Introduction

The construction sector in India is mostly unorganised in nature and accounts for more than 20 per cent of the GDP. It is the largest employer in the country after agriculture, employing approximately 31 million workers. Out of this, only 1.2 million workers are employed in the organised sector and rest are employed in the unorganised sector. As per the National Sample Survey Organisation, in the year 2004/05, the total share of the unorganised sector employment was 43.4 crore as compared to 2.6 crore in the organised sector employment. Out of the 43.4 crore workers in the unorganised sector, an estimated number of 26.9 crore were working in the agriculture sector, 2.6 crore were in construction and the remaining were in the manufacturing activities, trade and transport, communication and services. A large number of workers were engaged in home-based work such as beedi rolling, papad making, tailoring and embroidery work.

The term-unorganised sector has been widely used in India to describe a type of work that is small-scale, unregistered, uncertain and unprotected. The unorganised sector is mostly understood as converse to the organised sector, which is based on a formal system of exchange guided by legality, inclusive of labour laws, trade union organisations, large and small firms. One of the main defining characteristics of the unorganised sector is the precarious nature of work, which is usually casual and non-permanent in nature. Workers are not covered by adequate social security under the laws and exercise low bargaining power due to existing social norms and non-affiliation to trade union organisations. The contribution of the unorganised sector to the economy is often grossly undercounted and underrated.

Sometimes it is important to theorise work outside the defining principles of the organised and the unorganised sector as the boundary is constantly blurred due to structural forces like globalisation and informalisation which redefines work and in effect questions such water-tight definitions. For the purposes of this research, the term-unorganised sector is used interchangeably with the informal sector. This is due to the commonality the two terms share based on their relationship to the organised/formal sector and similar nature of work patterns.

1 Draft proceeding of the National Workshop on Safety Health and Welfare Measures for Construction Workers, March 24-25, Ahmedabad, 2010
The organised and unorganised sector has been discussed with regard to the nature of problems of employment and the degree of organisation in the Report of the Committee on the Status of Women in India (CSWI), 1974. The organised sector was characterised by capital-intensive technology, relatively higher wages, large-scale operations and corporate or governmental organisations. The unorganised sector, on the other hand, was characterised by labour-intensive technology, small-scale operations using traditional methods and lower wages. In the organised sector, wages were usually protected by labour legislation and trade union activism backed by the legal system whereas in the unorganised sector there was easier entry, but less job security and lower earnings. The former included the entire public sector of services and industry as well as a part of the regulated private sector. The latter included agriculture as well as various industries and services.2

The 1990s witnessed a shrinkage in the share of the organised sector and simultaneously massive expansion of the unorganised sector. There was a massive slowdown in industrial growth along with decline in employment in public sector (as part of the organised sector) resulting in a decline of main workers for both men and women.3 On the other hand, there has been an expansion of the informal sector with regard to outsourcing and sub-contracting of production accompanied by emergence of global production chains. The recent trends in the labour market show reduction in state control on economy and markets through disinvestments, withdrawal of subsidies, reduction of public expenditure for welfare, cutback in per capita health expenditure.4

Labour market trends show that labour supply continues to exceed labour demand and unemployment has grown in large measures in India. While a significant part of the labour force continues to shift out of low productivity jobs in the agricultural sector to slightly better remunerated jobs, mainly in the tertiary sector, the bulk of the workers are employed in casual work. In India, the numbers of working poor has declined but inequality has risen due to wage growth increase especially among high wage earners only.5

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3 'Main workers' is a classification used in the Census
5 The World Bank, India's Employment Challenge: Creating Jobs, Helping Workers, Poverty Reduction and Economic Management Unit South Asia, Oxford University Press, 2010
Some theoreticians have drawn a causal link between globalisation and some of these trends in the labour market (increasing informalisation and casual, non-permanent nature of work, increasing inequality). In many developing economies structural adjustment, liberalisation and globalisation was introduced on the guidelines of the Washington Consensus. This offered a model comprising of eleven main elements; trade liberalisation, financial liberalisation, privatisation, deregulation, foreign capital liberalisation, secure property rights, unified and competitive exchange rates, diminishing public spending, public expenditure switching, tax reform, and social safety net. In India the period starting from 1991 is often studied as a watershed period as structural adjustment programmes were introduced and with it globalisation set in.

The process of globalisation has progressively liberalised markets and allowed greater freedom in the movement of capital across national boundaries. Globalisation entails: reduction in state control of administering prices, privatisation of state assets, reduction of direct and indirect taxes, reducing or cutting back public productive investment or reduction of subsidies to farmers in order to reduce fiscal deficit, trade liberalisation, financial liberalisation, market determined exchange rates, liberalisation of current account transactions, and capital account liberalisation (including easing rules for foreign direct investments).

Globalisation introduces new technologies facilitating the process of integration of markets. In the labour market this has created the division between skilled/unskilled workers, male/ female workers and formal/ informal workers. Globalisation through trade liberalisation often affects the relative demands for skilled and unskilled workers. Often workers in developing countries substitute low-skilled workers in the advanced countries through sub-contracting or foreign direct investment. They face job insecurity (volatility of earnings, hours of work and decline in bargaining power), which is one of the many characteristics of informalisation of work in developing countries.

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7 Sharp reductions in the average rate of tariff protection
8 Reductions in directed credit, freeing the interest rate ceilings and raised the cost of borrowing
9 Jayati Ghosh, 'Globalisation and women in India: some macro considerations', in Centre for Women’s Development Studies, Seminar on, Globalisation and the Women’s Movement in India, India International Centre Conference Hall II, 20th-22nd Jan 2005
Globalisation and neo-liberal policies are causal factors resulting in informalisation of production processes and precarious employment patterns. There has been a shift of employment from “core” to “periphery” activities located in smaller firms and independent contracts. This has resulted in reduction in the size of larger firms with downsizing (by means of outsourcing and sub-contracting). As a result there is concentration of high skill jobs at the core and the shifting of low-skill activities to the periphery. Except for the more privileged labour in the core areas, the changing employment contracts have shown a tendency towards unstable employment affecting low-skill labour (which is the fastest growing part of the labour force in many areas found in informalised work or temporary and part-time employment). This informalisation of work has increased employment-related insecurities and contributed to high unemployment rates in many countries. It has also resulted in growing income polarisation in countries whereby there is increase in job opportunities for the highly skilled workmen and a reduction of opportunities for low skilled workers. Thus, these changes have resulted in social inequalities, economic insecurities and poverty in many third world countries.11

In the 1970s and 80s, the informal sector was viewed as a ‘backward’ sector, which would eventually be absorbed into the formal ‘modern’ sector. Though many theorists stressed on the independent existence of the two sectors, many others stressed on the relationship of interconnectedness between the two. Early studies lay some of the major differences between the two sectors. These differences were based on scale of production (large/ small), type of capital used (imported technology/ labour-intensive), type of regulation (state regulated, unionised, protected/ non-regulated, unprotected). The formal/ informal sector dichotomy was first used in 1970 by K. Hart in a study of self-employed workers in Ghana.12 He used the terms informal, unorganised, unenumerated sector, self-employed, urban proletariat interchangeably. Subsequently the International Labour Organisation (ILO) and United Nations Development Programme (UNDP) Employment Mission to Kenya put forth some of the unique characteristics of the informal sector as; easy entry, family ownership, small-scale operations, unregulated, labour-intensive technology, informally acquired skills for workers. The formal sector had reverse of these characteristics. John Weeks has argued that the major difference

12 K. Hart, Informal Income opportunities and Urban Employment in Ghana, Jolly et.al, 1973
between the two sectors lay in the government system of regulation.\textsuperscript{13} This was further elaborated by focusing on protected/unprotected dichotomy between the sectors based on hiring standards, norms and procedures, unionisation, compliance to labour laws.\textsuperscript{14} Therefore, the understanding of informal sector and informalisation of work should be studied keeping in mind the shrinkage of the formal sector, informalisation of the formal sector, globalisation and the deregulation of the markets, erosion of workers’ rights and memberships of labour unions and reduction in the role of the state (especially the welfare state).

Informal sector workers can be categorised in various work status groups: self-employed (employers and own-account workers), dependent producers (home workers, out-workers, and unpaid family workers), wage workers (casual workers, employees of unregistered enterprises, employees of registered enterprises, and domestic workers). The matrix of labour rights to ascertain the core issues of workers in the informal sector consists of the right to work, right to safe work, right to minimum income and social security.\textsuperscript{15}

The role of the state as the provider of social security provisions for informal sector workers is imperative, as it is in this context that certain labour law legislations gain importance. The informal sector comes under the purview of many existing labour laws but most empirical evidence shows the ineffective nature of these laws. In many instances, these laws have not been implemented appropriately to protect workers’ rights in the unorganised sector. One contributing factor leading to the failure of implementation of laws in the informal sector especially in the construction industry is the multilayered system of contracting and sub-contracting which makes it difficult to ascertain the principal employer. Also in the informal sector there is no established employer-employee relation which makes it difficult to adjudicate these laws.

Numerous micro level studies on the construction sector, point out the violation of the labour laws [e.g. Payment of Wages Act, 1936; Minimum Wages Act, 1948; Building and Other Construction Workers (Regulation of Employment and Conditions of Service)\textsuperscript{13-15}]

\textsuperscript{15} Jeemol Unni, ‘Globalisation and Securing Worker Rights for Women Informal Workers in Asia’, \textit{Journal of Human Development}, Vol 5 No 3, Nov 2004
Act, 1996; Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; Contract Labour (Abolition and Regulation) Act, 1970], which pertain to this industry. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Cess Act, 1996, provides for collection of cess and provision of social security benefits to workers registered to the construction welfare board. The construction welfare boards have several social security provisions; issuance of identity card-cum-passbook and life insurance relief, medical assistance, maternity benefit, accident benefit, scholarship for children’s education, pension for workers after completion of 60 years of age, family pension, disability pension, financial assistance for marriage, loan for purchase of construction tools and house. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, has provisions for conditions of work (related to availability of drinking water, toilets, accommodation, crèche, first aid and canteens at site, and living conditions), regulations of employment (matters related to wage payment) and safety measures to be followed under the Act. However, numerous studies have pointed out, these provisions granted by the law are not followed at construction sites. The low level of awareness regarding legal provisions has also contributed to the workers seldom attempting to lodge a complaint. Women workers in the construction sites are mostly employed as unskilled workers with almost no provisions for conditions of work, wage regulations or social security.

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Women workers in the unorganised sector are doubly exploited as women and as women workers. Historically, women have been discriminated in society based on their class, caste, religion, region, disability, gender and sexuality. This discrimination is perpetuated into the labour market too. The issues concerning the unequal and dependent status of the woman worker and poor conditions of work has been analysed extensively in the Report of the (CSWI) 1974, also known as 'Towards Equality'. Critiquing the state's development priorities, it documented women's unequal access to development, education, health, their economic and political participation, and their status under the law as ironically existing even in independent India.\(^\text{18}\)

The marginalisation of women workers in the unorganised sector has also been highlighted by the National Committee on Self-Employed Women in the informal sector, 1988, also known as the *Shramshakti* report. This Report critiqued some of the existing labour laws in the informal sector based on their non-effectiveness, especially for women workers with regard to health, maternity and social security benefits. It enlarged the definition of paid/ unpaid work and work performed inside and outside the home so women could be recognised as an employee or own-account worker in the informal sector. It devised strategies to enhance women's control over productive assets (e.g. recommended establishment of Tripartite Boards to visibilise women workers, empower them as equal participants in the production process, establish separate wing in the Labour Department for women as unorganised sector workers). In the sphere of labour laws, it recommended simplification in the judicial procedures through introducing deterrent penalty clause for legal redressal of problems and, also, the registration of domestic workers, fixing of minimum wages, legislating on regulation of employment, social security and security of employment. It particularly stressed on the necessity of properly implementing the Minimum Wages Act (by fixing of a regional and national minimum wage, equalising piece-rate wages with time rate wages, and offering extra 25 per cent to women, working as home-based workers, which would count for leave wages, bonus, gratuity, workmen's compensation, social security) and the Equal Remuneration Act (by establishing the Equal Opportunities Commission, under a Central Act). The Report also recommended the applicability of the Maternity Benefit Act in all sectors,

introduction of childcare systems and an overall comprehensive law on health, safety and regulation of working hours.\textsuperscript{19}

The National Commission on Labour 1969 and 2002 noted the poor conditions of women in certain industries, especially in mines, plantations, and on the whole in the unorganised sector. The First National Commission on Labour, 1969, was specifically focused on the workers in the unorganised sector. Conclusively the commission called for simplification of legislative and administrative procedures, probe for legislative protection of the workers, detailed surveys to understand the problems of various categories of workers in the unorganised sector, strengthening of the inspection system, steps to be taken to protect workers from middlemen and development of self-help groups.\textsuperscript{20}

The Second National Commission on Labour, 2002 also made recommendations on simplification of the labour laws. It broadly concluded that among the major constraints in implementation of these laws were inadequate logistical support, lack of proper training of officials in concerned departments, shortage of manpower and infrastructure. The Report also proposed a comprehensive legislature on the National Minimum Wage. Largely, it recommended a consensus on a comprehensive legislative approach for regulation of the conditions of work, welfare and social security of the unorganised sector workers (who were mostly poor, vulnerable and unorganised).\textsuperscript{21}

The National Commission on Rural Labour (NCRL) in its 1991 report recommended a multi-dimensional strategy to uplift workers from poverty by creating infrastructure to improve productivity, provision of social security, enforcement of minimum wages, provision of identity cards for agricultural workers, regulation of conditions of work and creation of a welfare fund. It recommended a minimum wage of Rest 20 per day at 1990 prices as the subsistence wage. In addition, it augmented the liability of the principal employers and contractors for prevention of violation of the law. In this regards, it made specific recommendations for handloom workers, beedi rolling workers, construction and brick-kiln workers, leather workers, toddy tappers, fisheries workers, sweepers, bonded and migrant workers in the unorganised sector.\textsuperscript{22}

\textsuperscript{19} Shramshakti Report: Report of the National Commission on Self-Employed Women and Women in the Informal Sector, New Delhi, 1988
\textsuperscript{20} First National Commission on Labour Report, Ministry of Labour, Government of India, 1969
\textsuperscript{22} Report of the National Commission on Rural Labour, Ministry of Labour, Government of India, New Delhi, 1991
The Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector by the National Commission on Enterprises in the Unorganised Sector in 2007 is also a comprehensive report for workers in the unorganised sector. The findings of this report show that almost all labour laws in India are limited by the scope of their coverage (which could be defined in terms of the type of employment, type of employment relationship, nature and size of the establishment, including the number of workers, and area). This report distinguished between three kinds of labour laws: one that apply universally to all workers, working either in the organised or in the unorganised sectors, secondly laws that apply only to the organised sector and lastly laws that apply to some segments of the workers in the unorganised sector (in a few cases, they may also cover some segments of the organised sector). The fact that unorganised sector workers are covered in a piecemeal fashion in various legislations and lack comprehensive protection of minimum conditions of work was reiterated by this Report.

Two draft bills (for agricultural workers and non-agriculture workers) prescribing minimum conditions of work and introduction of a minimum social security provision were recommended in this Report to regulate the conditions of work of the unorganised sector workers. As the level of existing laws to protect workers is varied across the two sectors and the implementation process is also separate, therefore, two bills were drafted. This report made recommendations on protective measures for workers (including marginal and small farmers) to improve growth of the agricultural/non-agricultural sector, and measures to expand employment and generate employability. It analysed the concept of women’s work being defined by their invisibility as workers, their double burden of work and discrimination faced in the workplace. The Report explains the low work participation rates of women workers by drawing linkages with the labour market discrimination. The discrimination faced by women in the labour market is often manifested in job typing and lower remuneration, at the same time discrimination outside it causes a lower rate of work participation as well. The situation becomes further

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23 Central laws, which regulate conditions of work in the unorganised sector, fall into three groups. The first group applies generally to the unorganised sector e.g. the Equal Remuneration Act, 1976. The second group of laws applies to certain groups of workers in the unorganised sector and the scope of application is restricted by the nature of employment, or size of employment e.g., The Minimum Wages Act, 1948 and the Trade Unions Act, 1926. The third group of laws apply mainly to the organised sector workers (e.g. factories, establishments, or enterprises employing 10 or more workers), but in certain cases, or by relaxing the employment criterion, these laws can (be made to) apply to some sections of workers in the unorganised sector e.g. Workmen’s Compensation Act, 1923, the Contract Labour (Regulation & Abolition) Act, 1970. Also discussed in Chapter Three

debilitating when gender disadvantage are superimposed on other disadvantages such as low social status and low education.

In India four contradictory trends in women’s work have been emerging; simultaneous increase in the incidence of paid labour, unpaid labour, underpaid labour, and open unemployment of women. There has been an increase in employment of self-employed workers largely in the rural areas mostly involved in non-agricultural activities. The statistics for urban women’s work participation shows an increase in services (this includes low paid domestic work and a small section in manufacturing). Due to outsourcing as a part of larger production chains there has been a recent trend in petty home-based activities in the manufacturing sector. Women also constitute a tiny proportion of export-oriented employment in special economic zones.\footnote{Jayati Ghosh, \textit{Never Done and Poorly Paid: Women’s Work in Globalising India}, Women Unlimited, 2009}

In the era of globalisation and informalisation of work characterised by deterioration in working conditions, fluctuations in wages, and growing casualisation of work in terms of irregular, casual and non-permanent employment, workers in general and women workers in particular were severely affected. The feminisation and mechanisation debates in India, elaborates this point with the help of number of empirical studies.

According to the 1991 census, the estimated workforce in India was about 285,932,000 and the construction industry employed about 5,543,000 of the total workforce. Construction workers are usually classified into unskilled, semi-skilled and skilled workers (e.g. masons, carpenters, plumber, electricians, tile layers, glass fitters, metal fabricators and concrete workers). The construction sector comprises of three sub-segments: real estate (commercial, residential), infrastructure (road ways, posts, airports, SEZs) and industrial construction (steel, textiles, fertilizers, oil, gas refiners and pipelines). Estimates of the Eleventh Plan period show the demand for construction sector to grow up to 8.9 per cent and approximately 2.5 million employment opportunities were to be generated.\footnote{From the Draft proceeding of the National Workshop on Safety Health and Welfare Measures for Construction Workers, March 24-25, Ahmedabad, 2010}

Evidence has been piling up of mechanisation displacing women in the construction industry. The tendency of displacement of women workers in the informal sector by machines has been accentuated under globalisation.\footnote{Renana Jhabvala, ‘Liberalisation and Women’, \textit{Seminar 331}, November 2003} According to National
Sample Survey Organisation (NSSO) 1993/94, 4.17 per cent of all male workers and 1.27 per cent of all women workers were engaged in construction work. Today, among women construction workers more than 98 per cent are casual workers. Many large companies with their increased mechanisation in construction processes have resulted in massive displacement of labour in nearly all construction operations. Eventually, women’s labour would be eliminated from the main operations, in which they have been conventionally deployed. On the other hand, there would be an increase in demand for construction skills such as masons, tile fitters, painters, plumbers, cement finishes, glaziers, electricians, etc. Unfortunately, due to the gender division of labour mostly men possess these skills. As women are mainly employed as unskilled workers and no enabling conditions are factored in for skill enhancement they, therefore, are the most vulnerable category of workers with no employment protection and social security provisions in this sector.

**Research Objectives**

The objective of this research is to determine the impact of globalisation and informalisation on women construction workers. The construction sector has specifically seen a decline in women’s wage employment, as skilled men or machines are constantly replacing them post-globalisation, along with deteriorating conditions of work. Workers in this sector belong to the informal economy, which is characterised by insecure nature of work and lack of implementation of mostly all labour laws applicable in this sector. The interplay of the state mechanisms in relation to regulatory laws or their ineffective implementation along with other developmental policies is critically studied to get a holistic picture of the research problem. Overall, there is a dearth of data on women workers, especially in the construction sector of the informal economy and this research is an attempt to generate new data in this particular field.

This research attempts to study the ineffective implementation of certain provisions granted by the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act 1996, and the Building and Other Construction Workers Welfare Cess Acts, 1996, specifically in the regions of Delhi and Ahmedabad. Both these Acts directly affect the construction industry and since these are central Acts most state governments are still in the process of implementing it. Along with these Acts, the Minimum Wages Act, 1948 and the Equal Remuneration Act, 1976 and its enforcement in the two regions is also studied. Law is an indispensable part of the
state mechanism. It is also a crucial lens through which we can analyze the role of the state specifically with regard to implementation process of these laws.

Women’s wage employment decreased in small-scale industries and formal sector and increased in the informal/unorganised sector. Ironically, it has been ascertained from numerous case studies that even as the employment of women in productive activities has visibly increased in mostly all sectors their vulnerabilities and marginalisation has simultaneously also been on the rise with informalisation of work, structural adjustment, economic reform, or transition from centrally planned to market economies and globalisation. The most crucial aspect in this picture is shaped by the interplay between the state and its regulatory mechanism through labour laws. The implementation process of labour laws has become more relaxed and almost absent in the informal/unorganised sector. This research would enquire the reasons behind the impact of the above stated structural variables (globalisation and informalisation of work) on work done by women in the construction sector in Delhi and Ahmedabad.

It is imperative to underline the reasons behind selecting the cities of Delhi and Ahmedabad for empirical research. The high rate of in-migration, urbanisation and unionisation of women construction workers in both Delhi and Ahmedabad have significantly contributed to this. The high rate of urbanisation and in-migration is directly affecting the construction sector since most migrants work in the construction industry.

While preparing for the Commonwealth Games to be held in October 2010, the city of Delhi has experienced rapid expansion in infrastructure (metro construction, flyovers, high rises, stadiums etc). The Commonwealth Games are just one part of the bigger construction boom hitting India. Delhi alone will see an estimated investment of Rs 26,000 crores on city infrastructure, urban planning and sporting facilities in the context of the Commonwealth Games. A study of Building and Woodworkers International estimated that roughly about 300,000 workers would be needed for this level of activity, over three years. Out of these workers 1,00,000 will be unskilled construction workers, at least 10,000 of who will be women, and overall 20,000 migrant children. In all, five lakh jobs are likely to be created in the Commonwealth Games related activities. As compared to the expenditure on the Asian Games, which was around 108

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29 Citizens workers, women and children for Commonwealth Games 2010, factsheet, a coalition of 20 organisations and individuals who have come together to put the spotlight on the rights of workers, women, and children in the context of the 2010 Games. The objective of this coalition is to ensure social security, safety and equity for workers, women and children
crores, the expenses involved in the Commonwealth Games were estimated to be around Rs 20,000 crores.\textsuperscript{30}

Migration adds roughly 2.5 lakhs to Delhi’s population every year and in the last decade growth rate of population has declined in Delhi but there has been increase in rates of migration. Migration accounts for more than half of the Delhi’s population increase. In the period 1993-1994 to 2004-2005, the urban poverty has declined in Delhi by just 0.83 percentage points and the total number of poor has increased by 45.6 per cent. Most of these migrants constitute the category of urban poor. The Delhi Master Plan 2021 has estimated a daily inflow of 645 migrants i.e. 235,000 migrants per year.\textsuperscript{31} Large numbers of migrants stay in squatter settlements and face abject poverty and inhuman living environment. Some of the notified JJ clusters and slums have piped water and sewer facilities but the majority of the non-notified slums and JJ clusters do not avail these basic facilities.\textsuperscript{32}

Unionised construction workers (mostly men), as members of \textit{Nirmaan Mazdoor Panchayat Sangam} and Self Employed Women’s Association (SEWA) Delhi (all women), makes Delhi an interesting site for primary research. \textit{Nirmaan Mazdoor Panchayat Sangam} is a union of construction workers that has been very active in the last two decades to facilitate the legislation and monitor the implementation process of the Building and other Construction Workers (Regulation of Employment and Conditions of Service Act), 1996 at the central and state level.

Ahmedabad was declared as a Megacity in the Union Budget of 2005/2006. This has led to massive scale of infrastructural construction in road building, water supply and sanitation projects.\textsuperscript{33} Gujarat is the only state where the rate of immigration from outside the state has gone up in 1980s, both in the urban and the rural sectors. Thus, the arrival of workers from out of the state is an important factor responsible for the pace of urbanisation in the state. According to the Census and NSS data, one could argue that Gujarat enjoys a high employment rate and a low unemployment rate. For men and rural

\textsuperscript{30} Akash Bisht and Sadiq Naqvi Delhi, \textit{Conquerors of the golden city} http://www.hardnewsmedia.com/2010/03/3490


women the work participation rate is high in Gujarat in comparison to the entire country. The high work participation rate of rural women can be explained in terms of high proportion of women in Gujarat who work on part time or non-regular basis, much larger than the national average. The low rate of urban work participation of women in Gujarat could be explained in terms of socio-cultural prejudices, norms, traditional values which restrict entry of women into the urban labour market. Another factor could be a higher rate of female literacy and a higher rate of unemployment therein in the urban areas. The high rates of work participation could be attributed to the growth of casualisation (decrease in regular employment and it being replaced by self-employed). The high growth rate of poverty with the high rate of in-migrants from outside states, in urban areas, is being absorbed in low paid casual jobs. Thus, the linkages between growing immigration and poverty due to urbanisation and casualisation of work are evident in the case of Gujarat.  

On the other hand, some have argued that due to the closure of the textile mills approximately 85,000 workers were retrenched and forced to enter the informal sector. Their employment in this sector has deteriorated their living wages and living standards. In the context of informal sector the on-going work by SEWA in unionising women workers in this sector have been very crucial. SEWA combines its strength from three movements: the women’s movement, the labour movement and the cooperative movement. SEWA works through its trade-based unions and cooperatives on the basic foundational objective of self reliance and full employment. SEWA has devised a unique insurance provision for its members. Its largest cooperative is the SEWA bank. From its inception in 1972, SEWA’s membership has grown to over 1.2 million members in seven states in India.

The factors of informalisation and casualisation of work, in the context of urbanisation, and unionised women workers from SEWA proves Ahmedabad to be an interesting site for primary research.

Research Questions

Some of the crucial questions, which this research explores, revolve around issues of informalisation of work in construction sector and its impact on women construction workers within the overall framework of existing labour law legislations in this sector. It also determines the impact of globalisation and informalisation of work on women workers with regard to conditions of work, wages and reason for deteriorating conditions of women construction workers. The role of the state mechanism is studied with respect to labour law legislatures pertaining to the construction industry. The reasons behind their ineffective implementation specifically in the regions of Delhi and Ahmedabad are explored. The contextualisation of the questions and issues stated above, and the exploration of the work of women in the construction sector, raises, and probes further questions. These include, but, are not limited to - the exercise of power dynamics in the construction sector; the validity of the feminisation and mechanisation debate in the construction sector; migration patterns of women construction workers, in Delhi and Ahmedabad, and the reasons behind these; available provisions for social security for construction workers; and the role of trade union/ civil society organisations in articulating the dissent of the women workers.

Research Methodology

This research is restricted to the National Capital Territory of Delhi (NCTD) and Ahmedabad city. It is divided into two levels of primary and secondary research. The primary research is based on field-based data collection method and the secondary research is based on review of relevant literature and archival data collection.

Both, quantitative and qualitative analysis was used for primary data collection. The quantitative analysis was undertaken by questionnaire method and qualitative method was undertaken by interviews during the field work for testimonies of the workers. Based on a method of random sampling, and initial field based visits, 14 sites in Ahmedabad, and 8 sites in Delhi, were selected for primary data collection. In Ahmedabad, 12 field sites are in residential areas, while out of the rest one work site and one naka site (a crossroad were workers gather looking for work every morning) was selected to conduct field survey. In Delhi, 3 field sites at work sites and the rest residential sites were selected for field survey. For initial entry into the field, labour unions and NGOs were approached. In this regard, SEWA in Ahmedabad, Baandh Kaam Mazdoor Sangathan and Ajeevika
Bureau in Ahmedabad and SEWA in Delhi and Nirman Mazdoor Panchayat Sangam in Delhi were contacted. In addition to interviewing the construction workers, the labour contractors, builders, NGO activists, Labour Commissioners were also interviewed to get a holistic picture of the construction sector.

For the field survey, both men and women workers were interviewed with the help of the questionnaire method. The questionnaire consisted of personal data (age, marital status, living conditions, access to hospitals and schools, education background, reproductive health, household assets, household size, caste, religion, voting pattern, awareness levels, type of housing, location of housing, child care, savings, ownership of land/property, indebtedness, whether union member, aspirations), information about work history (employment status, reason for not continuing work in construction, payment of wages, type of recruitment, skill level, amount of wages, basis of wage payment, working hours, facilities at workplace- availability of toilet, drinking water, crèche, maternity benefits, muster roll, labour card, bonus, overtime, compensation for accidents, safety precautions, right to form unions), migration patterns (reasons for migration, frequency of visiting native village, frequency of shifting residence, duration of stay at one place, where do they migrate from, whether single/ family migrant/ seasonal migrants). Alongside the above questions, the interviewees were also asked to define work/ domestic work.

This research aims to analyse the quantitative and qualitative increase or decrease in employment rate, alongside study changes in other factors, which determine the nature of women’s work specific to the construction sector. The articulation of dissent from the women construction workers themselves is documented and analysed to get a comprehensive understanding of the research issues. As members of trade unions and civil society groups are active in this sector, their perspectives have been voiced and highlighted. The women’s movement in India is a dynamic sphere where different women’s organisations/ individuals with distinct ideological standpoints form broad-based alliances based on a particular issue. One such issue has been centred around the feminist critique of the state and the policies of development and their impact on women workers. In addition, the interplay of labour laws and the regulatory mechanisms of the state are areas of research. Both the above stated points are discussed with the help of available secondary literature. It is with this background in view I would critically analyse the impact of these structural constraints on the category of women workers.
The method of secondary research is based on archival data collection from the Census, NSS data on labour work force participation rate and gender disaggregated data on the work force participation to determine the quantitative rise and fall in employment and wages over time from 1990s till date. Also commentaries on labour laws, labour gazettes, labour survey reports specific to the construction sector, labour laws, parliamentary debates on laws is studied comprehensively. In addition to this, there is an attempt to gather information from relevant academic literature on the specific area of research.

This research is divided into chapters. The first three chapters are grounded in theory to contextualise the next three empirical based chapters. In the first chapter, under the broad framework of globalisation and informalisation, the work dynamics of the construction sector is explored. This chapter is divided into three sections. After a brief discussion on the theoretical debates around globalisation, liberalisation and structural adjustment programmes, the first section presents a gendered critique of these policies with special reference to their impact on women workers. The second section defines informalisation of work outside the categories of unorganised/informal sector. Within this context, the third section discusses the dynamics of work in the construction sector along with the experience of exploitation of contract migrant labour, their poor conditions of work and, therefore, the need for social security.

The second chapter defines work for women and issues related to women workers in the informal sector. The Marxist theory on labour relations/division of work and the feminist theories on patriarchy are used to understand the multiple layers in the category of ‘women and work’. To elucidate this, in the Indian context, trends in women’s work participation rates and problems encountered while enumerating women’s unpaid work is elaborated. The mobilisation of women workers by organisation/ unions in the unorganised sector to articulate the dissent of these workers is also discussed. The central argument of the chapter is to be able to define the category of ‘women and work’ keeping in mind the larger debates on informalisation of work especially within the construction sector.

The third chapter critically studies certain labour laws applicable to the informal sector, especially in the construction industry, e.g. the Minimum Wages Act, 1948, the Equal Remuneration Act 1976, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, Building and Other Construction Workers Welfare Cess Acts, 1996. Since the construction sector is predominated by
migrant contract labour without any social security provisions, this chapter also discusses the National Rural Employment Guarantee Act, 2005 and the Unorganised Workers Social Security Act, 2008. The central argument of the chapter is to define the powerless conditions of migrant workers and their need for social security provisions under the ambit of labour law regulations as well as the reasons for ineffectiveness of labour laws specifically in the construction sector.

The fourth and the fifth empirical chapters are based on the construction sectors in Delhi and Ahmedabad. The chapters are broadly divided into four sections. The first section introduces the field areas and discusses the socio-economic backgrounds (in terms of age, caste, education status, religion, marital status, household size, and voting patterns) of the workers. The second section discusses employment status and payment of wages (with regard to type of recruitment, skill level, amount of wages, and basis of payment), facilities at the worksite (toilet, drinking water, crèche, muster roll, labour card, bonus, overtime, compensation for accidents, and maternity benefits), working hours, and savings. The third section discusses various issues related to migration patterns (determined by reasons for migration, frequency of visit to native village, frequency of shifting residence, years of staying at the same place of residence). The last section analyses the legal awareness levels of the workers along with the role of labour unions in the implementation process of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 in both the regions of Delhi and Ahmedabad.

The last chapter presents a comparative analysis from the findings in the field research in Delhi and Ahmedabad. Also, some issues regarding type of labour recruitment and reasons behind migration have been discussed at length based on the field based responses. The central argument of the chapter is that the emergent vulnerabilities which women construction workers face is the same and does not differ from region to region.