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Role of Patience and Perseverance in Effective Conciliation

Dr. Sanjay Upadhyaya*

INTRODUCTION

The state of Jharkhand erstwhile part of State of Bihar is one of the most enriched states of the country in terms of availability of minerals and widely known as a place having abundance of not only coal mines but also number of Iron ore, copper and uranium mines which are considered to be instrumental for the national economic growth. Substantial work force in these mining activities constituted of the local tribal population. They are considered very sensitive towards their custom, usages and tradition and have succeeded in preserving those to a great extent. All these mines in the state are no less than large industrial establishments so issues relating to wages and other working conditions of the workforce keeps on cropping up time & again and in view of nature of workforce engaged therein, as has been mentioned earlier being substantially belonging to local tribal belt, it has been a great challenge indeed to handle industrial relation issues arising out at the work place.

Another prominent point which is worth mentioning here that these days industrial establishments including those engaged in mining especially in public sector have been engaging a large number of contract workers/outsourced workers and also this has been a well-established fact that the contribution of the outsourced workforce has been quite instrumental in transforming these establishments into economically viable institutions from the stage of sick unit. But the issues relating to payment of adequate remuneration and ensuring them decent working conditions has been subject matter of crucial concern.

CASE STUDY

The industrial dispute relates to Surda copper mines belonging to the Hindustan Copper Ltd (Govt. of India Undertaking). The establishment was engaged in copper mining and was having 6-7 mines in the area. The interesting point in this case was that the mining work in all these mines were carried out by approx. 1300 contract workers belonging to M/s India Resource Limited (An Australian Company) engaged as contractor by Hindustan Copper Ltd. The demand of wage enhancement by the workers were simmering internally and when the matter could not be resolved bilaterally, workers gave threat of stoppage of work in the mines to the management of M/s India Resource Ltd. The same was communicated by the company to the Conciliation Officer of the area. The Conciliation Officer intervened immediately and fixed date for conciliation proceedings. The important

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point to be noted here is that there was no trade union of the workers so notice of conciliation meeting was given to workers directly. Though management attended on the first date of conciliation proceedings, the workers did not attend the same. Moreover, the situation turned further murkier when workers resorted to strike from the very next day. Nevertheless, the Conciliation Officer continued his effort through conciliation proceedings even after commencement of strike and fixed further dates and on the next three dates both the management and workers attended the conciliation proceedings.

The main point of contention in this dispute was that workers were demanding Rs.1000/ increase in wages of each category with immediate effect whereas management expressed its inability to give this much increase quoting their financial condition and rather offered wage increase of Rs.500/ in each category, which workers refused to agree as they were adamant with their demand of Rs.1000/ increase.

However, on the last date of conciliation proceedings, a last-ditch effort was made by the Conciliation Officer and it was suggested in the course of joint discussions while appreciating the financial constraints of company and also the justified concerns of workers that management give Rs. 500/ enhancement with immediate effect and balance enhancement of Rs. 500/ can be given after few months when company's financial position becomes stable. Management agreed on this proposal of Conciliation Officer but unfortunately workers again rejected this proposal. Accordingly, further round of discussions took place and after the discussions, the management revised its offer to Rs. 600/ immediate enhancement and balance Rs. 400/ enhancement after six months. But even this offer was rejected by workers as they kept demanding Rs. 1000/ immediate enhancement in wages which management expressed its inability to give.

It was almost midnight when Conciliation Officer ended discussions without any positive outcome. Parties to the dispute also dispersed and moved out of the office room. When Conciliation Officer was also coming out of his office room for proceeding to home it was observed by him that both workers and management's representatives were still standing and talking outside separately in their respective groups in the office compound. The Conciliation Officer was quick to realize that both parties were immensely under pressure as workers were seen getting constant calls on their mobile from co-workers about the outcome of conciliation proceedings and management's representatives were also looking in pensive mood as they already had been facing constant heavy losses due to the current impasse. Conciliation Officer grabbed this opportunity and started discussing informally even while standing near the cycle/scooter shed in the office compound with the group of management's representatives standing there and in 10 minutes of discussion succeeded in convincing them to provide Rs. 800/ immediate enhancement and balance Rs. 200/ can be given after six months and approached workers who were also standing nearby with this offer

and suggested them to accept the fresh offer of management otherwise there will be risk of cessation of operation by the company which may also result in job losses. Ultimately, the workers realized about the possible adverse impact of the continuous work stoppage and agreed for immediate Rs. 800/ increase in each category and for balance Rs. 200/ to be given after six months when company was expected to have better liquidity.

At odd hours of night again, the parties were brought back in the office of Conciliation Officer and a memorandum of settlement was signed between them and also work/production resumed on the very next day.

CHALLENGES AND CONCLUSION

The most arduous challenge encountered by Conciliation Officer in a situation like this was that even at very beginning of conciliation proceedings, when it was observed that the workers were not represented by any trade union as there was no trade union for contract workers. Rather, they were found to be led by a local political leader who was having considerable influence over them, but certainly there was no way that he could be allowed in conciliation proceedings because of statutory impediments of provisions of Section 36 of Industrial Disputes Act 1947 which clearly provides who could represent the parties to an industrial dispute. But at the same time giving him any kind of knee jerk reaction on the basis of provisions of law could be a potential danger in the way of the amicable resolution of existing crisis as he was seen to be exercising full control over the workers and also appeared quite capable of dooming all the efforts in conciliation proceedings. Conciliation Officer in a very tactful and respectful manner endeavored to apprise the political local leader that before the formal start of conciliation proceedings, because of constraints imposed by provision of law he cannot be part of formal conciliation proceedings but he can sit and wait outside and if the workers in the course of conciliation require any guidance, they can take short break from proceedings for consultation with him. That political leader appreciated the situation and agreed for the same. So, this hurdle was overcome by the Conciliation Officer while adopting an absolutely flexible, amenable and friendly approach because both parties to the dispute were under very high degree of pressure & tension and any kind of straight forwardly technical approach was having the potential of jeopardizing the positive outcome of the crisis.

If we talk about the effective conciliation then one definite conclusion emanating from this case is that conciliation proceedings do not necessarily end when conciliation meeting concludes without any result. In this case, the Conciliation Officer continued to explore possibilities even after formal conciliation efforts failed and both parties were ready to return to their destination as already was odd hours of past midnight. While coming out after closing of the office Conciliation Officer was able to quickly assess the situation outside as both parties were looking tense and gloomy and even in standing posture managed to involve

management in 10 minutes of informal discussion and succeeded in getting some concession in their offer which was communicated to the workers instantly which was agreed finally and both parties were brought back in the office for signing the Memorandum of Settlement. So, not only patience, endurance and perseverance are required for a Conciliation Officer but also, s/he should be able to assess and evaluate immaculately the magnanimity of every stage of conciliation proceeding along with precise appreciation of the psychological aspects also of the parties involved in an industrial dispute.

Last but not the least, Conciliation Officer should avoid the legal wrangle in dealing with industrial unrest like in this case Conciliation Officer preferred to avoid to discuss the issue of illegality of strike which was resorted to by workers even after intervention of Conciliation Officer. Because for him the priority was to restore the normalcy in the mines and rest of the issues could be discussed and handled appropriately after the IR situation got stabilize.

This case study has been developed after detailed interactions and discussions with one of the senior conciliation officers from the Central government.

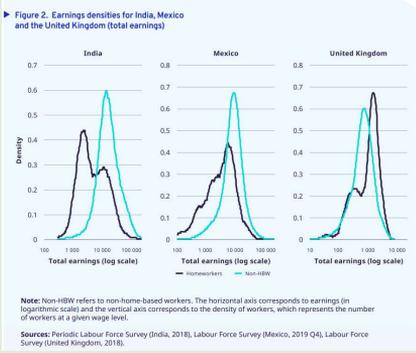
Work from Home: A Case Study

Dr. Shashi Bala* & Ashwattha Mahaley**

<p>Preliminaries</p>	<p>Although work from home is an important feature in the world of work but labour market is rarely made to also work from home if the need ever arises. The sudden rise in working from home has brought in the need of appreciating the implication made for workers and employees working from home. This case study seeks to improve the understanding of work from home while fostering the guidance of policies which shall pave the way to decent work for workers working from home both old and new.</p>
<p>Introduction & Background</p>	<ul style="list-style-type: none"> • Work from home is defined as a person working from any premises, he/she chooses to work from except for his/her workplace. They sell products or provide service to people as specified by the employer, irrespective of who provides the equipment or other inputs used for remuneration. This definition does not extend over independent workers who are economically independent. People who usually work at their workplace and occasionally work from home are not considered homeworkers. Broadly there are three types of homeworkers which are: <ol style="list-style-type: none"> 1. X industrial homemaker- it refers to producing of good by employee for factory, it also includes artisanal work such as handicraft. 2. X telework- it refers to usage of information and communication technology by employee to work remotely. 3. X home-based digital platform work- it refers to the work done in service-sector. <p>Work from home exists throughout the world. In Asia, homeworkers can be found across different global supply chains such as in electronics, houseware and are prominent in domestic supply chains.</p> • Homeworkers are a group of various people ranging from very poor industrial workers to high-skilled teleworkers but all must deal with the implications of work from home.

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<p>Introduction & Background</p>	<p>Figure below shows the earnings distributions for homeworkers (in dark blue) and for those who work outside the home (in turquoise) in three countries: India, Mexico and the United Kingdom of Great Britain and Northern Ireland.</p> <p>Homeworkers of India and Mexico are often engaged in industrial homeworking tasks and so their earnings are lower than those of non-home-based workers but in United Kingdom, homeworkers that are professional and managerial teleworkers earn more than non-home-based workers.</p>  <p>Figure 2. Earnings densities for India, Mexico and the United Kingdom (total earnings)</p> <p>Note: Non-HBW refers to non-home-based workers. The horizontal axis corresponds to earnings (on logarithmic scale) and the vertical axis corresponds to the density of workers, which represents the number of workers at a given wage level.</p> <p>Sources: Periodic Labour Force Survey (India, 2018), Labour Force Survey (Mexico, 2019 Q4), Labour Force Survey (United Kingdom, 2018).</p>
<p>Methodology Introduction & Background</p>	<p>It is essential to understand this important concern impacting the homeworkers’ safety and health during their work from home. An attempt has been made to look into these matters through the case studies, collected through in-depth participatory approach during 2021-2022. It is a matter of great concern that employers are unable to identify advantages in providing proper wage and equal treatment to homeworkers leading to an unhealthy lifestyle and causing an imbalance in work-life balance.</p>
<p>Case 1</p>	<p>Geetika (fictional name) lives in a remote area, far away from her workplace. She used to commute with one of her friends who later quit the job due to its profound impact on her employee tenure. Now she works very productively from home and the time saved on commuting is utilised in exercising, chores, socialising or is spent on extra work hours. On average, she used to spend Rs 300 on her lunch and coffee per day but now she prepares far more healthy food which is cost effective. There has been a positive change in her lifestyle which now includes exercising daily for 20-30 minutes and has healthier diet options available.</p>

<p>Case 1</p>	<p>Her healthy lifestyle helped improve her productivity towards work. She finds herself to be healthier and suffers less from infections as she is not in an office environment on a daily basis. The shift from working behind desks all day to an open and free environment while working has made her vastly happier and more productive. Due to flexible working hours, she now works when she feels more productive and motivated which in turn leads to more productive working hours. She takes breaks whenever she feels like which she finds as an effective way to keep her productive and focused while working. She was provided with adequate devices and software to work with and was even briefed about how she had to use them. She uses technology like skype for quick conversation, text messages, images and file sharing while for screen capture, she uses software like Snagit. To keep a track of her working hours, she uses Time and Task software which manages hours she worked. She and her team implement team mentality to ensure that they remain engaged with their team-based goals. While working from home she once had a mild flu but she was still semi-productive during that period of time while when once her son fell seriously ill, she did no work. She found that her work/life balance has improve a lot which has helped her to lead a happy and healthy lifestyle.</p>
<p>Case 2</p>	<p>Oorvi (fictional name) a middle-aged woman had been domestic worker before COVID-19 outbreak. She used to work day and night in 3 different houses to pay for her son's and daughter's school fee. Her financial condition before COVID-19 was not very great but after COVID-19 outbreak it became worst. She couldn't even feed herself and her family two square meals per day. Her drunk husband provided no helping hand. Her daughter had to drop out of the school since Oorvi couldn't pay school fee for two kids. Even her son couldn't study any better mainly due to lack of high-quality internet connection. Her daughter had to take care of the household and did all the household chores while her mother tried to arrange a meagre amount of money for her family to live on. She had a small amount of saving which got spent in a month's span. Her husband couldn't get alcohol in the beginning of COVID-19 outbreak which made her a subject to domestic violence and had many bruises mainly due to this. Before the outbreak of COVID-19 she had taken a large loan from a landowner with 20% interest for the treatment of tuberculosis of her father-in-law.</p>

Case 2	<p>Her father-in-law, an elderly man hadn't recovered completely and needed medicines to keep tuberculosis under control. Oorvi had tried to borrow money from her relatives and from people in her neighbourhood but to no avail. Her father-in-law passed away and she couldn't hold a proper funeral for him either. Due to societal pressure and constant nagging for food from her kids got her in depression. Her body became weak and hygiene and sanitation became an issue. At the end when she could bear no more pain and nagging from her kids, she begged her former employers to provide her with some money. One of those family's took pity on her and provided her with her prior salary to keep her family going. She now tries to pay back the loan and provides her malnourished kids with proper food and milk. She, herself has regained her strength back and after her vaccination, she again started working in different houses for money.</p>
Results	<p>It is noticed that those with the absence of adequate devices and internet connection are not able to work from home. Homeworkers make 13 per cent less than non-home-based workers in the United Kingdom, 22 per cent less in the United States of America, 25 per cent less in South Africa and about 50 per cent in Argentina, India and Mexico. Working from home provides us with flexible working hours which is why workers choose to work from home. Homeworkers work less hours per day than those working outside their home. In some countries social protection gaps for industrial homeworkers and home-based digital platform workers resulted in the gap in social protection coverage for homeworkers to reach as high as 40 percentage points compared to workers working outside their homes. Working from home gives rise to risk of employee safety and health. People handling tools, chemicals or products which are not usually used at home and are being used without any protective equipment causing a high risk to the users and his/her household. Digital platform workers are exposed to not moderated content which include violent and pornographic content which shall hamper the mental state of the worker. Like many other homeworkers, teleworkers face ergonomic hazards which may lead to musculoskeletal disorder and even might lead to psychosocial risks due to social isolation.</p> <p>A final significant risk working from home is that in low and middle-income countries 90% of workers work informally. Industrial work from home is related to the use of child labour which also includes children under age of 14. Domestic workers were worst impacted.</p>

<p>Summary & Evaluation</p>	<p>There should be equality in treatment of homeworkers and other wage workers which shall help transform work from home into a decent work. To ensure effective freedom and the right to collective bargaining would be of great value to all the homeworkers. There is a need to combat informality which exists among industrial and digital-platform homeworkers. Industrial work from home and domestic work is surrounded by poverty which requires intensive policy actions. The domestic workers aren't recognize in our country thus policies should increase the visibility of the worker, extend legal protection to them, improving their compliance and making the homeworkers aware of their legal rights. Written contracts should be provided to all the workers and it should be presented in understandable language and there should be usage of data generated from the work to monitor working conditions. Workers piece rate should be fairly fixed. Fair piece rates will help impose limits on working time and would lessen the inclusion of child labour in work from home. Government and social partners are working with homeworkers to implement practical measures for improving the safety and health of their workspaces. Government should devise solution to combat the psychosocial effects and social isolation. The working time should be limited which will ensure that the boundaries between work and private life is respected. All homeworkers should benefit from the social security coverage and have access to training on how to increase their work productivity, employment opportunities and income-earning capacity. Finally, there should be a provision for quality childcare which will provide support to all homeworkers to maintain work-family balance.</p>
<p>Conclusion</p>	<p>For meaningful implementation of the law, following are some key concerns:</p> <ol style="list-style-type: none"> 1. Equality in treatment between homeworkers and wage owners. 2. Right of homeworker to establish or join any organization they may choose to. 3. They should be protected against discrimination and should be provided safe and healthy working environment. 4. They should receive fair wages. 5. They should have access to social protection and training. 6. Work from home should not include child labour.

<p><i>Conclusion</i></p>	<ol style="list-style-type: none"> 7. Industrial homeworkers should be provided with proper training and safety equipment's before being handed down chemicals and tools to work from home. 8. Industrial work should have limited working hours, fair wages and there should be no inclusion of child labour. 9. Wage penalties for those working from home should be eradicated. 10. Workers should have enough time to maintain their work life and family balance and should not be left isolated. 11. Homeworkers should be aware of their rights and responsibilities. 12. Social protection coverage should be ensured to all those under it. 13. Workplace should be safe and healthy. 14. It should be ensured that quality childcare is provided. 15. Any work provided beyond regular office hours must be officially recorded and adequately remunerated and also compensated with regular working hour's next day (either while working from home or from office desk that workers carry home).
<p><i>Recommendations for the future</i></p>	<ul style="list-style-type: none"> • To provide equal treatment of homeworker in relation to other wage earners there should be a development and implementation of gender-responsive legal and policy framework. • For those in informal economy, should be facilitated to formal employment. • Freedom of association and collective bargaining should be ensured to every homeworker. • There should be an improvement in labour registries. • Campaigns should be initiated to spread awareness among workers about their rights and their responsibilities. • Homeworkers should be provided with written documentation about their contractual condition in the language understandable to them. • Fair wages should be provided to all and there should be limit to working hours. • Equal treatment between homeworkers and similar workers on employers' premises should be ensured. • Workers piece rate should be fairly fixed.

	<ul style="list-style-type: none"> • Workers should be given proper training and should receive safety equipment to ensure their safety. • Organizations should develop practical and easy-to-implement measures so as to improve workers safety and their health in their work environment, including psychosocial risks. • Child labour should be eliminated. • Piece-rate earnings should be set high enough with sufficient time to complete the task provided to homeworkers so they don't need to turn to their kids for assistance. • Provided cash or in-kind transfers to poor families as an incentive for school attendance of a child. • Penalties over those who employ children should be initiated. • Use the potential of digital technology to improve compliance among workers. • Social protection coverage should be ensured to all those under it. • It should be ensured that quality childcare is provided. • Homeworkers should have access to training and career development training. • There should be recognition and certification of the skills acquired by homeworkers through non-formal and informal means • RWA should register the domestic workers working in their society • RWA should sensitize the employers as well as the domestic worker's on provision for decent working condition and work commitments. • Domestic workers should be covered under social protection coverage • Employers should encourage Domestic workers to register themselves under e-Shram portal of Government of India.
End Matter	The world would have been better prepared to work from home if they were given proper training and equipment to work with during the COVID-19 pandemic.

Reference:

ILO (2020) An employers' guide on working from home in response to the outbreak of COVID-19
 ILO (2021) Working from home from invisibility to decent work
 VVGNLI, NOIDA Training Programmes 2021-22

Role of State and Non-State Actors towards Prevention and Abolition of Bonded Labour during the COVID 19 Pandemic: Understanding Initiatives, Interventions and Best Practices

Dr. Helen R. Sekar*

Bereft of the basic dignity of human labour and breach of the basic human rights the persistence of the age-old bonded labour system is totally incompatible with the Indian Constitution's envisioning of an egalitarian socio-economic order. To receive an advance payment from his employer or credit in times of need the male head of the household pledges not only his own labour but that of family members. The main feature of bonded labour system is that the debtor mortgages his person and/or members of his family for a loan and is released from bondage only on the repayment of the debt. In this complex system the contractors /sub-contractors take their cut from indebted workers, some of whom work for years without ever receiving any substantial income. Not only the adults but their children both the boys and girls are exploited and are forced to work in agriculture, fishing or as Domestic workers exposed to violence and abuse. Bonded labour is often found more among the impoverished, indigenous, marginalized, socially excluded and discriminated. They mostly live in backward regions in the flood-prone, drought-prone areas and in their habitations are outside of the villages where the garbage is dumped. Denied and deprived of the basic rights and resources respectively, they neither have literacy nor employable skills to earn their livelihood. According to the Collins English Dictionary, Bonded Labour is a system in which a person provides labour in order to pay off debts. Non-state actors include organizations and individuals that are not affiliated with, directed by, or funded through the government.



Historically the indigenous people were made to construct and maintain infrastructure in colonial territories in different parts of the world.

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In modern days the indigenous, tribals, those who are placed in the lower rungs of inbuilt socio-economic exploitative caste hierarchical structure, minorities and migrant workers with irregular status are forced to work in construction, brick kilns, stone quarries, agriculture and horticulture, forestry, rice mills, logging, mining, garments and textiles, cleaning, food processing and packaging industry, domestic service and other care work, factory work, restaurants and catering, transportation, etc. Hidden and away from labour inspection, they are difficult to reach as most of them are in isolated, remotely scattered work places and in private homes.



Communities that face multiple disadvantages in life are also in great economic distress that exacerbates their pitiable situation. Being landless and not having any material or financial resources the poor take loan for food intake in time of starvation, for medical treatment of ailing family members in times of acute health crisis, to incur expenditure towards social ceremonies, and other such inevitable essential which push them into debt-trap and bondage. Without having land or any other assets to mortgage, they mortgage their services to the money-lender who force the debtors to work to repay debts they owe. They are not able to foresee the consequences of mortgaging themselves due to ignorance and illiteracy. The money-lenders and his men use various forms of ploys to trap and force them to work for long hours. The bonded labour does not have any idea with regard to the principal amount, rate of interest, period of repayment, repaid amount through their labour, and the outstanding. The value of their work is invariably greater than the original sum of money borrowed. They are not allowed to work for anyone else. Bonded labour is an outcome such strategic and systematic exploitation of the marginalized and vulnerable sections of the society by those who are rich, resourceful and influential.

The bonded labour and their families face multiple vulnerabilities at the workplaces. The bonded labour are forced to work for long hours exposed to the vagaries of weather and are physically, verbal and sexual abuse which has a very

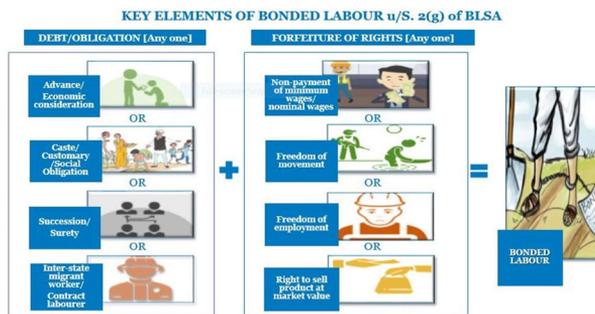
adverse impact on their physical and mental health. They are hardly provided with food or non-food items to survive. The work sites are mostly in isolated remote areas hidden away from public view and are difficult to reach. Entrenched in exploitative socio-economic caste-based hierarchical structure the bonded labour system has spread its ghastly tentacles in different sectors of the economy from agriculture to the supply chains of manufacturing, and service sectors. Incidences of prevalence of indebted labour could be found in agriculture, horticulture, tea plantations, forestry, log-cutting, fish-processing, food-processing, rice mills, beedi-making, brick kilns, stone quarries, construction, mines, carpet-weaving, power looms and cotton handlooms, garments and textiles, match and fireworks, tanneries, and others.

COVID-19 PANDEMIC AND BONDED LABOUR

The impoverished indigenous and marginalized population groups face multiple disadvantages in life that can exacerbate social exclusion and discrimination. Poverty stricken families become vulnerable to labour exploitation in different unorganized, unregulated and informal sectors. The socio-economically disadvantaged segments have a disproportionate impact of the Covid-19 pandemic disaster. The negative effects of the Covid-19 pandemic crisis resulted in influx of the poor into bonded labour. Having lost their earnings and livelihood due to Covid-19 lockdowns, the poor are left with hardly any means to provide for themselves and their families. Without any income to sustain themselves, they face uncertainties. People in such an economic distress borrow money and fall into debt-trap. Employers make use of such vulnerability of the poor and arrange independent labour contractors to make advance payments because they need cash income and the workers get bonded. They find it difficult to pay off their debts and borrow again to meet their basic needs and in acute health crisis. Consequently they end up in vicious cycle of debt bondage. Workplace closures had immediate and severe impact on informal sector workers. The impact of Covid-19 pandemic has a disproportionate adverse impact on the socio-economically disadvantaged segments who are already prone to severe medical problems. The second wave has added to their already existing problems. In the absence of socio-economic security and protection they are more vulnerable for human trafficking for labour exploitation.

INTERNATIONAL CONVENTIONS AND NATIONAL LEGISLATION

There are widely-ratified series of international conventions that have established a global consensus against bonded labour, forced labour and worst and enslaved forms of labour and also national laws. Adopted on 7 September 1956 and entered into force on 30 April 1957, in accordance with Article 13. The treaty supplements the 1926 Convention by acting to ban debt bondage, serfdom, servile marriage and child servitude. India has ratified both the ILO Conventions, ILO Convention No.29 concerning Forced or Compulsory labour (1930) and Convention No. 105 concerning Abolition of Forced Labour (1957).The practice of bonded labour violates these International Human Rights Conventions.



INITIATIVE AND INTERVENTION OF STATE ACTOR: THE NATIONAL HUMAN RIGHTS COMMISSION INTERVENTIONS ON BONDED LABOUR DURING COVID 19 PANDEMIC

Under the writ petition Public Union for Civil Liberties vs. State Of Tamil Nadu And Others on 15 October, 2012, the National Human Rights Commission (NHRC) has been entrusted with the responsibility of monitoring and over-seeing the implementation of its directions as well as provisions of the BLS(A) Act in all the States and Union Territories vide this Courts order dated 11.05.1997. NHRC has set up a cell to ensure expeditious action by the public authorities towards elimination of bonded labour in 2011. Since then the NHRC has constituted a Core Group on Bonded Labour and has been organizing a National Level Seminars, webinars and workshops on bonded labour system especially in bonded labour prone States and also hold meetings with the State/UT Government and also recommends the State Governments to constitute a State Level Monitoring and Coordination Committee.



Under the directions of the Hon'ble Supreme Court, the National Human Rights Commission (NHRC) has sent an Advisory to all States and Union Territories to identify, release and rehabilitate bonded labourers during Covid-19 pandemic. Keeping in view of the challenges posed by the second wave, in December 2020, the NHRC issued a 'Comprehensive Guidelines covering the aspects of Identification, Rescue, Release and Rehabilitation of Bonded Labourers during COVID-19 Situation'. The objective is also to ensure that prompt actions are taken by the government authorities to protect the vulnerable from being exploited. Specific recommendations were given to the Central and State Governments.

With regard to 'prevention' it was required that the Panchayats be asked to maintain a record of information about persons living in the village and those

migrated to towns/cities for work and the details of the labourers, middlemen, location of the workplace and track the movement of labourers to be maintained in a Register.

The Advisory mandates the District Administration to coordinate with the Railway Authorities in the District to monitor any such conditions where there is enough reason to suspect the trafficking of labourers. Further, it requires the District Administration to immediately investigate, if it involves children. Besides, the District Administration is mandated to sensitize and direct the relevant authorities to monitor and interfere any suspicious activity/ movement of people in bus stations, bus stops, inter-district/ inter-state check posts etc. where there is a possible element of bonded labour.

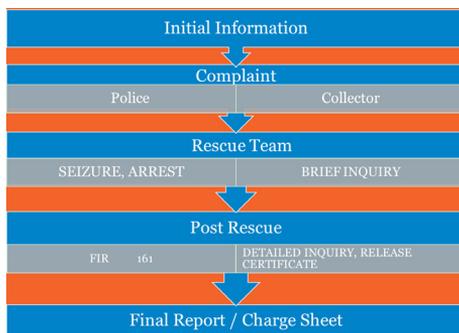


In order to provide free ration and health-care to the vulnerable and daily wagers who lost jobs due to Covid -19, the State Government is required to consider creating dedicated funds. With the objective of prevention of trafficking for bonded labour, the NHRC required that the State should direct the District Administrations to identify households in extreme vulnerable conditions and provide essential social security cover. Further, the District Administration has been suggested to consider coordinating with the local NGOs working on labour issues to provide information on illegal migration. In order to prevaricate mass movement of vulnerable people to urban areas in search for employment and to prevent all forms of bondage in the destination, the Labour Departments of the State Governments are mandated to spread awareness on the provisions of MGNREGA in the villages to enable people to stay and work in their own villages.

With regard to 'Identification' the Panchayat are mandated to take immediate steps to monitor and inform the District Magistrate if they have identified or receive any complaints from family members on child/ bonded labour conditions in the workplace of the labourer.

The District Magistrate has been mandated to constitute/ activate the Vigilance Committee as per the Bonded Labour System (Abolition) Act, 1976 (BLSA Act). The

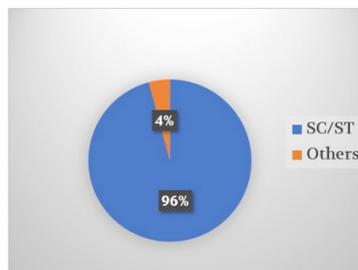
Vigilance Committee as per its mandate should conduct survey of any offence of which cognizance ought to be taken under the (BLSA Act. Further, the District Magistrate has been mandated to constitute teams with relevant Department officials to inspect Industries/ Brick Kilns/ other workplaces. This team has to carry out inspections at least twice a month for identifying whether labourers are working under bonded labour conditions.



District Magistrates/Sub-Divisional Magistrates have been mandated to investigate within 24 hours upon receiving a complaint of bonded labour system and if a case of bonded labour is found during investigation, the procedures for rescue during Covid -19 issued by NHRC or the Standard Operating Procedures of the Centre/ State should be initiated immediately. During the process of rescue, the rescue team should ensure that the face masks and sanitizers are provided to the labourers and physical distance is adequately maintained among the labourers. Upon rescue, the DM or SDM is required to ensure and arrange for basic health screening and Covid tests of rescued bonded labourers to avoid the spread of virus. Further , they are required to be provided with basic awareness on health and hygienic during Covid- 19 like the practice of physical distancing, respiratory hygiene, cough etiquette, hand hygiene etc. to the rescued labourers. If any rescued labourer is suspected for COVID-19, arrangements are required to be made to immediately escort the labourer to the nearest health facility to access free testing and treatment and the released Bonded Labourers of all age groups are to be vaccinated.

Break up of victims rescued under BLSA, NCRB 2019

- 96% of victims rescued under BLSA belong to SC/ST community.
- The already enormous vulnerabilities of these communities are exploited by traffickers, and because of the challenges they face in accessing justice systems, their oppressors often remain confident in their impunity, while the oppressed live under conditions of heightened exploitation.



District Magistrates/Sub-Divisional Magistrates are required to enquire and verify upon the relevant evidences indicating bonded labour conditions as per the SOPs issued by the Centre/State Governments. Further, the officials are to recover unpaid wages of the labourers on the spot so that to prevent re-bondage of victims. The District Magistrates/Sub-Divisional Magistrates are mandated to ensure that the rescued labourers are provided with Release Certificates on priority and within 24 hours of the rescue and are required to arrange transport facilities for the workers who are willing to return to their homes. The District Administration is mandated to provide carry out the Rehabilitation & Repatriation as prescribed in the Central Sector Scheme 2021. Further the District Administration/ State Government are required to give necessary directions to its officials to treat the bonded labourers with dignity and respect.

40 LABOURERS RESCUED IN HISAR

Hisar, Haryana: The government of Rajasthan with the support of Jai Bhim Vikas Shikshan Sansthan (JBVSS) rescued 40 labourers from Ganesh brick kiln in Tehsil Ukhalana; district Hisar on 25 May 2021.

Trafficker Dheer Singh had brought 15 men, nine women and 16 children as labourers from village Sanodi, Patyali, district Kasganj, UP in November 2020. He had trafficked all the labourers to Haryana with false promises of good housing, regular payments for their work, medical facilities and good schooling for their children. However, once at the brick kiln, the workers were not allowed to leave the facility and no wages were paid for their work. Victims could not educate their children as there were no schools near the brick kiln. The health of pregnant women was completely neglected by the owner. He used to abuse anyone who asked for their wages. The labourers were forced to work for more than 16 hours a day at the brick kiln. The workers did not give up and were persistent in their demand for fair wages. As a result, the owner stopped giving work to them from the month of April. The owner also stopped providing food or clean drinking water.

When the JBVSS staff got to know about these workers, they filed a complaint with the SDM and the DM of the district. After two days from receipt of the complaint, government officials which included the tehsildar, the labour inspector and police officials were sent to the brick kiln for investigation. They took the statements of the labourers and settled their wages to send them back home. Total back wages cleared was Rs 5,51,850. JBVSS plans to continue to pursue this case and work with the government to file FIR and hold the perpetrators accountable under existing laws, including the Bonded Labour System Abolition Act (1976).



For offences under laws other than Bonded Labour System (Abolition) Act, 1976, where statements under Section 161 CrPC are required to be recorded, the District Magistrates/Sub-Divisional Magistrates are to ensure that the same is done at the earliest, prior to repatriation and with appropriate Covid guidelines. Public Prosecutors are required to follow the guidelines issued by the courts for conducting trial through video conference. Public Prosecutors are to be given adequate virtual training on bonded labour system to ensure awareness on the issue, need for speedy trial and justice. The District Administration is mandated to involve the State/District Legal Services Authority to provide legal awareness and counselling to the victims of bonded labour.

RECOMMENDATIONS

In the present circumstances and in view of economic crisis that prevails, it is ideal to empower all the District Magistrates to provide special assistance to bonded labourers. It should be ensured that the Vigilance Committee is constituted and

is functional in each and every District of the country. Bonded Labour Help-line should be introduced. Areas of severe economic distress and relatively remote backward areas should be under close supervision. There should be close monitoring of situations whether there are any new incidences of bonded labour and reporting of incidences if any, on a dynamic basis. An identification-reporting mechanism should be developed. An awareness generation drive focusing on bonded-labour hotspot should be devised. Social media should also be utilized such that common citizens can be sensitized and involved. Special drive should be organized in each District with the help of agencies including the civil society organizations/NGOs, Trade Unions/Workers' Organizations, Students of Social Work, NCC, NSS and NYK, Panchayati Raj Institutions, Central Board of Workers Education, Training Institutions, and others to locate the bonded labourers in distress. Direct cash assistance should be provided to take care of the immediate needs and prevent them from falling into destitution. The Bonded labour households lag behind others in some basic socio-economic needs. Along with cash assistance, they should also be provided with other facilities like safe housing, medical assistance, sanitation, water, etc.

It is imperative to prevent them from influx to bondage because of pandemic situation. Therefore, poverty reduction strategies should be merged with skill development activities. Skill development will generate more employment and hence more income and hence reduce vulnerability to bondage. Literacy level of the poorer households should be taken seriously while planning to develop skills. Skills that are less demanding on education may be chosen. Central Sector Scheme for Rehabilitation of Bonded Labour - 2022 should be effectively implemented for the rehabilitation of Bonded Labour with clear and simple financial and administrative arrangements. Entitlements to the vulnerable communities should be reached out recognizing their multi-topographic locations. Sanctioned staff should be in place with specific role and responsibilities for providing social protection arrangements with coordinated and concerted efforts. The social protection programmes should be designed in the rights-based direction in order to deal with the specific vulnerabilities of the marginalized, impoverished, indigenous, socially excluded, disadvantaged and discriminated population groups. Issues of exclusions with regard to identity, eligibility and geographic location should be addressed. Intensive studies and surveys may be undertaken in respect of stone quarries and brick kilns to locate bonded labour

To conclude, it is essential to ponder that because of their socio-economically disadvantaged status and suffering from vulnerabilities, those in bondage are not in a position to be able to raise their voice expressing their inhuman and sub-human conditions. Promoting justice, equality and equity would prevent them from becoming bonded to those who constitute the rich, resourceful and influential sections of society and would end the bonded labour system. The exploitative socio-economic structures are designed and perpetuated by the socio-economically powerful and privileged sections that have the control over

the productive assets. The policies, programmes and actions should therefore be formulated, planned, launched and implemented effectively in favour of the poor, with the profound insight of this reality.

Lack of empathy and sensitivity on the part of those who are involved in the process of preventing the incidences of bonded labour is also one of the major obstacles that come in the way of protecting the poor from vulnerability to bondage that needs to be addressed on priority. The fruits and benefits of development should be uniformly, consistently and equitably distributed to address inequality, inequity and impecuniousness. Protecting the poor from vulnerability to bondage would also require progressive reduction in the incidence of poverty, unemployment and underemployment; setting adequate minimum wages and improving compliance, and improving the standard of living of the poor.

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Case Studies on Awareness of New Code on Wages

Dr. Dhanya MB*

INTRODUCTION:

The code on wages was enacted in August 2019, and the rules are currently under deliberation and will become effective from the date to be notified by the Central Government. The code amalgamated four Central labour enactments on wages namely, the Payment of Wages Act 1936, Minimum Wages Act 1948, Payment of Bonus Act 1965, and Equal Remuneration Act 1976. There are various reform measures that have been undertaken in the new code. The first and notable reform measure is the universalization of Minimum Wages through uniform applicability and uniform definitions under various authorities and also promotes a cultural change in the inspection system. Time-bound resolution of claims is another aspect to be highlighted and unlike the provisions of earlier enactments, the penal consequences only entail imprisonment for the second and subsequent offences.

In the wake of these labour reforms, the awareness building through training programmes and the information campaign to raise awareness of new labour codes to prevent infringements among workers and employers are significant since the code on wages would be implemented as soon as it is notified by the government. The government of India is undertaking various activities/programmes for increasing awareness of wage codes and ensuring that all workers and employers are conscious of their rights. V V Giri National Labour Institute, as a national-level labour institute conducted various online training programmes for awareness building on the code on wages 2019. Consequently, post-training programme feedback has been taken and more than 95 per cent of the participants personally benefitted from the programme in terms of their learning knowledge or awareness generation and also reported that the participation in the programme benefit their organization as such for awareness and calculation of bonus and minimum wages etc.

OBJECTIVES:

In the above context, the researcher decided to conduct short telephonic case studies, particularly selecting seven people from different streams each including NGO, government officer, private organisation, trade union and researcher etc. All the details of the interviewees were kept confidential. Seven cases were taken for this study most of them are from the participants of the training program except two include contract workers and employer (who have not attended training at the institute). The researcher has included the contract worker and

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employer purposively to get to know their perspective on the code on wages. It took a long time to make awareness building for the casual worker, then tried to get his perspective on code.

Hence, seven case studies were conducted for post-training analysis to get to know their awareness of the code on wages and to examine their opinions about the labour law reforms on wages.

NEED FOR CODE ON WAGES:

Indian labour market predominantly comprises informal employment in both formal and informal sectors with a predominance of self-employment (Dhanya 2013). According to NSSO surveys, almost 90% of the workers are in the unorganized sector and they add 60 per cent of India's GDP growth. There is an exhaustive study of literature on the subject of jobless growth during the early 21st century that had happened in India. As per the NSSO Employment and Unemployment Survey of 2009-10, though the economy grew at an annual average of 5-6 per cent the net addition to employment was only 0.2 million in 2009-10 over 2004-05 (Chakroborty Manas 2013). The employment generated was mainly low-skilled in the construction sector and of an informal nature. 62% of the workforce is made up of casual workers who need a right to minimum wages. The Present minimum wage system is complex with states fixing rates for 1709 scheduled employments and these rates are set mainly by state governments for employees working in selected 'scheduled employment'. 33% of wage workers were paid less than the indicative minimum wage in 2009-10. The workforce in the informal sector has no assurance of wage protection, social security, occupational safety, or employment stability not even of decent wages (OECD/ILO 2019).

On top of that, not only it is very complex but also it is limited in coverage, only 66 per cent of wage workers are covered under the Minimum Wage system. There is a threshold for the payment of wages act and it is having income threshold and it does not apply to all enterprises. Bonus is also subject to restriction in terms of enterprises and income threshold hence all these acts are not universal in coverage. This is one issue that we have a noble intention but we created a complex system. Low pay and wage disparity continue as a serious trial to India's pathway to realizing comprehensive development.

Although India's wage inequality seems to have stabilized or even declined somewhat since 2004-05, wage inequality and the gender pay gap is remains observed among all types of workers even in regular or casual or in urban or rural. As per the India wage report 2018- average labour productivity (as measured by GDP per worker) increased more rapidly than real average wages and India's labour share has declined (ILO, 2018). The primary objective of the wage policy

instituted in any country is to address the inequality of the people and also to address the gender pay gap. Wage policy will ensure fair distribution, equity and justice.

HISTORY OF CODE ON WAGES:

The determination of minimum wages started in 1920 with the setting up of Boards to decide minimum wages. Consequently, a Labour Investigation Committee was appointed to examine the problem of wage-related matters as per the recommendation of the Standing Labour Committee and Indian Labour Conference in 1943 and subsequently separate legislation for the unorganized workers was also recommended by the 1946 Standing Labour Committee. As a result, the Minimum wages bill introduced to fix minimum wages in certain employments took effect in 1948.

The Minimum Wages Act does not deal with the adjustment of minimum wages or is not responsible to provide any criteria but need-based criteria have been arrived at based on the 15th ILC, 1957 & Supreme Court judgment 1992 to provide guidelines for this purpose. The report of the Central Advisory Council appointed a tripartite committee termed the 'Fair Wages Committee' was a major landmark in the history of formulation of wage policy in India and also Bhootlingam Committee 1978 attempted to calculate a 'National Minimum Wage', which will be uniform all over the country. The definition of minimum wages was revised based on many criteria and also norms were criticized by raising the argument that the capacity of the industry to pay was not considered (Shanta A. Vaidya). Nevertheless, the concept of a uniform National Floor Level Minimum Wage (NFLMW) was initiated based on the recommendations of the National Commission on Rural Labour. The NFLMW was initially fixed at Rs.35 per day in 1996, based on the rise in the Consumer Price Index (Industrial Workers) the NFLMW was increased to Rs.80 per day in 2007, further raised to Rs.115 per day in 2011 and now it becomes 176 per day.

CODE ON WAGES-CASES:

Following is the summary of telephonic interviews with people from different streams as explained in the objective for getting their perspectives on code. Private sector employee perspectives on wages are remarkable, as he highlighted new code is an expectation since it provides legislative coverage to all employees while extending greater protection to workers. The definitional changes of wages are the expectations for the private sector worker that wages will not reduce below 50 per cent of the total earnings of an employee since it ensures the establishments do not adopt compensation structures since the specified exclusions in the wage definitions may not exceed 50 per cent of the total remuneration. At present, most establishments adopt a wage arrangement in which the basic salary ranges from 25% to 40% of the CTC of the employee, including both provident fund and

gratuity contributions. Employer's perspective appears increased confidence in this code, erstwhile they have to maintain 10 registers for compliance and under the code on wages two registers are required to be maintained (i.e, Employee Register under Form-IV Register of Wages, Overtime, Fines, Deductions for damage and loss under Form-I). Moreover, the previous four returns now become single to be filed to facilitate ease of doing business.

As a government representative, the regional labour commissioner is of the view that the production of documents electronically or the use of technology for enforcement and the web-based inspection system will facilitate to increase in the efficiency of the inspection system. As per this code all document, record, register, minutes, etc. is required to be kept by an establishment in electronic form. Moreover, the appropriate government needs to require an inspection scheme provided by the web-based inspection and call for inspection-related information electronically.

In the telephonic interview with an NGO worker, he stated that rigorous awareness building is required for labour reforms. Universalization of minimum wages and not coming under any scheduled employment for deciding Minimum wages is an expectation for Non-governmental organisation workers since they expect minimum wages would apply to them too. According to researcher, it will facilitate ease of doing business but how ease of doing business facilitates the economic growth of the nation is need to research. Trade unions' views defer and a BMS worker said even though we are not supporting a few labour reforms but they have been supporting the wage code considering its universality and timely payment of wages. After giving a narration on the code on wages, the contract worker (security guard) expressed his expectation of timely wages and a written contract.

CONCLUSION:

The code on wages will have a historical movement and its applicability to various stakeholders is appreciable while relating to timely payment and authorized deductions which were confined to employees drawing 24000 per month, now it applies to "all employees irrespective of wage ceiling". The speedy, cheaper and efficient redressal of grievances is another significant aspect to discuss and will remove arbitrariness and mismanagement. The liability would be on the company, subject to claims relating to default of payment or less payment of wages or bonus or unauthorised deductions. The code also facilitates reviewing minimum wages every five years accompanied by cheques or through digital modes, payment of wages will facilitate the transparency of the system. In conclusion, the code on wages is pertinent to all establishments, employers, employees and has extensive implications altogether while considering the increased trial risk to the escalation in penalties, the government of India is trying to put the fear of laws into everyone and safeguarding that infringement is not to be underestimated.

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Managing Livelihoods and Social Protection in the Marine Fisheries Sector: Insights from two Cases of Field Visits

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CONTEXT:

Traditional subsistence fishing to small-scale fishing millions of the world's poorest populations depend heavily on the Marine Resources for their sustenance and livelihoods. Fisheries, aquaculture, shipping, tourism, energy production, deep sea mining etc. which are considered as the backbone of Blue Economy hold prospects for sustainable livelihood enhancement. Small scale fishing provides about half of the world's harvested sea food – but provides 44 times as many jobs per ton of fish as industrial fisheries do! (UNDP, 2018).

The fisheries sector of India placed with a diverse resources and biodiversity support the livelihoods of millions in one way or the other. Fisheries Sector comprising aquaculture and capture fisheries not only support employment and income but also source of affordable food and nutrition. The sector provides livelihoods to twenty million fishers and fish farmers at primary level and in double fold along the value chain (National Fisheries Policy2020). A very wide and diverse areas of employment opportunities are available like Fish Breeder, Hatchery Manager, Fisheries Technicians, Chemist, Aquaculture Engineer, Farm Technician, Hatchery Technician, Engine/Motor/Electrician technician, Instrument Technician, Feed Technician, Gear/Harvesting Technician, Water System Technician, and Skilled Farmers. Work opportunities are also prevalent in the Ancillary Sector namely; Net Mending, Boat Building, Manufacturing of Fishing Accessories, Aqua Feed Preparation, Fish Oil Antibiotic and Aqua Drug Supply, Fishing by trawlers in High Seas, Preservation and Marketing of Sea Products etc.

Marine Fisheries is the major source of livelihood of coastal fishers. Endowed with a coastline over 8,000 kilometer an important and critical region of India, the marine ecosystem harbours mangroves, algal communities, coral reef, sea grass beds, lagoons and mud flats. Each of these marine ecosystem with its associated habitat supports a wealth of marine resources. Marine fisheries wealth is estimated at annual harvestable potential of 4.412 million metric tonnes. With an estimated 4.0 million people depending for their livelihoods on Marine Fisheries Resources contribute economic wealth valued at about Rs. 65,000 crore. Having been a highly diverse in nature the marine fisheries sector predominately comprises small-scale and artisanal fishers (National Policy on Marine Fisheries, 2017).

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BACKGROUND, OBJECTIVES, SCOPE AND LIMITATIONS:

This study discusses the experience of two field visits; ABAD Fisheries, a leading processors of quick frozen sea food in India near Vizhinjam Port, Thiruvananthapuram and Mazgaon, famous for the dock and fishing harbour as well at Mumbai as part of the five days collaborative programmes of VVGNNLI on Managing Livelihoods and Social Protection in the Coastal Regions. The first programme was collaborated with Kerala Institute of Labour and Employment (November 13-17, 2017) and the second programme with Late Narayan Megha ji Lokhande Maharashtra Institute of Labour Studies (July 23-27, 2018.). The aim and major objectives of both the programmes were almost same except focussing some state specific issues. The aim of the programmes were to enhance the competence of social partners and motivate them to work towards the promotion and holistic management of livelihoods and Social Security measures in the Coastal Region. And the major Objectives were; to discuss various issues, challenges relating to livelihood and social security in coastal regions; to make the participants understand their roles in addressing the issues; to discuss about new avenues and innovative methods; to enable them to contribute effectively for the promotion and management of livelihood and social security in the regions.

Though the programme was first introduced in the institute by the author in the training calendar year 2014-15 as Course Director, it had some advantage in conducting the programmes in collaboration with state labour institutes located at coastal regions where the service of experienced resource persons working in the region and opportunity for field visits were availed. The study mostly enriched through discussions with stakeholders and observations of the author. Since duration of interactions were very short in both the visits, many aspects could not be explored. As field visits took place about three/four years back there might have some changes at work place, policy and implementations level. The National Fisheries Policy was introduced in 2020. Government of India has also announced a new dedicated scheme for fisheries sector namely Pradhan Mantri Matsya Sampad Yojana (PMMSY) under Atmanirbhar Bharat Covid-19 Relief Package.

CASE-1

ABAD Fisheries and Vizhinjam Port, Thiruvananthapuram Visit:

A visit was undertaken to ABAD Fisheries Pvt.Ltd unit near Vizhinjam Port, Thiruvanthapuram with the participants of the training programme “Managing Livelihoods and Social Protection in the Coastal Regions” with the active support of Mr. Biju K. S., Director KILE and Mr.Vijay Wills, coordinator of the collaborative programme from KILE. Participants belonged to Trade Unions, NGOs and Government Departments of Kerala. ABAD Fisheries is a leading processor of quick frozen seafood in India with about eleven accredited and

certified factories with production capacity of 300 MT per day and four public cold stores with a capacity over 12,000 MT. The factories are located near major fishing harbours and aquaculture farms giving access to fresh raw materials. The company claims that high quality standards are maintained at every stage of processing and packing by qualified and motivated workforce which mostly for export purposes. The various fish products include Black Pomfret, White Pomfret, Red Snapper, White Snapper, Pink Sea Beam etc. and also White Vengeance Shrimp, Tiger Prawn, Bamboo shrimp are some crustacean products of the ABAD Fisheries private limited.

Though the factory at Vizhinjam port is a protected area, with prior permission and coordination from Kerala Institute of Labour and Employment we were warmly welcomed and allowed to enter inside the work place with some minimum safety requirements like mask and foot coverage with the manager of the unit at lead. We all interacted with the employees individually, in a group, collectively in two batches. We saw the store room for raw products and the automation process of storage, then the process of cleaning and packing by workers and then the cold storage hall. We were allowed to take photography and videography inside and freely interacted with the workers.

The workers engaged in cleaning and packing were mostly women. The work may be attributed a semi-skilled work. They were wearing masks during the work. The author tried to interact with them in Hindi and English and took the help of some participants asking questions and getting answers in local language too. Upon asked about the working hour in a day it was revealed that they work for eight hours and earn about eight to nine thousands per month. They also told that they are availing Employees State Insurance (ESI) and Provident Fund (PF) benefits the two major social protection benefits in the formal sector. Though the interaction was not with each worker or one by one, it was a random selection without hampering their ongoing work. Having visited to the factory though for a short period which may be of twenty minutes to half an hour, the author feels that this kind of labour intensive units where the technological penetration is low have the potentiality to provide jobs to the local people and enhancing their employability.

But the challenges lie with the large number of fish workers engaged in fishing, selling across the coast and near the port area. The prominent among them are climate change effect on sea level, resources and disaster like cyclone. Apart from this stakeholders including the leaders of fish workers were apprehensive about the loss of livelihoods near the Vizhinjam Port which is being extended under the Sagarmala Project. It was learnt that the local administration was engaged with the aggrieved parties for compensation packages and addressing other issues amicably. Skill Development and credit linked flagship programmes like Pradhan Mantri Kaushal Vikash Yojana (PMKVY), Prime Minister's Employment Generation Programme (PMEGP) and MUDRA Yojana etc. for wage / salaried

employment, self-employment and entrepreneurship should be made accessible for the workers and small boat owners for skilling, re-skilling and up skilling and those desirous for new entrepreneurial ventures incase of the loss of their livelihoods.



With participants of the collaborative training programme “Managing Livelihoods and Social Protection in the Coastal Region” outside ABAD Fisheries. It was a mixed group comprising of representatives from Unions , NGOs and Government.



Interactions with Employees and Managerial Personnel inside the Factory. We entered in two batches with minimum safety measures.

CASE-2

Mazagaon, Mumbai Visit:

A field visit was undertaken to Mazagaon to discuss marine fisheries issues and solutions with stakeholders. We walked about four kilometers from the entry point of the port area to the harbour and took the ferry bus on our return. We could only be able to talk to some workers that to very short period as the weather was not favourable during the time of visit. Workers who venture into deep sea fishing spend fifteen to one month inside the sea leaving their family behind. They face the challenges of rough weather, health hazards, external attacks etc. Sometimes the lack of awareness about the ocean frontiers and advanced alert instruments in boats their life is at risk from neighboring naval dispensations. There are many cases of fishermen being killed, arrested and languishing in jails of neighboring countries. Protecting the fishermen from entering the border

unwillingly tracking, alerting and monitoring of boat vessels are required. It was learnt that fisheries department of the state has installed technology for alerting the authorities to come into the help in case of any unforeseen events like cyclonic storm, suspicious movements of unknown boats, health emergency and crossing the maritime border etc.



In the above photo the fish workers explaining with regard to our queries about the arrangements in the fishing boat for the provisions of storing the fish they catch and also the foods and necessary stuffs for about fifteen days to one month they are supposed to remain in the deep sea.



With participants and coordinator from MILS Dr. P. Kadukar at Mazagaon. Diploma students of MILS, Representatives from Fisheries Cooperative Societies and Government were the participants of the training programme. We took shelter for a while because of monsoon rain at the Mazagaon Harbour during our interaction.



The author is in discussion with stakeholders at mazagaon harbour



Fish Market near Mazagaon

This was on the way to our destination Mazagaon Harbour. Activities were almost over since it was late afternoon. Though we didn't find sellers as it was late afternoon, we interacted some women sellers who were taking break from work but at the same time were busy with their domestic and child care activities near their workplace as they reside in the nearby chawls. Housing, water, sanitation and hygiene are some of the issues that came up during our very short interaction with them. They deserve a better working environment and shelter with the intervention from the authorities.

CONCLUDING REMARKS AND WAY FORWARD:

Fish workers are one of the vulnerable section among working mass. They need to be protected through the legal provisions, social security and skill development measures for the betterment and upward mobility of the workers and the sector as well. Units like the ABAD Fisheries could be instrumental towards formalisation of the fish workers and striving for decent employment in the sector. In the second case the workers venturing into deep sea and the fishing boat managements required to be updated time to time the changes in rules and regulations, safety aspects, Health and Hygiene, Marine eco systems and Biodiversity by the Fisheries Departments in collaboration with social partners and stakeholders. Fishing Cooperative Societies should undertake responsibility. Skill Development Measures of Central and State governments need to be proactively converged as per the demand of the sector and also upward mobility of the workers. Those workers feel the hit of displacement owing to climate change impacts and port renovation projects or contemplating for alternative livelihoods should be facilitated reskilling opportunity available in various policies and programmes.

New paradigm shift the sector may experience with the New National Fisheries Policy being in place. The National Fisheries Policy 2020 envisages a plethora of changes name; Convergence of services through support and active participation of ministries / department in the Central Government, State Governments and UTs and International and Regional Collaborations for the promotion of fisheries sector. Fisheries Institutions like National Fisheries Development Board (NFDB), Fishery Survey of India (FSI), Central Institute of Coastal Engineering for Fisheries (CICEF), Central Institute of Fisheries Nautical and Engineering

(CIFNET), National Federation of Fisheries Cooperatives Ltd. (FISHCOPFED), ICAR-Fisheries institutes and University will be engaged to avail expertise and resources. New Organisations like National Fisheries Development Council headed by Union Minister of Fisheries, Animal Husbandry and Dairy and Marine Fisheries activities are to be established for the overall guidance and implementation of the policy.

Pradhan Mantri Matsya Sampad Yojana approved by cabinet in 2020 for boosting fisheries sector emphasizes on safety and security of fishers at sea by acquiring technologically advanced fishing vessels for deep-sea fishing, up gradation of vessels for improving the export competitiveness, communication and /or tracking devices, Bio-toilets in fishing vessels. Private participation and entrepreneurial development, innovative projects including start-ups and incubators would be encouraged in the sector. Also introduced for the first time insurance coverage for fishing vessels. Annual livelihood support for fishers to be provided during lean/ban period along with the focus on integrated modern coastal fishing villages with necessary infrastructure for the holistic development of coastal fisher communities. All the stakeholders and social partners should work for a holistic management of the coastal zones with ecological balance towards an inclusive blue economy.

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