



Migrant Women in Construction Work: Examining Issues and Challenges in Delhi

Sanghmitra Acharya & Sunita Reddy
Jawaharlal Nehru University, New Delhi, India

(Received: 17/08/2015 ; Accepted: 08/04/2016)

Abstract

Continuous urbanization in Delhi, like most other metropolitan cities, has contributed to the expansion of construction industry. Most unskilled and semi-skilled labours get absorbed in this industry as it enters the city in search of livelihood. Rural to urban migration in search of better working and living conditions, however, is like a mirage. The life is often harsh, pathetic, and deplorable in places of destination like Delhi, yet migration continues, as the place of origin is even more appalling where even survival is not secured. The present paper captures this through the experience of 500 migrant women workers in nine districts of Delhi engaged in construction work. Largely hailing from the neighbouring states of Uttar Pradesh, Madhya Pradesh, Bihar, Orissa and West Bengal, they have migrated during the past 40 years. About 80% of them are Scheduled Caste, landless agricultural laborers who find it difficult to survive back home and therefore migrated to Delhi with hope, dreams and aspirations. The present paper also discusses the relevance of providing skill building and role of social protection by facilitating the construction workers to register and get the benefits under the State provisions like 'Building and Other Construction Workers Act, 1996' and 'Building and Other Construction Workers' Welfare CESS Act, 1996'. A huge amount of money is available for welfare of workers, but lack of a clear planning, commitment and sensitivity to use this fund for the workers' welfare leaves it unused. Most of the migrant women workers live in slums. Except for acquiring a few assets, their life in Delhi is as challenging as in the place of origin, with many women working hard to meet the ends. Among these construction workers, 99% are engaged in non-mechanical work, mostly as head-loaders, and bajari makers, earning around 150 rupees per day, lesser than the minimum wages. About 71% live in kaccha (semi-permanent), single room unit. Only one-fourth have separate toilets and some place to rest. Violation of legal provision is visible in the absence of crèche facility to 86% of them. They often get injured and meet with accidents. Instead of getting any compensation, they are often laid off, especially if the accidents render them disabled. Provision of basic minimum facilities and better living conditions are missing for those who form the backbone of the urbanization in cities through construction work. The heterogeneous characteristics of the women workforce with growing informalization of employment, lack of visibility calls for improvement in the quality of employability and extension of social protection.

¹This paper is based on the study undertaken by the authors for SATAT, a non-governmental organization working for women's empowerment and child development; and was supported by Ministry of Women and Child Development during 2012-2013.

Keywords: Migrant Women Workers, Construction Work, Delhi, Health, Livelihoods, Wage-Differentials, Living Conditions, Civic Amenities; Slums

JEL Classification: J6

Paper Classification: Research Paper

Introduction

Urbanisation processes have accentuated migration of labor across the world. Labor movement from rural to urban has continuously grown due to development in various sectors and infrastructural development in the urban areas. The present work rests its argument from the derivation of Zelinsky (1971), Stark (1991) and Taylor (1999) on theorisation of migration process. Apart from the personal factors, which are assumed to play an important role in determining migration decisions, different 'push' and 'pull' factors also become important in the place of origin and place of destination respectively. The New Economics of Labour Migration (NELM) perspective argues that migration decision- who goes where, for how long, and to do what, are joint decisions taken by the household, and differently for different members of the household. Migration is likely to generate the linkage between income and growth by reducing constraints in production and investment which are usually experienced by households in imperfect market environments, setting forth the development dynamics. Remittances from NELM have immense potential and need to be recognised as a positive factor in bringing economic development. Therefore, Governments of those countries, with massive migration need to infuse the potential of remittances within the framework of economic policies. Remittances contribute income growth in migrant-sending areas and are a key to promoting development from migration. Similarly for the out-migrating regions, effect of remittances is often reflected through the assets and utilization of social sector resources and services like health and education.

There are many factors responsible for migration. Under-development, low level of urbanization and industrialization, and poor infrastructure on one hand; and poor skills and educational attainment, poor health, unemployment, landlessness, and social problems like social identity based atrocities force to out-migrate. These are called *Push Factors*. They cause movement of people from one place to another in search of better opportunities and conditions. On the other hand, the *Pull Factors* exerted by the processes of urbanization and industrialization of a region, create employment opportunities and services like basic health, education and social security available. These factors attract people to immigrate to the areas where these facilities are available. Infrastructure development generates demand for migration and work opportunities in construction sector.

International Convention on the Rights of Migrant Workers and their Families (ICRMW) is one of the core international human rights treaties. It provides for all migrant workers and members of their families irrespective of their 'sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status'. It is applicable during the entire migration process comprising of leaving the place of origin, transit, stay and remunerated activity in the place of destination as well as return to the place of origin.

²International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly resolution 45/158 of 18 December 1990.

This treaty does not provide any special treatment to the migrant workers. However, there are specific standards laid out to ensure protection of all human beings that gets extended towards migrants as well. It is important that the human rights of the migrants are protected. They should not be considered as mere agents to bring about economic development.

Literature Review

For the purpose of discussion, review of literature has been undertaken to understand the prevalent conditions of migrant workers, especially women in construction industry across the world and in different parts of India. A perusal of studies on migrant workers is suggestive of the fact that both push and pull factors become functional in tandem to propel the movement of people from distress ridden regions to those perceived as offering possibilities. Construction industry in developed countries employs negligible proportion of women and probably that is why the thrust is to understand the socioeconomic profile of the workers more than the gender disparities (Zeltyin, 2014). The Wall Street Journal chronicled a shortage of construction worker because of their moving into other industries due to spell of unemployment. It decreased from 2006 to 2011, losing nearly 2.3 million jobs in the United States. Among construction workers who became unemployed for more than three months between 2006 and 2009, about one-third switched to another industry, including work as general labourers, landscapers and truck drivers (Sparshott, 2015). Natural disasters such as floods, cyclones, draughts, deforestation, soil erosion and deprivation of traditional means of livelihood have an adverse impact on women and children. Such conditions push poor women out of their livelihoods. Thus, women suffer significantly during natural disasters (ADBPD, 2001). It has been observed that social networks play an important role in migration process.

The agricultural sector is unable to absorb the entire labour-force in rural areas, where industrialization has limited or no prospect for employment generation (Afsar, 2003) causing movement of people to cities for alternative sources of earning. In the political clash of rural areas, politics and political debate also compel people to migrate to the cities (Seld, Lall & Shalizi, 2006); find a job, accommodation or set up a business in urban areas when crop in rural places of origin fail them (Beaudouin, 2006) Migration decision is for income maximization and as a risk minimization. Women migrate to contribute to the family income and other support (Hossen, Khan, Sharmin & Kubra, 2015). Many of the get employed as construction workers. They often lack rights which render them insecure, especially in the event of crisis (Hossain, 2009). They get less salary, have long working hour and are physically strained. Evidence from Bangladesh suggests that although women work 75% more hours per week than their male counterparts, they receive only about three fifths of the wage paid to male workers (ADBPD, 2001). They work in unsafe condition, experience sexual harassment, and lack access to resources (Giddens, 1992), and poor health conditions. Reasons of sexual harassment are informal practices of recruitment, lack of documentation of hiring and firing, and the constant fear of jobless (Hossen, 2015). Women are more disadvantaged than men in terms of access to health care; however, they have perceived conditions at work site to be better than it was in their place of origin, especially in North India (Jatrana & Sangwan, 2004). Women are less likely to receive modern medical care and they generally rely on traditional and cheap methods of health care in construction sites (Afsar, 2003; Chauhan & Sharma, 2003; Bharara, 2012). The time spent and the income earned by women in the construction sector vary greatly by the nature of work, their involvement, and wage differentials on the basis of gender; (ILO, 2002; Jagori, 2004). They also lack cheap and safe transportation; harassment by employers and middlemen (Geetika, Gupta & Singh, 2011; Chawada, Nashwan & Mohamad, 2012).

It is well established through literature, that most migrant workers experience distress in the places of origin, despite comparatively better conditions, they are often exploited at the places of destination especially in the place where they work (Stark, 1991; Chauhan & Sharma, 2003; Ghosh, 2009). Therefore, it is important to understand the factors contributing to their migration; exploitations, and means to empower them through strategies. Thus, in the framework of empowerment and workers’ rights, it is imperative to evolve mechanisms for improving job opportunities, working conditions and social and economic security.

Research Gap- The Gender Dimension

Almost all women engaged for labour in construction work come from lower socio- economic background with no or poor literacy and skills. These workers are categorized as unorganized workers. National Commission for Enterprise in the Unorganized sector (NCEUS) recorded 86% workers in unorganized sector. Among the women, 94% are employed in agriculture and allied activities, construction, transport, mining, manufacturing, small and medium enterprises mostly as contractual labour (Kaushik, 1992). Some studies on construction workers (Thadani & Todaro, 1984; Unni, 2000; Gupta, 2001; Chauhan & Sharma, 2003; Ghosh, 2009; Geetika et. al., 2011; Chawada et. al., 2012; Singh, 2012; and Bharara et. al., 2012) have mostly discussed their status as worker. There are very few studies which have explored the dimensions of gender, caste and servitude (Giri, 1998; Ray, 2000; Raghuram, 2001). The mandate of the present study is to infuse and examine this aspect of migrant women in construction industry. Marriage is the most ‘prominent’ reason provided in case of female migration; where NSSO (2007-08) data reveals 91.3 per cent of women in rural areas and 60.8 per cent of women in urban areas migrate due to these reasons. Migration of women has largely concentrated in rural areas (75.6 per cent) and more so in the intra-district (66.9 per cent) and inter-district (23 per cent) streams compared to inter-state (10.1 per cent) (UNESCO-UNICEF 2012). Women out-migrating are more reported as seasonal migrants compared to the long-term out-migrants. Women who migrate get represented more as self-employed and less in regular jobs, than non-migrant women. Construction work has emerged as a crucial income generating activity for migrant women and girls (UNESCO-UNICEF 2012).

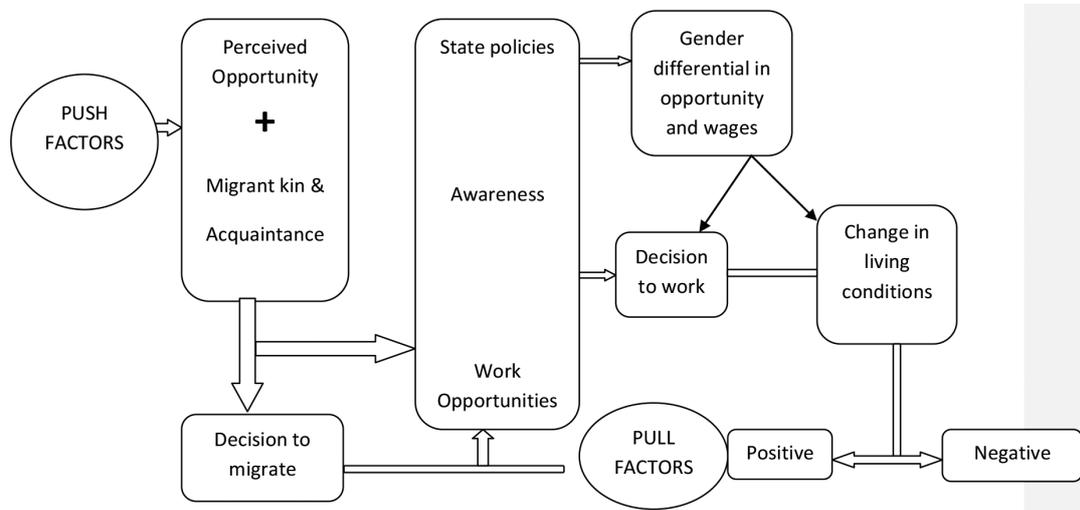


Figure 1. Conceptual Framework

³National Sample Survey Organisation

Contribution of the Present Study

Gender differentials in construction are of a peculiar nature because women constitute a very small proportion of construction workforce. They are mostly unskilled and have different needs and challenges from that of male workers. Most of the women are employed for menial work and are paid lesser than men. Delhi being a capital city draws migrant population from various neighboring states. There are often no retiring rooms, crèche and toilets. They are exposed to gender based verbal, sexual and physical violence. The present paper explores this dimension in consonance with the legal and legislative provisions, especially by Delhi Sate (Figure.1).

Purpose of the Study

The present paper endeavours to understand the dynamics of construction workers on the axes of migration, gender relations and work opportunities. They are women who have migrated to Delhi in search of assumed better opportunities. It is important to examine if their assumptions hold true or they are left with despair. The present paper examines the nature of work and the opportunities for livelihoods perceived as available in the urban centre in comparison to their places of origin.

Research Design

The study was done in the nine districts of National Capital Territory (NCT) of Delhi. Nine study sites, one in each district was selected along the Delhi Metro Rail routes. The closest construction site and the slum area nearest to the metro station were purposively selected in each district. Both qualitative and quantitative methods were used for data collection. Quantitative method was employed through structured questionnaire schedule canvassed to 501 construction workers. The respondents selected were migrant women between the ages of 14- 60 years. Simple statistical analysis was done based on the tabulations obtained from the field data. Qualitative methods were geared towards capturing lived experiences in order to substantiate the findings from quantitative evidences. The life history method was used through in-depth interviews, narratives, observations and case studies. Selected employees at the construction sites like the labour contractors were also interviewed using semi-structured questionnaires. These included 39 in-depth interviews (IDI), 16 case studies (CS), and 09 group discussion (GD) (Table 1). The fieldwork was conducted between October 2012 and July 2013. The women workers were selected at construction site and in the slums where they lived, using convenient sampling. Ethical concerns were addressed by taking verbal consent and maintaining the anonymity of the respondents. Permission was also taken to use the photographs and video clips for academic purpose to make policy suggestions. Establishing rapport with the respondents to initiate the conduct of the study and getting permission from the employers to interview workers at the construction site was a major challenge.

District	Population (2011)	% to Total Population	Samples Size for Structured Questionnaires	No of In-depth Interviews (IDI), case studies (CS), Group Discussion (GD)
North West	3651261	21.79	55	06 IDIs; 02 CSs; 1 GD
North	883418	5.27	57	02 IDIs; 01 CS; 1 GD
North East	2240749	13.38	57	05 IDIs; 02 CSs; 1 GD

(Continued...)

East	1707725	10.19	56	05 IDIs; 02 CSs; 1 GD
New Delhi	133713	0.80	55	05 IDIs; 02 CSs; 1 GD
Central	578671	3.45	55	02 IDIs; 01 CS; 1 GD
West	2531583	15.11	56	05 IDIs; 02 CSs; 1 GD
South West	2292363	13.68	55	04 IDIs; 02 CSs; 1 GD
South	2733752	16.32	55	05 IDIs; 02 CSs; 1 GD
Delhi	16753235	100.00	501	39 IDIs; 16 CSs; 09 GDs (Total 64)

Source- RGI, 2011 and Field Work during October 2013 and July 2014

Migration of women is heavily dependent on extrinsic factors more than those intrinsic to women. Marital status and duration; work status of spouse; and social and economic conditions attribute to the consent and decision to migrate (Zelinsky, 1971; Thadani & Todaro, 1984). Spatial movement of women mostly occurs to join their spouse so as to ensure timely and proper house-keeping. In due course of time, this endeavor often extends to work outside the personal domestic sphere. One such work opportunity is in the construction sector, especially because of the familiarity due to spousal engagement in that work. Most of them migrate following the spouse who is already working as construction workers. As they settle in the new place of destination, aspirations, perceived availability of work, desire to improve the living conditions- all contribute towards the change in work status of the women. Familiarity with the work, work place and employer enables them to get into the informal labour force. It also makes construction as a 'viable' option as compared to other work; and despite the drawbacks that this work may entail (Ghosh, 2009; Singh, 2012).

Profile of the Migrant Women in Construction Work

The push factors, functional at the place of origin, are largely unemployment and poor economic condition of the family which made 59% construction workers migrate. Most of them were landless agricultural laborers. Poverty and lack of employment opportunities compelled them to migrate to Delhi. They moved to Delhi, looking for employment opportunities (65%). Delhi is considered to be a place of opportunities for better employment by 57% women, who chose Delhi over other cities. The remaining 33% women' migrated because their husband or a family member was already living in Delhi (Table 2) and it helped in propelling the movement, much in line with the NELM perspective (Taylor, 1999; Stark, 1991; Jagori, 2004).

Table 2: Reasons for Migration by Women in Construction Work	
Reason	% Women Construction Worker
Employment Opportunity	65%
Better Opportunity	57%
Family moved/lived from before	33%
Moved with family	13%

Age of the migrant women is one of the most important factors for out-migration. Most often it is the reproductive and productive age group between 15-45 years who chose to migrate. About 80% of these women were aged 15-45 years. The religious composition shows that majority of the migrant women workers were Hindu (89%), followed by Muslim (11%). Majority of them 74% were from scheduled castes, 11% belonged to OBC and 5% were from scheduled tribes. As regard to marital status, 86% of them were married and about 8% were widowed. About 61% of the total

migrant women got married before the legal age of 18 years. Most of them (87%) were illiterate, and were therefore left with no choice but to do unskilled work on construction sites.

The economic background of these women shows that 51% of them earned less than \$ 1.25 per day falling below poverty line (BPL). The above poverty line population has been classified into 3 categories. The above poverty line (APL- I) is with 40% who are earning between (\$ 1.25-2.50) per day; 7% (APL- II) earn (\$ 2.50- \$3.25) and 2% (APL-III) above \$ 3.25 per day. Thus, more than half of the women workers fell in the BPL and rest from just above the poverty line . As regards the reason for choosing to engage in construction work, 65% chose Delhi for employment opportunities. Nearly 96% women could stay with their close family members or relatives when they came to Delhi. In corroboration to most studies, the migration pattern shows that 90% of women migrant workers come from Northern India, mostly from rural parts. Around 42% are from Uttar Pradesh followed by Madhya Pradesh (23%) and Bihar (16%)(Figure .2).

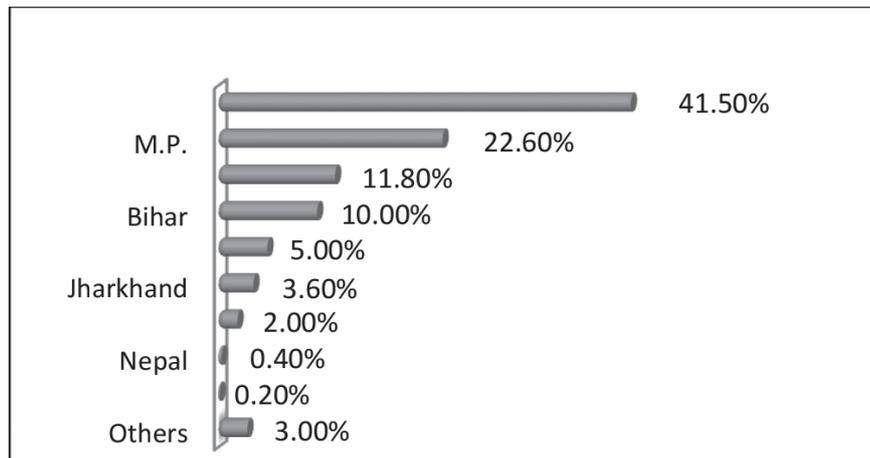


Figure 2. Place of origin of migrant women in construction work

Discussion

Migration of workers is a historical phenomenon and has wide implications. Most migration is driven by the quest for survival and thus has economic genesis and socio political ramifications. Historical context of development has reflected in income disparities, agrarian distress, and lack of employment opportunities, growth of informal economy and the consequent migration from rural to urban, urban to urban and from backward and underdeveloped to advanced and developed regions. Uneven development has led to migration which has been accelerated by development policies of the government. Most migrants are landless poor, mostly belonging to lower social ladder in terms of caste and tribal identity; and are from economically backward regions. Agriculture in India has been rendered non-remunerative in last few decades. About 100,000 farmers have lost their lives during 1996-2003; due distress induced migration of people seeking employment in construction of roads, development projects, commercial and residential buildings

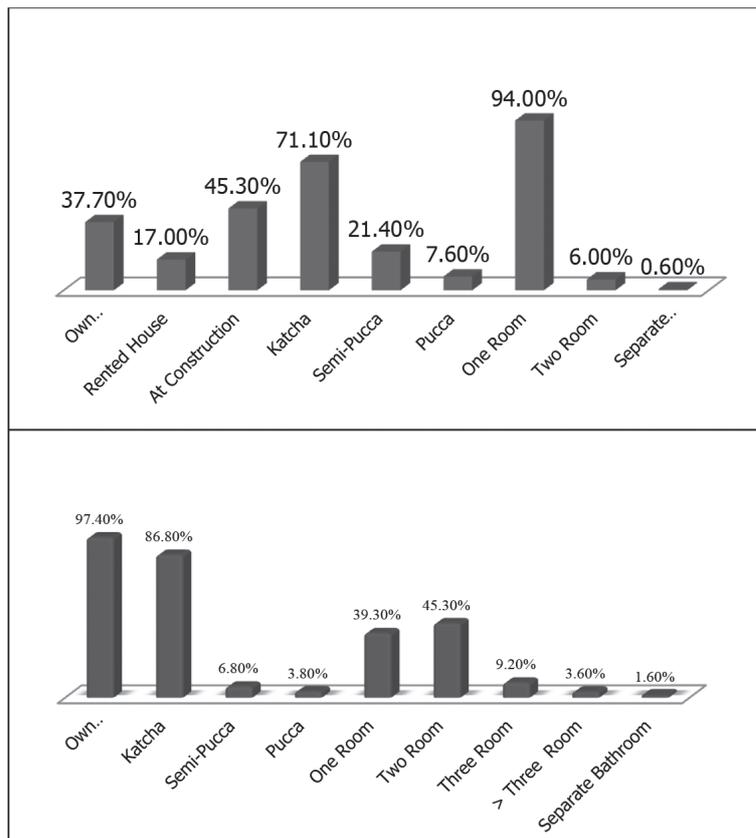
⁴The conversion rate of the wages has been computed on the basis of the Dollar- Rupee rates at the two time points-beginning and the end of the field work during October 2012- July 2013. The value of dollar in October 2012 was \$1= Rs52.45 and in July 2013 it was \$1= Rs 60.77. The average value, \$1= Rs56.59 is used for the computation. (\$1.25= Rs 70.74; \$ 2.50= Rs 141.48; \$ 3.25= Rs 183.92). The values have been taken from the following websites-<http://www.exchange-rates.org/Rate/USD/INR/10-1-2012>http://www.tititodorancea.com/z/usd_to_inr_exchange_rates_dollar_indian_rupee_nyfed.htm

in urban areas, the pull factor of higher wages, and other infrastructure enhances the pressure on movement.

Living Conditions

An attempt was made to understand the changes in socio-economic and living conditions of these women after migrating. The comparison of living conditions of construction workers between their place of origin, mostly rural, to that with place of destination, urban Delhi, was done on the basis of ownership of land, house and assets; type of house, living space; water supply, electricity, toilets, cooking fuel and remittance.

The empirical evidences from the field suggested that while ownership of assets improved after migrating, other aspects of living conditions like space, deteriorated. There is a sharp decline of 59.7% in the ownership of housing units between the place of origin (97.40%) and destination (37.70%). Nearly half (45.30%) of the construction women workers live at the construction sites, in a tent or dilapidated temporary shelters. Space wise distribution shows that back home in their villages, they had more space and nearly 45.30% lived in two room accommodations, which sharply fell and only 6% live in two-room accommodation in Delhi. A large majority (94%) are constrained for space and live in single room accommodation, most of them having larger families, children ranging from 3 to 7 in number with over-crowding and lack of privacy (Figures 3a and 3b).



Figures 3a and 3b. Housing at place of origin and destination

With no proper water, electricity and toilet facilities, most of them continue open defecation. Only 5% construction sites have separate women's toilet, one-fifth share with others and nearly three in every four women are left with no choice but to use open space to respond to nature's call (Figure. 4).

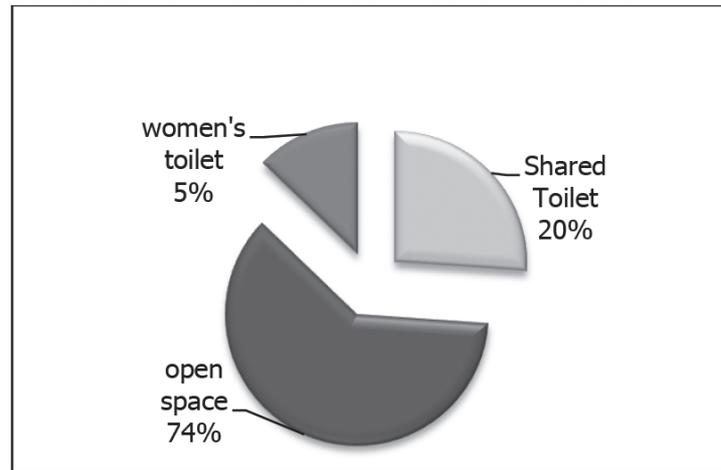


Figure 4. Toilet facility at work sites

Thus, it is evident that despite an increase in the ownership of assets, living conditions are pathetic with crowded spaces and lack of sanitation facility. Other studies too have pointed out that the condition of migrant women workers in Delhi is not very hospitable and the very fact is proved true in the light of primary data collected in this study in terms of socio-economic condition and accessibility of housing facilities, assets and employment.

Working Conditions and Wages

Construction is the second largest employment generating sector after agriculture in India. Most of the employment in this sector is fed by migrant labourers. Construction work is characterized by long working hours where women are found to work for 14-16 hours per day, combining household chores and work at site. The wage differential between men and women is about Rs 40-70. While women get paid Rs. 60-70, men get Rs. 100-175 per day. Those who work as masons earn between Rs. 175-200. Construction work bears negative externalities in the form of unsafe work environment, absence of social securities and financial compensation during injuries, and minimal access to basic facilities like drinking water and health care. India records the world's highest accident rate among the construction workers. Out of every 1000 workers injured on the job, 165 are in India (ILO, 2002).

There are various forms of discriminatory practices against women workforce in the construction industry. In addition to problems like relatively lower wages, women are not given maternity leave; breastfeeding breaks; crèche or day care facilities at worksites. Health risks due to both productive and reproductive roles are of concern for the women migrants. Indicators of maternal- and child-health reflect poor health status, with high susceptibility to communicable diseases due to lack of access to safe drinking water and sanitation facilities. Malnutrition and anemia in children and adolescent girls is widespread. Migrant women and girls are exposed to the risk of sexual harassment and abuse at the work site; on the way to it and even at home.

All the workers in the study sample were head loaders; none of them got any opportunity to learn any skill. They carry bricks, concrete mixture, bamboo and other material needed by the masons; they climb the ladder and reach the height to supply material for white-washing and painting, usually loaded on their head. The workers, if unable to carry heavy loads, were often laid off. Their children suffered due to non-compliance of state norm of providing a crèche. All of them are contractual workers. The contractor ensures that they are hired, at a stretch, for a duration which remains outside the purview of the norms which makes the employer liable for providing facilities enshrined by labour law. If the requirement is of a longer duration, they are hired again after a break. Very often the break is in the monetary terms but not in terms of work. None of the construction sites under the study had any crèche facility and children were seen playing around constructions material and machines exposing themselves to risks. They were all living in shanty housing, with no or improper toilet facilities.

The minimum wages under the Minimum Wage Act 1948, under the Government of NCT Delhi, Department of Labour, for unskilled is Rs. 297 per day per month w.e.f 01 April 2013. None of them are getting basic minimum wage. Four in 10 women (40%) get only Rs. 150 per day. More than one in every 5 (22%) received Rs. 140 per day and 13% receive less than Rs 140 per day. Less than one in four (23%) migrant women workers engaged in construction work received Rs. 200 per day and only 2% received more than Rs. 200 per day (Table 3).

Wages per Day (Amount in Rupees)	Percent migrant women engaged in Construction worker receiving
Less than Rs 140	13
Rs 140	22
Rs 150	40
Rs 200	23
More than Rs 200	02

In the construction industry, although more than one third is women labourers; division of labour remains gendered. While skilled jobs like masonry and carpentry are male dominated, women mostly engaged in activities like head-loading of bricks, sand, stone, cement; sift sand and provide water to the masons. Women lack awareness about the differentials in wages and were relatively less organized than their male counterparts. About, 67% of the women respondents reported of getting wages same as men. About one-fourth said that wages for women were Rs 10-50 less than that of men while 6% felt that there was a difference of Rs 50-100 and only 2% reported a difference of more than Rs 100 between the wages of men and women (Table 4).

Wage Differential (in rupees)	Percent Reporting the Wage differentials between men and women workers
Equal	67
Rs 10-50	25
Rs 50-100	06
More than Rs 100	02

Almost around 14% were not sure of what should be the wages; and 36% were aware that they get less wages; while 42% felt that they were not cheated, as far payment of wages was concerned (Figure. 5).

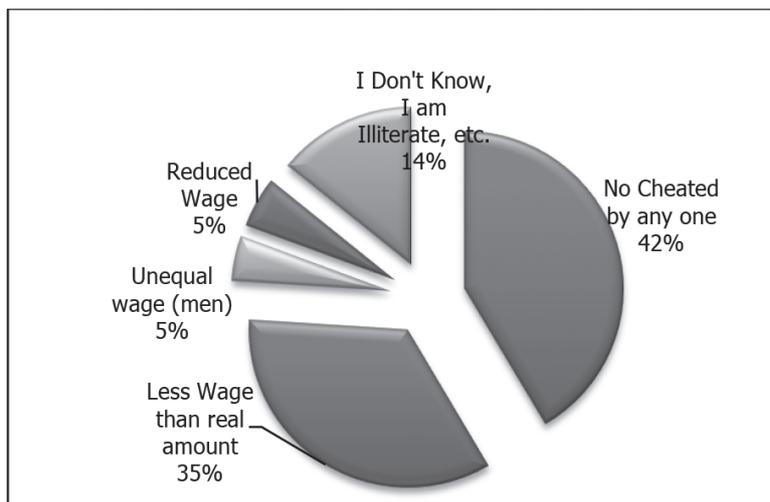


Figure 5. Injustice in Payments

There are accidents resulting in injuries reported by women. Nearly 38% of the total women construction workers have reported of injuries at work site. More than half, 51% of them reported of no first aid arrangements at the working site. Women who fell ill or felt that they could not continue with the construction work, switched to other work. Most of them started working as domestic help (worker).

Working in such conditions has exposed 52% of the women workers to some kind of health problem. In addition, some women are managing responsibilities at home as well as outside their houses. While some women are widows, others are caring for their ailing husbands. Most of the children are not getting any facility for education, are left alone at home, and are vulnerable to abuse and assault. They often do not get food on time. Lack of crèche facility was reported by 86% construction workers. Most of them who reported to have suffered major ill health were in debt and had to borrow money from the local moneylenders, or their relatives for the purpose of health care. The following case studies highlight some of the issues like being sacked from work due to accident and illness; lesser wages and harassment. Access to services and aspirations for children also get reflected.

Case Study 1- Kamla, from Timarpur, was 55 years old. She belonged to Pathar caste and had migrated from Moradabad, U.P, following her husband. After migration, she lost her husband to cerebral fever. She was left with no choice but to start working in the construction industry as a daily wage labourer at the construction site near Sanjoy Basti in Timarpur. She earned Rs. 150 per day. One day she met with an accident while at work at the construction site. She fell down from the ladder with bricks loaded on her head. She sustained serious injuries on her head and back; and her whole body was bruised and wounded. She was hospitalized in an unconscious state. She went into coma and fought for life for nearly two weeks. At the work site, she was given some first aid only. She was removed from work after accident. She spent three months in the hospital and had to borrow approximately Rs. 35,000 from her relatives, neighbours and co-workers to meet the medical bills. After being discharged from the hospital, she continued to get frequent spells of unconsciousness, felt body pain, and weak for nearly six months. She was not taken back by the employer after her recovery. . Therefore, she started working as a domestic help to earn a living.

The above case study shows that there are no legal safeguards for the construction workers. They can be removed from work any time as unorganized and informal workers. Illness and accidents can be used as reasons for removal from work. Unorganized, informal and casualized nature of work exempts the employers; and the workers too, are not aware of their entitlements and rights, particularly in case of injury or death at the workplace.

Case Study 2- Vimla is 34 years old widow. She migrated to Delhi with her children after her husband called her. After few months, she started working along with him in the same construction site. Her day at work began at around 8am and ended at 5.30pm and later. She reported to have been exposed to lewd comments made by the people on the road as well as the co-workers, despite her husband's presence. The work was very arduous and she was not happy with the wages she got. All of them used open space for urination. Water for drinking was not clean too.

Case Study 3-Prabha is about 45 years old and came to Delhi along with her husband. Initially she did not work. But later she saw other women working and thought of joining them as she could then add the earning to her family income. She admits that it is 'a tough life' and she has to be on guard almost always, especially while using the make shift lavatory near the work site. She is often made to work overtime and the payments are 'never done in time and adequately'. She used to bring her children with her when they were small. Later the elder daughter took care of them. The elder daughter is now married and works along with her husband. She took her daughter to the mobile health van when she fell ill. She also took her daughter's children for pulse polio drops. She got the Janani Suraksha card made for her.

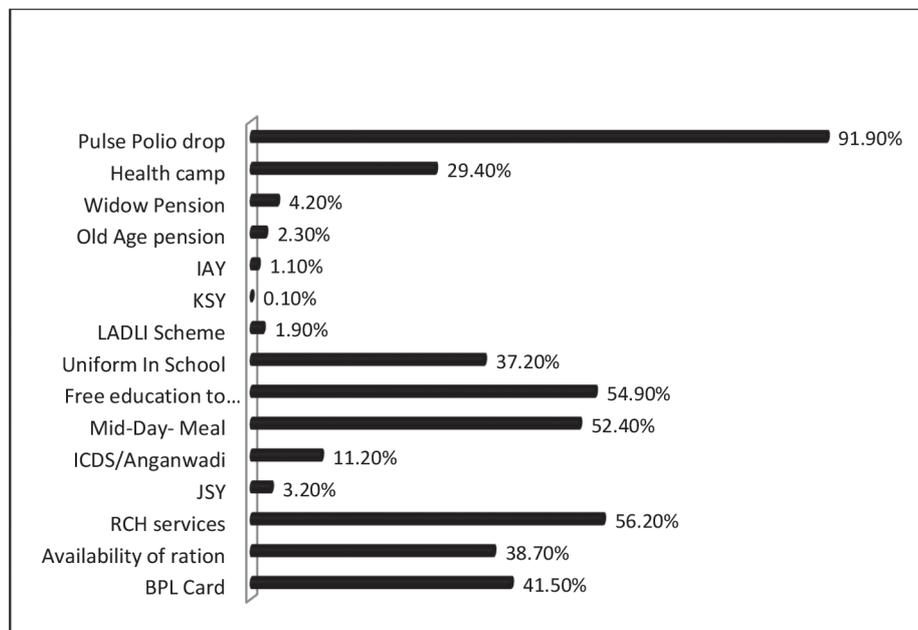


Figure 6. Benefit from Government Schemes & Programmes

Regarding the utilization of various public health services and facilities by the women and their children among the study sample, most women used the pulse polio drops (91%) for their children, followed by reproductive child health care (56%). The other services were comparatively less utilized. Roughly half, and in case of some services less than half, used school and mid-day

meal. Free education was availed by children of 55% women, and mid-day-meal by only 52%, leaving nearly half of them outside the benefits of these very important services. Around 41% women had ration card, children of 37% women got uniform in School. Around 30% women got the services of the free health camp. The least access to service was of ICDS/ Anganwadi with 11% utilisation, widow pension utilised by 4%, and Janani SurakshaYojana (JSY) by 3% of the respondents. Out of 4.4% migrant women workers who were above the age of 60 years, only 2.3% were getting old age pension and only around 1% Indira Awas Yojana (Figure 6).

The study revealed that majority of the migrant women workers in construction industry were deprived from the benefits of the welfare schemes other than Pulse Polio drops program. Nearly 65% of the children were left alone and unattended in the slums when their parents were away for work. They were alone at home in the jhuggies- the temporary hutments. They are vulnerable to violence and abuse. Since the houses in slums are not concrete and are often porous, the children are at risk for physical and sexual abuse. Day care facilities are not there so women tend to keep their young children at home, with the older siblings, usually adolescents, who have to take on additional liabilities along with their daily household chores. Benefits of migration for women remain under-investigated. Women migrating for work are capable of having greater freedom, earning cash incomes, thereby undergoing changes in the attitudes leading to further changes in traditional gender roles and responsibilities. With more interaction in the society, work participation and ability to take decisions within the households help women achieve empowerment.

Thus, the situation of women workers in construction needs to be improved in terms of access to health care, housing, education for children and safe neighbourhood. Irrespective of whether women workers are employed by the agency of large or petty contractors; or the public sector, women workers face problems of unregulated employment, denial of legal minimum wages, lesser wages than men (3.3%); insecure working conditions exposing them to the sexual comments (6.2%), risk of accidents without health care or insurance, lack of crèche and toilet facilities, and resting place (Figure 7).

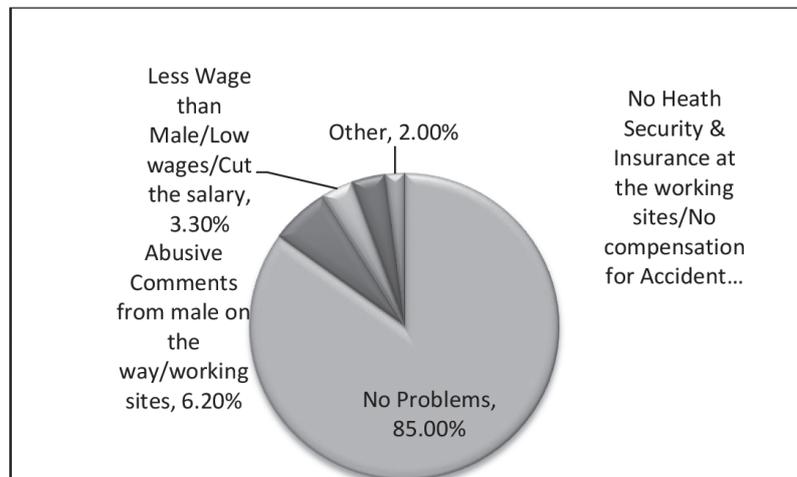


Figure 7. Problems Faced because being a Women

It can be thus said, that while the government has provided some services and facilities; often the documentation; work environment, employers' accountability; and awareness about and propensity to ask for their entitlements obstruct their economic, social, cultural and

physical security. In this journey from place of origin to place of destination, women are often at a disadvantage than their male counterparts, and have to cope with numerous problems and offences on the basis of gender, age, religion and caste. there is a lot of ignorance and lack of assertiveness and poor propensity to claim any rights among these women; more than 86% report of no exploitation faced by them, 5% seem reported of having asserted their claims to the men regarding their lesser wages and no coverage under any health care or insurance (Figure 8).

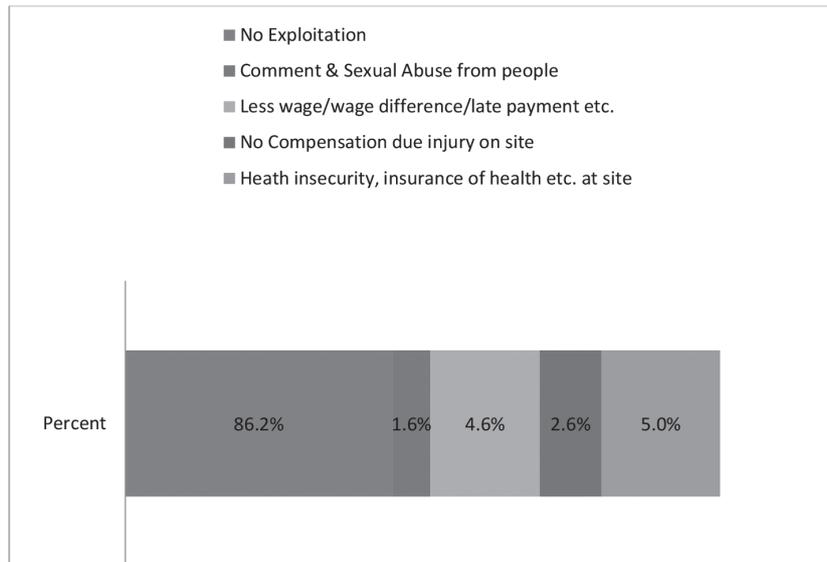


Figure 8. Nature of Exploitation at Construction site

Migrant workers mostly live in areas where the living conditions are even worse than what they left behind in their native homes as mentioned earlier.

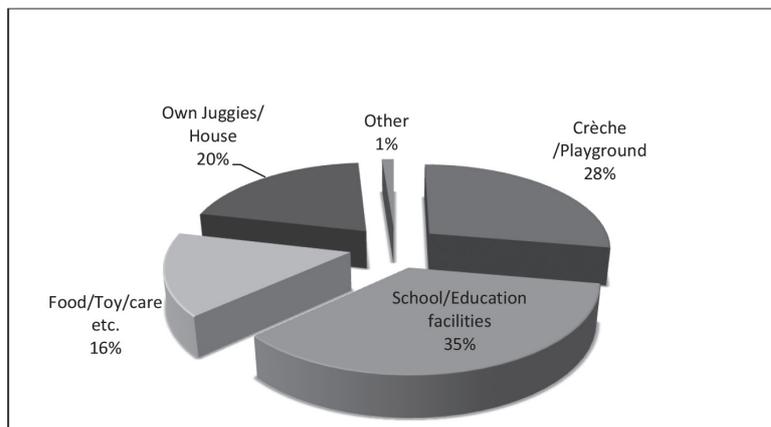


Figure 9. Aspirations of Migrant Women for Children

It is paradoxical that the women construction workers, who build houses and infrastructure, have no permanent dwelling shelters. The houses are temporary, tent like structures mostly of plastic sheets near or inside the site area. They also face inflation, and high cost of living aggravates the problems. They work very hard to survive and ensure two square meals a day. They are often

unable to support their children's education due to inadequate monetary support as well as lack of documentary evidences required for securing admission in the school and similar facilities. However, they continue having aspirations for their children and themselves. One in five women wants a dwelling unit; 35 % women want to send their children to school and 28% expressed the need for a crèche or a playground so as to keep the children when they are at work. About 16% also wanted to be able to procure toys and other play material for their children (Figure 9).

Migrant Construction workers and Labour Laws in India

The Government of India enacted Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act in 1979. Under this Act contractors are stipulated to pay timely wages equal or higher than the minimum wage, provide suitable living space, medical facilities, protective clothing; and notify accidents and casualties to the relative and kin. It also provides legal and legislative right to settle work related and set penalties including imprisonment for non-compliance. The Act also gives enables the employers to escape if they can show that non-compliance happened without their knowledge. The record of prosecutions or dispute settlement under this Act, however, is almost nil. The laws specific to working women are largely enshrined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This Act seeks to protect women from sexual harassment at their place of work. However, this covers the formal sector workers and leaves out women when they are employed as unorganized workers in the construction sector.

Migrant women in construction work earn less than \$2 per day and are estimated to be among the 77% unorganized workforce with poor education and poor skill (NCEUS, 2007). They have poor social protection and high vulnerability due 'to lack of appropriate institutional arrangement... for improvement in the quality of employability and growth and extension of social protection to the unreached' (Srivastava 2013, 15). Large number of labour laws, safeguarding the rights of these workers has been enacted, addressing their health, work environment, social security along with specific regulations for categories of workers like plantation labourers and beedi workers.

Construction workers, BOCW Act and entitlements

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (BOCW) Act, was passed in 1996 for the welfare of the construction workers. This Act provides for health, welfare and safety of the construction workers. Under this, facilities for health care, education, crèche, toilets and restrooms are prescribed which the employers usually do not provide. Also, the workers have to register in order to avail the benefits of mandated welfare schemes like scholarships for children, retirement and family pension, health benefits, loan and advance for tools, housing loans, maternity benefit, Rashtriya Swasthya Bima Yojana (RSBY), death and injury compensation. But most of the workers especially women remain outside the purview of these benefits due to break in work contract and poor knowledge of entitlements as well as inability to seek them.

The construction workers who are registered under the welfare board, varies in different states. It has been reported that the state of Tamil Nadu (19.88 lakhs) Kerala (15.82 Lakhs) Madhya Pradesh (10.4 lakh) Andhra Pradesh (7.91 lakhs) had together, registered the highest number of workers (Srivastava 2013). Government of Delhi provides the live members numbering 1,91,615 workers registered under the Act till Nov. 2013. However, it is important to know how many of them have live pass books/ identity cards, which are necessary to draw the benefits

Challenges in Implementation of Migrant Construction Workers Related Labour Law

Migration as a phenomenon would largely become responsible in providing informal work to half of the work-force. Remittance generated from external migration have an impact on the national income, therefore it gets endorsed by Government. On the other hand, migrants from underdeveloped regions within the country become sources of cheap labour for firms to generate surplus profit. The nexus between the trade unions and NGOs become crucial in advocating for the rights of migrant workers, to bring about social harmony and sustainable growth, by exchanging knowledge and organizational skills from respective sources.

It has been seen that the workers are not aware of such schemes and the cumbersome procedures to fill the forms and get the passbooks becomes an ordeal. The clause that they should work for a minimum of three months at one construction site to be eligible for registration is difficult to fulfill and hinders them to enroll. They are hired for less than three months at a stretch by the employer to remain outside the purview of this norm. The contractors are not willing to get them enrolled. The annual renewal of the passbook is another hurdle for keeping the passbooks alive. A large number of workers are uneducated and end up doing unskilled jobs, specifically women. There is a need for improving the skills of the workers, particularly women

Most serious concern and challenge is that minimum wages are not given to both men and women. There is a wide gap between wages of men and women. They are not aware of the wages they should be getting and are not aware of their being exploited. Lack of childcare facilities, crèche, schooling, ICDS, and other entitlements, make their life miserable and struggle to survive. If roles and responsibilities are observed by the employers and contractors in the construction industry, some dignity of labour can be ensured for the workers, especially women. Following are the important challenges in constructions industry which Delhi State is facing and needs to address-

- Coverage of workers under PF and ESI Act including women.
- Payment of Bonus and Gratuity to workers who have left the job, including women.
- Payment of accident, injury and death compensation for men and women both.
- Institutionalizing certifying authority to get the welfare benefits for men and women both.
- The contract /agreement to have a mandatory clause of registration of workers with the State Building other Construction Workers Welfare Board, and work to be allowed only thereafter. This should be made applicable to both men and women.

Recommendations for Construction Workers

Trade Unions or similar bodies need to take up the issue of migrant workers' rights and address violations of human rights and abuses against migrant workers. Ninety days clause of registration should be waved off through an amendment in the 1996 Act. Aadhar Card enabled national link for jobs and entitlements may be secured. Job melas with prospective employers for the construction workers are also important considerations. ESI Act 1948 needs to be extended to construction workers for providing better health care facility, especially for women workers. RSBY scheme should cover construction workers. Awareness camp should be organized periodically to create awareness among the workers regarding their rights, welfare schemes; and enroll them for registration for passbooks. NGOs can mediate and facilitate. A uniform pattern needs to be evolved for dwelling units, with proper water, electricity, and separate toilets for women workers at the site to be provided by the contractors. Mandatory to make crèche and resting place for the

workers should be monitored strictly by the authorities. After employing the workers, within 15 days the contractors should facilitate opening up of bank account and the principal employer should pay the salary to the bank account directly. This will ensure that the minimum wages are given and the transaction is transparent and non-exploitative for the workers especially women. It should be made mandatory to display at each working site the helpline numbers, especially women safety related; labour department and concerned officials numbers and welfare schemes meant for the workers including women.

Conclusion

In order to ensure the good living conditions and livelihoods, it is imperative, therefore to adhere to the following norms that all the government schemes should be made available to the workers at the construction site. Working hours and required medical leave should be given. Identity cards and other cards like Aadhar, BPL, voter identity card should be made available for them. An external redressal committee should be set up to enquire into the cases of wage exploitation, non- medical benefits, sexual exploitation and other forms of physical violence against the workers by the authorities. Labour department numbers/ helplines should be provided at every working site.

As regards basic amenities, there needs to be provision of safe drinking water facilities; toilets and enclosed bathing space separately for men and women; provision of resting place separately for men and women at the construction site; providing shelters, which are safe and secure for all the workers. Implementation of RSBY should be more effective. Full coverage for treatment in case of injury and compensation and in case of death to the kin of the person, job placement to the eligible person in the family should be ensured. Providing expenses to carry proper death rites and rituals should be provided. The construction companies under Corporate Social Responsibility (CSR), have to spend mandatory 2% of their annual profits. They can take this as an opportunity to work for the welfare of the construction workers: their health, education for their children and basic minimum standards of living. Instead of seeing this as welfare, these should be seen as rights for the construction workers. Their hard work and contribution is immense in the urban infrastructural development and growth of economy. The company should sponsor children's education in the nearby government schools. Their enrolment in school should be transferable to all the government schools in case of shifting from one place to another. There should be crèche facility at every construction site, and two women should be made in-charge of the crèche and paid minimum wages. It is the responsibility of employer/ contractor under Contract Labour (Regulation and Abolition) Act 1970 and BOCW Act, 1996 also, to provide crèche facility. Women who are breastfeeding should be given adequate breaks to feed the child at work site. Pregnant women should be given maternity leave for 6 months, even though it is unorganized sector. Under the CESS the children of the construction workers are given scholarships to study in schools and further in colleges and also for learning skills. Minimum responsibility of the State is to ensure their rights. In India migration is predominantly intra – district. It is estimated that at present there are around 80 million migrant seeking livelihoods of which 50% are in the construction industry. Thus, after agriculture, construction is the largest sector offering employment. Most of the workers in construction migration are necessary to construction. As an industry, it supports migration and has also emerged as an important concern for immigration policies especially in developed countries which attract professional, skilled, some skilled as well as unskilled labour. However, migrant labourers are regarded as agents of social, economic and political problems in context of urbanization and beautification of city instead of simple human beings. Despite having safeguards which protects migrants as basic human beings,

regardless of their positions in the entire administrative setup, these people, especially the women migrants, undergo extreme suffering, in the form of abuse, exploitation and even violence.

It is therefore, imperative to explore the conditions of migrant women workers engaged in construction work. Migration is necessary in case of construction activities. As an industry, it supported migration and is also emerging as an important concern for in-migration in developed countries; and regions and cities within India.

Limitations of the Study

The study restricts itself to construction workers. Most of the issues overarch with migrant workers in other sectors too. In addition the reliability of the findings and inferences thus drawn may be possible only when another metropolitan city of the stature same as Delhi is being examined. Therefore, the validity of the findings will restrict to that of the study population.

Scope for Further Research

The present study provides scope to intersect the trajectory of all migrant workers in different sector with a gender dimension. It also provides the platform for further research in the area of wage differentials, health and living conditions with special reference to the gender dimension. The role of state in formulation and implementation of gender specific rules and regulation for migrant women in construction work, pertaining to health, housing, education of children, crèche and restrooms; and safe working environment in urban spaces also provide scope for further research.

Acknowledgement

This paper is based on the study titled 'Migrant Women Workers in Construction and Domestic Spaces in Delhi Metropolitan Area'; undertaken under the aegis of SATAT, a non-governmental organization working for women and child empowerment. The study was supported by Ministry of Women and Child Development carried out in 2012-2013.

References

- Abrol, A., Kalia, M., Gupta, B. P., & Sekhon, A. S. (2008). Maternal health indicators among migrant women construction workers. *Indian Journal of Community Medicine*, 33(4), 276-277.
- ADB (2001). *Country Briefing Paper*. Asian Development Bank. Programs Development (WEST). August
- Afsar, R. (2003). *Development and Pro-Poor Policy Choices in Asia*. Proceedings of the Regional Conference on Migration, Dhaka, Bangladesh: Refugee and Migratory Movements Research Unit. 1-16.
- Beaudouin, P. Y. (2006). *Economic Impact of Migration on Rural Area in Bangladesh* (Paris). Available from <http://team.univ-Paris1.fr/teamerso/beaudouin>.
- Bharara, S. S. (2012). Issues of occupational health and injuries among unskilled female labourers in construction industry: a scenario of Punjab state. *Studies in Home and Community Sciences*, 6(1), 1-6.
- Chauhan, K., & Sharma, P. (2003). Physical problems suffered by Asian women workers involved in construction industry. *Proc Home Science Association of India XXV Biennial Conference*, HSAI 25, Nagpur.
- Chawada, R., Dawood, N., & Kassem, M. (2012). Plight of female construction workers of Surat city, *Indian Journal of Community Health*, 24(1).
- Geetika., Gupta, A., & Singh, T. (2011). *Women Working in Informal Sector in India: A Saga of Lopsided Utilization*

- of Human Capital*. International Conference on Economics and Finance Research. Singapore: IACSIT Press.
- Ghosh, J. (2009). India: Playing games with the construction workers, *Deccan Chronicle*. Retrieved from http://www.macrosan.org/cur/aug09/cur050809_Construction_Workers.htm.
- Giri, V. M. (1998). *Emancipation and Empowerment of Women*. New Delhi: Gyan Publishing House.
- Gupta, M. (2001). *Role of Women in the 21st Century*, New Delhi: Anmol Publication.
- Hossen, A. M., Khan, M. A. U., Sharmin, Z., & Kubra, T. J. (2015). Internal migration and the condition of female construction workers: a study in Chittagong city. *International Letters of Social and Humanistic Sciences*, 46, 1-13.
- ILO(2002). *Women and men in the informal economy: a statistical picture, employment sector*. International Labour Organization, Geneva.
- Jafary, S.N. (1991). *Maternal mortality in Pakistan: an overview. maternal and prenatal health*. Karachi: TWEL Publications.
- Jagori. (2004). *Rights and vulnerabilities. A research study of migrant women workers in the informal sector in Delhi*. New Delhi: Jagori.
- Kaushik, S. (1992). *Economic rights of Indian women*. Jaipur : Rawat Publications.
- Lall, S. V., Selod, H., & Shalizi, Z. (2006). *Rural-urban migration in developing countries: `a survey of theoretical predictions and empirical findings*. (World Bank Policy Research Working Paper 3915) Development Research Group, The World Bank, Washington DC, USA and CREST and CEPR, Paris, France. May
- Nandal, S. (1993). Women workers in unorganized sector: A study on construction industry in Haryana. *International Journal of Development Issues*, 5(2), 119 – 132.
- NCEUS. (2006). *Social security for unorganized workers, national commission for enterprises in the unorganized sector*. New Delhi: Government of India.
- Raghuram, P. (2001). Caste and gender in the organisation of paid domestic work in India. *Work, Employment & Society*, 15(3), 607-617.
- Ray, R. (2000). Masculinity, femininity, and servitude: domestic workers in Calcutta in the late twentieth century. *Feminist Studies*, 26(3), 691-718.
- Sahu, B. K. (2014). *Migrant workers: present position and future strategy towards social security in international seminar on migration, care economy and development*. Proceeding of the International Seminar on Migration, Care Economy and Development, CDS, Thiruvanthapuram.
- Salih, R., (2001). Moroccan migrant women: Transnationalism, Nation-states and Gender. *International Journal of Ethnic and Migration Studies*, 27(4), 655-671.
- Sammiah, M. & Mahavi, K.(2005). Rights of unorganized women workers. *Journal of Social Welfare*, May, 3 – 6.
- Singh, D. (2005). Strategies for empowering women workers. *Social Welfare*, May, 7-12.
- Singh, S. (2012). The employment economic condition of construction workers and their level of satisfaction in Ahmedabad city: An Empirical Study. *European Journal of Social Sciences*, 29(4), 34-41.
- Sparshott, J. I. (2015). Here’s where all the construction workers went. *The Wall Street Journal*. Retrieved from <http://blogs.wsj.com/economics/2015/10/19/heres-where-all-the-construction-workers-went/>.
- Srivastava, R. S. (2013). *A social protection floor for India*. International Labour Office, ILO DWT for South Asia and ILO Country Office for India. New Delhi.
- Stark, O. (1991). *The migration of labor*. Cambridge, MA: Basil Blackwell.
- Subba Rao, P., & Reddy, L. N. (1987). Wage discrimination against women. *Productivity*, 28(1), 73 –78.
- Taylor, E. J. (1999). The new economics of labour migration and the role of remittances in the migration process, *International Migration*, 37(1), 63-88.

- Thadani, V. N., & Todaro. (1984). Female migration: a conceptual framework. In J.T. Fawcett, S.E. Khoo & P.C.Smith (Eds.), *Women in the Cities of Asia: Migration and Urban Adaptation*. Boulder, CO: Westview Press.
- Tinker, A.G. (1998). Improving women health in Pakistan. *Human Development Network Series*. Washington DC: The World Bank.
- UNESCO- UNICEF (2012). *For a better inclusion of internal migrants in India, policy briefs*. Published by the United Nations Educational, Scientific and Cultural Organization and United Nations Children's Fund, New Delhi.
- Unni, J. (2000). *Urban informal sector: size & income generation processes in Gujarat*. SEWA-GIDR-ISST-NCAER. Report no. 2, New Delhi, National Council of Applied Economic Research.
- Zelinsky, W. (1971). The hypothesis of the mobility transition. *Geographical Review*, 219-249.
- Zetlyn, B. (2014). *Women migrants working in construction: shaking the foundations of the way they are socially constructed*. Retrieved from Blog: migrating out of poverty, <http://migratingoutofpoverty.blogspot.in/2014/03/women-migrants-working-in-construction.html>, accessed on 26/03/2016.
-

Authors' Profile

Sanghmitra Acharya is a Professor at Centre of Social Medicine and Community Health, School of Social Sciences, Jawaharlal Nehru University (JNU), New Delhi, India. She is currently Director, Indian Institute of Dalit Studies, New Delhi. She works in the area of health and development issues of marginal groups. She has published in national and international journals. Her current research is on conservancy and sanitation. She has received awards and fellowships which has enabled her to research in and the Philippines. She was awarded UNFPA Fellowship for Population and Sustainable Development Programme in University of Botswana, Gabarone. She was an Asian Scholarship Foundation Fellowship and a visiting Faculty at Ball State University, Muncie, Indiana.

Sunita Reddy is an Associate Professor at Centre of Social Medicine and Community Health, School of Social Sciences, Jawaharlal Nehru University (JNU), New Delhi India. An anthropologist by training, her research interests include disaster management and surrogacy. She has widely published in national and international journals of repute. She has travelled widely and has participated in seminars and conferences in India and abroad. Her book titled 'Clash of Waves' has captured meticulously the ordeals of those affected by the Tsunami in the Andaman and Nicobar Islands; and has received delightful reviews. She is engaged with SATAT and heads Anthopos India Foundation, New Delhi which is a platform for dialogue between social scientists who engage with anthropological questions in their research.
