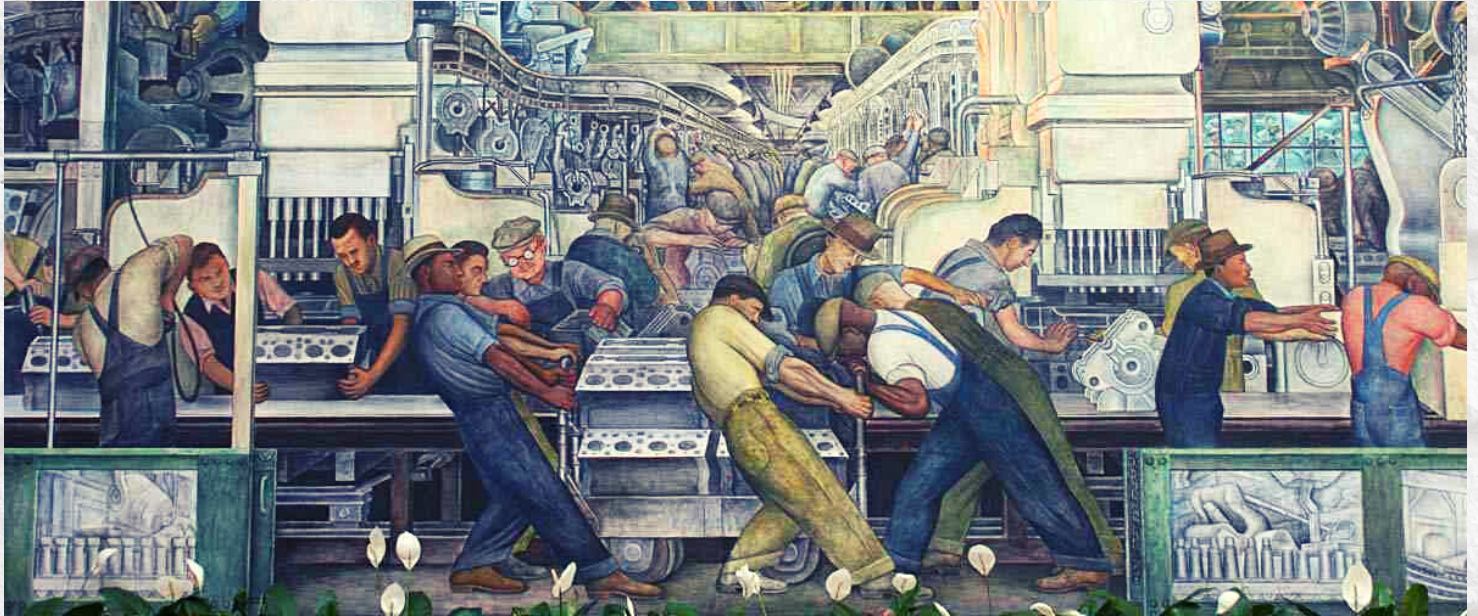


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LABOUR & LIBERTY

CENTRE FOR ADVANCED STUDIES IN LABOUR
WELFARE, RAJIV GANDHI NATIONAL UNIVERSITY OF LAW



RECENT ACTIVITIES

The Centre for Advanced Studies in Labour Welfare strives to improve and strengthen the Labour Justice System in India. In lieu of its various objectives, the Centre has successfully conducted various events in the recent past-

- Conducted Freshers Intra-Debate Competition, in April 2021, wherein the Batch of 2025 were given various topics to articulate their views on.
- Conducted National E-Seminar on Socio-Economic Transformation in India-Prospects & Strategies in Post-Pandemic Era, in April 2021.
- Conducted National Online Seminar on Changing Paradigms of Right to Information Law, in March 2021.
- Hosted an International One Day Webinar on Human Rights of Migrant Labourers in COVID-19: Indian Scenario, in March 2021
- Released a video-series on Migrant Experiences in Lockdown 1.0 & 2.0, reaching the grass-root level to understand the perspective of migrants on the pandemic and other matters.

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UPDATES ABOUT THE VACCINATION DIVIDE IN INDIA

The state governments are currently rushing to get their informal sector workers vaccinated, following the second Covid wave in April 2021. It is logical for any country to vaccinate the sector most exposed to the virus before moving forward. The Centre did claim that such a strategy was in practice ever since it started administering vaccines. So the question that needs an answer is whether the Centre excluded the informal sector from such a strategy.

Post first wave, it had been pre-decided and persistently argued that labourers would be prioritized both during and after the first wave itself. Despite such claims, the Centre generalized the entire population and announced the administration of the shots differently. The population was divided based on age, 45+ and 18 to 45. However, this wasn't the only flaw in the entire strategy.

The pandemic affirmed the vast digital divide that persists in the country as we, the citizens, found ourselves booking slots on CoWin, an online portal. In a suo motu matter, the Supreme Court questioned the Centre about how it was ensuring that the migrant workers were able to get vaccinated. The fastest finger got the vaccine but, this too is a privileged secondary situation to face.

However, the Court did not limit itself to accessibility issues. It also questioned the variation in its price and its availability throughout the country. The Centre procured 75% of domestically made vaccines and sells them free of cost, yet the labourers still have not found been given priority. However, the Centre has promised to vaccinate free of expense throughout India from the 21st of June 2021.

As we near the end of June, we have state governments of Tamil Nadu and Punjab digging into their Welfare funds to pay for these vaccines.

The decision was taken by the Chief Secretary of the State on behalf of the Chief Minister. This meeting took place on the 7th of May and observed the attendance of Additional Chief Secretary. To support his claims of this act giving rise to - contempt of Court, he referred to the *National Campaign Committee for Central Legislation on Construction Labour v Union of India*, (2015) 17 SCC 166-¹

It stated that "The funds available with the Welfare Boards shall not be utilized by the state for any other head of expenditure of the state government." Some registered construction workers along with him have approached the board for repeal of the said decision and for recovering the amount with interest. The Union minister has very confidently stated that the whole of India would get vaccinated by the end of this year.

BURKINA FASO MINING ACTIVITY FUELS HUMAN TRAFFICKING

According to reports from the US State Department, the country is not only witnessing and struggling with trafficking within its borders but has also been identified as a transfer point for trafficking women into other countries. Both Burkina Faso and Nigeria have signed the U.N. Convention Against Transnational Organized Crime but neither has taken any step to finalise a joint plan on how to combat trafficking.

A months-long investigation into sex trafficking and the gold mining industry conducted by Associated Press released the data and interview of women who had been brought to Burkina Faso under false pretenses, then forced into prostitution. The country is already under violent insurgency and the system is ill-equipped to fight the extensive network of recruiters, traffickers and pimps.

1. National Campaign Committee for Central Legislation on Construction Labour v Union of India, (2015) 17 SCC 166

2. <https://abcnews.go.com/International/wireStory/growth-burkina-faso-gold-mining-fuels-human-trafficking-77414543>



DRAFT CODE ON SOCIAL SECURITY (EMPLOYEE'S COMPENSATION) (CENTRAL) RULES, 2021

On 3rd June 2021, the Ministry of Labour and Employment has issued the draft Code on Social Security (Employee's Compensation) (Central) Rules,¹ 2021, a step aimed at ensuring compensation to the workers within the time period of 30 days.

The aforementioned draft has made by exercising the powers conferred by Sections 155, 158, and 159 of the Code on Social Security, 2020 read with Section 24 of the General Clauses Act, 1897 and in supersession of the Employee's Compensation Rules, 1924, the Employee's Compensation (Transfer of Money) Rules, 1935 and the Employee's Compensation (Venue of Proceedings) Rules, 1996.

The proposed draft rules have provided that if the quantum of compensation payable under Section 77(3) is not paid by the employer within thirty days, the employer has to pay the additional rate of interest of 12% per annum or any other rate notified by the Central Government from the date on which the compensation became payable to the date on which it is paid.

Further, the rules deal with the provision related to form, manner, fee for the application for settlement or claim and also give effects to arrangements with other countries for the transfer of money paid as compensation under Section 159 of the Code on Social Security of 2020.

CHILD LABOUR- GLOBAL ESTIMATES 2020: PRESENT TRENDS AND THE ROAD FORWARD

The report titled "Child Labour: Global Estimates 2020: Trends and the Road Forward" by the International Labour Organization and UNICEF released ²ahead of World Day Against Child Labour on 12th June 2021.

According to the report, there has been an increase of 8.4 million child labourers worldwide in the last four years and thus, making the total number of 160 million child labourers worldwide. Further, the report said that the progress to end child labour has stalled for the first time in 20 years, reversing the previous downward trend that saw child labour fall by 94 million between 2000 and 2016. The following are major findings of report :

- (1) The agriculture sector accounts for 70 percent of children in child labour, followed by 20 percent in services and 10 percent in industry.
- (2) Child labour in rural areas stands at 14 percent, nearly three times higher than the 5 percent in urban areas & Child labour is more prevalent among boys than girls at every age.
- (3) Nearly 28 percent of 5 to 11-year-olds and 35 percent of those aged 12 to 14 in child labour, are out of school.

The report also warns that around nine million additional children are at risk of being pushed into child labour by the end of 2022 as the result of the COVID-19 pandemic, which could rise to 46 million without access to critical social protection coverage.

APEX COURT ISSUES DIRECTIONS ON 'ONE NATION ONE RATION CARD'

Recently, the issue about provisions for ensuring the sustenance of migrant labourers reached the Apex Court, reaching the Hon'ble 2 Judge Bench consisting of Hon'ble Justice Ashok Bhushan & M.R. Shah, in *Re: Problems & Miseries of Migrant Labourers*. (WP 916/2020). The 2 Judge Bench questioned the Centre regarding how it intended to ³take food to crores of migrant labourers who had no access to ration cards. However, this is not the first intervention by the Apex Court in issues concerning Migrant Labourers.

The Court ordered the Union Government to implement the "One Nation One Ration Card Scheme" by 31st July, and provide dry ration to migrant labourers free of cost until the pandemic subsides.

1. <https://taxguru.in/corporate-law/draft->
2. <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>
3. in *Re: Problems & Miseries of Migrant Labourers*. (WP 916/2020)





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