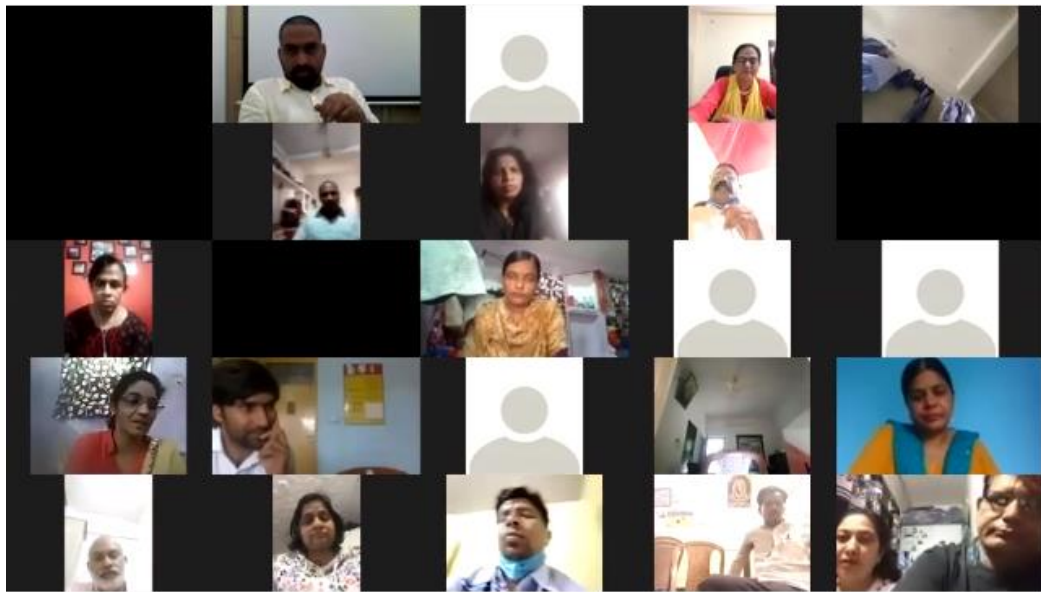


Report on

MP STATE LEVEL MEETING ON
LABOUR RIGHTS

Date: 28th June, 2020

Time: 11 PM - 2 PM



Written & Edited by
Adv. Shanno Shagufta Khan

Schedule of the Meeting

Time	Speaker
11:00 AM-11:10 PM	Mr. Collin Gonsalves, Senior Advocate, Supreme Court of India
11:10 PM-11:30 PM	Adv. Gunjan Singh, Supreme Court of India
11:30 PM-11:50 PM	Mr. Ram Kripal Gursel, Moil Janshakti Majdoor Sangh
11:50 PM-12:00 Noon (Questions and Answers)	
12:00 Noon -12:20 PM	Mr. Ram Rajya Tiwari, Indian Nation Trade Union Congress
12:20 PM -12:40 PM	Akhilesh Yadav, Central India Trade Union, Gwalior
12:40 PM -01:00 PM	Mr. Nirmal Goenka , HRLN Delhi
01:00 PM -01:20 PM	Smt. Rosina , Madhya Pradesh Domestic Worker Movement
01:20 PM -01:30 PM (Questions and Answers)	
01:30 PM-01:40 PM	Mr. Roop Singh, All India Trade Union Center
01:40 PM-02:00 PM	Mr. Vijay Sen, Bhopal
02:00 PM (Vote of Thanks)	

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1. Introduction

The crisis migrant workers are facing today, is an unprecedented national emergency during this global pandemic. After nearly two months of waiting to go home, with no jobs and money, many workers took it upon themselves and started walking back home covering hundreds of kms on foot. Many still found themselves stranded with no hope of an early departure, without food and basic necessities. In spite of the immeasurable suffering of the entire labour force, many state governments went ahead and made substantial changes in their respective labour laws, adding to the workers' distress.

Keeping all this in mind, MP HRLN organised a state level meeting on "Labour Rights during COVID 19." The meeting aimed to encapsulate the problems faced by workers all across the state of Madhya Pradesh and to capture and analyse the recent changes made in state laws. An attempt was made to examine the states' response to the situation and to deliberate the way forward to minimize the damage. Panelists from prominent trade unions and labour experts were invited to speak on the issue. The meeting saw interesting insights being highlighted by the experts, which prompted many participants and activists to modulate an action plan to go forward.

The meeting was moderated by **Smt. Shanno Khan**, HRLN Indore. Here are the minutes of the meeting:

Mr. Collin Gonsalves, Senior Advocate, Supreme Court of India

The agenda of the meeting was laid out. An overview of the entire migrant situation and details about the ongoing Supreme Court case on migrant labourers was explained. The fact that the Supreme Court has taken a soft approach in responding promptly to the situation was also highlighted. The eventual decision and directions of the Supreme Court on the issues were explained.

2.1 Adv. Gunjan Singh, Supreme Court of India

The Supreme Court had given state governments 15 days to send the migrant workers back to their respective districts. It is imperative to find out whether these directions have been adhered to by the state governments, and therefore it is also important to find out whether the directions have been followed at the ground level. The complex procedure of “registration” for state sponsored transport was a major issue felt all across. The workers found themselves unable to register due to the cumbersome process. The Supreme Court even ordered the state governments to communicate the registration process through tv, radio and other channels. The order also asked the states to set up booths to collect the data of the returning migrants and to also categorize them on the basis of their working skill for future employment opportunities. Additionally, the court also asked the govts to nullify the various lockdown violation cases lodged against workers. Since only the unions, organisations and NGOs can find out whether these directions are being followed, it is important to fully understand the true nature of the order of the Apex Court.

Four important areas of observation: whether food is being provided, whether health facilities are available to the workers, whether other particular directions are being followed and whether the cases against workers have been called off or not. Second important issue is the recent changes in the labour laws - . This decision was based on a false pretext that weakening the labour laws will boost the economy. This pretext has been challenged by experts and prominent industrialists, in spite of this, many state governments including MP have brought major changes in their labour laws including the amendment in two Acts, brought through ordinance. One is the Model Standing Order Act and the other is Kalyan Nidhi Adhiniyam. Healthy workforce is equivalent to productivity. This gospel was ignored completely and the working hours were increased by making use of powers conferred in the Factories Act which are essentially to be used only in emergencies.

2.2 Mr. Ram Kripal Gursel, Moil Janshakti Majdoor Sangh

Discussion on PIL seeking amendments in labour laws Shared his experience about the PIL that has been filed in the Jabalpur High Court on 1 June regarding the Amendment in Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 and the Shram Kalyan Nidhi Adhiniyam, 1982. Notice was issued to the State. The Reply was to be filed on 15th June but the state asked for more time. Subsequently the reply was filed and now a rejoinder is to be filed by the State.

The recent changes will affect the labourers immensely as the relaxation will affect the independence of movement, and nullify the various benefits such as gratuity, PF and other basic benefits. Banning the formation of unions will affect the workers rights negatively. The long working hours will affect the workers emotionally as well as physically. Many trade unions have objected to these changes. We decided to approach the High Court and if we do not get a favourable order, we will take the case forward to the Supreme Court. We are ready to support the fight in every way possible.

Advocate Shanno Shagufta Khan then engaged with the attendees in a question-answer session which ensured the liveliness of the meeting.

2.3 Mr. Ram Rajya Tiwari, Indian Nation Trade Union Congress

This is an unprecedented situation which has exposed the faulty system that these workers are part of. There was no food given, they were thrown out of jobs. The law was enacted for migrant labourers almost 30 years back but not much has been done to support them. Migrant workers must be registered, their data must be collected and the contractor rs must keep a track of the workers. So many migrants have suffered innumerable difficulties and the way country has stopped working and the economy has been affected, shows how much migrant workers contribute to the economy. The workers who have returned, have no recourse. Apart from a farce of MNREGA, nothing substantial has been done for employment of these workers. The important question to ask is hoe MNREGA will help the thousands of skilled workers who have lost their jobs and have returned home? There is no policy, no scheme for the migrant

workers. The newly introduced ROJGAR SETU by the Madhya Pradesh government is nothing but a formality. The government's intention is to just support the industrialists and capitalists leaving behind in disdain millions of workers fighting for their lives. It is unfortunate that inspite of so much suffering, the government is bringing changes in the welfare laws which were aimed to protect the workers. Many apps, many boards, many teams have been set up but this is also just to divert the attention from the real issues.

Therefore, it is important to note that monetary benefits should be provided, employment should be given and the children of these workers must be helped too. It is the responsibility of the Central Government to intervene but their governance is just on paper. The workers in organised and unorganised sectors have to be supported immediately otherwise the whole country will fall to its knees. Even for skilled work, workers are paid minimum wages, and since migrant workers depend on daily wage, CORONA has affected them a lot. Therefore, effective steps must be taken and not just through MNREGA but creating social security for the workers. When there are already existing laws and registration processes, why is the government coming up with gimmicks such as ROZGAR SETU?

2.4 Akhilesh Yadav, Central India Trade Union, Gwalior

Raised two specific issues related to Building and Construction Workers and Brick Lane Workers. As far as the Brick Lane Workers do not get the minimum wages violating the provisions of law. Gwalior has 40-50 brick lane factories. Most of the brick lane workers are employed as bonded labourers. In spite of the law against bonded labourer, only one case was lodged with the police in Gwalior District. The cases are not been lodged by the authorities, therefore there has been no rehabilitation done whatsoever. The compensation to be given to the bonded labourers has also not been given. Secondly, the building and construction workers are also in distress, the board (Kalyan Mandal) made under this act is corrupt and crores of rupees are deposited as tax with this board. In spite of the funds, not much has been done to benefit the workers. The scheme launched by the government to give INR 2000 to these workers has reached not all. First of all, there is a problem with the registration process. Only 9

lakh workers have been registered and the rest find themselves in utter distress due to the complex registration process.

Solution could be: INR 7,500 must be given to these workers for the next six months and ration must be given. As far as the Registration is concerned, the government must launch an app and the contractor must be obliged to register the workers through this app. Almost 14 crore have been affected by the COVID 19. Through MNREGA help must be provided and at least INR 300 per day should be given for 200 days. Even in the US, the workers have been helped through a package. Something similar must be done here too in our country. If help is not provided immediately then millions of people will suffer. Therefore, first step will be to register the workers in the Building and Construction Act and the Board must then use the deposited funds for the benefit of the workers. If we do not act fast, these funds will be diverted for other purposes.

2.5 Mr. Nirmal Goenka , HRLN Delhi

Many bonded labourers were rescued through organisations and NGOs. But the proper implementation of the law has not been done. The rehabilitation of the workers has therefore not been done. Some of the groups have been rescued more than once. It is important to make sure registration of the workers is done. The brick lane workers cases have not been reported and therefore organisations must work to report the cases. Also, agriculture workers must be helped to. Moreover, migrant workers must be registered too. As these workers are back to their homes, it is a good opportunity to collect their data and use it to benefit them.

2.6 Smt. Rosina , Madhya Pradesh Domestic Worker Movement

Problems faced by Domestic Women Workers during COVID 19 During the lockdown, we observed that domestic women workers were facing extreme difficulties in terms of food and health facilities. There is an extreme shortage of ration. People are not letting them work at their homes due to corona and therefore they have no means to earn money. The families are suffering due to all this. The registration of the domestic workers was started in 2016 by our

registration, we tried to get them registered so that they can avail the benefits of the various schemes launched. We are working towards pushing the government to fix a minimum wage for the domestic workers.

The registration under the Social Security Act of these domestic workers has not been done in MP in spite of the SC order saying that 10% of the registrations must be done. None of the schemes launched by the state and center to provide support could reach these domestic workers. These women are not finding work and therefore it is necessary to identify them and the government must subsequently launch specific support to these women. They must be covered under the scheme launched for other workers in other categories.

2.7 Mr. Roop Singh, All India Trade Union Center

Street Vendors and their plight during COVID 19 Street vendors have totally been neglected in the whole covid support scheme. The government could have easily supported the street vendors. The vendors are not able to run their businesses and therefore the thela walas have lost all hope. The government must effectively communicate with the vendors and provide employment and their data must be collected which can be used in future also. Many governments in the past have also come up with schemes and training gimmicks and this is nothing new and therefore it is high time priority is given to people who contribute the most to the economy but are supported the least by the government.

Schemes recently introduced which grant loans are responses which lack a spine and it is rhetorical to even suggest this scheme of grant 10,000 loans to the vendors. They will incur unnecessary debt and will fall into yet another trap laid for them to fall. All work has been put to hold for these vendors and the ones that are running are unable to earn anything.

2.8 Mr. Vijay Sen, Bhopal

According to a survey by 'Central for Monetary Economy,' after COVID, the unemployment rate will increase by 28%. Already job generation was an issue before covid but now it is going to increase exponentially. Another survey suggests that after 3 months, 13 crore will be unemployed. Street vendors, small businesses, and domestic workers are facing a lot of problems. The business is running at 10% effectiveness. The government asked the panchayats to record the names and data of the people who have gone out of the village. This was supposed to be done well back but it wasn't done so that process has been initiated again. The ones who have reached home in MP have been recorded to be 7.5 lakhs approximately. There is no concrete strategy of the MP government as far as the alternative employment of the migrant workers is concerned.

The development model is urban centered. Constructing roads, buildings, schools, hospitals, malls and apart from MNREGA there is no other solution. They will be paid INR 202 for the work for which they were paid INR 500-600. The economy will not recover unless the purchasing power increases, cash flow is stable and businesses are running. Packages will not help to that extent. The job package has failed completely. After COVID, getting back to the earlier position will be difficult. Companies are now functioning with less workers, making them work for longer hours without overtime and are bringing in technology to reduce the workforce. The solutions that have been thought of are not well analysed. Government has come up with loan schemes. How will the worker pay off the loan with this distress?

The employment opportunities are nowhere to be seen. Remarks on previous sessions: The central fund for 20 lakh crore was partially to be used to provide 50,000 workers in the unorganised sector giving them INR 10,000. For this purpose a registration process has been started in limited capacity providing support to only a few workers for which registration is being done. It is interesting to see whether this money actually reaches the beneficiaries. Some street vendors, domestic workers, other workers in the organised sector were included in this. The quota has been fixed for each state and therefore the support will not reach many. The transport of the migrant workers were supposed to be free but they were charged. Also, the community kitchens that were set up are dysfunctional now.

As far as the newly introduced labour reforms are concerned: provisions such as increasing the working hours, diminishing the powers of the labour inspector, self certification by the employees, no one can register a union for the next 1000 days, industrial dispute act has been suspended for 1000 days. These amendments will adversely affect the workers.

3. Conclusion

Advocate Swapnil Shukla then entertained questions from the attendees which were answered by the respective speakers to who they were addressed to.

Lastly, a brief round of questions and answers was followed by Advocate Amin Khan from HRLN Gwalior conveying a vote of thanks to all the panellists and attendees.

Annexure A

4. Participant List:

S. No	Name	Email Id	Contact Number
2.	Gunjan Singh	gunjan@hrln.org	9643500529
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5.	Aishwariya Adhikari		
6.	Colin Gonsalves		
7.	Swapnil Shukla		
8.	Poonam Verma		
9.	Ramkripal Khursel		
10.	Uma Chaturvedi		
11.	Adv. Sarika Seth		
12.	Adv. Ritu Kanoje		
13.	Adv. Sulekha Sharma		
14.	Adv. Amarsingh Khadse		
15.	Gopal		
16.	Govind Parmar		
17.	Haider Ali		

18.	Harpreet		
19.	Harshita Parashar		
20.	Hetvi Patel		
21.	Imso Amri		
22.	Jahanara		
23.	Karuna Gawai		
24.	Kiran Patidar		
25.	Adv. Mamta Dubey		
26.	Mrinali		
27.	Namrata Bundela		
28.	Nirmal		
29.	Noori Khan		
30.	Osbert Khaling		
31.	Pratik Rupala		
32.	Rajneesh		
33.	Rakesh Kumar		
34.	Rishabh Surana		
35.	Sandhiya Ghavri		
36.	Adv. Sandhya Rajak		
37.	Sarang Gaydhane		
38.	Shivangi Choukse		

39.	Sujata		
40.	Sukhram Pandarge		
41.	Tenzin		
42.	Vijay Kumar		
43.	Vijay Kumar Bisone		
44.	Dharmendra Bhandari		
45.	Harimohan Sharma		
46.	Adv. Ranno Rajak		
47.	Govind Parmar		
48.	C Philip		
49.	Prashant Virlay		
50.	S.S. Nimraje		

5. Pictures

