

Regional Convention on Social Security of Unorganised Workers

February 12, 2007 at Kharguli, Guwahati, Assam

A BRIEF REPORT

Introduction

The Regional Convention on Social Security of Unorganised Workers was organized on February 12th 2007 at North-East Diocesan Social Forum, Kharguli, Guwahati. Placing social security as a fundamental right of workers, around 150 social activists, leaders of peoples' movements, trade unions, academicians and NGOs from all over India deliberated on various dimensions of social security and the bills proposed by the government in this context.

The regional convention at Guwahati was organized by Indian Social Institute (ISI), New Delhi, a member of 14 organizations supporting the cause of unorganised workers.

A local organization, sSTEP (Society for Social Transformation and Environment Protection), Guwahati collaborated with Indian Social Institute in organising the convention.

The regional convention held was a follow up of the national convention that was held in Nagpur from 26th -28th October 2006 by the consortium of 14 NGO's, Indian Social Institute being one of them. The other 13 consortium organizations are BIRSA, Ranchi; NAFRE, Delhi; CEC, Delhi; NCC-USW, Delhi; Delhi Forum, Delhi; NCDHR, Delhi; FEDINA, Bangalore; NIWCYD, Nagpur; HRLN, Delhi; PWESCR, Delhi; ISI, Delhi; Women's Voice, Bangalore; LAYA, Vishakhapatnam and YUVA, Mumbai.

The national convention at Nagpur was called in the context of increasing vulnerability and exploitation of unorganised workers as a consequence of globalisation as well as the heightened interest in the government circles after the proposal of the National Commission for Unorganised Enterprises in 2006 for a bill for the social security for unorganised workers. The objectives of the Convention were to critically look at various Bills on Unorganised Sector workers, to assert state responsibility to provide Social Security in Unorganised Sector and to strengthen NGOs role as facilitators and campaigners addressing issues of unorganised sector and to facilitate a meaningful alliance and coordination of Trade Unions and People movements of dalits, women's groups, forest peoples, agriculture workers etc. with NGOs to build a base of unorganised workers.

Issues taken up during the national convention included 'Social Security versus Employment regulation', 'Discrimination in Social Security Benefits', 'Social Exclusion, Discrimination and Violence based on Caste', 'Women and Social Security', 'Sexual Harassment, Violence and Gender Discrimination in Unorganised Sector', 'Structure of Social Security administration', 'Social Security fund - sources and method of collection' 'Need for a separate Comprehensive Law for Agriculture Workers', 'Feasibility of Insurance Based Social Security and Privatization of Insurance, alternative ways as in ESI Scheme' and 'New Economic Reforms and Unorganised Sector'.

After the **Nagpur Convention**, Consortium members felt that the campaign on social security has not yet reached the common people. They found it important to organize regional and local level meetings in different parts of India.

The members decided to evolve strategies to build media support at the regional and national level. They adopted Nagpur Declaration and resolved to hold regional and state level conventions/workshops. Thus the Indian Social Institute, organized the regional convention in Guwahati on 12th February 2007.

Proceedings of the day

The convention looked at various dimensions of social security, especially in the North-east and what it means for the unorganized workers in the North -East

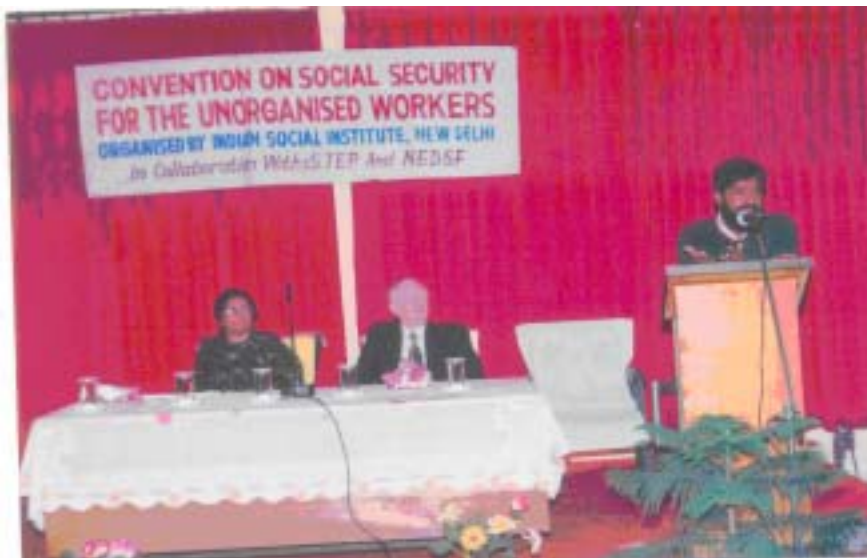
The meeting was inaugurated by M/s Mukti Deb Choudhury, Chairperson Assam State Social Welfare Board and Mr Hare Krishna Deka, Presently Editor, Goriyokhi.

The inauguration was followed by a cultural song of Bhupen Hazarika performed by members of Sstep.



Proceedings of the Inaugural Session

Mr.Bijulal M.V , Human Rights Unit, Indian Social Institute spoke about the Indian Social

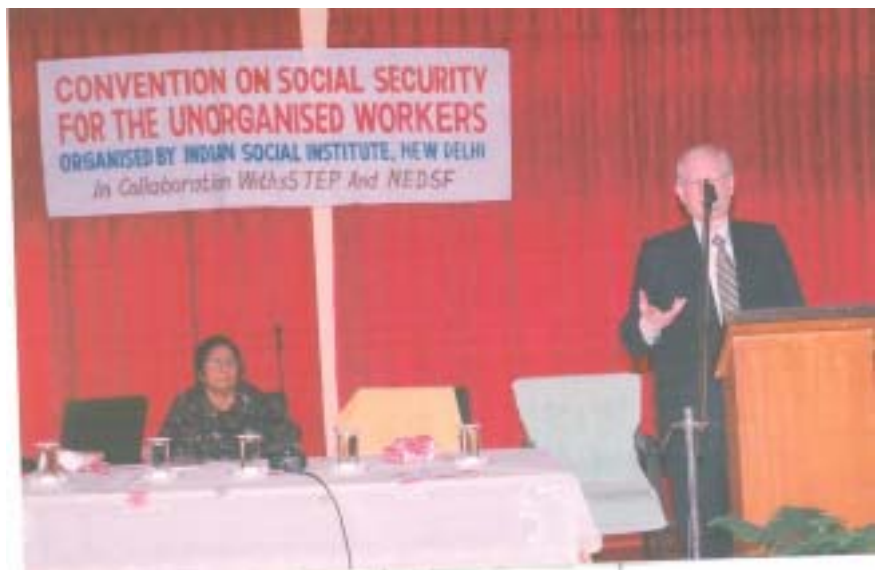


Institute and dwelt on the fact that its mission was to create an egalitarian society where marginalized sections would get a fair share. He added that its vision is to be engaged in strengthening the people's movements particularly from among the Scheduled Castes, the Scheduled Tribes, the minorities, the unorganized and landless labourers and women, so as to build an India where the marginalized and the excluded will be

enabled to live with dignity, justice and freedom. Any approach to address the issue of the marginalized should always involve the targeted communities. He said that about 93 percent of the work force in India belongs to the unorganized sector and they are not covered by any social security scheme. He concluded by saying that the ISI always believed in collective social work and thinking so that solutions are made in a sustained manner.

Mr Pradyumna Bora, Research Associate, Indian Social Institute and Co-ordinator of the Convention talked about the purpose of the convention. He mentioned that the main purpose of the convention was to consider the social security framework and issues linked to it including employment regulation and livelihood protection for the unorganized sector. “We have failed to address the problems of the unorganized sector in the past 50 years”. Unorganized workers belong to that vast majority of employed, employable,unemployed and self employed work force of over 390 million which encompasses contract labourers, casuals workers, temporary workers, home workers, domestic servants, own account workers, agriculture workers, share croppers, marginal farmers, contractual workers and include women, child labour and old age workers. “The idea behind our effort is to assert state responsibility towards social security”. Moreover, there is a need to forge an interaction between the *triveni* of *trade* unions, people’s movements and NGOs. The social security is the fundamental right of the workers.

Mr. H.K.Deka, editor of *Gorishi* and former DGP of Assam, mentioned that socio-economic and political discontent is the root cause of insurgency in the North East. It first started in Nagaland and then it spread to other parts of the state. A particular kind of insurgency is disturbing us. But the whole country is facing social upheavals in many forms including law and order situations. Our country would have been quite different if these issues were addressed at the initial stage. We pride ourselves on being a democracy. But are we really equal? The people of the unorganized sector present a very different picture of humanity. Perhaps we have failed to use the benefits of modernity or our approach to modernity is lop-sided. If we look at the GDP growth rate, there has been an improvement but at the grassroots level, we are not showing any sign of balanced growth.



Looking at the poverty level, in Assam, 26 percent, i.e. one-third of the population is from the BPL category. A big percentage of this population belongs to the unorganized sector. In this category again, agricultural labourers bear the brunt. Ninety Nine percent of the agricultural workers belong to the unorganized sector. That means they are disorganised. They are not

empowered and 99 percent of the agricultural labour force live on the minimum subsistence level. The state has not been able to secure a policy whereby the unorganised sector could have a sense of social security. In 1994, a new paradigm has been added by the UNDP report in the form of human security. Talking of the unorganized workers, some even go hungry during bandhs. Had there been some insurance scheme for them, there would have been a social support system to take care of them. If we look at legislative action in this regard, we find that the Unorganized Workers Social Security Bill, 2006 is still languishing in Parliament. Several other legislations have also been initiated before this, but to no avail. This puts a question mark on the commitment of our elected representatives. The commitment of our representatives is towards the haves and not the have-nots. A bill that comes up for the enhancement of emoluments of parliamentarians gets easily passed.

A very big amount is spent on defence annually, but only a meagre amount is spent on social security. The entire system is lop-sided. He further stressed “We must ensure that the present social security legislation gets passed. We also have to create conditions whereby the informal workforce can increase its productivity even as their social security needs are fulfilled’.

According to **Smt Mukti Deb Choudhury**, Chairperson, Assam State Social Welfare Board is working on BPL women and children. Our society is patriarchal and women are not empowered. They are deprived and are not aware of their legal rights. She further said that the Board tries to give minimum shelter facilities and food to women who are victims of abuse and crèches for children of tea garden workers. But the first and foremost security is that of food and shelter. Most women are so ignorant that they do not know what is due to them. At the same time it is also pertinent that men be also sensitized on gender issues. It is heartening to know that many organizations have come up, of late, to spread awareness in this context. She insisted that the efforts of the organizations working on social security should continue.



Mr.Satanjib Das, All Assam Convener of Joint Council of Trade Union (JCTU) said “We are discussing the Unorganized Workers Social Security Bill, 2006. The UPA government, soon after coming to power issued a Common Minimum Programme(CMP). The CMP has two components as regards to unorganised sectors-

- 1) To ensure the welfare and well-being of the unorganized workers.
- 2) For the agricultural workers, a comprehensive protective legislation is necessary.

Accordingly, the Unorganized Workers Social Security Bill has been drafted. The Hanumantha Rao Committee in 1991 had recommended minimum security to the poor agricultural labourers to be funded by the state. However, the bill drafted on the basis of the recommendations could not be tabled in parliament. The Unorganized Workers Social Security Bill is based on the Arjun Sen Gupta Committee Report. The Committee has listed inadequate employment, low income, low health, and absence of fallback mechanism in case of exigencies as some of the problems plaguing the workers from the unorganized sector. Accordingly, it has mooted two kinds -social assistance .and social insurance. To fund the insurance scheme, each worker has to contribute Re.1 per day, i.e. Rs.365 per annum. Under the scheme come health benefits, maternity benefits and old age benefits. The contribution would go up if inflation goes up but benefits are not inflation linked. However, the informal sector workers have irregular employment. In that case, it will not be possible for them to pay Rs.365 per year. So there is every apprehension that due to paucity of fund, the scheme will not operate.

According to him, there should be State funding for social security. The government should allocate 3%of GDP for funding the social security scheme. Now only 1.8% of public spending is done for social security. In Sri Lanka, the figure is 4.5% while in China; it is 4% of GDP. So the demand of the trade unions is modest. Regarding monitoring of the scheme under the proposed Act, it will be allocated by the national and State security boards. But it is important that the trade unions be included in them too.

Mr Tapan Sharma, Convenor, Unorganized Workers' Committee, CITU said , “ We must take steps to find out a way to solve the problem of the workers of the informal sector. The Railway pantry car workers get only a very meagre amount of Rs. 450 per month as commission from the contractors. Everything included, his total allowance comes to Rs.1500 per month only. However, he has to put in 18-22 hours of work daily on the rail, exposing himself



to all sorts of hazards. Auto drivers, and others involved in the motor sector have no social security either. There are no provident fund, gratuity or health benefits for them.. Although there are minimum wage laws in India, the problem is more of non-implementation of those laws. In some States like Tamil Nadu, Kerala, West Bengal, Himachal Pradesh,etc., thanks to their strong trade union movements, such laws have been implemented to some

extent with regard to self employed workers. But in Assam and North East, effective implementation of such laws has still not taken place. In Assam, more than 50,000 women are employed under the Integrated Child Development scheme. The Government of Assam is spending only Rs.500 per person as benefits to them, which again comes from the Central Government

According to **Mr.Upen Talukdar**, President, All India Trade Union Congress, unorganized people multiple problems. Modern technology has created benefits, but such benefits have not reached the unorganized sector workers. Labour laws are being violated with increasing contractualisation, casualisation and outsourcing. In the process, even regular workers are falling into the unorganized sector. The Chief Minister assured us in July last that the Government would implement the legal provisions with regard to the conditions of services and labour welfare. But the same has not been implemented so far. Infact, all NGOs and trade unions must undertake action programmes to put pressure on the government.



Ms Mini Bhattacharya, Reader, Anthropology, Gauhati University spoke on gender and social security issues. According to her the unorganized sector has 93 percent of the total workforce of which a large section comprises of women. Women have a different set of problems. As per the 2001 census the “others” category under the services sector constitutes a sizeable section of women. These women have to take care of their family as well as go out to earn. Besides, they are also not paid equally with the men folk for the same amount of work as there is discrimination in the pay structure too. What a woman earns is mostly utilized for education and nutrition of her children and family.. Most roadside vendors do not have a



permanent space for work and police often come and chase them away, though the Guwahati Municipal Corporation charges Rs.5 from them and is thereby making a huge profit. A range of public, private or informal arrangements for security and livelihood are needed. The vulnerability of marginalized groups can be reduced by interventions in terms of social security, social assistance and safety net. The present legislation

must compulsorily include: cash transfer, social pension and food for work programme. All social policies must take women into account.

Mr. Kalyan Das, Reader, Omeo Kumar Das Institute of Social Change and Development, Guwahati and the moderator of the first session opined that the insurance scheme under the proposed new Act warrants an expenditure of



Rs.25, 000 crores. The government could raise this by properly implementing the country's drug control policy as the drug market in India accounts for Rs.40, 000-crore.

Post-Lunch Session:

The post lunch session mainly focused on the issues of the Unorganised sector.

Stephen Ekka, Director,PAJHRA said that , “The Plantation Labour Act, 1951 applies only in case of permanent workers only. However, against each permanent labourer, there are four casual labourers working. Casual labourers are called by the derogatory word *phaltu*. The casualisation is allowed to go on by the management so that it does not have to give them facilities. Casual workers constitute nearly 60 per cent of the work force. Moreover, small tea gardens are encroaching the land of adivasis by paying them a meagre compensation. These adivasis find themselves working in these very gardens. Some casual tea garden workers have to go out to work as domestic workers, wage labourers, etc. It is estimated that over 80,000 domestic servants are working in Delhi and many of them come from among adivasi communities in Jharkhand and Assam. Child labour, as unorganized labour is a reality in tea gardens. Sections 24 and 26 of the Plantation Labour Act states that no child who has not completed 12th grade or adolescent and unless given certificate of fitness by employee can be employed. So in a way, the certificate clause legalizes child labour in tea gardens. The Plantation Labour Act also fixes working hours for adults at 46 hours and others at 26 hours a week. In the whole process the children are corrupted by the lure of money. Moreover, the workers find themselves working in hazardous conditions and are exposed to the use of pesticides, etc. Thus, the exploitation of the tea garden workers continues.”

Geeta Bharali, Research Associate North East Social Research Centre, said that for generations tea tribes have been exploited. Out of the 60 lakh tea garden workers, 30 lakh are in the organized sector while the rest 30 lakh belong to the unorganized sector who work both within and outside the tea gardens. Twenty six of the tea produced in the world come from Assam. In India, 56% of the tea produced comes from Assam. In return, the tea workers are not getting enough. According to the PLA, for every tea garden of 50 acres and employing 500 workers, a hospital is needed. Where there are 50 women workers, a crèche is necessary.

There should also be a school for children between 6-14 years of age. But in a survey of about 170 odd tea gardens out of Assam's total 600 tea gardens, carried out by the North East Social Research Council, it was found that no such facilities were available in the vast majority of them. As many as 48% people were illiterate. There were no crèche available which is why the eldest girl child cannot attend school and has to stay back to take care of her siblings. Again, even the permanent labourers in the tea gardens are not well organised. In upper Assam, there has been an increasing trend towards casualisation of the tea garden work force.

According to **Simanta Bora**, Project Associate, sSTEPS say, "Workers sell their labour and people benefit out of it. Unlike rural workers, the urban workers do not even come under any employment guarantee scheme. Because of lack of capital, they cannot work as they want. The National Vendor Policy is not being implemented in Assam. By establishing "vending zones," both livelihood and security are assured to the vendors in urban areas. There is a need for unorganised sector to work together. Art.19 of the Constitution guarantees the right to association



Bandita Acharya of IGSSS said that bills are often made at high levels. Such a top-down approach is responsible for their non-implementation. Speaking of security, there are two types of security-economic security and social security. It is only when we have the former, we can move on to the latter. In terms of economic security, a regular income is the prerequisite. Denial of minimum wage and discrimination between male and female workers in terms of wage for the same amount of work negate economic security. Social Security involves health, childcare, education, shelter and insurance. In 2000, IRDA declared that 100 crore capital fund needed to open an insurance company. Micro insurance, however, does not need a 100 crore fund, but 30 crores is a viable insurance scheme for it. This is still a matter of debate. There are 59 lakh unorganized workers in Assam and collective action is called for.

Dilip Sharma, Executive Director, Centre for Humanistic Development and the moderator of the session said that the new bill is just the beginning. It is worth mentioning that the bill talks of improving one's capacity. Till such time the bill actually gets passed in the parliament, we have to interact with the State government. He stressed that we all have to oppose the government and collaborate with it when necessary. We have to bring issues to the forefront. The Jawaharlal Nehru Urban Renewal Programme talks of basic services. We have to find out what basic services it covers. The growing phenomenon of social exclusion must be broken.

The post lunch session was followed by an open session where mainly the unorganised workers participated and talked about their grievances .Everyone had a common opinion that the government is not at all taking proper care of them. They said that they do not get proper education, health, maternity benefits.

Swapan Singh from Action Aid expressed his views that because of illiteracy the people of



the rural area are not getting their facilities and he stressed that there should be networking among the different NGOs.

In the concluding remarks, it was discussed that the Declaration for social security legislation should be taken to various parts of the country through a campaign. We should demand allotting 5 % GDP towards social security. Demand for a separate bill for agricultural labourers should be raised. The social security bill should cover all sectors from entertainment workers to the rural

masses. Concerns of socially ostracized workers should be a part of the bill. Message of this convention has to be taken to the grass root level.

NAGPUR DECLARATION

The Convention on 'Social Security for Unorganised Workers' called by a consortium of 14 NGO networks comprising of BIRSA, Ranchi; NAFRE, Delhi; CEC, Delhi; NCCUSW, Delhi; Delhi Forum, Delhi; NCDHR, Delhi; FEDINA, Bangalore; NIWCYD, Nagpur; HRLN, Delhi; PWESCR, Delhi; ISI, Delhi; Women's Voice, Bangalore; LAYA, Vishakhapatnam and YUVA, Mumbai and attended by around 700 hundreds people representing NGOs, community organizations, trade unions and individuals at Sitabudi, Nagpur from October 26-28, 2006 After critically looking at various Bills on Unorganised Sector workers, After hearing and interacting with representatives of the ILO, NCUES; the Central Trade Unions, AITUC, Hind Mazdoor Sabha, UTUC; other trade unions, SEWA, NTUI, NCL, NCC-USW, NFF, CMSS; and peoples' movements NAPM, Hamal Panchayat, After deliberating on issues 'Social Security versus Employment regulation', 'Discrimination in Social Security Benefits', 'Social Exclusion, Discrimination and Violence based on Caste', 'Women and Social Security', 'Sexual Harassment, Violence and Gender Discrimination in Unorganised Sector', 'Structure of Social Security administration', 'Social Security fund - sources and method of collection' 'Need for a separate Comprehensive Law for Agriculture Workers', 'Feasibility of Insurance Based Social Security and Privatization of Insurance, alternative ways as in ESI Scheme' and 'New Economic Reforms and Unorganised Sector'.

Issue the following unanimous declaration.

About 370 million workers, constituting 92% of the total workforce in the country, are employed in the unorganized sector, in the traditional and new sub-sectors. They contribute significantly to the National Domestic Product, savings and capital formation; The capitalist development, rather than facilitating an anticipated process from informal to formal forms of labour, has facilitated informalisation of labour in developed and developing countries.

Their wages and earnings are generally at subsistence level. They are outside the purview of regulative, welfare and social security laws. They are generally denied social security, welfare and health cover. They are denied basic human rights, constitutionally guaranteed citizenship rights and labour rights. They are rarely organised in any form of trade unions or associations and generally face inhuman or hostile social environment.

Drastic changes brought about in agricultural and industrial policies as part of economic reforms have on the one hand, opened up the economy for international competition as well as corporatisation of the industrial sector; on the other hand, it increased informalisation, casualisation and contractualisation of work. In order to maintain competitiveness of the enterprises, government is stealthily encouraging flexible labour laws.

Radical changes brought about in export and import policies and tariff reduction facilitated import of cheaper goods affecting Indian industry in many sectors resulting in closure of industries, large scale retrenchment and job losses. Import of cheap and subsidized agricultural goods has worsened the crisis in Indian agriculture manifested in the deaths of thousands of farmers all over the country. Impact can be seen in the form of employment opportunities being reduced and per capita food availability going down below the minimum requirements. Moreover, industrial

policy changes under the SAP have facilitated the entry of big business into areas like mining, bio technology, forestry water resources, health, education and services. This is threatening their tradition rights over natural resources leading to large scale displacement and resources alienation.

There is a major shift of labour from the formal to the informal sector and informal work in the formal economy supply matrix. Companies engage in cascading subcontracting operations that will not be part of their structure but will nevertheless be wholly dependent on it, with wages and conditions deteriorating from the center of operations to its periphery. This allows these companies to cut down on their permanent workforce, and rely instead on the use of vulnerable labor. The outer circle of this system is the informal economy: the virtually invisible world of micro-enterprises and home workers.

Another striking aspect of the structural transformation is the increased flexible labour force participation of women. Opportunities for women's work are being created mainly in atypical forms of employment with little or no formal social protection. A growing and disproportionate number of women work in precarious, casual and part-time work, and other non-standard forms of employment including agricultural work. Women workers are exploited economically as well as socially – as women and as women workers. In most of the informal sector work environment, sexual vulnerability exists in a very pronounced manner. As women workers, they are discriminated against in wages and representation. Women workers in informal employment are the most flexible and the least expensive. In India, informalisation of work and poverty cannot be disassociated from the social origin of the workers. Most of the dalits and adivasi workers are employed in the informal sectors. They face discrimination while seeking work and worst forms of discriminations at the place of work perpetuating chronic poverty among a large section of this social group. Social exclusion goes hand in hand with economic deprivation and political exclusion, making it a vicious cycle enforcing and regenerating chronic poverty and hunger.

Given the rise in informal employment, erosion of decent work and increasing un employment and under employment, constitution of a comprehensive social security system for the unorganized workers is highly relevant. The Convention unanimously endorse the New Delhi declaration made on October 19, 2006 by trade unions and other organizations on the issue of comprehensive legislation for unorganized workers, for launch a nationwide campaign to pressurise government to introduce bills for regulation of employment and social security for the unorganized workers in the next session of the Parliament. The Nagpur Convention further observes that the model of one worker, one occupation is no more true in the informal sector. Most workers in informal sector have to work at several related or even unrelated occupations. They mostly combine two or more than two occupations of agriculture, animal husbandry, poultry, handloom weaving, road building and other construction work according to seasons and availability of work. In this context, it becomes necessary to be involved in several levels of bargaining. Some bargaining has to be with the employers either as companies or as a class. However, bargaining also has to take place with different agencies, bodies, authorities as well as with the different organs and arms of the State – the municipal authorities, the police, financial institutions, housing and land authorities and so on. Consequently, the Convention calls upon trade unions, community organisations, peoples' movements, NGOs and organizations that represent other segments of the working class, including the unemployed and workers in the informal economy

to forge alliances to bring increased “power of representation” of the unorganized workers to the negotiation table.

It is vital to ensure that the process is open and participatory. Accordingly, worker organizations, from the local to the international level, should seek to increase transparency and public accountability regarding social insecurity. In this context, it is also important to look at the issue of labour rights in a larger framework, while affirming the framework of the core labour standards, as defined by the ILO, namely,

- ★ freedom of association;
- ★ right to collective bargaining;
- ★ prohibition of forced labour;
- ★ equality of treatment and non-discrimination in employment; and
- ★ minimum age for employment (i.e., prohibition of child labour).

From the unorganized sector perspective, the labour rights should also include the right to a living, safe and healthy working conditions, reasonable working hours, severance notice and pay, and other workers’ benefits such as paid sick leave, paid vacations, and retirement compensation. The Convention gives the call for the launch of a national movement for labour rights. 28

October 2006
Nagpur

Demands that may be incorporated

1. This convention reaffirmed the necessity for incorporating employment assurance or guarantee, minimum wage and minimum income protection and employment regulation with social security in the legislation.
2. All women workers, paid and unpaid, need additional protective cover in the law for equal wages and service condition, mechanism for the prevention and reprisal of sexual harassment, maternity benefits with leave, widow pension and legal aid. All women should be entitled to Social Security benefits as independent citizens and not as dependent on male earning members or as part of the family/household. Employment status of a male member in the family must not be the criterion for availability of the entitlements to women.
3. Social security should include safety at work place. It should also include housing rights of workers, which includes land rights.
4. There should be tripartism at all levels in administration of social security provisions and dispute resolution.
5. The government should issue individual identity cards for all categories of workers, including self-employed, unemployed and marginal farmers.
6. The government should do the entire social security funding with minimal one time contribution from workers and renewal in two or three years. The reasonable fair level of social security needs of workers and family members be determined and accordingly the requirement of funds be calculated. In principle 5 per cent of GDP should be spent on social security.
7. The government should not privatise Social Security. The government should provide health services and not allow privatization of health insurance for unorganised workers.
8. The proposed law must necessarily incorporate provisions described in this declaration and as resolved by the trade unions in the meeting on 19th October 2006.
9. The convention further emphasized the need for a separate comprehensive legislation for the agriculture workers, which would focus on special vulnerable circumstances of workers while providing for dispute resolution, social security, income protection and debt redemption.

It is realised that NGOs would play an important role ensuring social security, protection of rights of working class and in building stronger organisations of workers in unorganised sector.

We request government to consider it while finalizing the legislation on social security for unorganized workers.

New Unorganised Workers Social Security Bill 2007 placed on the website of the Ministry of Labour

The government has proposed a new bill ‘Unorganised Workers Social Security Bill, 2007’ and sought comments of stakeholders by 15th February 07. This shows that the government has formed no final proposal and they want to continue the delaying tactics.

The demand of trade unions and consortium for a comprehensive bill has also been set aside. The Nagpur declaration has been ignored. It is very important that we discuss and formulate our comments/response on this new bill of the government.

The bill on the website of Ministry of labour is placed for obtaining views and suggestions of public and stake holders is in fact intended to delay passing of legislation for social security of unorganised workers and to avoid its introduction in the parliament in its budget session.

After receipt of the comments/views by 15th February, the ministry will take minimum one month to examine and redraft with a few modifications. It will be again go to finance ministry and law ministry for their concurrences because it involves financial implications. It takes two months. Then only a cabinet note will be prepared and approved by the minister (one month), submitted to the cabinet and then it will be introduced; after (total) four months. Parliament session will not be there in June 07.

The bill is a slightly modified version of the NCEUS bill of 2006. It surreptitiously removes the provisions of Re 1, Contribution of workers, provisions relating to General Council, addition of provisions of delegation of powers by boards and procedure of registration which would be prescribed by state-board authority. There are a few more modifications.

There are only enabling provisions, which would enable government or the board to formulate schemes, board to prescribe matters relating to registration, standard of social security benefits, implementation etc. It is an attempt to further dilutes the legislative proposal, i e the bill for unorganised workers. The government otherwise also has administrative powers (and it has done many times) to frame any welfare or social security scheme for workers.

There is no provision of ‘application of act’ in the bill (*in Sec.1*). It is not clear, to whom this law would be applicable; like unorganised workers, self employed workers, organised workers of informal sector, organised workers of formal sector who are casuals, temporaries or contract labour, employers of informal/unorganised sector etc. The applicability clause is a necessity.

State government’ has been defined **but union territories have not been defined.** Would it mean that this law will not be applicable in the UT. (What would be status of Delhi)

The definition of ‘Unorganised sector’ begins with syntax ‘consists of all unincorporated private enterprises...’ It is not clear what ‘unincorporated’ means. Whether under companies act or under any other law. There are thousands rather lakhs of SSIs registered under one or the other law; many are incorporated under the Companies Act.

The definition of ‘unorganised worker’ in (l) includes only such employed worker who are employed in ‘unorganised sector’ If the definition of ‘Unorganised sector’ would exclude incorporated private enterprises then millions of unorganised workers in incorporated enterprises would be excluded from the definition of ‘unorganised worker’.

This section does not define the term ‘Social Security’. This is of utmost importance as the law intends to provide for social security cover to millions of unorganised workers.

The new Bill does not define ‘Social Security’. The components of social security as in ILO definition together with security needed immediately after disaster like earth quakes, flood etc and additional social security needed for dalits, women, tribal land other marginalized workers should be the necessary components of definition of ‘ Social Security’.

4. This bill seeks to retain the entire control of managing, administering and financing with the government.

- i) There is no structure of democratic tripartism (it comes only when members of the board are elected and not nominated by government). The tripartite forum should have the decision-making powers at all levels (Central board, state boards, WFCs etc.) and the bill lacks this aspect.
- ii) It does not prescribe for representation of women, adivasies, dalits and other marginalized sections in the board.
- iii) The bill does not provide for insurance based social security but then the government assumes powers to make schemes where insurance could and would be provided.
- iv) The bill does not prescribe for certain minimum level or standard of social security.
- v) It does not provide for financing of social security by government as social assistance. The government grant could and would be meager. The total cost of standard level of social security for all unorganised workers could have been calculated and government contribution of at least 80 to 90 percent could be prescribed. Rest 10 to 20 per cent would be employer’s contribution.
- vi) It excludes workers earning Rs.6500/ and above. The ceiling is not desirable. Tripartite boards could also prescribe such wage/earning ceiling. It is easy to raise ceiling by board than by amending the act.

5. The proposed bill does not provide for safeguarding workers rights, social security right, rights of agriculture workers, land rights, right of Jal, Jangal, Jameen, right on common property etc

- ii) It does not provide for protection of employment and livelihood.
- iii) It does not provide for employment regulation, like working hours, leave & holidays/rest days, over-time and other conditions of work.

- iv) It does not provide for protection of wage, price, payment for service.
- v) It does not provide for protection of women, dalits, adivasies who generally face inequality, injustice, exploitation and violence. It does not include unpaid women workers.
- vi) It does not attempt to resolve problems/disputes of self-employed workers, which they generally have with authorities like police, municipalities, problems due to court orders etc.
- vii) It does not address the social security needs of migrant workers who are about one third of total unorganised workers, who require additional protections in respect of employment regulation, wage levels, safety, housing, hours of work etc.
- viii) **The law does not provide for registration of Employers. This lapse is of serious concern.**

6. We consider it necessary that the law should prescribe fair levels or standards of all social security benefits in detail, procedure of registration, issuance of I-cards, time limit of getting the benefit (not more than 30 days) within the body of the bill. We consider it necessary that the government should provide for constituting national, state level and regional or district level boards by way of establishing tripartism, proportionate representation to dalits, women, tribal, other marginalized classes, election and in certain cases by nomination by the organizations of workers, trade unions and peoples organization.

It is necessary to specifically prescribe for term and conditions of work, employment regulation, registration of employers, dispute resolution of employed, employable unemployed, and self employed; labour rights, social security components, social security rights, rights of inter state, inter district and foreign migrant workers, a minimum 20 per cent of central, state and union territory government budget (or total 5 per cent of GDP) as grant or contribution to social security fund.

The government has placed a draft bill on the website of Ministry of Labour in the first week of February 2007 seeking comments of stakeholders and others by 15th February 2007. The 'UNORGANISED WORKERS SOCIAL SECURITY BILL, 2007' has been examined by this consortium and would like to make the following points:

RESPONSE TO THE 'UNORGANISED WORKERS' SOCIAL SECURITY BILL , 2007' PLACED ON THE WEBSITE BY THE MINISTRY OF LABOUR, GOVERNMENT OF INDIA

A consortium of 14 NGOs organised a National Convention on Social Security for Unorganised Workers from October 26-28 at Morbhawan, Sitabuldi, Nagpur, Maharashtra placing social security as a fundamental right of workers. The convention had been a successful historic event, which registered participation of over 800 participants/ representatives of more than 300 NGOs, Trade Unions, Peoples Movements, community organizations, government authorities, state ministers and intellectuals etc. After three day inter active sessions on various aspects of social security issues we adopted Nagpur Declaration and thereafter submitted a memorandum to the government on 11th December 2006 in the labour ministry detailing our demands and aspirations of unorganised workers.

The government has placed a draft bill on the website of Ministry of Labour in the first week of February 2007 seeking comments of stakeholders and others by 15th February 2007. The

‘UNORGANISED WORKERS SOCIAL SECURITY BILL, 2007’ has been examined by this consortium and would like to make the following points:

1. The draft ‘Unorganised Workers Social Security Bill 2007’ is not comprehensive; the provisions of employment regulation, livelihood protection and dispute resolution are deliberately taken out.
2. The draft bill is merely charity handout rather than a document that affirms the rights of workers based on the principle of social justice.
3. **The term Social Security has not been defined in the current Bill. The components of social security as in ILO definition together with security needed immediately after disaster like earth quakes, flood etc and additional social security needed for dalits, women, tribal and other marginalized workers with decent work should be the necessary components of definition of ‘Social Security’.**
4. The definition of ‘worker’ excludes those getting above Rs. 6500/- and unpaid women workers. The wage ceiling for different social security benefits could have been left to the powers of boards in the schemes so as to make it flexible.
5. The bill deliberately avoids affirming the rights of unorganised workers; their right to organise, rights of women, dalits, tribal and other marginalized workers, right to social security and other labour rights.
6. Accountability of the government has not been established. a. Accountability from Consolidated Fund of India. b. Accountability of the Board to the Parliament.
7. **Representation of dalits, women, tribal and other marginalized workers in the Social security boards and in administration of social security is ignored.**
8. Affirmative provisions concerning these marginalized sections have not been incorporated.
9. The bill undermines the autonomy of the Social security boards.
10. The role of the Social Security Boards and the government are confusing and overlapping. The bill does not prescribe clear autonomy of the Board.
11. The government has blatantly ignored the demands of trade unions, peoples’ organizations, this consortium and other community organisations. This Bill is a shell without content; a very diluted, narrow and rejectable attempt of the labour ministry.

In the light of the points given above, we strongly reject this bill in its present form.

Moreover, the manner in which this bill has been floated on the net giving very little time for the citizens to respond to it throws serious doubts on the intentions of the government. We wonder whether there is a deliberate attempt to create confusions and further delay a comprehensive legislation for unorganized workers.

J John
Executive Director
CEC
For consortium

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Convention on Social Security for the Unorganised Workers

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Convention on Social Security for the Unorganised Workers

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50	Joy Sinha		Cachar Assam	
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Convention on Social Security for the Unorganised Workers

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67	Debajit Bora		ASCED,Rukmini Nagar	
68	Amoyo Boro		Sonapur	
69	Sobyasachi Nobis	Student	Rajgarh	
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80	Pranab Kr. Barman		SSTEP,	
81	Baijayanti Kalita		SSTEP,	
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83	Damayanti Bora		Ulubari	
84	Sabitri Kath		-- same --	
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Convention on Social Security for the Unorganised Workers

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107	Mohd. Aslam		Noonmati,Ghy	
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Convention on Social Security for the Unorganised Workers

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132	Bhanu Haloi	Vendor Vendor	--same --	
133	Joya Das	Vendor	--same --	
134	Kamala Boro	Vendor	--same --	
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136	Sahida Begum	Vendor	--same --	
137	Rina Begum	Vendor	--same--	
138	Nurbanu Begum	Vendor	-- same --	
139	Kunja Das	Vendor	--same --	
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Signature Campaign





ভাৰতবৰ্ষৰ প্ৰায় ৩৯ কোটি অসংগঠিত শ্ৰমিক সকলোধৰণৰ সামাজিক সুৰক্ষাৰ পৰা বঞ্চিত হৈ আছে। বৰ্তমান চৰকাৰে তেখেতসকলৰ নিম্নতম উমৈহতীয়া কাৰ্যাক্ৰম (common minimum programme)ত প্ৰতিশ্ৰুতি দিছিল যে তেখেতসকলে অসংগঠিত শ্ৰমিকৰ বাবে সকলোধৰণৰ সুৰক্ষাৰ্থক কেন্দ্ৰীয় আইন গ্ৰহণ কৰিব। কিন্তু যোৱা তিনি বছৰত কোনো ধৰণৰ ফলাফল দেখা নগল। সেয়েহে অনতি পলমে ২০০৭ চনৰ আয়-ব্যয় পৰিকল্পনা (বাজেট) অধিবেশনত অসংগঠিত শ্ৰমিকৰ সামাজিক সুৰক্ষাৰ নিশ্চয়তাৰ হেতুকে কেন্দ্ৰীয় আইন গ্ৰহণ কৰিবলৈ আৰু কাৰ্য্যকৰী কৰিবলৈ চৰকাৰৰ ওচৰত সকলো অসংগঠিত শ্ৰমিকে দাবী জনায়।

নাম NAME	ঠিকনা ADD.	অনুস্থান Organisation	চহী SIGNATURE
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শ্ৰীমতী হেমাংগনা শ্ৰী উম্মিন্দ্ৰ হৰ্মন শ্ৰী হৰ্শনাথ শ্ৰীমান কল্যাণ	চৰমছাৰী কলং সাত বোকা হাট	চৰমছাৰী কলং হিম্মিন্দ্ৰ শ্ৰীমতী কলং সাত বৰসায়	



ভাৰতবৰ্ষৰ প্ৰায় ৩৯ কোটি অসংগঠিত শ্ৰমিক সকলোধৰণৰ সামাজিক সুৰক্ষাৰ পৰা বঞ্চিত হৈ আছে। বৰ্তমান চৰকাৰে তেখেতসকলৰ নিম্নতম উমৈহতীয়া কাৰ্য্যক্ৰম (common minimum programme)ত প্ৰতিশ্ৰুতি দিছিল যে তেখেতসকলে অসংগঠিত শ্ৰমিকৰ বাবে সকলোধৰণৰ সুৰক্ষাক কেন্দ্ৰীয় আইন গ্ৰহণ কৰিব। কিন্তু যোৱা তিনি বছৰত কোনো ধৰণৰ ফলাফল দেখা নগল। সেয়েহে অনতি পলমে ২০০৭ চনৰ আয়-ব্যয় পৰিকল্পনা (বাজেট) অধিবেশনত অসংগঠিত শ্ৰমিকৰ সামাজিক সুৰক্ষাৰ নিশ্চয়তাৰ হেতুকে কেন্দ্ৰীয় আইন গ্ৰহণ কৰিবলৈ আৰু কাৰ্য্যকৰী কৰিবলৈ চৰকাৰৰ ওচৰত সকলো অসংগঠিত শ্ৰমিকে দাবী জনায়।

নাম NAME	ঠিকনা ADD.	অনুস্থান Organisation	চহী SIGNATURE
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ভাৰতবৰ্ষৰ প্ৰায় ৩৯ কোটি অসংগঠিত শ্ৰমিক সকলোধৰণৰ সামাজিক সুৰক্ষাৰ পৰা বঞ্চিত হৈ আছে। বৰ্তমান চৰকাৰে তেখেতসকলৰ নিম্নতম উমৈহতীয়া কাৰ্য্যক্ৰম (common minimum programme)ত প্ৰতিশ্ৰুতি দিছিল যে তেখেতসকলে অসংগঠিত শ্ৰমিকৰ বাবে সকলোধৰণৰ সুৰক্ষাক কেন্দ্ৰীয় আইন গ্ৰহণ কৰিব। কিন্তু যোৱা তিনি বছৰত কোনো ধৰণৰ ফলাফল দেখা নগল। সেয়েহে অনতি পলমে ২০০৭ চনৰ আয়-ব্যয় পৰিকল্পনা (বাজেট) অধিবেশনত অসংগঠিত শ্ৰমিকৰ সামাজিক সুৰক্ষাৰ নিশ্চয়তাৰ হেতুকে কেন্দ্ৰীয় আইন গ্ৰহণ কৰিবলৈ আৰু কাৰ্য্যকৰী কৰিবলৈ চৰকাৰৰ ওচৰত সকলো অসংগঠিত শ্ৰমিকে দাবী জনায়।

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MARY LALTHANSAASI SAILO	ZORAM ENTU PANL (Manos Unidas Project), UPPER KHATLA, AIZAWL, MIZORAM	Z.E.P (Manos Unidas)	
mt Amangli Pisso	Karli Anjany (Mz)	Jessony Anjany	





ভাৰতবৰ্ষৰ প্ৰায় ৩৯ কোটি অসংগঠিত শ্ৰমিক সকলোধৰণৰ সামাজিক সুৰক্ষাৰ পৰা বঞ্চিত হৈ আছে। বৰ্তমান চৰকাৰে তেখেতসকলৰ নিম্নতম উমৈহতীয়া কাৰ্যাক্ৰম (common minimum programme)ত প্ৰতিশ্ৰুতি দিছিল যে তেখেতসকলে অসংগঠিত শ্ৰমিকৰ বাবে সকলোধৰণৰ সুৰক্ষাত্মক কেন্দ্ৰীয় আইন গ্ৰহণ কৰিব। কিন্তু যোৱা তিনি বছৰত কোনো ধৰণৰ ফলাফল দেখা নগল। সেয়েহে অনতি পলমে ২০০৭ চনৰ আয়-ব্যয় পৰিকল্পনা (বাজেট) অধিবেশনত অসংগঠিত শ্ৰমিকৰ সামাজিক সুৰক্ষাৰ নিশ্চয়তাৰ হেতুকে কেন্দ্ৰীয় আইন গ্ৰহণ কৰিবলৈ আৰু কাৰ্যাকৰী কৰিবলৈ চৰকাৰৰ ওচৰত সকলো অসংগঠিত শ্ৰমিকে দাবী জনায়।

নাম	ঠিকনা	অনুস্থান	চহী
Se. Emmaculate Tirkey	St. Mary's Convent Bengal.	Women's develop- ment.	
Rosy Laldintluangi	Aizawl, Mizoram	ZEP, (Gones uridas)	
শ্ৰী বিনুৱা বৰ্মান	নাডিয়া খাট	বেব প্ৰামী	বিনুৱা
শ্ৰী মায়নী দটেন	নাডিয়া খাট	বেব প্ৰামী	মায়নী

ভাৰতবৰ্ষৰ প্ৰায় ৩৯ কোটি অসংগঠিত শ্ৰমিক সকলোধৰণৰ সামাজিক সুৰক্ষাৰ পৰা বঞ্চিত হৈ আছে। বৰ্তমান চৰকাৰে তেখেতসকলৰ নিম্নতম উমৈহতীয়া কাৰ্যাক্ৰম (common minimum programme)ত প্ৰতিশ্ৰুতি দিছিল যে তেখেতসকলে অসংগঠিত শ্ৰমিকৰ বাবে সকলোধৰণৰ সুৰক্ষাস্বত্ব কেন্দ্ৰীয় আইন গ্ৰহণ কৰিব। কিন্তু যোৱা তিনি বছৰত কোনো ধৰণৰ ফলাফল দেখা নগল। সেয়েহে জনতা পলমে ২০০৭ চনৰ আয়-ব্যয় পৰিকল্পনা (বাজেট) অধিবেশনত অসংগঠিত শ্ৰমিকৰ সামাজিক সুৰক্ষাৰ নিশ্চয়তাৰ হেতুকে কেন্দ্ৰীয় আইন গ্ৰহণ কৰিবলৈ আৰু কাৰ্যাকৰী কৰিবলৈ চৰকাৰৰ ওচৰত সকলো অসংগঠিত শ্ৰমিকে দাবী জনায়।

নাম	ঠিকনা	অনুস্থান	চহী
1. সঞ্জীৱ কুমাৰ গোস্বামী-	৬নং, বৰপেটা(আসম)	ৱেবসাইট-এসম ৱেবসাইট-এসম ১ ৩নং, বৰপেটা।	সঞ্জীৱ কুমাৰ গোস্বামী
2. B. G. Lal	BLO, Umtran R.P.O, Ri Bhoi Meghalaya	Bosco Ranch Out	
3. Bultu Roy.	Goalpara (Lachimpur) Assam	Women cell centre	Roy.
4. Miss Pranita Das	NGO (ASS) Deohati Bongaigaon Jogighopa. Bongaigaon	NGO (ASS) Deohati, Bongaigaon	 12/12/07

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নাম	ঠিকনা	অনুস্থান	চহী
1, Kingensing Purna	Sevakendra Silchar	Sevakendra Silchar	
2, Jay Laloo Saha	Cachar, silchar (Assam)	SEVA KENDRA SILCHAR, (S.K.S)	
3, DWIPEN SARKAR	Deokati, Bongairgon (Assam)	AIE SEUJ SAMITY DEOKATI, BONGAIRGON (ASSAM)	
4, Robertson Pohplet	Cachar, (Assam)	SEVA KENDRA SILCHAR (S.K.S)	

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নাম NAME	ঠিকনা ADD.	অনুস্থান	চহী SIGNATURE
Amoya Boro	Sompur		
Rupjan Begum	i.		
Ruben Ekka	Sena Kendra, Dibrugarh Assam		
Catherine Inante	Aizawl, Mizoram		Catherine Inante
Nareson Parthai	Panbijnr Gny- 1	AA-40 Richek Salk Union (Gny) G.S.	