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**5<sup>TH</sup> GALSF MEDIATION COMPETITION**

# **MEDIATION PROBLEM (SEMI-FINALS)**

**30th MARCH, 2024**



**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**



# 5<sup>TH</sup> GALSF MEDIATION COMPETITION

## MEDIATION PROBLEM (SEMI-FINALS)

1. Ambrosia is a small island nation with abundant natural resources. On 28<sup>th</sup> February 2014, the Prime Minister of Ambrosia announced its foreign investment policy allowing 100% foreign direct investment in the field of mining, gas, and renewable energy.
2. Green Minerals Pvt Ltd. ("*Green Minerals*"), a mining company incorporated in Lindonesia entered into an agreement on 21<sup>st</sup> July 2016 with the government of Ambrosia to operate on an 'underground coal mine', at Felkon, Ambrosia. By 30 Jan 2017, Green Minerals started the operations and employed more than 6000 workers.
3. To safeguard their rights and advance the interests of its members in the workplace, the workers came together in common interest and proclaimed themselves to be governed and maintained by the 'Green Minerals Mining Trade Union'.
4. Over the years, the workmen working in the mines faced regular issues as elaborated below:
  - a. Workmen were facing recurring health issues including respiratory disease caused by the coal mine dust. On 25 December 2023, Mr. X, a workman at Green Minerals collapsed at the underground worksite and died due to lung failure and autopsy report mentioned traces of arsenic and barium.
  - b. In addition, the open-dumping of the ash generated by the coal mine led to chronic air and land pollution in the areas surrounding it. A workmen's settlement near the boundary of the coal mine is severely affected resulting in various skin, lung, breathing, and other health hazards. On an average 05 deaths per year in the families living in that area are directly linked to ash dumping.

- c. During a regular mining schedule on 02 December 2022, a group of 5 workmen entered the underground mine through the shaft. Later, suddenly the shaft malfunctions trapping the workmen in the mine for three days.
  - d. The workers were not paid wages in accordance with the relevant legislation. The workers are made to work on shifts ranging from 8-12 hours a day but are not paid commensurately for the number of hours worked. The Chief Welfare Officer is solely responsible for maintaining the daily roster and paying wages accordingly.
  - e. Green Minerals has set up a free aid primary health centre for basic treatment of the workmen and their families. The company also established a subsidised school for the children of the residents. However, the primary health centre run by a Registered Medical Practitioner was not licensed to treat advanced illnesses. The faculty and the services including basic cleanliness and proper furniture was not available in the school. The workmen and their families residing in the settlement are completely dependent on the free aid primary health centre and subsidised school education for their children. Fearing high medical costs at private hospitals nearby, the workmen consulted the Registered Medical Practitioner for advanced illnesses. The Registered Medical Practitioner took advantage of the situation, charged high fees for medication, and acted negligently resulting in the death of a child.
5. Owing to aforementioned reasons, on 01 January 2024, the Green Minerals Mining Trade Union announced their decision to go on a strike and refused to cooperate with the mining schedule. The Green Minerals Mining Trade Union demanded full, prompt and adequate compensation for the losses and agony suffered by the workers due to conduct of the management of Green Minerals. In furtherance, the workers further demanded immediate change in management for effective resolution of their problems and urge that their vote be considered in appointing a new 'Chief Welfare Officer'. The Articles of Association of Green Minerals designate the Chief Welfare Officer responsible for the management of workmen compensation, workplace safety, compliance with various government regulations including pollution, environment, corporate social responsibility, and other welfare initiatives.

6. In response to the strike, the Chief Welfare Officer of Green Minerals denied all allegations and demands of compensation and urged the Union to end the strike with immediate effect, failing which would result in loss of pay for the workers.
  7. The Green Minerals Mining Trade Union refused to resume operations until their demands were met and continued the strike successfully for 34 days resulting in a loss of almost 20 million Ambrosian Dollars and a complete loss of pay for the workers during the strike.
  8. In consultation with the Chief Welfare Officer, the Board of Directors of Green Minerals and the President of the Green Minerals Mining Trade Union decided to issue a proposal for finding an amicable solution through mediation and appoint Mr. ABC as the mediator.
- *The laws of the Ambrosia are in pari passu with labour laws of India.*
  - *The first mediation session in accordance with the laws of Ambrosia is set to take place on 29 March 2024.*

