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# LABOUR & LIBERTY

CENTRE FOR ADVANCED STUDIES IN LABOUR  
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## National Legislative Actions

### Parliament Passes Mines and Minerals (Development and Regulation) Amendment Bill, 2021

The Mines and Minerals (Development and Regulation) Amendment Bill, 2021 was passed in Rajya Sabha on 21st March 2021 by voice vote. The Bill seeks to amend the Mines and Minerals (Development and Regulation) Act, 1957 and further regulate the mining sector in India by permitting removal of restriction on end-use of minerals, enabling captive mines to sell up to 50% of their annual mineral production in open markets, allowing private companies to enter mining exploration etc. Privatization is a major concern of many as it comes with risks of monopolization and black marketeering. It is also argued that the mining sector is already prone to irregularities as well as corruption and there is a need for a mechanism to include safeguards.

### NITI Aayog National Policy on Migrant Workers

NITI Aayog has drafted a policy called national policy on migrant workers. Key recommendations given in the draft can also be compared to a government working group report from 2017. It describes two approaches to policy design: one focused on cash transfers, special quotas, and reservations (means usage of all the facilities provided by the Indian Government to migrants) ; the other which “enhances the agency and capability of the community and thereby removes aspects that come in the way of an individual’s own natural ability to thrive”. Former is the Handout approach and latter is rights based approach.



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## Mines and Minerals (Development and Regulation) Amendment Bill, 2021- Salient Features

The house discussed that India has 4th largest reserves and yet has to import coal, in the future there might a National Mineral Exploration Trust (NMET) an autonomous and professional body, which would provide fund for exploration of the mines.

### Removal of restriction on end-use of minerals

The Act empowers the central government to reserve any mine (other than coal, lignite, and atomic minerals) to be leased for a particular end-use, such as iron ore mine for a steel plant. Such mines are known as captive mines.

The Bill provides that no mine will be reserved for a particular end-use.

### Sale of minerals by captive mines

The Bill provides that captive mines (other than atomic minerals) may sell up to 50% of their annual mineral production in the open market after meeting their own needs. However, the lessee will have to pay additional charges for mineral sold in the open market.

### Auction by Central Government

Under the Act, states conduct auctions for granting mining leases. The Bill provides that where the State Government has not successfully completed auction process within a specified time, the Central Government may take over and conduct such auction.

### Transfer of statutory clearances

Presently, upon expiry of mining lease of a particular lessee, fresh auctions are conducted

and the statutory clearances issued to previous lessee are transferred to the new lessee for a period of two years. The new lessee is required to obtain fresh clearances within these two years. The Bill replaces this provision and provides that the transferred statutory clearances will be valid throughout the lease period of the new lessee. This is expected to reduce compliance burden.

### Allocation of mines with expired leases

The Bill provides that such mines, whose lease has expired, may be allocated to a Government company in cases where

- 1) the auction process for granting a new lease has not been completed
- 2) the new lease is terminated within a year of the auction.

Such lease to a Government company shall be valid for a maximum period of 10 years or till selection of new lessee through auction, whichever is earlier.

## International Legislative Actions

### United Kingdom to enhance protection for whistle-blowers-

At the EU level, a new Directive introduced the safety of those reporting breaches in EU law. The EU Member States have been given a deadline of 17th December 2021 to implement this Directive into their national law.

The Directive obligates employers with 50 or more employees to have internal



### DID YOU KNOW?

*In 1802, the first major piece of labour legislation was passed – the Health and Morals of Apprentices Act.*



whistleblowing procedures, offering a range of reporting mechanisms. UK employers are not required to have such systems in place.

The employers would also be required to provide feedback to the whistle-blowers about their internal investigation.

In the UK, two Private Members' Bills are currently on their passage through Parliament. The Public Interest Disclosure (Protection) Bill 2019-21, introduced in the House of Commons, and the Office of the Whistle-blower Bill 2019-21, introduced in the House of Lords, seek to strengthen protection for whistle-blowers. The bills are sponsored by Dr. Philippa Whitford and Baroness Kramer, respectively. Currently, both bills are in the 'second reading' stage.

The Public Interest Disclosure (Protection) Bill seeks to establish a corporate body called the 'whistleblowing Commission'. The primary duty of the commission is to protect whistleblowers and whistleblowing and ensure that the concerns raised are investigated and acted on in the public interest. The commission also aims to reduce conflict and litigation relating to whistleblowing.

The Office of the Whistle-blower Bill's main objective is the establishment of the Office of the Whistleblower. It states that the Secretary of State must establish an Office of the Whistleblowers within a year of the passing of this Act.

The duty of the Office is the administration of arrangements to facilitate whistleblowing. The powers of the Office include maintaining a fund to support whistleblowers and forming a panel of accredited legal firms and advisory bodies to advise and support whistleblowers.

### Minimum Wage Legislation in Qatar in light of 2022 FIFA

Recently, Qatar has brought new labour law reforms that aim to transform the country's labour market with the new non-discriminatory minimum wage providing additional financial security. Qatar's treatment of migrant workers has been under the spotlight since it was awarded the hosting of football's 2022 World Cup in 2010. The new legislation ensures all employees receive a minimum monthly wage of 1,000 Qatari riyals (\$275), as well as a minimum allowance of 300 riyals for food and 500 riyals for housing, unless their employer provides both. The minimum wage is the first of its kind in the Middle East and it can provide additional stability to Qatar's labour market. Also, employees will no longer require No-Objection Certificates to terminate their contracts that will also drive greater competition in the labour market as now employees easily change their employers.

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