

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 Chatteriji

Pradip Chatterjee,

Convener, NPSSFW(I)

	Draft Social Security Code					
Section Wise Submissions of National Platform for Small Scale Fish Workers (Inland) on the						
Section / Sub-section /	Issue / Problem Identified in	Proposed / Change that	Reason for proposed change	Remarks, if any		
Clause / Proviso of the Code	the Section / Sub-section /	should be made				
	Clause / Proviso of the Code					
	Non-availability of the text in	The Draft Code should be	To make the Draft Code			
	all regional languages of the	translated in all regional	available to common			
Whole Document	country	languages and circulated for	workers, the largest			
		comments with sufficient	stakeholders and/or			
		time	beneficiaries			
	Self employment sectors and	Definition of "Self-	To include all genuine self-			
	self-employed workers need	employed" worker has	employed workers in the			
	to be specified.	mentioned cultivator of land,	ambit of the code.			
		it should also specifically				
		mention fishers, fish				
		farmers, fish vendors and				
2.(xxxxxviii)		fisheries ancillary workers				
2.(XXXXVIII)		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.				
2 . (xxxxxiii)	Definition of "worker" is	"worker" means any person	To make the definition of			
	incorrect. It excludes the	(except an apprentice as	worker more appropriate			
	home based, gig or self-	defined under clause (aa) of	comprehensive and in			
	employed workers as	section 2 of the Apprentices	conformity with the draft			
	defined in the draft code.	Act, 1961) employed in any	code.			
		industrial, home based or				

		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 . (xxxxxii)	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 sever anomalies. nominated by the Central Government from different unorganised sectors through consultation with the workers. There is no norm for nomination of representatives of unorganised sector workers by the State Government. It will give rise to severe anomalies. To make the nomination balanced, transparent and participatory. 5. (2)(c) (i) The unorganised workers, by the State Government. It will give rise to severe anomalies. To make the nomination balanced, transparent and participatory. Chapter IX Social Security for Unorganised Workers The unorganised workers, including fish workers, are relatively unorganised workers, including fish workers, are relatively more insecure socially and are in need of substantial and steady social security support unorganised workers, including fish workers, are relatively more insecure socially and are in need of substantial and steady social security support unorganised workers, including fish workers, are relatively more insecure socially and are in need of substantial and steady social security support unorganised workers are relatively concrete that the proposed social security measures for unorganised workers are relatively and accessible without any institutional concrete approach. To make social security both meaningful to and accessible for the unorganised workers. To make social security both meaningful to and accessible insurance linked life and disability cover with premium supported fully or substantially by the government. There should be insurance linked life and disability over with premium supported fully or substantially by the government. There should					1	
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substantially by the			•			
			government. There should			

		also be pension and provident fund schemes funded fully or substantially		
106. (2)	The Seventh Schedule does not cover 'Housing' or support for Children's education.	by the government. 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.	