

Date: 10.12.2011

To
Sh Mallikarjun Kharge
Hon'ble Minister for Labor and Employment
Government of India
Shram Shakti Bhavan
New Delhi – 110011

**DSS & NCL OBSERVE 10TH DEC. 2011 – HUMAN RIGHTS DAY AS
DEMANDS DAY OF THE UNORGANIZED WORKERS IN INDIA.**

Dear Sir

Sub: Demands of Unorganized Workers for your Attention and Immediate Action

Delhi Shramik Sangathan (DSS) & National Centre for Labor (NCL) representing millions of Unorganized Labor in India extends their greetings and warm wishes. DSS presents this Memorandum of Demands while observing 10th Dec. 2011 – Human Rights Day as Unorganized Workers Demands Day in India for your kind attention and immediate action.

Delhi Shramik Sangathan (DSS) is a constituent member of NCL working with unorganized workers of Delhi for the past 20 years. DSS represents the interests of the workers from construction, domestic, loading & unloading, migrant workers, rickshaw pullers, contract workers, self-employed and hawkers/ vendors etc. The National Centre for Labor (NCL) is an apex body at the National Level for Independent Labor Organizations working among Unorganized Workers.

As your good self is aware that the toiling masses numbering around 477.9 million are denied everything that is humane and just in this great independent nation. The numerical strength of these deprived masses is so large and if their family members are taken into account, they constitute more than 70% of the total Indian population. This workforce contributes more than 60% of the National Gross Domestic Produce (GDP).

The **Unorganized Workers Social Security Act 2008** should be made efficacious in addressing the basic Social Security needs and the long pending demands of the Unorganized

Workers through innovative implementation strategies since 30 million workers are constantly on the move (migrant labor) in India and 25.94 million women have been added to the labor force from the year 2000 onwards according to the National Sample Survey Organization (NSSO). The tragedy is that the existing Social Security legislations cover only 8% of the total workforce of 477.9 million in India.

The **need of the hour** is that all citizens are entitled to be protected from a life of deprivation and poverty **without discrimination**. The state is primarily responsible to extend material, social and economic benefits to 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 labor markets and provides economic security. Adequate access to healthcare, education, skill development and safety at the work place are other components of a dynamic social protection system.

The Unorganized Workers Social Security Act 2008

After a lapse of nearly six decades, the Ministry of Labor, Government of India introduced a welfare legislation providing a measure of Social Security for the vast segment of unorganized sector work force in the country.

Even though, the Act which came into existence on 30th Dec. 2008 does not meet the demands and aspirations of the toiling masses, the Act was received positively by NCL & its constituents, expecting that the most exploited masses would be brought under its beneficial umbrella. But unfortunately, so far, no worker has benefited out of this Act. It is reprehensible that nearly a year later, no state, except Karnataka has framed State Rules and constituted Welfare Boards. So far, no schemes have been drafted and Administrative mechanism yet to be worked out.

Hence, as, the Constituent Member of NCL, DSS presents the following **Demands** for your kind attention and immediate Action:

Our Demands:

1. The Unorganized Workers Social Security Act 2008 be implemented immediately by framing State Rules for the Act and Delhi Welfare Board be constituted immediately.
2. DSS representatives be nominated in the respective Board. No non union individual should be appointed as a Member of the Board under this Act.
3. Extend ESI facilities to all the unorganized workers in Delhi. Till this arrangement takes place, the quantum of benefit under the *Rashtriya Swasthya Bima Yojana (RSBY)* be increased to Rs One & half Lakh from Rs. 30000 and cover major diseases like HIV/AIDS and offer outpatient treatment free of costs which constitute the major expenses of the worker.
4. Every registered unorganized worker should be entitled for a pension linked to the minimum wages of the state.
5. Housing be considered as a major component of social security for unorganized workers of the city. In absence of housing facilities, unorganized workers are forced to live an undignified life in slums & bastis.
6. Workers' hostel or temporarily shelters be created for unorganized workers at work sites.
7. Maternity Benefit should be a minimum of Rs. 10,000/- per delivery and applicable to two deliveries.
8. A minimum of Rs 5 Lakh be given as compensation for death of a worker whether accidental or non accidental. No distinction be made between accidental and non accidental death since the family loses the bread winner in either case.
9. A minimum of Rs. 1500/- per month be given as unemployment benefit. A scheme like NREGA be evolved to benefit unorganized workers in the urban areas.
10. A minimum of Rs 1500/- be paid as Pension to Disabled Unorganized worker.
11. The limitation of 'less than 10 workers in an enterprise' must be removed from the definition for Unorganized Sector to enable all unorganized workers to register in the Board irrespective of the number of unorganized workers working in the sector, if they are not covered by any other existing legislations.
12. Schemes mentioned in the schedule 1 of the Act as well any newly formulated schemes under this act be extended to all unorganized workers irrespective of their being recorded as below the poverty line or above the poverty line.

13. An appropriate Administrative Mechanism be evolved to register workers, provision of benefits, settlement of claims etc.
14. A mechanism for Settlement of Grievances (Dispute Resolution Mechanism) be established to resolve disputes between workers, employers or the Board.
15. All housing, Sites and Service schemes, programs be integrate and extended to unorganized workers exclusively at the National and State levels.
16. Public Distribution System (PDS) be extended to all unorganized sector workers in Delhi and all essential commodities be brought under the PDS to benefit the poor.
17. Take immediate action to contain the Price Rise of all commodities and regulate prices of essential commodities.

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,

Ramendra Kumar
General Secretary
Delhi Shramik Sangathan

Anita Juneja
Convener, DSS
Vice President, NCL

S. Jeevanand
Organizing Secretary
NCL