



NATIONAL PLATFORM FOR SMALL SCALE FISH WORKERS (INLAND)

October 25, 2019

**Shri Sanjeev Nanda,
Under Secretary,
Ministry of Labour and Employment,
Room 17, Ground Floor, Shram Shakti Bhawan,
Rafi Marg, New Delhi - 110001**

Sub: Submission on the draft of the Code on Social Security, 2019

Sir,

Please refer to the communication resting with Ministry of Labour and Employment Memo No. Z-13025/13/2015-LRC Dt. 17th September 2019 inviting comments on the draft of the Code on Social Security, 2019.

National Platform for Small Scale Fish Workers (Inland) has considered the draft with diligence and is submitting its comments on behalf of the small scale fish workers, one of the largest unorganised sector workers of the country.

Fishing and fish farming provide food security to and maintain nutritional status of our country – more than 80 crore of our people eat fish. It also provides employment to at least 6 million fish workers. Fish and fish products help in export earnings of more than 50 thousand crore rupees per annum.

The small scale fish workers need comprehensive social security cover and the right of participation in administering the same.

As the largest organisation of Small Scale Fish Workers in the country we are hopeful that the social security needs of the fish workers will be met by the proposed Social Security Code.

We welcome the endeavour of the Government to amalgamate different Social Security statutes into a comprehensive code and hereby submit our comments towards making it more meaningful and effective a code accessible to common fish workers.

Thanking you,

Yours faithfully,

Pradip Chatterjee,

Convener,
NPSSF(I)

Draft Social Security Code				
Section Wise Submissions of National Platform for Small Scale Fish Workers (Inland) on the				
Section / Sub-section / Clause / Proviso of the Code	Issue / Problem Identified in the Section / Sub-section / Clause / Proviso of the Code	Proposed / Change that should be made	Reason for proposed change	Remarks, if any
Whole Document	Non-availability of the text in all regional languages of the country	The Draft Code should be translated in all regional languages and circulated for comments with sufficient time	To make the Draft Code available to common workers, the largest stakeholders and/or beneficiaries	
2.(xxxxxviii)	Self employment sectors and self-employed workers need to be specified.	Definition of “Self-employed” worker has mentioned cultivator of land, it should also specifically mention fishers, fish farmers, fish vendors and fisheries ancillary workers who directly take part in the work mainly for subsistence and do not exploit others labour. This kind of specification is necessary for other self-employment sectors as well.	To include all genuine self-employed workers in the ambit of the code.	
2. (xxxxxxiii)	Definition of “worker” is incorrect. It excludes the home based, gig or self-employed workers as defined in the draft code.	"worker" means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) employed in any industrial, home based or	To make the definition of worker more appropriate comprehensive and in conformity with the draft code.	

		self-employment sector to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and includes—		
2. (xxxxxxii)	Definition of “woman” is inadequate, inappropriate and demeaning for women. The code should be concerned with ‘women workers’ and not with ‘women’ as such. Also, given that the home based, self employed and gig workers are included in the purview of the code, the definition of worker, including woman worker should not depend on ‘wage’ earning. Actually there is no need to define “woman” in the code. Special or specific provisions for women workers may be mentioned as and where necessary.	Delete the sub-section.	To make the code gender justified.	
5. (2)(c) (i)	There is no norm for nomination of representatives of	Seven members representing unorganised sector workers are to be	To make the nomination balanced, transparent and participatory.	

	unorganised sector workers by the Central Government. It will give rise to severe anomalies.	nominated by the Central Government from different unorganised sectors through consultation with the workers' collectives. At least one of the seven should be from small scale fish workers.		
5. (2)(c) (i)	There is no norm for nomination of representatives of unorganised sector workers by the State Government. It will give rise to severe anomalies.	Seven members representing unorganised sector workers are to be nominated by the State Government from different unorganised sectors through consultation with the workers' collectives. At least one of the seven should be from small scale fish workers.	To make the nomination balanced, transparent and participatory.	
Chapter IX Social Security for Unorganised Workers	The unorganised workers, including fish workers, are relatively more insecure socially and are in need of substantial and steady social security support funded by the Government. It is observed that the proposed social security measures for unorganised workers are mostly general promises without any concrete institutional commitment or process.			
106. (1) (i) (ii) (iii) (iv)	These are all broad promises without any institutional concrete approach.	Unorganised workers, through their registration with the Government should be linked with ESIC for their health and maternity benefits. There should be insurance linked life and disability cover with premium supported fully or substantially by the government. There should	To make social security both meaningful to and accessible for the unorganised workers.	

		also be pension and provident fund schemes funded fully or substantially by the government.		
106. (2)	The Seventh Schedule does not cover 'Housing' or support for Children's education.	Housing and Support for Children education to be included in the seventh schedule.	To include 'Housing' and 'Children's Education' in seventh schedule.	
110A. (1)	Self-employed workers are excluded.	Proposed revision – The Central Government may formulate and notify, from time to time, suitable social security schemes for self-employed workers, gig workers and platform workers on matter relating to:-	To include self employed workers	
FIRST SCHEDULE [See section 1(4)] APPLICABILITY				
III,IV,V,VI,VII	Employees Provident Fund, Employees State Insurance Corporation, Gratuity, Maternity Benefit and Employees Compensation – are not available to the unorganised workers including home based, gig or self-employed workers	Unorganised workers including home based, gig or self-employed workers must get benefits of Employees Provident Fund, Employees State Insurance Corporation, Gratuity, Maternity Benefit and Employees Compensation. In absence of eligible or competent employer or permanent employment, the Government should support in maintaining the schemes for unorganised workers.	To make the benefits available to unorganised workers.	
SECOND SCHEDULE [See section 2(xx)]				

LIST OF PERSONS WHO ARE EMPLOYEES WITHIN THE MEANING OF PROVISO TO CLAUSE (xx) OF SECTION 2				
(vii)	Vessel crew employed on a fishing vessel or ship for the work in fishing are not mentioned.	Vessel crew employed on a fishing vessel or ship for the work in fishing including casting and hauling of net, on board storage and processing with related jobs are to be mentioned.	For inclusion of the vessel crew of fishing boats.	
(xli)	Fish farming, fish vending, fish processing, net and boat making or repairing have not been mentioned	Proposed revision – ‘employed in cultivation of land or rearing and maintenance of live-stock or forest operations or fishing, fish farming, fish vending, fish processing, net and boat making or repairing; or	For inclusion of all categories of worker related to the work in fishing.	