

Date: 10-12-2011

To

Dr. Manmohan Singh,
Hon'ble Prime Minister of India,
Room No. 152,
South Block,
New Delhi.

THROUGH THE KIND FAVOUR OF
HIS EXCELLENCY, GOVERNOR OF
KARNATAKA, FORWARDED TO THE
HONOURABLE PRIME MINISTER
OF INDIA

Dear Sir,

NCL OBSERVES 10 December 2011 – HUMAN RIGHTS DAY as 'DEMANDS DAY' OF THE UNORGANISED WORKERS IN INDIA THROUGH A 'MASS PROTEST DHARNA' IN FRONT OF PUTTANA CHETTY TOWN HALL, J.C. ROAD, BANGALORE

Sub: As part of All India Struggle of Observing 10th December 2011, Human Rights Day as the Demands Day of the Unorganised Workers by NCL, a Memorandum is being submitted for your kind attention and immediate action.

Greetings and Warm Wishes from National Centre for Labour (NCL) and from millions of Unorganised Labour in India. As part of an All India Struggle, NCL presents the following Memorandum of Demands through a 'Mass Protest Dharna' by observing 10th December 2011 – Human Rights Day as Unorganised Workers Demands Day in India for your kind attention and immediate Action.

I.ORGANISATION

National Centre for Labour (NCL) is an Apex Body of Independent Unorganised Labour Organisations in India. Through its constituent members, NCL represents the interests of Agricultural Labourers, Construction Workers, Fish Workers, Forest Workers, Contract Labour, Domestic Workers, Migrant Labour, Loading and Unloading Workers, Self Employed, Hawkers and small Vendors etc., it has around 10, 00,000 Membership spread over 12 States in India.

The ISSUE: As your good self is well aware that the toiling masses in the unorganised sector numbering around 477 million are denied of everything that is Humane and just in this independent great nation. The physical strength of these deprived masses is so large. If their family members are taken into account, they constitute around 70% of the total Indian population. This workforces' contribution to Gross Domestic Product (GDP) is more than 60%.

Social Security for these working masses is a paramount need as 98% of the total enterprises in the country are in the unorganised sector and the most alarming phenomena is that 98.5% of workers in this sector do not come under any kind of Social Security Coverage. Every Day, 13,000 Indians turn 60 years and they are expected to live another average of 17 years. Unfortunately, only 10% of Indians save for old age.

The Unorganised Workers Social Security Act 2008 should become capable of meeting the basic social security needs and the long pending demands of the unorganised working people as well it should develop innovative implementation strategies since 30 million workers are constantly on the move (migrant labour) in India and 25.94 million women workforce has been added in the labour market from the year 2000 onwards according to National Sample Survey Organisation (NSSO). The tragedy is that the existing Social Security legislations cover only 8% of the total workforce of India.

II. Social Security: The need of the Hour

All citizens without discrimination are entitled to be protected from a life of deprivation and poverty. The state is primarily responsible to spread material, social and economic benefits among the masses and reduce inequalities of income, wealth, status and power. Under well-conceived social protection systems, the state transfers income to those who cannot earn their living due to temporary unemployment, sickness, old age or other reasons. Creation of decent work is crucially linked with social protection as it facilitates reintegration of excluded groups into the labour markets and provides economic security. Adequate access to healthcare, education, skill development and safety at the workplace are other components of a dynamic social protection system.

III. The Unorganised Workers Social Security Act 2008

After a lapse of nearly six decades, the Ministry of Labour, Government of India introduced a welfare legislation providing a measure of social security for the vast segment of unorganised work force in the country.

Even though, the Act which was enacted on 30th Dec 2008 does not meet the demands and aspirations of the toiling masses, the Act was received positively by NCL, expecting that most exploited masses will be benefitted with some benefits. But unfortunately, so

far, no worker has benefited out of this Act. It is going to be nearly three years and no state, except Karnataka has framed State Rules and constituted the Welfare Boards. So far, no schemes have been drafted and Administrative mechanism yet to be worked out.

Hence, the Constituent Members, Affiliate Unions and Associates of NCL, presents the following Demands for your kind attention and immediate Action.

IV. The Demands:-

- 1. The unorganized workers Social Security Act 2008 should be implemented by framing State Rules to the Central Act and constituting Welfare Boards in all the states of India.**
- 2. Constitute Construction Workers Welfare Boards by Framing State Rules to the “ The Building and Other Construction Workers (Regulation of Employment and Conditions of Service)Act 1996, collect Cess and extend benefits to the workers, immediately**
- 3. NCL representatives should be nominated in the respective Boards, No individual should be appointed as a Member of the Board under this Act. Since the individual appointed does not have accountability to anyone.**
- 4. The Definition for Unorganized Sector in the Definition Clause in which the limitation of ‘less than 10 workers in an enterprise’ must be removed to enable unorganized workers to register in the Board irrespective of the number of unorganized workers working in any unorganized or organized sector if they are not covered by any other existing legislations.**
- 5. The schemes mentioned in the schedule 1 of the act as well any newly drawn schemes under this act should be applicable to all the unorganised workers irrespective of Below the poverty line or Above the poverty line.**
- 6. Extend ESI facilities to all the unorganized workers. Wherever ESI hospitals does not exist, Govt. / Private hospitals should be empanelled to render the service. Until then, *Rashtriya Swasthya Bima Yojana (RSBY) should cover* Terminal diseases and increase the quantum of coverage upto Rs. 1, 00,000.**
- 7. Every registered unorganized worker should be entitled for a minimum of Rs. 2000 as pension per month.**
- 8. Maternity Benefit should be a minimum of Rs. 10,000/- per delivery and applicable to two deliveries.**
- 9. A minimum of Rs 5 Lakh should be given as compensation due to death of a worker whether by accidental or non accidental. There should not be any**

distinction made between accidental and non accidental death. Since the family loses the bread winner in both cases.

10. Provide a minimum of Rs. 1,500/- as unemployment benefit. In the rural areas unemployed / under employed worker should be automatically linked up with Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). A scheme like NREGA should be evolved to benefit unorganized workers in the urban areas also .
11. A minimum of Rs 1,500/- should be paid as Pension to Disabled Unorganized worker
12. An appropriate Administrative Mechanism should be evolved to register the workers, delivery of benefits, settlement of claims etc.
13. A mechanism for Settlement of Grievances (Dispute Resolution Mechanism) should be evolved to sort out disputes between worker and Worker, worker and the employer, worker and Board, employer and the Board.
14. Integrate all housing, Sites and Service schemes, programmes and extend the same to the unorganized workers exclusively at the National and State levels.
15. Extend public Distribution System (PDS) to all the unorganized sector workers living in the Rural and Urban areas. Bring all the essential commodities under the PDS to benefit the poor.
16. Contain Price Rise immediately of all commodities and regulate prices of essential Commodities.
17. Ban Foreign Direct Investment (FDI) in Retail Trade as it affects the livelihood of millions of unorganised labour in the country.

We sincerely hope that you'll take appropriate steps to render justice to the millions of working masses who have been denied of everything that is humane and just.

Thanking you,

Yours Sincerely

(Dr. Ruth Manorama)
Vice President.

(Palani Kumar)
Treasurer

(Dhana Shekar)
Organising Secretary

Copies to:

Shri. Sadananda Gowda,

Hon'ble Chief Minister of Karnataka,
Government of Karnataka,
Vidhana Soudha,
Bangalore.

Shri. Mallikarjuna Kharge,

Hon'ble Union Minister for Labour and Employment,
Government of India.

Shri. Bacche Gowda,

Hon'ble Minister for Labour & Employment,
Government of Karnataka,
Vidhana Soudha,
Bangalore.