National Convention on Social Security for Unorganised Workers

Bihar Chamber of Commerce
Near Patna District Magistrate Office
Patna, Bihar
January 8-10, 2010

Social Security Now (SSN)

Centre for Education and Communication
New Delhi
National Convention on Social Security for Unorganised Workers

Background

The government of India passed the ‘Unorganised Workers Social Security Act’ (UWSSA), 2008 on December 17, 2008 for the benefit of about 423 million unorganised workers and their dependents. However, the UWSSA, 2008 has inherent structural gaps that make it ineffective. The Act does not define social security. Social security schemes are not included as part of the body of the Act, implying that they can be changed without discussion in the Parliament, thereby denying workers the benefit of consistency and justiceability. Unemployment benefit and livelihood rights are not covered under the Act. It dilutes the existing Acts such as the Maternity Benefit Act, 1961 and the Workmen’s Compensation Act, 1923. It does not universalise social security and does not have enabling provisions to empower those who have traditionally faced difficulty in exercising their rights, such as the dalits, adivasis and women. The Act has no financial memorandum attached to it.

Social Security Now (SSN) demands that workers should be ensured old age pension, unemployment benefits and livelihood loss compensation, maternity benefit, accident and medical care and should be entitled to provident fund (PF) and employee state insurance (ESI) scheme.

With this in mind, National Working Group (NWG) of SSN is organising a three-day National Convention on Social Security for Unorganised Workers from January 8-10, 2010 in Patna. This convention will facilitate the unorganised workers to articulate the problems they face in the absence of social security; understand the inadequacies of the UWSSA, 2008; demand registration of all unorganised workers; and launch a movement based on the principle of universality of social security.
**About SSN**

SSN is a network of over 500 organisations from all over India campaigning towards the realisation of comprehensive social security for unorganised workers through a central legislation. The uniqueness of this campaign is the active involvement of dalit, adivasis and other socially disadvantaged groups, asserting that the social security is the legitimate right of all ‘social classes’ in India. A national convention has been called by SSN in Patna on January 8-10, 2010 to highlight these issues. For details visit [www.socialsecuritynow.org](http://www.socialsecuritynow.org).

**SSN Members**

SSN National Working Group Members: Bindrai Institute for Research Study and Action (BIRSA), CBCI Commission for Labour, Centre for Community Economics and Development Consultants Society (CE-COEDECON), Centre for Education and Communication (CEC), Cornerstone Trust, Delhi Forum, Delhi Shramik Sangathan (DSS), Foundation of Educational Innovations in Asia (FEDINA), Harit Recyclers Association (HRA), Human Rights Law Network (HRLN), Indian Social Institute (ISI), Jan Sangarsh Manch, Laya, Lok Sangharsh Morcha, National Campaign Committee for Unorganised Sector Workers (NCC–USW), National Campaign on Dalit Human Rights (NCDHR), National Federation of Dalit Land Rights Movements (NFDLRM), National Forum on Forest People and Forest Workers (NFFPFW), National Hawkers Federation (NHF), National Institute of Women Child and Youth Development (NIWCYD), nidan, Nirmala Niketan, Pragatishila Shramik Manch (PSM), Programme on Women’s Economic Social and Cultural Rights (PWESCR), Uttar Pradesh Gramin Mazdoor Sangathan (UPGMS), Vigyan Foundation, Women's Voice, Youth for Unity and Voluntary Action (YUVA)
Patna Declaration

The following declaration was adopted at the National Convention on social security for unorganised workers organised by Social Security Now (SSN) on January 8-10, 2010 at Patna, Bihar.

We, the members of SSN, and participants of the National Convention on Social Security for Unorganised Workers in Patna on January 8-10, 2010 representing workers organisations, people’s movements, organisations campaigning for social security, organisations of dalit, adivasis and other socially disadvantaged groups declare:

Make comprehensive amendments to the UWSSA 2008 - define social security, include social security benefits in the body of the Act, extend social security to all people living and working in India irrespective of status or nature of employment, quantum of wages, gender, race, caste, provide for dispute settlement, create social security fund;

Social security should address among other things social inclusion of dalits, non displacement of adivasis and housing rights of dalits & adivasis, recognition of unpaid work of women & land rights of women and vulnerabilities of migrants;

Social security should be universal and non discriminatory and state should ensure social security to all people living and working in India and with stringent provisions for its implementation as well as monitoring;

State should provide 5 per cent of the GDP for universal non discriminatory social security as all people living and working in India as everyone has the right over wealth collectively produced in India,

Further, the participants resolve to

Launch national movement for universal and non discriminatory social security for all people living and working in India without compromising on the principle of positive discrimination;

Observe a national action day demanding 5 per cent of GDP for social security;

To mobilise people demanding universal social security.
Process Report

Introduction

The three-day National Convention on Social Security for Unorganised Workers concluded with a declaration that called for the launch of a national movement for universal and non-discriminatory social security for all people living and working in India with emphasis on social security for those who have been denied. The convention held from January 8-10, 2010 at the Bihar Chamber of Commerce, Patna, Bihar.

The national convention was attended by over 500 delegates including a large number of women delegates. The rally and public meeting on the day three mobilised over 2000 unorganised workers from in and around Patna. Women were mobilised in a large numbers for the rally.

Participants were largely unorganised workers from Haryana, Punjab, Rajasthan, Uttarakhand, Delhi, Uttar Pradesh, Bihar, West Bengal, Jharkhand, Chattisgarh, Madhya Pradesh, Maharashtra, Gujarat, Karnataka, Andhra Pradesh and Tamil Nadu. They included domestic workers, immigrants from Nepal, construction workers, beedi workers, agarbatti workers, mining workers, stone quarry workers, brick kiln workers, sex workers, transport workers, head load workers, hamal workers, weavers, agricultural workers, garment workers, hawkers, street vendors, rickshawpullers, washers, waste collectors, leather workers, bank deposit collectors, basket makers, minor forest produce collectors, forest workers, workers engaged in agriculture related and allied activities, cleaners and trolley workers.
Central Trade Unions who were present during the three day convention included All India Trade Union Congress (AITUC), Hind Mazdoor Sabha (HMS), Indian National Trade Union Congress (INTUC), United Trades Union Congress (UTUC) All India Central Council of Trade Unions (AICCTU), Trade Union Coordination Committee (TUCC) and Self Employed Women’s Association (SEWA).

The convention was organised by Social Security Now (SSN), a network of over 500 workers organisations, people’s movements, organisations campaigning for social security, organisations of dalit, adivasis and other socially disadvantaged groups. Centre for Education and Communication (CEC) is the National Secretariat for the SSN. The National Working group of the SSN steered the National Convention. nidan was the local host and the event secretariat. The entire three day event was discussed and planned by the SSN NWG over a period of over 6 months in various planning meetings and email discussions. On the three days of the National Convention, each of the sessions had a presidium in the chair which constituted of the SSN NWG members.

**Inaugural Session**

On January 8, 2010 the inaugural session was addressed by Digvijay Singh, Member of Parliament (Lok Sabha), Ali Anwar Ansari, Member of Parliament (Rajya Sabha), Kamala Sinha, Former Minister of Foreign Affairs, Awadhesh Narayan Singh, Cabinet Minister, Labour Employment and Training, Bihar Government, Kedarnath Pandey, Member of Bihar Legislative Council, Jaya Shrivastava, Social Activist, Ashok Ghosh, United Trades Unions Congress (UTUC), Amjad Hasan, Indian national Trade Union Congress (INTUC), K Vinay Kumar, National Federation of Dalit Land Rights Movements (NF-DLRM), People’s Union for Civil Liberties (PUCL), Shanti Patel, Hind Mazdoor Sabha (HMS), Freedom fighter, and former Member of Parliament and Justice R R
This session set the tone of the two-day convention by making a political statement in favour of social security. Labour minister pointed the need to distribute wealth of the nation among the workers through social security. Ali Anwar said that he himself was a beedi worker and hence understands the needs and aspirations for social security. Digvijay Singh pointed on the importance of movements and struggles of workers which have stood the test of time and the need for this campaign to be strong and raise the demand for social security. Shanti Patel stressed on the importance of social security as a basic right of the workers and the importance of organisations of workers to collectively demand this. Vinay Kumar pointed on how India's expenditure on social security is less than 1 per cent of the GDP which is less than Bangladesh and Sri Lanka implying that for Indian State social security remains neglected. Jaya Shrivastava pointed on how the unprotected work and an informal workforce was increasing in all sectors of the economy and the need to build on social security. J John explained that social security is a right enshrined in the constitution of India as well as several international instruments but is denied to the vast majority as it remains targeted. He pointed at how a dual system of social security has been followed in the national planning process and the need to reject this and demand social security which is universal.

Harish Rawat, Minister of State for Labour and Employment, Government of India, Umraomal Purohit, General Secretary, HMS Sudhakar Reddy, former MP and chairman, Standing Committee on Labour and ILO sent solidarity messages for the National Convention.

Session II: Mazdooron Ki Awaz

The second session on Day 1 was Mazdooron Ki Awaz. Jury Panel in Mazdooron ki Awaz comprised of Sujata Gothoskar, IUF, SN Thakur, All India trade Union Congress (AITUC) and Arun Kumar, Times of India (TOI). Depositions were from the following sectors - domestic, homebased, waste collector, handloom weaver, street vendor, goods transporter, sex worker, bank deposit collector, agricultural worker, leather worker, migrant worker, rickshaw puller, brick kiln and mining. In addition to the depositions there were questions and clarifications from the jury as well and inputs from the participants and the initial report of the jury took all these into account.
The depositions brought some basic social protections that workers need and why they need the same. Issue of health and health provisions is crucial – unorganised workers spend a disproportionate part of their incomes on health / medical reasons. Above all, unorganised workers are not able to eat unless they work. Workers also spoke of the need for social security in terms of pension, gratuity, provident fund for the very reason. Right to dignity and freedom from discrimination in any form is crucial. The session brought out that the divide between so-called BPL and APL workers is not valid. All workers must have social security. These include the provisions of the Maternity Benefits Act, including the right to light work after 6.5 months of pregnancy, right to health care, right to occupational and safety provisions and compensation. Unemployment allowance and compensation for not being able to work in case of accidents is important. Livelihood rights are important. Where livelihood systems undergo a change due to government policy or due to developments in society or the economy, the workers affected need to be given livelihood security, compensation as well as training for newer work. Women doing unpaid work as well as family labour need to be considered unorganised workers and should be entitled to the provisions of the SSA.

Session III: Panel discussion on Social Security and Vulnerabilities of Dalits, Adivasis, Women, Migrants and Urban Poor.

The third session was held on Day two and was a Panel discussion on Social Security and Vulnerabilities of Dalits, Adivasis, Women, Migrants and Urban Poor. Speakers in this session included Sandhya, USDMWM, Radhakant Dwivedi, National Forum of Forest People and Forest Workers (NFFPFW), Sujata Gothoskar, (IUF), Jai Singh, Dalit Dasta Virodhi Andolan (DDVA), Dalip Singh Pandhi, Punjab State Commission for...
Scheduled Castes, Raju Bhise, Youth for Unity and Voluntary Action (YUVA) and Shaktiman Ghosh, Hawkers Sangram Samiti (HSS). Followed by the panellists speakers there were various interventions from the floor and participants from various states and sectors placed their concerns on the issue.

The speakers talked about vulnerabilities of dalits, adivasis, women, migrants and urban poor and the need for the law on social security to address them. Speakers pointed how state is taking away basic rights workers including the right to life. The 2008 Act does not guarantee social security to the dalits, adivasis and women, there should be non-discrimination against women and unpaid women’s work needs to be recognised. Displacement and land rights were another important issue raised by the participants. Issues of migrant workers including immigrants from Nepal were raised.

Session IV: Financing Social Security

The fourth session was on Financing Social Security. Speakers in this session included Praveen Jha, Professor, Jawaharlal Nehru University (JNU), and D Narasimha Reddy, former dean, School of Social Sciences, University of Hyderabad. The session focused on options for financing social security fund through allocation in budget, ten per cent reduction in defence budget and through tax revenues from investors, corporate and rich should promote development and enable the government to have space for funding social security. Pravin Jha pointed on the weakness of the present Act, particularly in comparison with the NCEUS recommendations. He noted that in 2008 there was a provision of almost 1387 crore but this was subsequently reduced. D Narasimha Reddy pointed that 6 per cent of the GDP is sufficient to finance social security. But when 1.5 lakh crore tax arrear is due from 100 people, corporate is taxed less than 20 per cent, exemption is granted to the extent of 59 000 crores in 2008 and custom duty exemp-
tion of 2.78 lakh crores and FDI is totally untaxed then we are at a loss of over 60 per cent of our revenue which itself is enough to finance social security.

Session V: Strategy and Action Plan

In the post lunch session on day two there were group discussions to prepare national and regional strategy and action plan. Issues of group discussions were: Universalisation, Inclusiveness, Organisation, Financing and UWSSA 2008. Followed by group discussions there was a plenary where the key points were placed. This session finalised the Patna Declaration given as attachment. This was followed by the conclusion of the programme and the concluding speakers were Shanti Patel, Jaya Shrivastava, Ambrish Rai, Ranjan Kumar and J John.

All the sessions had a presidium in chair which comprised of the SSN NWG members.

Rally & Public Meeting

On the third and final day there was a rally followed by a public meeting. Over 2000 workers were present for the rally. Speakers in the public meeting included Yuvraj Baskota, MINA; Ambrish Rai, LSM; Vinay Kumar, NCDHR; Raju Bhise, Asangathit Shramik Panchayat; Amjad Hassan, INTUC; Syam Sundar, PSM; Badri Jat, CECOEDECON; Chandra Mohan, Cornerstone; Arun Khote, USDMWM; Ram Jatan Sahu, BIRSA; Shanti Patel, HMS; Ashok Ghosh, UTUC; Subhash Bhatnagar, NC-CUSW; Ranjan, nidan and J John, CEC. Rally emphasised the need for universal and non discriminatory Social security to be extended to all people living and working in India, the need for social security to address inclusion of dalits, non displacement of adivasis and housing rights of dalits adivasis, recogni-
tion of unpaid work of women and land rights of women and vulnerabili-
ties of migrants and called for the launch national movement for the 
same. It was stressed that the State should allocate 10 per cent of the 
budget and provide 5 per 
cent of the GDP for uni-
versal non discriminatory 
social security as all 
people living and working 
in India have the right 
over wealth collectively 
produced in India. It was 
also announced that Feb-
uary 23 will be observed 
as a national action day 
for social security. Fol-
lowed by this, during the 
budget session a symbolic event in Delhi will be organised a day prior to 
the budget presentation.

**Major Achievements**

- Call for a universal non-discriminatory social security for all people 
living and working in India as opposed to the prevalent social 
security system emerged from the national convention
- Articulations of dalits, adivasis, women and migrants’ perspectives 
on social security, for instance, “social security is a dalit right”
- Increased cooperation between organisations of workers, people’s 
movements, organisations campaigning for social security, organ-
isations of dalit, adivasis, women and migrants and other socially 
disadvantaged groups
- Critically addressed the UWSSA 2008 and suggested amend-
ments
- Adopted Patna Declaration which gives a direction to the cam-
paign
- A decentralised campaign strategy and plan of action with em-
phasis on involvement of the masses

**Constraints**

- Political mileage could have been better if more Ministers and MPs
from the ruling coalition at the centre attended the convention

- Financial resources remained a constraint
- Efforts could have been made to ensure participation from more states and sectors
- Many of the participants could have articulated social security better than they did
- There was a general feeling that the national convention could have been for a day more so that more people could intervene and participate in the debates and discussions
- Campaign and educational materials could have reached the participants much earlier
- Due to unavoidable logistical constraints the cultural presentations by various groups could not be staged

**Media Response**

Around 10 news papers and 8 electronic media continuously covered the three days programme and the press conference of the National Convention on Social Security for Unorganised Workers, January 8-10, 2010, Patna, Bihar.

The press conference organised as a curtain raiser to three day national convention was covered by the following newspapers on January 8, 2010: Prabhat Kabhar, January 08, 2010, “Asangathit Mazdooron ko mile samajik sureksha”; Hindustan, January 08, 2010, “Asangathit Mazdooron ki samajik suraksha par adiveshan aaj se”; Dainik Jagaran, January 08, 2010, “Mazdooron ki samajik suraksha par adiveshan aaj”;


The electronic media that covered the three day event included: Darsh News; PTN News; Hamar TV; Mahuaa News; Maurya News; Doordarshan; Sahara Samay and Bihar News

**Sharing of Financial Responsibilities**

By and large all the participating organisations (about 200) contributed to the meeting by bearing their delegates travel expenses. CBCI contributed by offering accommodation for guests. Nidan contributed towards the venue cost and coordination. FEDINA contributed 2.14 lakh. CEC has contributed about 8.62 lakh with the support of Christian Aid and Dan Church Aid. Nevertheless, there remains a deficit of about Rs. 3.7 lakh with CEC, the national secretariat of SSN.

**Follow up of the National Convention**

- February 23 will be observed as a national action day for social security and district secretariats will be targeted.
- Followed by this, during the budget session in February 2010 a symbolic event in Delhi will be organised a day prior to the budget presentation
Annexure I
National Convention on Social Security for Unorganised Workers
January 8-10, 2010, Patna, Bihar
Programme Schedule

<table>
<thead>
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<th>Day 1 (January 8, 2010)</th>
<th>9 am</th>
<th>Registration of Delegates</th>
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<tbody>
<tr>
<td>Session I (11 am-1 pm)</td>
<td>Inaugural Session</td>
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<td>Speakers:</td>
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<td>Welcome: Ranjan Kumar, nidan</td>
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<td>Context Setting: J John, (CEC)</td>
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<td>Special Guests:</td>
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<td></td>
<td>1. Digvijay Singh, Member of Parliament (Lok Sabha)</td>
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<td>2. Ali Anwar Ansari, Member of Parliament (Rajya Sabha)</td>
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<td>3. N K Singh, Member of Parliament (Rajya Sabha)</td>
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<td>4. Jabir Husain, Member of Parliament (Rajya Sabha)</td>
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<td>5. Awadhesh Narayan Singh, Cabinet Minister, Labour Employment and Training, Bihar Government</td>
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<td>6. Shambhu Sharan Shrivastav, Member of Bihar Legislative Council</td>
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<td>7. Kedarnath Pandey, Member of Bihar Legislative Council</td>
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<td>8. Jaya Shrivastava, Social Activist</td>
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<td>9. R A Mital, Hind Mazdoor Sabha (HMS)</td>
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<td>10. Ashok Ghosh, United Trades Unions Congress (UTUC)</td>
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<td>11. Pratibha Shinde, Lok Sangharsh Morcha (LSM)</td>
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<td>12. K Vinay Kumar, National Federation of Dalit Land Rights Movements (NFDLRM)</td>
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<td>13. Khagendra Thakur, Pragatisheel Lekhak Sangh</td>
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<td>14. Prabhakar Sinha, People’s Union for Civil Liberties (PUCL)</td>
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<td>15. Justice R R Prasad, Bihar Human Rights Commission (BHRC)</td>
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<td>(Presidium: CEC, LSM, NFDLRM, nidan, and YUVA)</td>
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<td>Lunch 1.00 pm - 2.00 pm</td>
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Session II
(2 pm onwards)

**Mazdooron Ki Awaz**

The concept of social security has been alien to the workers due to its presentation as an idea far removed from the everyday realities of workers. Therefore, this session aims at demystifying and deciphering ‘social security’ and to help its articulation, the way people experience and understand. Workers are encouraged to present social security as rights in terms of the right to old age pension, the right to unemployment benefits, the right to maternity benefits, the right to livelihood loss compensation, the right to accident and medical care as well as the right to provident fund and employee state insurance schemes. Depositions are expected from twenty two sectors based on their experiences of denial of social security and the vulnerabilities arising out of it.

**Jury Panel:**
1. Justice R R Prasad, Bihar Human Rights Commission (BHRC)
2. Ganga Prasad, Jansatta
3. Amarjeet Kaur, All India Trade Union Congress (AITUC)
4. Sujata Gothoskar, The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF)

*(Jury Coordinators: Pallavi Mansingh and R S Tiwari)*

Day 2 (January 9, 2010)

**Session III**
(9.30 am – 11.30 am)

Panel discussion on Social Security and Vulnerabilities of Dalits, Adivasis, Women, Migrants and Urban Poor

The session will deal with the need for the law to address the vulnerabilities as well as the imponderables workers face while attempting to access social security.

**Speakers:**
1. Bullu Sarin, Social Activist
2. Ashok Choudhury, National Forum of Forest People and Forest Workers (NFFPFW)
3. Sujata Gothoskar, (IUF)
4. Jai Singh, Dalit Dasta Virodhi Andolan (DDVA)
5. Dalip Singh Pandhi, Punjab State Commission for Scheduled Castes
6. Raju Bhise, Youth for Unity and Voluntary Action (YUVA)
7. Shaktiman Ghosh, Hawkers Sangram Samiti (HSS)

*(Presidium: BIRSA, DSS, FEDINA, ISI, PWESCR and Vigyan Foundation)*

**Tea Break 11.30 am-11.45 am**
### Session IV
(11.45 am – 1.30 pm)

**Panel Discussion on Financing Social Security**

The session will discuss options for financing social security fund through reduction in defense budget and through tax revenues from investors, corporate and rich should promote development and enable the government to have space for funding social security.

Speakers:
1. Praveen Jha, Professor, Jawaharlal Nehru University (JNU)
2. Duarte Barreto, FEDINA
3. D Narasimha Reddy, former dean, School of Social Sciences, University of Hyderabad

*(Presidium: HRA, NCC-USW, NIWCYD and UPGMS)*

### Lunch 1.30 pm - 2.30 pm

### Session V
(2.30 pm – 4.30 pm)

**Towards National, Regional Action Plan and Patna Declaration**

The session will discuss in groups and prepare national and regional action plan. It will also discuss issues like how to broaden the campaign network. The group discussion will be in groups divided regionally. The group discussions will be followed by Plenary in which the group leaders will present their reports.

Presenters: UN Mishra, nidan and Pallavi Mansingh, CEC

*(Presidium: CECOEDECON, NFFPFW, PSM and USDMWM)*

### Tea Break 4.30 pm-4.45 pm

### Session VI
(4.45 pm – 5.30 pm)

**Concluding Session**

Speakers:
1. Sharad Yadav, Member of Parliament (Lok Sabha) and National President of JDU
3. Shanti Patel, Hind Mazdoor Sabha (HMS), Freedom fighter and former Member of Parliament
4. Ambarish Rai, Lok Sangharsh Morcha

*(Presidium: CEC, Cornerstone, LSM and NIDAN)*

### Session VII
(5.00 pm onwards)

**Cultural Programme**

- *Bhuma* Dance Drama by IPTA
- Sufi Music by IPTA
- Play on Social Security by Nidan Sanskritik Manch
- Play on rights of domestic workers *Jeene Ka Hakk* by NIWCYD, Nagpur

### Day 3 (January 10, 2010)

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<th>Time</th>
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<tr>
<td>12.00-1.00 pm</td>
<td>Rally</td>
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<td>1.00-2.00 pm</td>
<td>Public Meeting</td>
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### Curtain Raiser (January 7, 2010)

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<th>Time</th>
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<tr>
<td>3.00pm – 5.00 pm</td>
<td>Press Conference</td>
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