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Story Idea:

An extended lockdown (in its 60th day on May 23) to contain the spread of the Covid-19 outbreak has resulted in a catastrophic situation for migrant labourers in India. Excessive reportage and analysis so far reflects upon the central government's insufficient contingency plan that has failed to protect the migrant labourers.

The central government as well as the state governments have announced various measures to support these workers. The measures announced stand on numerous faultlines restricting the availability of relief packages to a limited number. My report will focus on the implementation and implications of the same in addition to labour compliance rules and the major acts included in the labour law compliance rules. For eg, the Building and Other Construction Worker (BOCW) Act of 1996 aims to levy a cess on the cost of construction incurred by the employers and use that money for the welfare of construction workers who are registered under the Act. As of April 2020, the reported data suggested that a majority of the construction workers hailing from north and central Indian states were not registered under the Act, hence, unable to avail any benefits from the centre-declared Rs.32,000 crore BOCW fund.

The following key points will be covered in the report:

1. Relaxation of Labour Laws in States & its implications -

The governments of Gujarat, Himachal Pradesh, Rajasthan, Uttarakhand and Haryana have issued notifications maximising the weekly working hours from 48 hours to 72 hours for certain factories. On the other hand, the Madhya Pradesh government has put into effect an 'ordinance' that exempts establishments with less than 100 workers from not obliging to the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961.

This act is crucial for the regulation of the conditions of the workers. The ordinance further allows the state government to let off other institutions from the Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, 1982. Shram Kalyan Nidhi Adhiniyam provides a constitution pertaining to the welfare funds of the labour force.

The UP government's ordinance has also struck out labour laws related to social security, industrial dispute resolution, trade unions and strikes, which severely undermine the condition of labourers at present.

While the provisions of labour laws relating to women and children continue to remain in force, the absence of a holistic and effective social security system exposes them to excessive vulnerability. The provisions of Maternity Benefit Act, 1961 under the pandemic situation has not been addressed by any of the state authorities.

2. Payment of Wages Act, 1936 /Contract Labour (Regulation & Abolition) Act, 1970 /

Minimum Wages Act 1948 / Factories Act 1948 -

The Payment of Wages Act, 1936 and the Contract Labour (Regulation & Abolition) Act,1970 provide that the contractor or employer is liable to pay a minimum wage to 'all persons employed by him' though migrant workers stranded across the country state otherwise. Gram Vaani has captured audio interviews on the plight of the migrant workers who refuse the receipt of any payment since the lockdown and are surviving without any source of income or savings.

The Union Ministry of Home Affairs (MHA) on Sunday, 17 May 2020, revoked its previous directory to authorities of States/UTs to ensure the payment of due wages to workers. 'Workers' in this regard refers to regular, casual and contractual employees who form the unorganised workforce.

The governments of Gujarat, UP and Madhya Pradesh have also not specified the provision of overtime payment which violates the rights of workers under the Factories Act and the Minimum Wages Act.

The report will further navigate the accessibility of migrant workers to the public health system in the wake of the pandemic. And conclude with a brief analysis.