



Migrant Construction Workers and Question of Inclusiveness: A Case Study of Bengaluru City

S Manasi¹, Malini L Tantri², Channamma Kambara³

The 20th century has witnessed rapid urbanisation, with a dramatic increase in the proportion of the global urban population from 13 per cent (220 million) in 1900 to 52.8 per cent in 2010 and it is projected to increase further up to 60 per cent (4.9 billion) by 2030 (World Urbanisation Prospects, 2005). India has witnessed an increasing trend in its urban population. In the last fifty years, the population of India in absolute terms has grown two and a half times, whereas urban India has grown almost five times. The growth of urbanisation is highly discernible in southern Indian states with more than 35 per cent of the population living in urban centers, barring Andhra Pradesh, while Karnataka's urbanisation has increased from 33.9 per cent in 2001 to 38.57 per cent in 2011.

With the increase in the urban population, demand for the development of infrastructure sectors in urban areas has increased tremendously, resulting in a steady movement of labour from rural to urban areas. According to the International Labour Organisation (ILO), the biggest increase in non-agricultural employment has been in the construction sector, where the share of employment in rural areas has increased from 14.4 per cent in 1999-2000 to 30.1 per cent in 2011-12 (India Labour Market Update, July 2016). This could be largely because construction work has become a means of immediate employment in urban areas as it guarantees day to day earnings. As Karmayog (2010) points out, it is the single largest employer of migrant labourers, the poorest of the poor, in Indian cities. According to NSSO, the casual labour in construction has expanded substantially during 1993-94 to 2014-15 while the share of other sectors has either stagnated or declined. As per the Economic Survey 2018, the construction sector is the second largest industry in India after agriculture, employing around 52 million people in 2018-19 across the country. Most of the construction workers are seasonal migrants and landless from economically weaker regions of the country who have migrated in search of employment opportunities in urban areas. They are socially backward,

unskilled, and uneducated with low bargaining power and are most vulnerable due to the temporary nature of their work and lack of a definite employee-employer relationship. As argued in the literature, they suffer from cycles of excessive seasonality in the nature of their job, scattered workplace, and lack of formal employee-employer relationship, bondage and indebtedness of employees (Jacob, 2011). As a policy response, the government both central and state governments, have tried to uplift their work and living condition through various interventions/schemes.

The informality of their jobs and shifting of place from one project to another poses the construction workers various socio-economic challenges in their health, nutrition, education, safety, and development. The social welfare of unorganised workers has always been a source of concern for the government. The challenges range from poor health with malnutrition to low quality housing, little or no access to basic services like sanitation or water. Often this population slips through the cracks of various government schemes due to lack of identity documentation or awareness. While the impacts are experienced across the population, children of such workers experience more severe consequences of disrupted life with no proper access to education, health care, and safe environment.

In this background, the ongoing research study from the Institute of Social and Economic Change (ISEC)



Migrant construction workers' place of dwelling

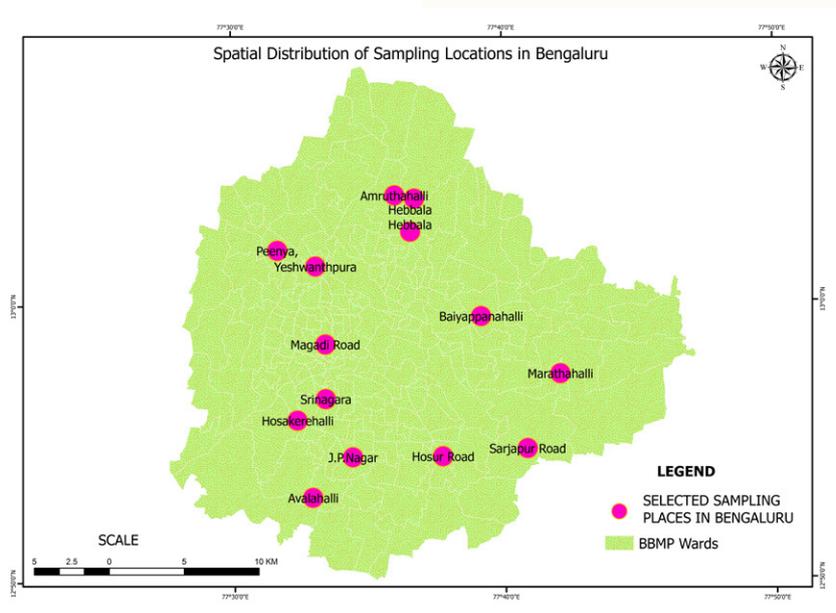
¹ S Manasi, Associate Professor, Centre for Research in Urban Affairs, ISEC

² Malini L Tantri, Assistant Professor, Centre of Economic Studies and Policy, ISEC

³ Channamma Kambara, Assistant Professor, Centre for Research in Urban Affairs, ISEC

⁴ This paper is part of larger study covering nutrition and health status of these children

Fig. 1. Spatial distribution of sampling locations in Bengaluru



initiated from March 2019 (field survey during August to November 2019) focussed on exploring the situation analysis of the migrant construction workers in Bengaluru city. The study carried out a survey of 300 migrant construction workers' households across 14 locations to understand their enrolment in BoCW, awareness levels about government schemes, scheme availed by them and issues encountered while availing such benefits. The research work was funded by UN-WFP Trust for India.

The key findings of the study are:

- The major labour laws applicable to regularising the wages, working conditions, safety health and welfare measures of the building and construction sector are: (1) Equal Remuneration Act, 1976, (2) The Minimum Wages Act, 1948 and (3) The Inter-State Migrant Workers Act 1979, Besides, the other Acts formulated specifically to support the building and construction workers are (1) The Buildings and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, and (2) The Building and Other Construction Workers Welfare Cess Act, 1996.
- However, construction workers, being migrant and casual in nature, often remain outside the purview of labour laws and do not have the benefit of several laws including the Minimum Wages Act.
- A majority of the construction workers are not aware of the provisions of the laws relevant to them. Non-registration of construction workers under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Welfare Cess Act, 1996 (BoCW) denies access to welfare benefits as per the provisions of the Act. Although the Welfare Boards have been established, the funds collected are not fully utilised. Implementation needs to be geared up.
- Most of the construction workers in the state are not registered with the KOCW Board, and they are denied the benefits under

these laws. This is so in Bengaluru city as well. A whopping 98% were not enrolled in the BoCW⁴, thus denying them access to the varied benefits that the schemes offer. Meanwhile, those registered were not aware of the benefits that they could get. It was observed that, the ones who registered were informed by the contractor indicating that health costs would be covered in case of accidents during work. However, they were not aware of any other benefits that can be accrued by the family members.

- This highlights the gravity of the situation and the implications on their families and children. Even those from among the two per cent registered in the present study, faced issues. Several of them were given information by the NGOs and were helped to join the board. A few respondents reported that the procedure for joining the board is cumbersome. Some construction workers had identity cards issued by the board. They do not get messages and advertisements creating awareness about BoCW on the phone and also they have not seen any advertisement about BoCW nor do they come across any awareness programmes like camps, and other mediums about BoCW and employers have not mentioned about BoCW. Due to the lack of information about the existence of BoCW and due to lack of membership of the board, many of them are not receiving any benefits from the board. Only one of the respondents mentioned the health-related schemes that he received under BoCW i.e. Paid Maternity leave to registered construction workers ranging from 90 days to 26 weeks for up to 2 deliveries. Surprisingly, there was no any dissemination of information regarding BoCW membership within the construction worker fraternity.
- Lack of awareness about the board and its various benefits that workers are entitled to get is a serious issue that needs to be addressed immediately to improve the working and living conditions of the construction workers.

⁴ As per Section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, every State Government is required to constitute State Building & Other Construction Workers Welfare Board. Migrant workers are supposed to enrol themselves in the BOCW to avail benefits from the various schemes designed by the Government.

The outbreak of COVID-19 and the state of migrant construction workers

Given these multitude of problems that the migrant workers were already encountering, COVID-19 was the ultimate threat that life could offer to their already vulnerable lives. Migrant labourers are among the most vulnerable parts of the 'informal sector' that constitute 80 per cent of India's labour force. Our study specifically highlights the issue of construction workers, whose enrolment into BoCW is almost non-existent, thus denying them the benefits during such unimaginably difficult times.

The plight of the migrant construction worker is well reflected in mass exodus from metropolitan city to their native villages when the government announced the lockdown. This is among other issues due to lack of savings to survive in the absence of daily wages. The struggle represented the state of 'no life' if 'no livelihood' in the 'metropolitan city' for informal workers. The segment that contributes immensely to the urban structures have no existence if they not able to contribute. Many governments announced that registered migrant construction workers would be paid ranging from Rs 1000 to Rs 5000⁵ for their survival from the COVID-19 outbreak. But the big question is how many of them will have access to such benefits from the government as a majority of them are not registered under BoCW Board due to various reasons. The NSSO (2009-10) estimates reveal that approximately 4 per cent of the construction workers in Karnataka have registered under BoCW. As they are the wage earners, the next question will be how many of them have active bank accounts. If they do not have bank accounts, then what will be their plight? During the pandemic, a majority of the migrants are given the provision/ration kit for cooking.

A majority of the migrant construction workers' households depend on wood fuel even to this day for cooking. When people are prohibited from stepping out of their houses, how can they collect dry fuel for cooking? In such a situation, how will providing these kits satisfy their hunger pangs? A much larger question is how to trace them with no database of these workers who will be shifting from one place to another once the construction is over.⁶ All such things represent a 'systematic exclusion' of the marginalised sections from the broader welfare schemes of the government. The outburst of pandemic, perhaps among others, is a wakeup call for the government to reconsider some of its conventional tools meant for uplifting the marginalised. In this context, the present study proposes the following measures.

Policy Options

Streamlining awareness and enrolment in BoCW

The present study noted an alarming gap in terms of schemes and policies of the government and their implementation. A staggering 98 per cent of the migrant construction workers were not enrolled in the BoCW, and thus, their access to any benefits gets completely missed



A construction labourer's home

out, making it as good as non-existent. Even among those who are enrolled are clueless about the benefits and how to go about processing it. It is extremely important that a systematic process should be put in place to ensure that they benefit from the well-designed schemes that focus on the welfare of children of construction workers, particularly their health and education. A well-documented movie that moves one's heart and soul is 'ID' that highlights the plight of the construction workers and their vulnerabilities. Such movies are important to make a large audience aware about the plight of the workers so that they can be more sensitive. Anything that affects the parents among construction workers leading to their sickness or loss of life affects the family, making the children most vulnerable. There should be more effective ways for enrolling the construction workers in the BoCW so that construction workers and their families including children get some benefits. Awareness about the schemes under BoCW that are related to the household members of the registered members, mainly related to education, must be publicised more. A study carried out by the non-profit organisation Jan Sahas on 3196 migrant workers from North and Central India indicated that 62 per cent of them did not have information on the emergency welfare schemes of the government and 37 per cent did not know how to access the existing schemes during COVID-19 times, thus highlighting the vulnerability of not being enrolled and poor awareness. Moreover, the government should mandate that all builders ensure all the worker on their rolls are registered under BoCW. If required, follow an appropriate stick-and-carrots policy.

Improving governance using technology is a promising solution

e-Governance⁷ can be one important means to improve the life of migrants. Emphasis should be given to innovative strategies in this aspect. The Internet of Things (IoT) can play an important role in this context. There can be simple means of communication strategies in which construction workers can understand and derive benefits of whatever they are entitled to, irrespective of their educational levels or even language barriers. For instance, if enrolment in BoCW can be made through already prevailing networks in the city, that would act as an easier means of getting enrolment. Another issue that is

⁵ Delhi Rs 5000, Punjab and Kerala Rs 3,000, Uttar Pradesh Rs, 1000, Himachal Pradesh Rs. 2000, Odisha Rs 1,500 and so on. Karnataka announced Rs. 2000 for the construction workers registered under BoCW Board

⁶ The Karnataka Labour Department expressed lack of mechanism to trace construction workers to distribute ration kit (Times of India, April 2, 2020)

⁷ E- Governance or electronic governance is the integration of Information and Communication Technology (ICT) in all the processes, with the aim of enhancing government's ability to address the needs of the general public.

prominent and highlights the digital divide during COVID-19 times is that of families dependent on mobile communication. The migrant workers who mostly have prepaid connections were lost with the lockdown as they could not top up (recharge) their accounts with no money due to absence of jobs. Jan Sahas received 1500 to 22,000 distress calls requesting for mobile phone recharge. So, a call centre was established for migrant workers to make calls without recharging their pre-paid mobiles. We have seen that e-Governance has made its mark in several other contexts, be it land policy and administration, education and several such services. Hence, we see technology has a large scope for improving the lives of migrant workers.

Improving Database on Migrant Workers

Currently, we do not have a comprehensive database on migrant workers. During the study, we found that they were scattered across the city and belonged to different forms and sizes in terms of population and also facilities. It is only now that the central government has begun to map migrant workers who are spread across the country either in relief camps, from employer's premises and across clusters. The government wants to create a database of migrant workers for feasible relief packages to reach out to them given the lockdown due to COVID-19 (Business Standard, 2020).

It should be streamlined in such a way that local BBMP ward offices are part of the process. The BBMP ward office can document the construction activities within its vicinity along with the details of construction workers' settlements, duration of construction work, contractor details, builders' details etc. This helps to trace the migrant workers in the time of pandemic and makes it convenient to provide any relief measures. It should be a mandate to the builders and contractors for providing such information regularly, so that the database is updated. These local administrative offices can later provide information to the State Labour Department. This can help to locate the migrant construction workers during such pandemics to provide relief. Simultaneously, this data can be used to register those workers under BoCW. This will ensure that their rights are protected.

Broaden the scope of construction workers welfare schemes

There is a need to welfare schemes of construction workers to broaden their scope with the inclusion of unprecedented situations like pandemic apart from accidents, safety and occupational hazards. There must be a detailed outline about how to provide rehabilitation, food security and basic sanitation and health services, and monetary relief during such outbreaks. If the local bodies record the construction activity within

their vicinity, the same can be used to trace the workers so that their interests are safeguarded and they are treated with dignity.

Leveraging on standardised networks created during crisis times

Given the current situation of COVID-19, the existing networks have been tweaked, several systems have been created and newer networks formed. It would be important to strengthen and improve these prevailing systems for setting up systems and any future situations by working on possible scenarios. Kerala state is a good example, they were able to address the COVID19 better as they have established several institutions to govern better as they have been fighting communicable diseases for long. So, the current networks can be vital to address other existing viruses and prepare for the future. Besides, this situation has given rise to several innovations and out-of-the-box solutions which must be harnessed to improve governance in the long run.

The COVID-19 crisis has unquestionably brought to the fore the vulnerability, array of problems and the agony construction workers are put through in current times. There is a large scope to do further research in specific issues about the migrant construction workers viz issues pertaining to poor living conditions, basic services, conflicts related to land⁸, housing⁹, domestic violence, and trauma observed during our field visits. These studies could further aid in filling specific policy gaps in formulation and implementation. There is a large scope for bringing about proper legislation to support the migrant construction workers.

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⁸ Colonies of migrant construction workers are located for more than 4 to 5 decades in some places and have several issues pertaining to land ownership.

⁹ Several of these construction workers (men and boys) are forced to sleep under the flyovers and in front of shops seeking shelter during urban flooding while the women folk sleep on temporarily installed platforms, and negotiating space becomes an issue.

Institute for Social and Economic Change

Dr. V K R V Rao Road, Nagarabhavi PO, Bangalore 560072

Phone: 23215468, 23215519, Fax: +91-80-23217008; Web: <http://www.isec.ac.in>