

To

Hon'ble Shri Harish Rawat
The Union Minister of State for Labour and Employment
New Delhi

July 29, 2009

Respected Shri Harish Rawat,

We represent SOCIAL SECURITY NOW, a national campaign for comprehensive social security for unorganised and informal workers in India. Over 500 organisations from all over India consisting of people's movements, trade unions, civil society organisations, farmers' associations and other groups are part of this campaign.

Through this memorandum we wish to draw your attention to the Unorganised Workers Social Security Act, enacted by the Parliament on December 17, 2008. We are disappointed that this Act has failed to provide 423 million unorganised workers their right to social security as promised by the UPA government. We are shocked that neither the Act incorporates the recommendations of the Parliamentary Standing Committee on Labour nor was it debated in public domain, before it was adopted hurriedly on the last day of the Parliament session. We express our dismay over the fact that inspite of the economic growth in the country, unorganised workers contribute about 60 per cent of our national income are systematically denied social and economic justice.

In this context, we would like to bring to your attention the glaring gaps and contradictions in the Unorganised Workers Social Security Act, 2008, which makes it meaningless to the unorganised workers in India.

The 2008 Act does not define social security. In the Act, the social security rights are not given in the body of the Act, rather given as compilation of existing welfare schemes in the schedule. Consequently, the social security schemes remains ill conceived and are subject to arbitrary changes. The benefits lack consistency and are not justiceable.

The Schedule II restricts the applicability of Acts such as Workman's compensation Act and Maternity Benefits Act and consequently, denies existing rights *de-jure* enjoyed by all workers.

The Act, through the limiting provisions of the schemes, confines the benefits to BPL workers, which exclude more than 90 per cent of unorganised workers from the purview of the Act. The Act, therefore, is discriminatory and violates the spirit of the Constitution.

The definition of unorganised worker in the Act is restrictive. It excludes unpaid women workers, those dependent on livelihood systems from the definition, cross-border migrants and internal migrants from the definition of unorganised worker. Unemployment and livelihood loss are not included for social security protection.

In spite of the strong recommendation by the Parliamentary Standing Committee on labour, the Act does not provide for the creation of a Social Security Fund. There is no budgetary allocation towards social security though defence expenditure has been increasing exorbitantly.

Similarly, the National and State Social Security Boards have not been given adequate power to execute as well as review and monitor the implementation of social security rights of unorganised workers. The Act does not provide for an Administrative set up to deliver the benefits to workers.

There is no nodal ministry for the implementation of social security for unorganised workers. Though the Act has been introduced by the Ministry of Labour, no role has been given to labour administration in the implementation of

the Act. The schemes enlisted in the schedule are run by various other government departments.

The prescribed amount and benefits in the schemes provided under this act are ridiculously low.

The Act does not pay special attention to those individuals and groups who have traditionally faced difficulties in exercising rights like adivasis and Dalits.

Therefore we demand that the existing law be thoroughly reviewed and the promise of the UPA government of providing social security to all unorganised workers be respected.

Thanking you,

Yours sincerely,

Working Group Members

For Social Security Now

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