

NATIONAL CAMPAIGN COMMITTEE for Unorganized Sector Workers

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18th February 2005

Postponement of the Rally of USW to 5th May'2005

Dear Friends,

This circular is further to the two meetings of the NCC-USW held at Delhi on 9th January 2005 and 20th January 2005 regarding the rally of unorganized sector workers to submit a petition to the Petition Committee of the Parliament.

The 9th January'05 meeting had decided to organize the rally on 23rd March'05 and decided to constitute a **Reception committee at Delhi under the chairmanship of Prof. Madhu Dandawate** and also two other committees for solidarity and steering the rally campaign. Since Prof. Dandawate was not present in this meeting we met him on 12th February'05, to accept the chairmanship of the Reception Committee. Reviewing the proposed programme he suggested to postpone the rally since the Parliament won't be in session on 23rd March 2005 and besides, the Holi festival falls on 25th March'05 when it would be difficult to travel for most of the unorganized sector workers.

An urgent meeting was called therefore, on 20th January'05 at ISI at which it was unanimously decided to organize the rally on 5th May'05.

National Centre for Labour

NCC-USW representatives also participated in a National meeting organized by the National Centre of Labour on 12th -13th January'05 at Delhi at which the draft of the unorganized sector workers bill prepared by NCL was discussed. The two days meeting concluded after setting up a committee consisting of Shri. T.S.Sankaran, Shri. R.K.A.Subramaniam, Dr. Sharat Babund, Geetha R. This committee is meeting on 22nd & 23rd February '05 at Chennai to merge the two drafts and the suggestions given by the Central Trade Unions and by SEWA on unorganized sector workers Bill to the Ministry of Labour. The next meeting of NCL will be held at Delhi on 2nd -3rd March 2005. The process of reaching a consensus is on and we expect the participation of all in the 5th May'05 rally.

National Commission on Unorganized Sector Workers Enterprises

A delegation along with Swami Agnivesh also met Dr. Arjun K. Sengupta and the members of the National Commission on Unorganized Sector Enterprises on 13th January'05. The agenda of this Commission also includes legislation for social security of Unorganized Sector Workers.

National Advisory Council – Consultation at Labour Ministry

On 14th February 2005 a consultation was organized at the Ministry of Labour on the initiative of NAC, in which its officials and members such as Ms. Aruna Roy, Prof. Jean Dreze were present and representatives of the Central Trade Unions, SEWA, and National Campaign Committee for Unorganized Sector Workers also participated. The Labour Minister Shri K.Chandreshekhar Rao said that such sporadic meetings can not reach an understanding on the vast issues involved in the social security legislations for all the

unorganized sector workers. He further announced forming a **Drafting Committee** for the USW Bill and calling a **two day national seminar** on the subject. **The NCC-USW campaign** for a consensus on the Unorganized Sector Workers Bill **will definitely contribute in expediting the results of such official drafting committee and the National Seminar** in the interest of all the Unorganized Sector Workers.

Reception Committee, Solidarity Committee and Steering Committee for 5th May Rally

Participants of 9th January'05 and 20th January'05 meetings had volunteered to participate in the Steering Committee, Solidarity Committee and Reception Committee for the 5th May rally of Unorganized sector workers. Many participants had suggested the names of various individuals and organizations who were not present in these two meetings. They were requested to obtain the consent of individuals and organizations suggested by them. We once again request all the constituents to communicate such consents to us by e-mail or telephone so that we can publish the name of members of these committees and start calling their meetings if required. You may invite more supporters for the cause of unorganized sector workers social security to work for various committees. If you can volunteer at least one day in a week, then please do so for the steering committee work from Siddiqui Building office.

Regular campaign office from Siddiqui Building

Alternate week **meetings of the working group are being held on 2nd and 4th Saturday**. It is decided to start a full time office from 1st March'05 at the NMPS office at Siddiqui Building, Bara Hindu Rao, Delhi. This office and campaign team will look after both the campaign for Unorganized Sector Workers Bill and the campaign for Employment Guarantee.

Appeal for Fund Collection

For office expenses we will need at least Rs.20, 000/- per month and for the rally at least Rs.3,00,000/- for booking the ground and necessary arrangements of the ground for the rally and other arrangements. All the participating organizations are requested to organize travel and food expenses themselves for the 5th May 2005 rally. All the participating organizations are also requested to mobilize at least Rs.500/- per organization for the Delhi office expenses.

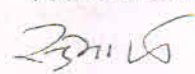
Signature Campaign on Petition

A copy of the petition to the Petition Committee of the Parliament is enclosed with this circular. You are requested to get this petition translated in local languages and start a signature campaign on the petition. Please send the information regarding the translation and printing of the petition in local languages to the Delhi office immediately so that duplication of efforts can be reduced.

Please forward this circular to all your friends working with unorganized sector workers and also convey their address to us.

With regards,

Yours sincerely


(Subhash Bhatnagar)
Coordinator-NCC-USW

NCC-USW will shortly form an E-Discussion group to be posted on the website of www.yahoo.com. This will facilitate us to reach a wide audience throughout the country and will also help in obtaining a wide group of views on various issues pertaining to USW. All members who are interested to join the E-Discussion group can forward their email ids to us at the earliest. An invitation to join the discussion group would accordingly be forwarded to you through your email. Your participation in the discussion group will be highly valued.

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Petition for Translation

To
The Chairman,
Petition Committee of the Lok Sabha,
Parliament House,
New Delhi.

Respected Sir,

- 1 We, the unorganized sector workers of India, who number 37 crores and who constitute 93% of the total work force of our country, of whom a substantial number are women, petition the august Parliament of India through you for recognizing our plight as also the crying need for redress through an appropriate law.
- 2 We are not a burden on society, for we happen to be the society itself, given our large number and the larger number of our dependents. Generations of neglect and indifference have consistently added to our loss of dignity, to our misery and to our difficulties. If, as a country, we are faced with problems of bonded labour, child labour and other social ills, we can trace their origins to this indifference and neglect. That we contribute nearly two-thirds of India's G D P is forgotten; that we contribute significantly to the alleviation of the problem of unemployment is side-lined; that we are the ultimate sufferers of liberalization and globalization is glossed over. Silently we have suffered all iniquities and injustices. We do not propose to do so any further we are confident that, at your hands, we will get the needed legislative mandate that will improve our status and thus enhance the prestige and strength of our nation.
- 3 What do we need by way of such legislative mandate?
Our problems and concerns are too well known to be elaborated here. Successive commissions and studies have dealt with this. The latest, The Second National Labour Commission, which was asked to work out the details of umbrella legislation for us, did produce a draft law. The Ministry Of Labour of the Government of India circulated the draft law and organized in November 2002 a National Seminar to consider this draft law. The sub group of the National Seminar which examined the legislative proposals was not satisfied and demanded action on specific lines; the conclusions of the subgroup were endorsed and adopted by the seminar. However even these were ignored in to by the Government of India as is evident from the succession of drafts that kept coming out of the Ministry of Labour. The latest of such drafts was no different.
- 4 We reiterate that we are producers of wealth for the country and do not want to be considered mere beneficiaries of state's munificence and treated as such. We want to be partners and participants in the process of formulating the law and schemes there under; we also want to be participants in the implementation of schemes through tripartite bodies at various levels in which we are represented in adequate strength.

Regulation of employment, payment of minimum wages based on the conclusions of the 15th Indian Labour Conference and supplemented by the judgment of the Supreme

Court of India in the Raptakos Brett case, commitment to a policy on social security as the right of every Indian, provision of appropriate social security measures, and more -- the steps that will enable us to live in dignity as socially useful members of our society are matters that should inform the provisions of the proposed law.

Articles 41 and 43A of the Constitution of India are the bases for our demands.

5. Specifically, we want the following:-

- (a) Given its size, there must be a separate law for agricultural workers, on the model of the Kerala law. The law can include workers engaged in horticulture, pisciculture, silviculture, poultry farming, animal husbandry, dairying and allied activities.
- (b) The 1996 law on building and construction workers needs to be amended and made comprehensive on the lines suggested by the National Campaign Committee for Construction Workers under the chairmanship of Justice V R Krishna Iyer, retired judge of the Supreme Court of India.
- (c) The law for unorganized sector workers should not be merely welfare oriented but also provide for regulation of employment, guaranteed minimum employment earnings, minimum wage as indicated above, fixation of piece rates in a manner that would enable a diligent worker earn after a day's honest work the equivalent of a time rated daily wage, appropriate and adequate provisions for social security including maternity entitlement, pension, ESI, PF, gratuity etc and safety, child care facilities, housing training and skill formation and upgradation, fixation of wages, resolution of disputes, protection of employment, protection of natural and common property resources - rights, protection of migrant labour and more, all these being implemented through tripartite bodies at various levels in which workers have the decisive say.
- (d) Minimize the role of central Government to providing leadership, setting standards, co-ordination, funding and general direction, for which it may get advice from a high power tripartite Advisory Committee which will advise, among others, on matters relating to the nature of schemes to be drawn up by various Boards/Funds, the basis for distribution of central funds among various states and union territories/Boards/ Funds, implementation of the law and schemes and other allied matters.
- (e) The functions of the state/union territory Boards must be specifically spelt out in the law; these must be such as to enable the Boards to function effectively and autonomously, without undue "interference" from the state or central government. The composition of the Board and its lower formations must be tripartite in nature and give the pride of place to the workers and their representatives, including adequate representation for women workers.
- (f) The implementation of the law including implementation of schemes must be by the tripartite bodies at the appropriate level. In this scheme of things, there is no place for the Workers Welfare Centers, as they would make the whole process bureaucratic, disempowering the workers and their representatives.
- (g) A single board and a single scheme would not serve the purpose we have in view; there must be provision in the law for the appropriate government to set up as many Boards as are necessary for different groups of employments. As conditions vary from place to place and from state to state, the grouping of employments will have to be decided by the appropriate governments, on the basis of the suggestions made by the representatives of Unorganised Sector Workers.
- (h) The fixation of wages and more particularly, the piece rate wages must be enabled to be fixed by the concerned Board keeping in view the principle that a diligent piece rated worker must be able to earn a time rated daily wage for eight hours of work.

- (i) The law must prescribe a minimum percentage of the GDP to be set apart for social security and this percentage must be raised every year until it is able to provide, say after ten years or so, a level of social security that is reasonably satisfactory.
- (j) There should be a provision for a Complaints Committee on sexual harassment in the work place for Unorganized Sector Workers.

The National Campaign Committee for Unorganized Sector Workers, of which Retired Justice V R Krishna Iyer is the President, is currently engaged in the preparation of a draft law incorporating the above and other matters and hopes to get it ready soon. Meanwhile, it is our earnest request that our petition carrying the signatures of millions of workers is sympathetically considered and appropriate action taken. We will be grateful if an opportunity is afforded to some of our representatives to appear before you and make an oral submission also.

6. Another matter of great importance to us: The National Rural Employment Guarantee Bill, 2004, introduced in Parliament in December 2004, suffers, in our view, from many deficiencies and calls for amendments that would ensure
 - (a) Time bound extension to the whole of rural India;
 - (b) extension of the law to semi-skilled and skilled work with appropriate wage protection, keeping in view that a very large number of us are semi-skilled and skilled in a variety of occupations and any proposal to confine the guarantee to unskilled manual work will result in obliteration of our skills and force us to migrate to urban areas for employment suitable to our skills.
 - (c) Removal of restriction of the law to only BPL households.
 - (d) The law should be put permanently on the statute book and should not be only for a limited period.

We, on behalf of 37crores of us, thank you, in the hope, that our petition receives the utmost consideration at your hands.

<u>Ser No.</u>	<u>Name</u>	<u>Address/Organisation</u>	<u>Signature</u>
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PS.

Please add more sheets if required