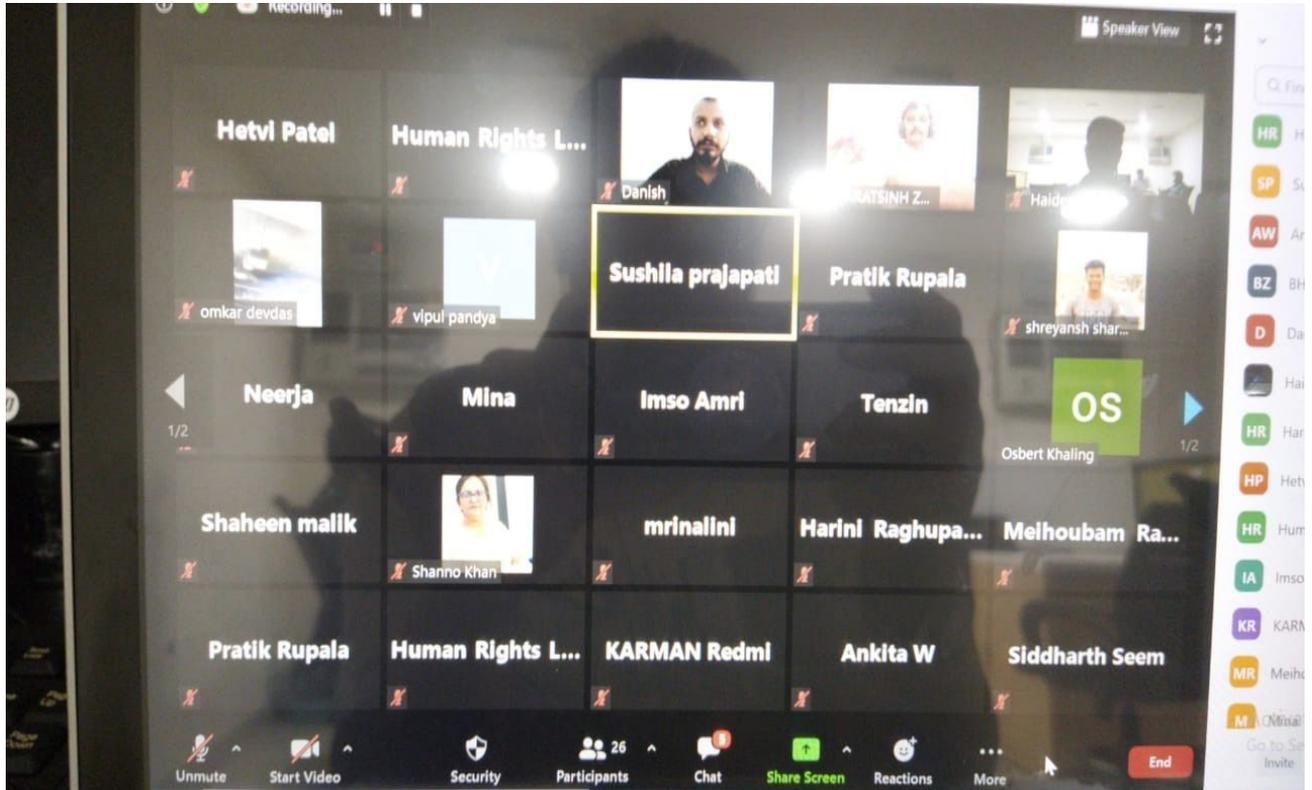
Report on

LABOUR RIGHTS & LAW IN GUJARAT

DATE 22.6.2020

TIME: 10.00 TO 1.00

Written by Hetvi Patel



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Schedule for the Webinar

Time	Session	Speaker
10 to 10.05	Welcome Note	Adv Govind Parmar
10.05 to 10.35	Present situation of workers in unorganized sector in Gujarat	Mr Vipul Pandya (Bandhkam Mazdur Sangthan)
	10 mins for questions/discussion	
10.35 to 11.05	Issues of Women in unorganized sector	Shushila Prajapati (Action Aid)
	10 mins for questions/discussion	
11.05 to 12.35	Effect of lockdown on Labourers in Gujarat	Mina Jadav (Prayas)
	10 mins for questions/discussion	
12.35 to 1.00	Situation of Migrant Workers in Covid-19	Adv Gunjan Singh (HRLN, Delhi)
	10 mins for questions/discussion	

Introduction

In the wake of Covid 19, a group of researchers and lawyers from HRLN began the process of organising a series of webinars, to begin the collective conversation around emergent issues. In series of such webinars organized by different units of HRLN all across the country, Gujarat Unit organized one more webinar on one of the most important issue during the Covid-19 lockdown that is concerning Labour rights and situation of migrant workers.

During the lockdown period, several news reports, articles and studied have shown that most vulnerable as well as worst hit community is labourers and workers working in various kinds of industries. Thus, webinar organized on 22nd June, 2020 by the HRLN Gujarat had key note speakers from the state as well from outside of the state. Speakers in the webinar are Lawyers, Social Activist, Local leaders and representative form the civic bodies in order to share expert knowledge on the conditions of Labourers, law and role of judiciary to ensure justice to the most vulnerable population of the country.

● **Present situation of workers in unorganized sector in Gujarat**

Speaker: Mr. Vipul Pandya

Mr. Pandya is working since a long time in field of welfare of the construction workers therefore, at the beginning of his session Mr. Pandya discussed in detail about the impact of Covid-19 lockdown mainly on the construction workers in the city of Ahmedabad. While sharing the experience of the filed work Mr. Pandya pointed out that as soon as the lockdown began almost all the employers from the constriction industries stopped paying monthly salary or daily wages to the workers on various construction sites. As a result of which many workers were left without income as well as no means to go back to their villages. Most stranded workers were from state of Rajasthan and tribal areas of Gujarat. Loss of income, jobs and no proper transportation facilities stranded migrant workers started walking on the roads to reach their native villages. Looking at the situation of these

workers many NGOs and civic bodies made representation to the government in order to provide some relief and facilities to these construction workers walking home bare foot. On the other hand, by Mr. Pandya and his association demanded Rs. 3000 from the Construction Worker's welfare board to help workers in distress.

Mr. Pandya further discussed on the issue of implementation of the welfare scheme announced by the Government as well as by the welfare board for workers. While giving information the same Mr. Pandya pointed out one the biggest issue in providing relief was lack of registration of unorganized labour working at different construction sites. As a result of it welfare schemes and monetary reliefs were unable to reach lakhs of unregistered workers and only ration card holders were benefited from these schemes. He also stated that government scheme of giving 1000 rs to each worker was also not implemented properly due to lack of registration and non-implementation of the inter-state migrant worker's act. On the free distribution of ration Mr. Pandya stated that merely 4.5 lakhs were only provided with government benefits in comparison to 30 Lakhs workers.

Other important discussed by Mr. Pandya was role of police on workers who were unable to follow the guidelines of lockdown due to poor socio-economic condition. He stated that government schemes were unable to reach to majorly of the workers specially many Adivasi workers living in tribal areas thus, many were willing to work and earn money for livelihood or wanting to go home very badly beaten by the police and almost 30 to 40 workers were put behind the bars in violation of lockdown guidelines. Similar incident was also witnessed by Mr. Pandya of the standard almost 2000 workers working in IIM Ahmedabad and upon intervention and investigation it was found out that no labour laws were followed on the site, no basic amenities to the workers were provided and were forced to work during lockdown as well.

At the end of the session Mr. Pandya emphasized on more registered workers under the Inter-State Migrant Worker's Act out of 1.5 crore unregistered workers in Gujarat working in various industries. He also drew attention to the fact that after the lockdown started to ease returning migrant workers were not provided with basic and safe facilities by the government in order to protect themselves from raising infection of Covid-19. Therefore, it is important to do proper survey to ensure every worker is registered and provided with all the basic facilities as well as standard minimum wages. Also, strict implementation of the law to protect rights of labourers and workers within the state with awareness amongst the labourers are needed.

- **Issues relating to women workers in Unorganized Labour sector**

Speaker: Sushila Prajapati

Sushila Prajapati is working with action aid for social and economic justice for the marginalized community. In her session, she discussed on various important issues relating to condition of women workers and labourers in the unorganized sector. At the beginning, she explained major categories of the workers and their definition given by the government under various laws. However, she pointed out that cleaning workers, domestic workers, Rag-pickers, brick kiln workers, weavers and many more daily wagers are not categorized thus, they are not protected directly under any law or any government schemes. As a consequence, during Covid-19 lockdown above mentioned labourers and workers from the unorganized sector and in particular women workers were very vulnerable. Their basic human rights very violated by their employers and due to lack of awareness they were worst hit during the pandemic.

Furthermore, speakers stated that due to Covid-19 pandemic mass unemployment within the unorganized sector is a very concerning issue. As per the statistics speaker stated that

almost 97% women workers are working under unorganized sector and most of them are sole bread winner of the family. Despite such high ratio of women workers in various sectors trade unions or state and central government doesn't include welfare for the women in to the schemes or laws. Due to lack of inclusion of women workers in welfare schemes women working as domestic workers, cleaning workers are not protected socially or economically. Other issues women working in unorganized sector struggles with is gender pay issues. Even though working hours and type of the work is same as male, women workers are paid less. This gender pay gap is generally quite high. Women workers in this sector are not entitled to any paid leaves or maternity benefits. Moreover, other central scheme benefits are also not given to these women workers. Due to lack of centralized laws women workers doesn't any have redressal system in this sector as a result of which women workers are abused and harassed by their employers.

Speaker drew the attention towards the need of specific law for these workers to protect them from such kind sexually and physical abuse they face due to low job security and lack of law and order situation. While discussing about such problems, speaker narrated practical example of how women workers in unorganized labour sector are forced to work long hours without any proper sanitation facilities such as drinking water, sanitation facilities and timely breaks during their work shifts.

At the end of the session speaker emphasized on the importance of the centralized laws for above mentioned women workers in unorganized labour sector. Due to covid-19 workers from the unorganized labour sector are affected as much as organized labour sector. Thus, framing of policy and national level representation for these workers are need of the hour. It is high time where issues of hidden labour sector such as this needs to be addressed for the empowerment of the women workers and their basic rights.

● **Effect of lockdown on Labourers in Gujarat**

Speaker: Mina Jadav

Under this session speaker focused on issues relating to migrant worker's crisis and implementation of various government schemes as relief packages for the workers in Gujarat. Speaker discussed the issue of free ration distribution among the poor and marginalized families and workers. As per speaker's experience while working on the ground it was noticed that implementation of the schemes was extremely poor. There were many poor families who were not provided with food. Ration card holder as well as non-holders were having trouble accessing free ration due to lack of knowledge on how to use the technology. In states like Gujarat ration was there but distribution was not able to reach to the poor people and in remote villages. However, in states like Madhya Pradesh ration was not delivered at all in some parts.

Other issue raised by the speaker during this session was quality and quantity of the food grains while ration distribution. As per speaker 300 gm was given to school children which is very less and not sufficient. Adding further to the discussion speaker raised concerns over availability of "Shramik trains" and problem faced by workers during getting tickets for the same while trying to go to their native places. As per reports shramik train were supposed to be free of cost however, as per the ground report many workers have paid their own tickets and have paid huge amount of money to be able to reserve a seat in the train. Workers who are extremely marginalized were also asked to pay for their tickets like farmers, brick kiln workers and daily wagers. Speaker also discussed the lack of health care facilities to the migrant workers walking on the road especially pregnant women and hardship faced by them due to marginalization by the society as well as lack of response from the state governments.

At the end of session speaker emphasized on the importance of better implementation of the scheme and supportive mechanism to be provided to the workers to be able to get the benefits of all the relief packages given by the government.

● **Judiciary on Migrant worker crisis in Covid-19**

Speaker: Advocate Gunjan Singh

In the last session of the webinar advocate Gunjan Singh discussed in detail the role of courts in India with regards to migrant worker's crisis in times of Covid-19 Lockdown across the country. At the beginning of the session Gunjan discussed at length about the case of *Suo Moto* migrant worker petition by the Supreme Court of India. As per the discussion it was informed that for the longest time apex court did not pass any positive order in several petitions and PIL file by various NGOs and advocates. As per government on 30th March there were no migrant workers walking on the roads and due fake news hype about the crisis has been created.

However, after much pressure and letter by senior advocates practicing in apex court to the chief justice finally on 28th April Supreme court took the case up on migrant worker crisis and passed a detailed order stating following relief for the migrant workers willing to go back to their hometown:

1. All migrant workers willing to go their hometowns will be provided with free of cost tickets and meals will be provided to them during their train journey.
2. Remaining migrant workers from all the states can register themselves and state government in consultation with central government will provide them Shramik Trains.
3. Any legal cases or criminal charges filled on the migrant workers by the local police for violating guidelines of the lockdown should be consider to be withdrawn.

4. Migrant workers willing to go back should be made aware of the order passed by the Supreme court via publishing it local newspapers and radio.
5. As per the need Sharmik Trains should be functioning for all the migrant workers willing to go back to their hometown.

However, to avail the benefits of the above mention order workers needed to do the registration and that was a huge problem due to lack of education, technology and awareness. Thus, some trade union like Maharashtra Trade Union came to the rescue and helped migrant workers to avail the benefits and helped them with the registration process. Further, Gunjan also discussed in detailed about changes brought by 5 states governments in labour law where in wages, registration of workers, long working hours, minimum wages and other relaxation were announced by the government and impact of the same on labour rights. As relaxation in these laws are in violation of the basic human rights of the workers. Thus, Gunjan discussed the strategies to challenge this illegal and arbitrary State Government notification in respective High courts in order to protect the rights of the laboueres.

At the end of the session Gunjan discussed role of HRLN in providing legal aid to the stranded migrant workers in various High courts and apex court through its network across the country.

Annexure A

Participant List:

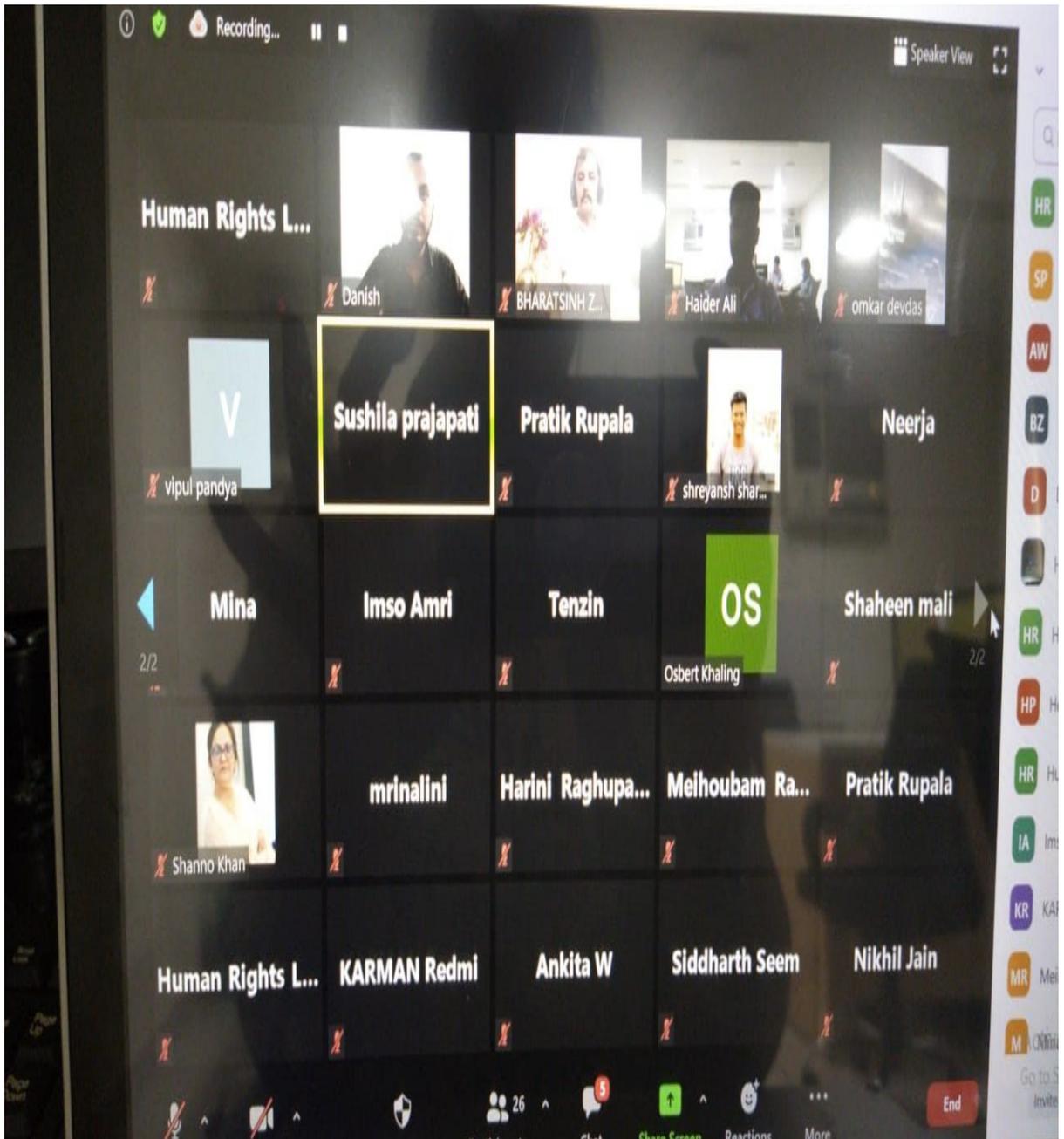
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Annexure B

Pictures





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LAW

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