

Clinic for Assistance in Labour Laws (CALL)

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Concept Note

An initiative by the Legal Services Committee, National Law University Delhi

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INTRODUCTION

Clinic for Assistance in Labour Laws (hereinafter, 'CALL') is a mobile clinic established by National Law University Delhi under the aegis of its Legal Services Committee, having its permanent office on the University premises.

In Indian society, workers ordinarily suffer from tremendous socio-economic inequalities and hail from vulnerable sections of society. They have always been marginalised and their rights have always been casually violated, due to a variety of factors such as a persistent lack of awareness about their individual and collective rights and an inability to gain efficient legal remedies due to lack of access to legal aid. In this context, there is a pressing need for dedicated machinery which represents the interests of the workers. CALL has been created to fulfil this deficit, to bridge a gap between the workers and the legal machinery and to ultimately act as a force, counteracting the inequality of bargaining power inherent in the employment relationship.

CALL primarily focuses on empowering the workers employed in the organised and unorganised sectors through legal assistance and awareness about their rights. It seeks to strengthen information flow between workers and lawyers and when necessary, ensure their legal representation in courts. The objective is to ensure compliance to labour law regulations, remedy violations such as non-compliance to minimum wages, payment of back wages, eradicate discriminatory and unfair labour practices and to make legal aid accessible to workers on a large scale.

CALL is a collective effort of students and volunteers and is aimed to decentralise legal aid services exclusively to the working class of society and given a large number of labour issues and a lack of an exclusive mechanism for the workers to approach, CALL thus separates its functioning with the Legal Aid Clinic already established by the Legal Services Committee and creates a space where the above-mentioned objectives can efficiently be fulfilled.

CALL also aims to provide an opportunity to students and volunteers interested in the field of labour laws, to strengthen their understanding through practice and build a range of valuable lawyering skills.

As a pilot project, the Clinic aims to function across the workplaces around Dwarka and then in next stages, it aims to expand itself across Delhi. The Clinic aims to target only at the issues pertaining to labour laws so as to create a platform solely for the workers.

FUNCTIONING OF THE CLINIC

1. Core Functions:

- Establishing and visiting CALL Points to organise awareness drives and taking up the grievances and further following up on such cases along with the panel lawyers or faculty experts of the Clinic
- Checking the labour law regulations and ensuring compliance at the University including working conditions, minimum wages, unfair labour practices, collective bargaining, freedom of association, among other issues.

- Assisting the workers at the University and at the CALL Points in checking and managing their EPF accounts, promoting awareness about the operation of EPF accounts, organising camps, and helping them with any other issues which may be relevant for the current purpose.
- Organising training courses for members and volunteers in order to impart the importance of such work and to imbibe the elementary skills in them to strategically access the legal and judicial institutions so that they are enabled to use public advocacy as a tool to facilitate social change.
- Contacting lawyers in order to expand the panel and assisting them, among other works, in researching, drafting, client counselling, interviewing, visiting court or any other work as may be required.

2. Promotion and Awareness:

Regular awareness drives (twice a month) in places around the CALL points and in the potential localities. This will include:

- Putting up posters and pamphlets in Hindi,
- Organising plays at the CALL Points,
- Organising camps at the CALL Points in order to promote awareness about the various rights of labourers,
- Engaging with the workers in informal counselling, registering the grievances.

3. Helpline Number:

The Clinic shall have a 24/7 helpline number where the workers can reach to the Clinic members in case of an issue. Further, the contact number of the volunteer of such a CALL Point will be provided to all the workers working at such workplace.

4. Labour Law Panel:

The Clinic aims to constitute the panel comprising various experts on labour laws including but not limited to the practising lawyers, faculty members, researchers or any other individual suitable to be on the panel. The Clinic also initially aims to primarily involve the lawyers based in Dwarka, who hold expertise in labour laws, to be a part of the panel, given the workplaces which are to be selected initially will be around Dwarka. The Legal Aid Clinic has already constituted a Pro Bono Panel and some of those lawyers can be encouraged to be associated with this initiative

5. CALL Training Course:

Imparting clinical education in budding lawyers or Para-Legal Volunteers is a very crucial step in order to spark in them, the importance of such advocacy. Hence, the Clinic aims at providing structured training to the students interested in labour issues as the population with whom the members interact comes from a socio-economic vulnerable background where the course should be aimed not only at imparting legal or technical education but also the students about such issues. It also hopes to encourage student participation by arranging a short course in the odd semester (August to December) and labour law projects in the even semester (February to June), subject to academic requirements of the University

STRUCTURE OF THE BODY

CALL Core Team

The core team will comprise of around 15-20 students from NLU Delhi who will work as Student Associates of the project. Student Associates will be responsible for strategising the project, visiting the Points every week, and attending the clinic amongst other tasks.

CALL Volunteers

Each workplace, where the Clinic intends to set up a CALL Point, will have at least one volunteer from as an Associate of such Point. These volunteers may be the students from NLU Delhi or from other Universities and can assist the Clinic by facilitating the clients and by becoming a part of organising awareness drives. It will also involve members of various trade unions from a workplace where a CALL Point has been established.

COLLABORATION

This initiative begins as a pilot project and the Clinic seeks to develop on the basis of its popularity and efficacy. In the future, the project may be expanded to include collaborations with the Delhi Government's Labour Department, other Law Colleges, and workers' collectives.

FUNDING

In order to effectively run the Clinic, the funds would be required to maintain its day to day activities which broadly are:

- Managing the Clinic,
- Travel expenses,
- Funds to organise awareness drives

The Clinic initially plans to request University to fund the project, in line with the Legal Services Committee- Field Visit Remuneration Policy.

TENTATIVE TIMELINE

The project aims to set up at around 3-4 CALL Points across Dwarka by the end of May 2019 and after reflecting for a month, on its functioning, it aims to expand its horizons by setting up Points at various places, and by looking at future collaborations and further adding more lawyers and experts on the panel. By the end of December 2019, it aims to be a fully functional Clinic with a dedicated body of students and volunteers running it over the years.

Initially, the Clinic aims at the locations in the vicinity of Dwarka which primarily are Bharat Vihar, Kakrola, Dwarka Mor and industrial area around Dwarka and Gurgaon. It aims at collaborating with the Trade Unions to set up a mobile CALL Point at their workplaces so that the Clinic can assist them in any legal issues faced by the workers. The Clinic also aims at providing to the workers employed at the University, a platform to approach, in case of any legal violation or any general issue which they might face.