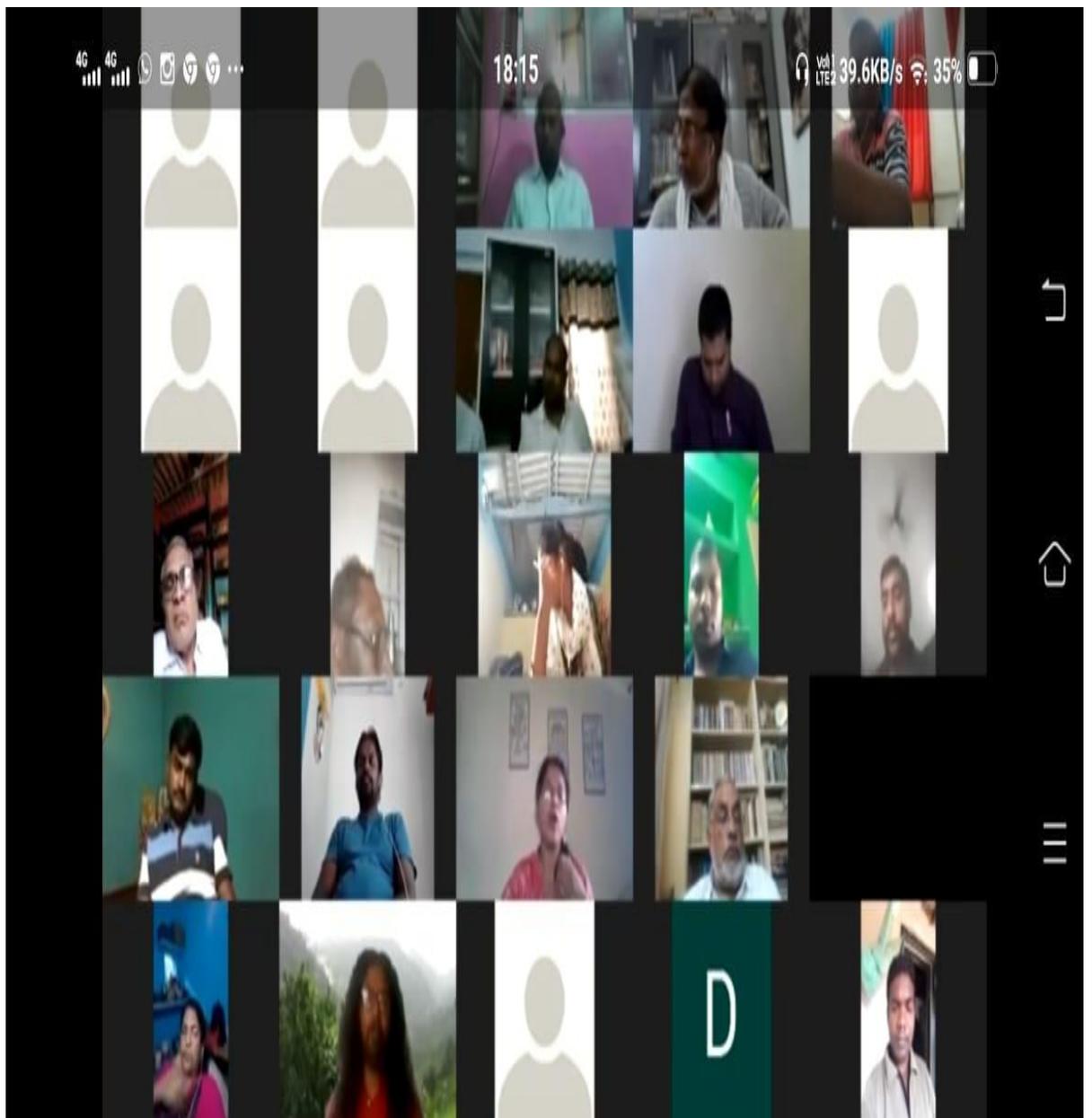


**HRLN CHHATTISGARH STATE LEVEL WEBINAR ON  
SITUATION OF MIGRANT LABOUR AND RECENT  
LABOUR LAW CHANGES**

**Date 30.06.2020**

**Time – 1:00 PM to 3:40 PM**



**HRLN CHHATTISGARH STATE LEVEL MEETING ON**  
**SITUATION OF MIGRANT LABOUR AND RECENT LABOUR**  
**LAW CHANGES**

**AGENDA**

<b>Time</b>	<b>Topic</b>	<b>Speaker</b>
1:00 to 1:05	Introduction to the Meeting	Amarnath Pandey
1:05 to 1:20	SC intervention on migrant labour	Colin Gonsalves, Senior Advocate, Supreme Court of India, Gunjan Singh, Advocate.
1:20 to 1:35	Covid 19 on Poor and Chhattisgarh High Court Response	Rajni Soren, Advocate, Chhattisgarh High Court, Bilaspur
1:35 to 2:05	Situation of Migrant Labour in Chhattisgarh	<ul style="list-style-type: none"> <li>• Lakhan Subodh, Social Activist, President GSSS</li> <li>• Sanjay Gupta, Social and Political Activist.</li> <li>• Sangeeta, Right to Food Campaign.</li> <li>• Gautam Bandhopadhyay, Nadi Ghati Morcha.</li> </ul>
2:05 to 2:35	Labour law issues and challenges	<ul style="list-style-type: none"> <li>• Arvind Shrivastava, Advocate, High Court of Madhya Pradesh, Jabalpur.</li> <li>• Gunjan Singh,</li> </ul>

		Advocate Supreme Court.
2:35 to 3:05	Challenges and role of trade union and labour movement. Atmanirbhar Coal.	<ul style="list-style-type: none"> <li>• Vidya Sagar Giri, National Secretary, AITUC.</li> <li>• Haridwar Singh, Mahamantri, AITUC, SECL, Bilaspur.</li> </ul>
3:05 to 3:35	Possible Socio Legal Intervention Plan of Action	Kishoe Narayan and Rajni Soren, Advocates.
3:35 to 3:40	Vote of thanks	Degree Prasad Chouhan Advocate.

### **LIST OF PARTICIPANTS**

<b>Name</b>	<b>Organization</b>	<b>Contact No.</b>
Vidya Sagar Giri	National Secretary, AITUC	
Degree Prasad Chouhan	HRLN, Chhattisgarh	8889326269
Amarnath Pandey	HRLN, Chhattisgarh	9826820081
Rajni Soren	HRLN, Chhattisgarh	8982844625
Rakesh Meibhoum	HRLN, Manipur	9436021438
Gunjan Singh	HRLN, Delhi	9643500529
Gautam Bandhopadhyay	Nadi Ghati Morcha, C.G.	9826171304
Ali Zaidi	HRLN, Allahabad	8439786110
Mohhamed Danis	HRLN, Allahabad	9911487953
Kamleshwar Bhagat	Raigarh	9399956557
Sajal Madhu	Bachao Sangharsh Samiti, Dharamjaigarh	8964896483

Santoshi Rathore	Janjgir-Champa	
Arvind Shriwastava	Advocate, High Court of M.P.	
Fr. Jacob Kujur	Pathalgaon, Asha Kiran	9406485747
Saurabh Agrawal	Korba	
Sevti Panna	Jashpur	9424182050
Deepak Kumar Singh	HRLN, Patna	8287716157
Vibhisan Patre,	Dalit Adhikar Abhiyan, Pamgarh	9907125833
Amna Begum	Dalit Adhikar Abhiyan, Pamgarh	
Dilman Minj	Advocate, High Court of Chhattisgarh	9754004959
Lalit Kumar Jangde	Advocate, High Court of Chhattisgarh.	9893981390
Haridwar Singh	AITUC, SECL, Bilaspur	8223074617
Divya Jaiswal	Advocate, Bilaspur	7000862136
M. Goldy George	Dalit Mukti Morcha	9893277910
Virendra Satnam	GSS	7089668575
Ajar Anant	GSS	7879520137
Fr. Josy	PUCL	9425543304
Rinchin	PUCL	9516664520
Kishore Narayan	Advocate, HRLN	8959953566
Ankita Shrivastava	Advocate, C.G. High Court	7974170471
Emmanuel Narayan	Advocate	8871868513
Son Singh Jhali	Advocate	9406150745
Lakhan Subodh	President, GSS	9301802425

Ashish Beck	Advocate, C.G. High Court	7223874466
Palak Dwivedi	Student	8959088124
Gagan Pandey	Student	9770797307
Ballu Suryavanshi	Social Activist	9098170179
Prabhar Shrivastava	Court Clerk and Social Activist	9753994486
M.D. Satnam	GSS	9584839307
Deepak Sahu	Social Activist	9993391721
Mahesh	GSS	9993335380
Colin Gonsalves	HRLN and Senior Advocate	9810615811

### **SUPREME COURT INTERVENTION ON MIGRANT LABOUR**

**COLIN GONSALVES, SENIOR ADVOCATE, SUPREME COURT**– We had filed about 4-5 cases in respect of migrant labourers in Supreme Court but Supreme Court did not take up the matter seriously. Their approach was disappointing and they said that the matter should be looked up by the Central Government. Subsequently, many people criticized the approach of Supreme Court by saying Supreme Court is not anxious about the rights of workers. Thereafter the Supreme Court took the migrant labourers problem seriously and passed many orders related to their right to food, free transportation etc. Now the phase of migration is by and large over and the workers have reached their home states. Now the face different type of problems. Some workers have been quarantined. Some State have refused to accept them in their

state. In their home state, the workers are facing problem of unemployment and hunger. Now it is important to file cases in the High Court highlighting the new problems faced by the workers. In the High Court cases can be filed in relation to right to food, right to employment, MNREGA, Right to Health Care and facilities in quarantine centers. It is also important challenge the changes in labour law in the high court and challenge the increase in working hours.

**GUNJAN SINGH, ADVOCATE**—The next hearing in Supreme Court regarding migrant labour case is on 7<sup>th</sup> July. Meanwhile, many states are going to file their affidavits claiming that everything is being done to solve the migrant labour crisis. In this situation, the role of NGO's individuals working in different states is important. They have to collect ground information to counter the claim of State Governments. I request all the participants to check whether the directions of Supreme Court dated 8<sup>th</sup> June is implemented at the ground level or not. Information with respect to labourers who have returned to Chhattisgarh has to be collected because from Chhattisgarh many labourers had migrated for work to different states like Maharashtra, Tamilnadu, Gujrat, Karnatka etc. We have to highlight that Interstate Migrant Workers Act and Building and Construction Workers Act have not been implemented. The funds in the Welfare Board have not been spent on the

labourers. At some places these welfare boards have not been constituted. At some places, the workers have not been identified. Many workers do not have Ration Card. Supreme Court has also orders that the cases registered on workers related to lockdown violations have to be withdrawn.

### **EFFECT OF COVID-19 ON POOR AND CHHATTISGARH HIGH COURT RESPONSE.**

**RAJNI SOREN, ADVOCATE**– First case was done on behalf of right to food campaign and Hawkers Federation. This case was filed just after announcement of lockdown. The case was related to cash transfer to the workers of organized and unorganized sectors, ration card availability of food. When the case was pending, state of Chhattisgarh passed a circular providing ration of 10 kg's rice to all those who do not have ration cards. The State Government informed to the court about the issuance of this circular. We gave the list of areas where the process of making ration card is stopped. The second issue which was raised in this case was related to mid day meal scheme. The State Government had reduced the items in the mid day menu and only rice and pulse was given to the children. Subsequently, due to this case, the State Government added soya bean, cooking oil. Chhattisgarh is a transit state in migration of workers. Many workers were coming from Maharashtra, Gujrat used to cross Chhattisgarh while going to their home states in Jharkhand Bengal and Orissa. Bilaspur bus stand

accommodated many labourers who were going to Bengal and Jharkhand. We requested the court to direct the increase in buses which were taking labourers to the borders of Chhattisgarh for further travel to different states. Sanjay Agrawal of Bilaspur who was helping the migrant labourers in Bilaspur bus stand filed a case in High Court raising the grievances labourers who were passing through Bilaspur bus stand. When the High Court sought reply from the state, the conditions in bus stand improved. Number of buses were increased. Food was provided to the labourers in the bus stand. One another case was filed by Lakhan Subodh of GSS related to bad conditions of quarantine centers. Till date, there are more than 25 non covid deaths in Chhattisgarh. The last case was filed on behalf of coolies of Bilaspur Railway Station. These Coolies have become unemployed because of stoppage in train services and they are starving.

### **SITUATION OF MIGRANT LABOUR IN CHHATTISGARH**

#### **LAKHAN SUBODH, PRESIDENT, GURU GHASIDAS SEVADAR**

**SANGH (GSS)**—The labourers who migrate to other states for work mainly belong to scheduled caste. Workers migrate from places like Baloda Bazar, Kashdol, Mahasamund, Basna. The brick kiln workers mainly are from Chhattisgarh. They are considered skilled labourers. The workers get only 100 days work in a year and for remaining days he has to migrate to other states for work.

The human are treated as commodities. Brick kiln workers are not registered, therefore, they are exploited.

**SANJAY GUPTA, SOCIAL ACTIVIST** – Two months back, I was passing through the Bilaspur Bus stand, I saw many labourers standing there. I spoke to them and came to know that they are facing a lot of problem in going to their homes. I decided to help them and thereafter every day last two months I have been working in the bus stand and ensuring that workers, are getting food and transport etc. For initial 15 days, the workers conditions were very pathetic and they were not getting any transportation facilities. They were walking on the roads and railway tracks. After 15 days the conditions improved, however, the delay in arrangement of bus was always there.

**SANGEETA, RIGHT TO FOOD CAMPAIGN**–In Chhattisgarh, 2,60,000 migrant worker have returned. Regarding PDS system, to the persons who do not have ration cards are getting rice from Municipal Corporation for Panchayats, but their ration cards have still not been made. The information given by the government is that during the lockdown period, about 70,000 ration cards have been issued. Presently, ration cards are made as per 2011 survey but many people have come to Chhattisgarh after that. Before about 24 lakh tons grain were distributed in PDS now it has been increased to 28 lakh tons. In MNREGA Job cards have not been

issued to the migrant workers, therefore, they are not getting employment in their home state.

**GAUTAM BANDHOPADHYAY, NADI GHATI MORCHA**– Present worker crisis exposed the non implementation of Interstate Migrant Workers Act. State has not kept record of actual number of migrant labourers returning to Chhattisgarh, because they are not registered and many of them have returned on their own. The main problem is that the record of seasonal migrants and semi permanent migrants have not been kept. Like MNREGA, there is need of law ensuring employment guarantee in Urban Area also.

### **LABOUR LAW ISSUES AND CHALLENGES**

**GUNJAN SINGH, ADVOCATE** – You are aware that recently many State Government by a notification have increase the working hours of labourers. Under the Factories Act, the maximum working hour is 8 hours, now it has been increase to 12 hours. This was done u/s 5 of the Factories Act which empowers the state government to suspend any labour law in case of public emergency. In many states, these notifications were challenged and state government withdrew the notification. Second aspect is that many people argue that business is not growing because of complicated labour laws. Making this as justification to amend the law, Uttar Pradesh Government suspended 35 labour laws, out of 38 total

labour laws. Labour laws were enacted after a long struggle of workers. Now they are being changed.

**ARVIND SHRIVASTAVA, ADVOCATE OF HIGH COURT OF**

**MADHYA PRADESH** – It is a misconception that labour laws are in favour of workers. Laws like Industrial Dispute Act is toothless tiger. If a case is initiated by the labour, it takes at least 25 years, to reach its finality. Labour Department, Labour Commissioner or Conciliation Officer always take side of employers. The employers don't maintain register of employees and their attendance is not marked, therefore, labourers cannot prove employer-employee relationship in the court. Even in public sector banks, the record of contractual employees or daily wage employees are not maintained. Now the state government passed a notification that during the lockdown, wages have to be paid to the employees. But survey shows 94 per cent factories did not pay wages to the employees. Even, salary of March 2020 was not given because on 23<sup>rd</sup> March lockdown was announced and the employer said that the month was not complete, therefore, no salary can be given.

**VIDYA SAGAR GIRI, NATIONAL SECRETARY AITUC** – In

Corona pandemic, the entire health system has collapsed. Doctors are dying. The Minimum Wages Act and Payment Wages Act and two other similar laws have been codified and a wages code have been passed. Rules will also be framed under this code. Labour law

was not passed overnight, It involves certain historical events. Labour laws have three components, firstly the international labour law, secondly the constitutional labour law and thirdly statutory labour law. Labour law started with October revolution in the year 1918 and its collapse started with the disintegration of USSR. The International Labour Organization (ILO) was constituted in the year 1919. In the first ILO convention, the rule of 8 hours maximum works was passed. Today, there is an attempt to make the workers modern slaves. In the name of labour reforms, the labour law is being destroyed.

**HARIDWAR SINGH, MAHAMANTRI AITUC, SECL** – In 1950, the public sector procured 50 million tons coal. In this year it has procured more than 600 million tons coal by Coal India Ltd. Every year this number and profit is increasing. Last year, the government tookout 60,000 crores rupees from the reserve capital of the Coal India. South Eastern Coal Fields Limited gives 14,000 crores to the Central Government and State of Madhya Pradesh and Chhattisgarh. Therefore, in order to make Atm Nirbhar Bharat, The Coal Sector should only be in the public sector. Today even if a contractual labourer dies in the coal mine, his family gets 15 lakh compensation, but if the coal sector is handed over to private body, this money will not be given to the family of the deceased employee. Today for Coal India Employees, there is school,

hospital etc. This will not be private sector. Presently, 41 coal blocks is being handed over to Private Coal Mining Companies under the Atm Nirbhar Coal. This government decision is anti workers.