

## **CHAPTER I**

### **INTRODUCTION**

People have been on the move since time immemorial. However, in recent years, global change has increased migration considerably. Rapid urbanization and industrialization of the areas have generated more employment opportunities and also created better infrastructure. People migrate to such regions perceiving them as greener pastures. For many people around the state moving away from their home town or village can be the best and in sometimes the only options open to improve their life chances. Migration can be hugely effective in improving the income, education and participation of individuals and families and enhancing their children's future prospects. (Human Development Report, 2009) Migration in India is mostly influenced by social structures and pattern of development. The development policies by all the governments since independence have accelerated the process of migration. Uneven development is the main cause of migration. Added to it, are the disparities, amongst different social economic classes (Mitra and Murayama, 2008). The landless poor who mostly belong to low castes, indigenous communities and economically backward regions constitute the major portion of migration. The total migrants as per the Census of 1971 were 167 million persons, 1981 Census 213 million, 1991 Census 232 million and 2001 Census 307 millions. (Census 1971, 1981, 1991 & 2001). As per the provisional Census data of 2011; the estimated rate of net rural to urban migration has marginally increased from 21 percent in 1991-2001 to 24 percent in 2001-2011. It has been estimated that the number of internal migrants is nearly four times the number of international migrants (UNDP 2009). The two sources of data on migration in India come from the population census and NSSO Reports. The Census of India has been the main source of information on migration. Until 1951 the Census data on migration had limited scope since it was based on place of birth and place of enumeration. From 1961 the scope of inquiry was expanded to include data on duration at

resident and place of birth- rural to urban. From 1971, an additional question on place of last resident was introduced in addition to place of birth data. These two concepts provide information on migration level and the emerging pattern of migration in India.

With trade, liberalization and new economic policy, labour demand has motivated individuals to join the migration streams in groups or with their families to cash in the opportunities [Shanthi, (1993), Chantavnach, (2001)]. Out of 1.02 billion people in the country, 307 million (30%) were reported as migrants by the place of birth. This proportion in case of India is slightly more than what was reported in 1991 (27.4%).

There has been a steady increase in the country in the number of migrants whereas in the 1961 there were about 144 million migrants by place of birth in 2001 census it was 307 million.

**TABLE 1.1**  
**DATA ON MIGRANTS IN INDIA**

(in millions)

<b>Migrants by the Place of Birth</b>	<b>2001</b>	<b>1991</b>	<b>Variation (%) (in millions) 1991-2001</b>
Total population	1028.6	838.5	21.5
Total migrant			
Persons	307.1	229.8	32.9
Intra-district	181.7	136.2	32.6
Inter-district	76.8	59.1	29.5
Inter-state	42.3	27.2	54.5
From abroad	6.1	6.9	-11.6

Source: (1991, 2001 Census)

Table 1.1 shows that short distance intra district migration is higher in India with 181.7 million in 2001, followed by inter-district migration. In modern times migration has been proved as a development fostering process. The

mobility of human population all over the world has become an important component of economic development and social change.

An analysis on the Census 2001 data reveals that among the migrants, 53.3 million had migrated from rural to urban areas, 20.5 million had migrated from urban to rural areas, and 14.3 million had migrated from urban to urban areas. Marriage was cited as the pre-dominant reason for migration among females. About 42.4 million migrants out of total 65.4 million female migrants cited this as the reason for migration. Among males, the most important reason for migration was work/employment, with 12.3 million male migrants' stating this as the reason for migration. This indicates an increase of around 37 percent from Census 1991 which recorded 226 million migrants. Majority of the out-migrants have moved to the bordering states. Studies on migration in India have shown that poor households participate extensively in migration, especially since 1971. (Census, 1991, 2001)

The significance of economic development has emerged in recent years and internal migration in general and rural–urban migration in particular is receiving favourable comment in the economic development literature. Rural-urban migration is not only an integral part of industrialization and economic development but it may become a major instrument of social change both at the place of origin as well as destination. The urban setting is the fertile ground for the generation of social and economic change and these are spread in rural areas by the process of rural-urban migration.

Migration of adult male is one of the whole economically motivated. The migration literature provides strong empirical support for the importance of economic incentives in the decision to migration. The migrants tend to move from places of lower economic opportunities to areas with higher potential opportunities. The rural to urban migration in India, in a sense is a search for economic emancipation. In majority of cases 'push' factor is more potent than the 'pull' factor in the rural to urban migration. The individual member who migrates, does not have in mind only his personal needs and requirements rather he has to look after the parent, family and other kin members at the place of origin besides his nuclear family which stays with him

either in city or stay back with the parent family in the village. (Shukla C.K & Ali .S, 2006)

Migrants from rural areas are usually illiterate or semi-literate and work in informal sector in cities, providing key services that make life better for most of the city in habitants (Seela.K.Prabhu, 2009).

A voluminous literature is available explaining migration that mirrors the discipline and ideological underpinning of the researches. Sociologists like Lee (1961) conceptualized migration as the play of negative and positive factors that respectively pushes a migrant from the place of origin to migrate and pulls him to the place of destination. Neo-classical constructs dominated the explanations. Locating migration decisions at the household level and arguing that such decisions are based on the opportunities and constraints that the households face, the neo-classical theorists propagated human capital theory [Sjaastad (1962), Todaro (1969, 1980)]. This construct argued that the inclination to migrate is determined by the differences in income between source and destination of migration and may result in equating expected income. Given their skills, their decisions about where to live are based on whether the individuals can optimize the present value of their discounted stream of expected future earnings. Migration according to Saxena (1977) may be motivated by the desire to seek skills and that leads to development, urbanization and socio-economic transformation. In the same line Stark (1978) identifies transaction cost, imperfect information and imperfect credit, land and labour markets as the main determinants of migration. Hoddinott (1994) models migration as the outcome of a joint utility maximization by the prospective migrant of the other family members. These elaborate models of behavioural decision making emphasize that circulation of labour is a form of risk reduction, a means of spreading the risk spatially and occupationally while maximizing consumption.

It is generally believed that the globalization process all over the world has accelerated the migration trend in search of survival, fulfilment and a better life for migrants and their families. The theory of dualism considers this as a prime indicator of development. It was assumed that rural-urban

migration would always be voluntary and lead to a generation of new labour that would be more skilled and receive higher wages (Todaro, 1977). But several empirical works suggested that rural- urban migrants were not actually entering the modern working class, but were being absorbed in the informal sector (Breman, 1985). Further studies have also established that these migrants were struck well below the poverty line (Sharma 1988). These migrants were characterized as 'working poor'. Hence, migration is not always voluntary and upward mobile, but in fact seen as the compulsion generated in the interest of survival. It is estimated that about 175 million persons currently live in countries other than where they were born. This constitutes nearly 3 percent of the world population; almost one in 10 persons living in developed countries is a migrant as compared to nearly one in 70 persons living in developing countries. The number of migrants in the world had increased by 21 million people during 1999-00 (UN, 2003). The more developed regions of the world received nearly 12 million migrants from the less developed regions during 1995-00. In India, labour migration is an important livelihood strategy. The Indian constitution provides its people the basic freedom to move to any part of the country and the right to reside and earn a livelihood of their choice. A person is treated as a migrant if he/she had stayed continuously for 6 months or more at a place other than where he/she was enumerated. (NSSO, 55<sup>th</sup> Round)

Migration from different states to other states in India has now become so rampant that its impact is felt in every aspect of life. Migration has become a way of life to many, who are unskilled and semi skilled and find difficult to get better jobs within their natives and locality. Most of the poor people migrating to cities and towns join one or another informal sector activity either in wage employment or self-employment. Mobility of labour takes place when workers in source areas lack appropriate options of employment and livelihood and there is expectation of improvement in standard of living through a continuous source of employment in the area where they intend to migrate, in terms of increased income and more participation in employment (Lall, Selod and Shalizi, 2006). The development process of the city provides

people with new economic opportunities and also other social benefits which lead to migration of workforce to urban areas. However, the participation of these migrant workers in the organized sector employment, which provides decent working condition in the urban areas, has been abysmally low, partly explained by lack of educational attainment of rural youth, which is required to get job in the organized sector (Bino, et al; 2008). Therefore, they tend to be absorbed in the informal sector which has grown over time, functioning as providers of essential services to the city although at very low returns (Shrivastava & Kumar, 2003).

Construction workers are one of such migratory group. Construction industry is now becoming a way of entering a city for the rural migrants (Khuntia 2005). As a result, majority of the workers in the construction industry are migrants. The construction industry has a long tradition of employing migrant labour. During the process of economic development, work in construction provides a traditional point of entry to the labour force for migrant workers from the countryside. Construction work is often the only significant alternative to farm labour for those without any particular skill or education and it has special importance for the landless. Construction industry is labor intensive in India, because labor is cheap and available in abundance. Shah and Mehta (2009) classify three types of migrant construction workers on the basis of their level of skill. The first is skilled construction workers such as bricklayers, masons, reinforced concrete workers, tile and roof layers, plasterers, supervisors, foremen, carpenters, plumbers, blacksmiths and electricians. The second category is semi-skilled workers like white washers, pipe layers and construction workers not elsewhere classified. The third is unskilled workers consisting of loader and un-loaders. Laskar and Murty (2004) reported that every `10 million investments made on construction project will be able to provide employment to 22,000 unskilled man-days, 23,000 skilled or semi-skilled man-days and 9,000 managerial and technical man-days approximately. It is a major source of employment worldwide, arguably the second largest after agriculture, and generally the primary one in

urban areas. In Indian cities millions of unskilled porters, bricklayers and other low-caste labourers have left their native villages to escape extreme rural poverty and find a job in big cities (Mumbai Mobile crèches, 2007-08)

Construction workers may not be pure migratory workers but they have maximum mobility because of the nature of their work. They have to move from one construction site to other as per the directions of the contractors. In the post global scenario, after 1991, Indian economy has grown satisfactorily and so the construction sector. Residential and commercial complex, roads and power structure, canals and irrigation structure, industrial construction like steel, textile, fertilizer, oil, gas refineries and pipelines etc. are on rise. This has in large created an excess demand of manpower that has led to large scale interstate and intra-state migration of workforce (National Workshop, 2010). The construction industry is the single largest employer of migrant labourers, the poorest of the poor. Construction has the ability to “absorb the excluded” (de Souza, 2000).

### **Construction Sector as an Informal Sector**

In an attempt to mitigate deprivation and make an adequate living for themselves, people from poor households in rural areas keep moving and shifting their place of living to urban areas. They make a serious effort to diversify their livelihoods through a variety of informal sector job opportunities available in the urban areas (Bhattacharya, 1998). Construction is one of the few industries where people can work their way to the top from the bottom level (Fisher, 2007). In fact, the rural migrant labourer enters a situation of unlimited supply of labour from the rural areas to the expanding demand of labour in the urban informal market (Indrani Gupta and Arup Mitra, 2002). The unorganized sector, now being referred as informal economy at global forums, is understood to be outside the world of regular, stable and protected employment which means that the workers in this economy are not recognized, regulated or protected by the existing legal and regulatory frameworks. They receive little or no legal and social protection. The nature of work and the working conditions are far below that called as decent work

(Singh, 2007). Unorganised or informal sector constitutes a pivotal part of the Indian economy. More than 90 per cent of workforce and about 50 per cent of the national product are accounted for by the informal economy. The following table gives the sector wise estimates of GDP for the year 2006 in the informal sector.

**TABLE 1.2**  
**SECTOR WISE ESTIMATES OF GDP IN THE INFORMAL SECTOR**

SECTOR	GDP ESTIMATE	
	TOTAL	INFORMAL SECTOR
Agriculture	454061	440128
Mining	41594	3494
Manufacturing	289014	73990
Electricity, gas and water supply	44732	2773
<b>Construction</b>	<b>105149</b>	<b>61197</b>
Trade	239144	193989
Hotels and Restaurants	23013	15038
Transport and Storage	104305	60231
Post and Telecommunication	28447	3672
Financial Intermediation and Insurance	105662	8231
Real Estate, Renting and Business Services	127758	90766
Public administration and Defence	119671	0
Other Services	146123	53076
<b>Total</b>	<b>1828673</b>	<b>1006585</b>

Source: Expert Group on Informal Sector Statistics, Paper No.7, 2006

As can be seen from the table, the construction industry had contributed 5.75 percent of GDP, in which the contribution of the informal sector was about 58 percent. A high proportion of socially and economically underprivileged sections of society are concentrated in the informal economic activities. The high levels of growth of the Indian economy during the past two

decades are accompanied by increasing informalisation (National Statistical Commission, Government of India, 2012). The construction industry has a very high potential of employment creation, especially for the uneducated and poor.

The surplus low skilled individuals, who do not find desirable employment profile with decent wage in the rural areas, get absorbed in the informal sector in the urban areas, donning the role of casual worker. Several factors make the workers in the construction sector vulnerable like employment which is permanently temporary, the employer-employee relationship which is very fragile and most of the time short lived and the work has inherent risk of life and limb due to lack of safety, health and welfare facilities. Thus the informal construction sector has been defined as comprising “unregistered and unprotected individuals and small enterprises that supply labour and contribute in other ways to the output of the construction sector”. (Mlinga and Wells, 2002).

### **Construction industry in India**

Construction has substantially contributed to the gross fixed capital formation in the country. During the period of the first three five year plans, its contribution to the gross fixed capital formation in the country was over 60 per cent and averaged 66 per cent. During the 4<sup>th</sup> and 5<sup>th</sup> plans, the contribution averaged 56 per cent and during the eighties, its contribution averaged 48 per cent. In absolute terms, the contribution of construction to gross fixed capital formation went up from ` 633 crores in 1950-51 to ` 1337 crores in 1960-61, ` 3960 crores in 1970-71, and to ` 7340 crores in 1987-88.

The share of the Indian construction sector in total gross capital formation (GCF) came down from 60 per cent in 1970-71 to 34 per cent in 1990-91, and then it increased to 48 per cent in 1993-94 and stood at 44 per cent in 1999-2000. In the 21<sup>st</sup> century, there has been an increase in the share of the construction sector in GDP and capital formation. (ASSOCHAM, 2011).

The National Committee on Science and Technology and the former Construction Division of Planning Commission worked out approximate construction component of various sub-sectors of the economy. It is found that construction makes its contribution to almost each of the sub-sectors ranging from almost 12 per cent in the welfare programmes for backward classes to 100 per cent in the housing sector.

To judge the impact of construction component on sub-sectors, it is necessary to know the plan outlets for each of the sub-sectors. The approximate construction content as percentage ranged from 36 per cent to 50.4 per cent of the total outlay. The investment in construction in the public sector alone was ` 988 crores in the first plan, ` 1990 crores in the second plan ` 3032 crores in the third plan ` 7841 crores in fourth plan, ` 16,327 crores in the fifth plan, ` 48,359 crores in the sixth plan and ` 69,160 crores in the seventh plan. The construction component of ` 69,160 crores in the seventh plan referred as to above relates to public sector only. The seventh plan outlay on private sector was ` 3, 20,000 crores and the construction component worked out to ` 1, 22,000 crores. The Planning Commission of India has proposed an investment of around US\$ 1 trillion in the Twelfth five-year plan (2012-2017), which is double of that in the Eleventh five-year plan. (Construction Sector Analysis Report, 2010)

The construction industry of India is an important indicator of the development as it creates investment opportunities across various related sectors. The share of construction in GDP has increased from 6.1 percent in 2002-03 to 6.9 percent in 2006-07 (XI Five Year Plan, 2007-12, Vol II). The construction industry had contributed an estimated ₹ 3,84,282 crore to the national GDP in 2010-11 (a share of around 8%). The industry is fragmented, with a handful of major companies involved in the construction activities across all segments; medium sized companies specializing in niche activities; and small and medium contractors who work on the subcontractor basis and carry out the work in the field. The sector is labour-intensive. India's construction industry employs a work force of nearly 32 million and its market

size is worth about ₹ 2, 48,000 crores (XI Five Year Plan, 2007-12, Vol II). It generates substantial employment and provides growth impetus to other manufacturing sectors like cement, bitumen, iron and steel, chemicals, bricks, paints, tiles etc. whose combined value is ₹ 1, 92,000 crores annually. Constituting an important segment of the overall services industry, and recording an annual growth of over 10 per cent over the last five years (Moushumi Basu, The Hindu, 2012), the construction industry is one of the biggest employers of labour in India. As stated in a report (Manpower Shortage Hits Construction Industry, 2007) the construction industry in India is facing a huge shortage of manpower, especially those with skill-sets to sustain the burgeoning growth in infrastructure and housing sectors. Although the construction industry employs about 31 million people, second only to the agriculture sector, the workforce requirement is about 5 million people per year over the next seven years to sustain the current eight per cent growth rate. With only two million workers available in the country every year, the construction industry will face a heavy manpower challenge, as it requires employing 5 million people per annum. (Poongodi, 2012).

In India, much building activity is undertaken directly by small enterprises (under a maistry) hired directly by building owners. This is known as the Naka / Mandi section of the industry. Naka / Mandis are points in cities where workers gather in the morning to wait for customers, who come from the mass of individual house owners and petty contractors to hire them as required. Although there is no reliable data, this section of the industry appears to be increasing day to day. (ILO, 2001)

There is evidence from many countries that employers do not pay into social security funds on behalf of construction workers who are on temporary contracts. Hence, the workers who are most in need receive no social security benefits – no health care, no holiday pay and no protection against loss of pay in periods when they are unable to work due to unemployment, ill health, accidents or old age. In India, the vast majority of construction workers are not covered by provident fund contributions, although this is mandatory under the law. Other provisions required by law but notable by their absence include:

compensation for injuries, medical care, potable drinking water, rest rooms for workers and days off with pay (Vaid, 1999).

In addition to concerns over safety there are worries about the health of construction workers. The main occupational health problems in the construction industry are back injuries from carrying heavy loads, respiratory disease from inhaling dust, musculoskeletal disorders, noise-induced hearing loss and skin problems. (Luis Alves Dias, 2009). Workers employed by subcontractors and other intermediaries are generally less aware of these risks, and less able to combat them, than employees in larger firms. An added problem in many developing countries is the poor state of site accommodation and services. It is common practice for contractors to provide housing on site for construction workers, particularly when they are migrants from the countryside or from overseas.

In India the on-site accommodation provided for workers is also rudimentary, comprising simple shacks with no running water or sanitation and poor ventilation. Accommodation on most sites is clearly not up to the stipulated standards, yet nothing is done about it (Vaid, 1999).

In terms of the ILO's four strategic objectives, the industry has been examined by addressing the following issues.

### **Rights at work**

Basic labour rights are widely flouted in the construction industry. In many countries construction workers are excluded by law from joining trade unions because of their temporary employment status, because they are self-employed, or because they are migrants. Discrimination between men and women, local and migrant workers, and temporary and permanent workers in their terms and conditions of employment is widespread in both developing and developed countries.

### **Social protection**

Majority of construction workers enjoy little or no social protection (income security or social security). Construction workers are also at serious risk of exposure to unsafe and unhealthy working conditions.

## **Social dialogue**

Social dialogue in the construction sector is hampered by fragmentation of the industry and weak workers' and employers' organizations.

## **Employment**

The construction sector is providing employment for some of the most disadvantaged sections of society, and could even increase employment opportunities in low-wage countries, where there are few alternatives. However, the quality of work in the industry is not good and lack of skill could pose a threat to employment in the future.

## **Main Characteristics of the Construction Workers**

### **Nomadic Population**

Construction is a fundamental, integral part of economic development and provides many of the materials benefit of progress: housing, schools, hospitals, transport, infrastructure, irrigation schemes, power stations, industrial plant, etc. The generation of largest scale employment is a significant aspect of construction work for both male and female workers. In consequence, a substantial proportion of national capital investment is annually absorbed by construction works. This proportion may be as high as 50 per cent in many developing countries, where it is often the largest single element of national expenditure. Construction includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting or concreting, the installation of any machinery or plant. (Occupational Health and Safety Act. OHSA, 2012-2013)

### **Insecure and Underpaid Jobs**

Construction workers are unskilled and illiterate workers, which make them very vulnerable to exploitation. Being part of an unorganized and fragmented sector their bargaining power is low and they could not easily fight against injustice. They are often not paid minimum wages and even the agreed wages are not paid in time. Moreover, their working time and hours

are not well regulated and they do not get paid when they work overtime. Besides this, Migrant workers are a dispensable commodity in maximising profits when local labour is far more expensive. For instance, while a local construction worker costs ` 500 or more a day, a migrant worker is willing to do any work for ` 250-350 (G.Pramod Kumar, 2012).

### **Hazardous Working Conditions**

The working conditions and the facilities provided at the sites are far from satisfactory. Most of the companies do not even provide safety belts, protection eye wears, hand gloves, shoes or helmets to their workers. India has the world's highest accident rate among construction workers. According to the study by the International Labour Organization (ILO, 2001), in India, 165 out of every 1,000 workers are injured on the job. Moreover the companies are not ready to compensate employee's having injuries who are not covered by life insurance. In case of accident, there is, in general, no provision for financial and medical aid. It is up to the workers themselves to arrange for the treatment.

### **Lack of Basic Amenities**

The living conditions are no way better than the working conditions. Construction workers live with their family in temporary shelters built on the construction site. They live in tents built out of rubber and metal sheets. Most of the time the construction companies do not provide any electricity or sanitation facility. Majority of the sites neither have toilets nor bathroom facilities and drinking water is often not available.

### **No Crèche Facility on the Construction Sites**

There is no system at all to take care of these children at work site despite the "Building and other Construction Workers (Regulation of employment and Conditions of service) Act, 1996, that stipulates that if more than fifty female workers are employed, rooms should be provided for the use of their children. According to the Act, these rooms are supposed to be suitably large, well lit and ventilated, clean and sanitary and under the charge of women trained to care for young children but builders find various lacunae to get around these requirements. Because of their family's extreme poverty

and also since their parents are constantly working – sometimes mothers go back to work a few hours after delivery – small children are left to fend for themselves and are wandering around the site all day long.

Although the provisions of various Labour Laws i.e. Minimum Wages Act, 1948, Contract Labour (Regulation & Abolition) Act, 1970 and Inter-State Migrant Workmen (Regulation of Employment & conditions of Services) Act, 1979 etc., are applicable to the building and other construction workers, a need was felt for a comprehensive Central legislation for this category of workers. Towards the above goal the following two enactments have come on the Statute Book with effect from. 20.8.96, initially brought in as Ordinances on 03.11.95.

- a) The Main Act- The Building & Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996 : and
- b) The Building & Other Construction Workers' Welfare Cess Act, 1996.

Besides the above, the National Building Code (NBC) of India, 2005 is a national instrument providing guidelines for regulating the building construction activities across the country. It serves as a model code for adoption by all agencies involved in building construction works be they public works departments, other government construction departments, local bodies or private construction agencies. The Code mainly contains administrative regulations, development control rules and general building requirements; fire safety requirements; stipulations regarding materials, structural design and construction (including safety); and building and plumbing services.

Construction workers may be broadly classified as skilled and unskilled. Though child labour is prohibited, children are engaged for unskilled jobs. Most of the workers in this sector are employed on a casual basis. Unstable employment/ earnings and shifting of workplaces are the basic characteristics of work for construction workers. Employment in construction is usually interspersed with periods of unemployment of varying duration,

mainly due to fluctuating requirement of labour force on each worksite. The nature of work is such that there are no holidays. It is established that female workers do not in general get minimum wages. Though skilled workers secure jobs directly from employers, unskilled workers by and large, are engaged through intermediaries who introduce the workers to contractors on a commission basis.

Since workers are generally recruited on contract basis, failing to achieve the required quantum of work results in either deductions or uncompensated overtime work. In return for providing jobs, the intermediaries often collect commission from each worker at a fixed rate for each working day. Women engaged in construction works, are the most exploited. What is worse, the contractors remove sick and injured workers from sites and pay rolls without giving them adequate compensation.( Kumbhar DR 2012)

Unorganized construction workers can truly be described as sweat labour, and violation of laws on minimum wages, equal wages, child labour, contract labour, and interstate migrant home-based occupations. Unionization is not allowed or encouraged, and construction workers like many others in the unorganized sector remain invisible and vulnerable, voiceless and un-unionized. (Kumbhar DR, 2012)

The existing labour laws applicable to construction workers are based on inspection, prosecution, fines, etc. However, legal processes are so time consuming that the aggrieved worker may be out of employment or employed elsewhere by the time redressal materializes. He/ she cannot leave his/ her worksite, forgoing his/ her daily wages to go elsewhere to pursue complaints against violation of laws. The existing laws do not give adequate protection to workers against victimization.

The social safety network of building workers is built around kinship and tradition, and trade unions have not yet found a place in this system. Contractors are paternalistic; their style of management may be authoritarian. A contractor may be tight-fisted in fixing rates of payment and may not have

latrines, urinals and other facilities at worksite. But he would be generous when a worker sought help from him for celebrating his daughter's marriage, attending to illness in the family etc. One of the statutory obligations of a contractor is that he should provide workers, at his own cost, with living accommodation to workers (Kumbhar DR, 2012)

### **Migrant Workers in the Construction Sector**

It is true that construction sector paves the way for the livelihood of migrant workers. But when one looks into the condition in which they live it does not seem to be a prosperous one. The construction industry is a key employer for many of India's many internal migrants. The migrants come from across India to work long hours in return for little pay and few, if any, benefits. As workers often change construction sites, families are highly mobile and, as a result, children are left out of the regular schools. Frequently, as both parents are engaged in construction, younger children are left on-site to tend for themselves.

There has been a series of construction site accidents that claimed lives of many migrant labourers. According to the Centre of India Trade Unions (2012), there are more than 10 lakh migrant labourers in Tamil Nadu in which only 1.15 lakh are registered. They live in pathetic conditions, drawing poor wages. There is no reliable data on such workers living in the city or the suburbs (The Times of India, 2012).

In fact, two pieces of legislation—the Interstate Migrant Workmen Act (Regulation of Employment and Conditions of Service) 1979, and The Buildings and Other Construction Workers Act (Regulation of Employment and Conditions of Service) 1996—guarantee adequate protection and reasonable living conditions to the migrant workers, whether employed in industries, agriculture or construction. The first Act is to regulate the working conditions of migrant workers and applies to any establishment that employs five or more inter-state workers. The Act makes registration of employees mandatory and strictly regulates the working conditions such as wages,

allowances, equality and proper recording and maintenance of their employment details. It is illegal to employ workers without registration under the Act and the offenders can face punishment ranging from cancellation of licenses to prosecution. The second Act is specifically meant for construction sites and applies to any establishment that employs 10 or more workers. This Act also makes registration of the workers mandatory and stipulates a host of conditions for the “safety, health and welfare” of the employees. The conditions are specific and include food, health facilities, drinking water, quality of accommodation, creche facilities and a lot of welfare measures.

Pramod Kumar (2012) states that these Acts are observed more in breach. The workers are distress migrants and are neither aware of their legal rights nor are empowered enough to demand them. Living conditions back home are so bad that they arrive in droves to take up any work that is available. Estimates show that more than a million migrants, most of them at the lowest level of construction work, are employed in Mumbai, India. Academic literature on the issue also show that a large number of them belong to Scheduled Castes and Scheduled Tribes (First Post India, August, 10, 2012). They speak different languages and are totally alien to the local culture and hence live in their own ghettos and get transported to sites like cattle. Although they have substantial numbers, since they offer no vote bank, no political party has every taken up their cause. In fact, a key vulnerability that they face arises from their cultural and political marginalisation. The political influence of the contractors and construction companies also ensure that the workers remain ghettoised, silent and invisible. The migrant labourers are not only faceless, but are also unaccounted for in terms of numbers. In the absence of proper adherence to the two Acts; which also includes their registration, recording of employment details and their return; there is no reliable statistics on inter-state migrant workers. The data of the National Sample Survey Organisation (NSSO) is not reliable since it doesn't capture the real migrant workers. Lack of registration and proper monitoring of migrants also have law and order consequences (First Post India, 2012).

A cross-sectional study at construction site Vidyavihar (West), Mumbai, carried out by Balkrishna B, et al; over the period of May to November 2010 revealed that of the 1337 workers (all males) examined, nearly one-fifth of the workers had illness, of which 20.71% had suspected malaria; 12.6% had respiratory infections, while 3.4% were found to have hypertension. There was a statistically significant association ( $P < 0.05$ ) between type of occupation and morbidity status.

An empirical study by Mohammad Akram (2012) attempted to understand the issues related to sexual behavior and sexual health of the Migrant Construction Workers (MCWs) in India. The study was conducted in six districts of western Uttar Pradesh with three hundred respondents. The findings revealed how the migrant construction workers are marginalized people in urban spaces and more susceptible to sexual health problems. The author stated that they are victims of multiple complications because of unstable nature of their employment, vulnerable living conditions, lack of health awareness and dearth of health care facilities. The study urged immediate attention of the policy makers and health planners towards the sexual health problems and expected to bring immediate intervention for improving their situation.

Various studies have shown that low level of wages, inadequate social security measures, unhygienic working condition, insecurity of job etc are the major problems faced by the construction workers (Sewa, 2000; Winnie etal (ILO) 2003, Kalyan Das 2007). These problems deprive them and their family members' access to basic facilities such as health, education and other welfare provisions, which are needed, for their development.

In a report by the Self Employed Women's Association 'SEWA' (2000), construction workers in India articulated the following concerns: that they had no job security, their occupational risk factor was extremely high due to innumerable accidents resulting in temporary or permanent disabilities, they were doubly affected due to the lack of insurance coverage, their wages were low and were exploited by the contractors, they were not issued with any

identity cards, the majority of the construction workers were not organized; and that the local construction labor suffered from chronic unemployment due to the availability of large numbers of migrant workers who were willing to work at lower wages. This suggests a dissatisfactory state of construction workers in India.

Jandaksha Trust (2011) an organization working with migrant women, interviewed 1448 women workers of the construction sector in Udaipur city who are predominantly tribal (91percent), with the literacy levels being abysmally low, with the literacy level of 23 percent as against the female literacy level of 65.46 percent at national level and 52.66 percent in Rajasthan. About 95.38 percent of the women don't possess employable skill and a little over 3% know tailoring. The findings showed that mostly these women are the sole breadwinners of the household. In the construction sector, they are often employed in unskilled work of loading and material preparation. The average daily wage for women workers is ₹ 100, vis-à-vis ₹ 150 of a male unskilled worker. The average monthly income ranges from 1500 to 2500, which is about 40-60% of the household income. The study reported that women migrant workers from outside Udaipur are more vulnerable, engaging in longer hours of work and no access to safe and hygienic shelter.

A study by Kuruvila M, et al., (2006) reported that fungal infections, bacterial infections, scabies and viral infections are the most common dermatoses prevailing among migrant construction workers. The pattern of dermatoses is an expression of poverty, overcrowding and the occupational hazards of the construction industry. The exploitation of migrant construction workers has grown alongside the expansion of the industry.

### **Social Security Measures for Migrant Workers**

Social security is the protection which society provides for its members, through a series of public measures, against the economic and social distress

that otherwise would be caused by the stoppage or substantial reduction in earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death; provision of medical care, and the provision of subsidies for families with children (ILO, 1989). Social security comprises two types of measures, promotional and protective. Promotional measures consist mainly of employment, training, and nutrition schemes, by which persons are enabled to work and earn a livelihood. On the other hand, protective measures consist of schemes by which the State provides the means of livelihood when a person is not able to work (Sankaran, T.S, 1993). ILO standards relating to social security are mainly protective and have been designed primarily for workers in the organised sector. Both promotional and protective measures are necessary to provide adequate social security facilities.

Almost all labour laws are applicable to migrant workers also. One specific Act pertaining to inter-state migrant workers is the Inter-State Migrant Workmen (Regulation and Conditions of Service) Act 1979.

### **The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:**

The Act only covers interstate migrants recruited through contractors or middlemen and those establishments that employ five or more such workers on any given day. Salient features of the Inter-State Migrant Workmen (RECS) Act, 1979 are as under:

- ✧ Registration of all principal employers/contractors employing migrant labour.
- ✧ Licensing of contractors – no contractor can recruit any migrant labour without obtaining license from the appropriate government.
- ✧ Issue of passbook affixed with a passport-sized photograph of the workman indicating the name and the place of the establishment where the workman is employed, the period of employment, rates of wages, etc. to every inter-state migrant workman.

- ✧ Payment of minimum wages fixed under the Minimum Wages Act, 1948.
- ✧ Payment of equal wages for inter-state migrant workmen performing similar nature of work along with the local labourers.
- ✧ Payment of journey allowance including payment of wages during the period of journey.
- ✧ Payment of displacement allowance.
- ✧ Providing for suitable residential accommodation.
- ✧ Providing for medical facilities free of charge.
- ✧ Providing for protective clothing.
- ✧ Every contractor employing inter-state migrant workman is required to report to the specified authorities of both the States and also the next of kin of the workman, in case of fatal accident or serious bodily injury of such workman.
- ✧ It is the duty of principal employer to nominate a representative to be present at the time of disbursement of wages to the migrant workman by the contractor.

The other important legislations, which have some bearing on the welfare of unorganised sector workers include: Bonded Labour System (Abolition) Act, 1976, Payment of Wages Act, 1936, Employees State Insurance Act, 1948, Maternity Benefit Act, 1961, Personal Injuries (compensation Insurance) Act, 1963, Payment of Gratuity Act, 1972, Workmen's Compensation Act, 1923, Plantation Labour Act, 1948, Employees Provident Fund and Misc. Provisions Act, 1976, Inter-state Migrant Workmen (RECS) Act, 1979 and Child Labour (Prohibition and Regulation) Act, 1986.

### **Initiatives taken by the Central Government for betterment of the migrant workers**

On the recommendations of the Working Group constituted by the Indian Labour Conference held at New Delhi on 20-21st February, 2009, a Tripartite Group was constituted to examine the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

The Tripartite Group examined the various provisions of the Act. The Group reviewed the problems faced by the migrant workers, existing provisions of the Act, enforcement machinery, problems in implementation of the Act etc. The Group has submitted its report with the following recommendations:

- The Act should apply to every establishment employing migrant workers irrespective of the number of workers.
- Provisions should be made for registration of agencies (manpower agencies) which supply the labour to the contractors/employers in other states.
- The Inspectors appointed under the Act should be allowed to conduct inspections by the states/establishments where the migrant workers employed.
- Registered contractors should be allowed to recruit migrant workers only against a specific work permit issued by a Company for a predetermined time period. It will be the responsibility of the contractor either to apply and seek extension of work period or submit proof of migrant workers having been repatriated to their home place.
- Effective implementation of Building and Other Construction Workers Act by all the States/UTs and formulation and implementation of welfare schemes by the State Building and Other Construction Workers Welfare Boards.
- A convergence based approach for extension social protection and welfare measures to migrant workers irrespective of place of stay should be adopted.
- Effective enforcement of labour Laws.
- Promote awareness generations among migrant workers regarding rules and regulations.
- Extension of RSBY to migrant workers.

The following recommendations are put up for inclusion in the Twelfth Five Year Plan (2012-17) proposal for migrant workers:

**(i) Convergence based approach for extension of social protection and welfare measures to migrant workers:** The approach should include the following components:-

- Ensuring social protection for workers and their family members, through convergence of existing schemes and services, both at source and destination areas, to reduce their indebtedness and poverty situation.
- Empowering the workers by imparting rights based awareness education and enabling them to organize themselves and engage in collective bargaining.
- Implementing workplace improvement measures and facilitation to workers and their children to access Government schemes.
- Establishing active social dialogues process among tripartite partners for improving recruitment systems and working conditions.

**(ii) Effective implementation of Building and Other Construction Workers (RECS) Act, 1996 and the Building and Other Construction Workers Welfare Cess Act, 1996:** The focus should be on formulation and effective implementation of welfare schemes for construction workers by State Governments/State Building and other Construction Workers Welfare Boards as many of the construction workers are migrant workers.

However, all these Acts are either benefiting to select organised segments of the unorganised workforce or mostly with certain limited enabling provisions. Further, it is generally understood that the above acts have not been able to adequately address the social security concerns of the workers in the informal sector or to provide them any specific welfare measures. Despite the implementation of all these acts, the workers in the sector are mostly inadequately protected in terms of security of employment; better working conditions (prescribed times of work and reasonable wages); and effective systems /machineries for identification of eligible beneficiaries, dispute resolution and so on. The Government has also enacted the Unorganized

Workers' Social Security Act, 2008 for the social security and welfare of unorganized workers which includes building and other construction worker.

It is against this background, an attempt has been made in the present study to analyze the quality of life of migrant construction workers in Coimbatore city along with their working conditions and the problems encountered by them with the following objectives:

### **Objectives of the study**

- To examine the social, economic and demographic characteristics of the migrants in construction activities.
- To analyse the reasons for migration.
- To study the accidents met by the migrant construction workers at work place.
- To find out the awareness of the respondents on the social security measures available to them.
- To estimate the quality of life index of the migrant construction workers and
- To construct the Human Development Index of the migrant construction workers

### **Hypotheses**

- Inequality prevails in the income / expenditure / assets distribution among the respondents.
- Economic necessity is the major push factor for migration.
- Construction workers are not aware of the social security measures meant for them.
- Quality of life of migrant construction workers is poor
- There is significant difference in the Human Development Index of the selected migrant construction workers.

In the globalised economy, the role of the construction workers get prominence with the construction of the new economic zones, IT cities, call centers, mega malls and residential apartments that are creating new forms of wealth to-day. It is the construction workers who are laying the cables for a rapidly expanding country-wide telecommunications network. Yet, most of these workers, who are creating the bare of the new economy, live in a time warp, trapped in low skilled, low paid and insecure 'working condition in India'. Hence the current study on quality of life of migrant construction workers in Coimbatore city focuses on the environment under which the construction workers live and work and how they could be promoted to lead a healthy life.