

Construction Workers, Powerlessness and Bondage: The Case of The Asian Games.

Walter Fernandes

With planned development and the building of industrial infrastructure, construction activity has become a major input in the country's economy. With an estimated 40% of all construction activity undertaken by the government (Fernandes 1984: 20), the administration has a major role to play both in encouraging this sector of the country's economy and in protecting the interests of construction workers. In practice, however, building activity depends on incredible exploitation of men, women and children. The construction workers, most of whom are highly mobile migrant labourers, are a neglected sector both by the government and the trade unions.

This exploitation and powerlessness of the construction workers was brought home to us in a study of the Asian Games construction labour, conducted by the three ombudsmen appointed by the Supreme Court of India to protect their interests.* This appointment was made on May 11, 1982, in response to a writ petition by the People's Union for Democratic Rights, alleging violation of labour laws and exploitation of construction workers. This study is thus not to be viewed as an isolated incident but as an example of what happens on most construction sites. It is an example of impoverishment, indebtedness, bondage and powerlessness of those sections that have been marginalised by the present pattern of development.

Between June and November 1982, the ombudsmen visited the construction sites regularly, studied the situation for themselves by inspecting the facilities, interviewing the workers, employers and middlemen and others. Apart from these visits, they also studied various documents such as dispensary registers, accident registers etc. Besides,

Dr Walter Fernandes is Director of the Indian Social Institute, New Delhi and Editor of *Social Action*.

*The ombudsmen were the late Dr Alfred de Souza, then Director of the Indian Social Institute, Dr. Walter Fernandes, then Director of Research, Indian Social Institute and Prof. S. Dasgupta, Director, People's Institute for Development and Training, New Delhi.

several tape recordings of earlier interviews with the workers of the Asian Games village were available and these were used in the reports. This study was done at the construction site of three of the six flyovers under construction, the Indraprastha Indoor Stadium, Hotel Samrat, the Asian Games Village and the Talkatora Stadium. For reasons unknown to us the Supreme Court excluded from the purview of the ombudsmen, the Jawaharlal Nehru Stadium and several hotels under construction. However, the ombudsmen interviewed informally the workers, *Jamadars* and a few junior officials at the Jawaharlal Nehru Stadium, in order to get an idea of the situation.

Based on these interviews and other data, seven reports were sent to the Supreme Court between June and November 1982 and the consolidated report in December 1982. This paper is based on the consolidated report. In this paper, we try to study the situation of the Asiad Workers. The picture that emerged out of these interviews was one of exploitation by labour contractors, *jamadars* and moneylenders, lack of basic facilities provided to the workers, deprivation of minimum wages and inhuman working conditions. What was of much greater concern was the callous attitude of government officials including labour inspectors, many of whom stated that the Asiad projects were essential for the prestige of the country. They added that a few persons have to pay the price required for national prestige. That one group had to pay the price for the prestige of another did not seem to matter to them.

Constraints, pressures and repression

We know, at the same time, that we have not arrived at the full truth because we were prevented from studying the real situation. We worked under time constraints because we were appointed in May 1982 when more than half the work had been completed and a large number of unskilled labourers had left Delhi. But a much more important constraint was the attitude of the government officials as well as the officers of the construction companies. Initially, the officials gave us full cooperation. But as soon as they realised that the rosy picture they painted would not be accepted by us fully, they tried to mislead us and did everything in their power to prevent us from arriving at the truth. The major constraint was the difficulty of interviewing workers individually. At the Indraprastha Indoor Stadium, for example, whenever we tried to interview workers individually, we were interrupted and followed by persons who claimed to be manual workers but were much better dressed than the others and had no signs of perspiration even around midday—a clear sign to us that they

were not doing manual work in the open though they claimed to be manual workers.

We are left with the impression that they were the *jamadar's* agents who kept the workers under their control. The workers were afraid of talking to us in their presence or just replied what was prompted to them by these persons. More than once we were threatened with bodily harm if we dared continue the interviews with the workers. The policemen whom we approached just smiled when we complained about them and paid no attention to our pleas.

Another example of repression was what we saw at the Talkatora Swimming Pool Stadium as well as the Indraprastha Indoor Stadium. When we visited Indraprastha on 21st June 1982, a worker gave us information about an accident that had occurred on 18th June in which at least one person had died. The DDA Senior official we contacted denied that there had been any death and stated that it was a minor accident in which a few had suffered minor injuries. In reality one had died and two had suffered major injuries. When after initial inquiries we went to visit the place once again on the 23rd, the person who had given us the information had disappeared from the scene. No one knew where he was.

The same was the case with several workers whom we interviewed at the Talkatora Stadium on 9th November, 1982. They were on strike because they did not even have drinking water facilities. When we tried to contact them once again 3 days later, none of those whom we had interviewed, could be found. The other workers told us that they had been taken away and they did not know whether they had been forced to return to their villages or arrested according to the ordinance of 9th November 1982, banning all strikes at the Asiad construction sites.

Consequently, individual interviews with workers had to be done on the sly. For example, at Talkatora we met workers in groups of about ten. Whenever we asked questions in groups, there would be a moment of silence and everyone would look at one person who was slightly better dressed than the others, who would give the answer and then all would repeat the same answer.

However, when we succeeded in luring a few individuals away from the group, and questioned them, the replies they gave were considerably different from what they had said in the group. For example, in the group we were told that the workers received regular salaries of Rs 11.60 per day, that they paid no commission to the *jamadar* etc. But when we questioned them individually, we were told that they had received no wages whatever till then though they knew that the contractor had paid the *jamadar*.

These interviews could not be long because a person who called himself supervisor (and whom the workers referred to as *malik*) would appear from nowhere and order the workers to go back to work. In many cases the workers went away since they were afraid of the *malik*. When we told them that the *malik* had a duty to allow them to talk to us, the workers replied "you will not be here if we are beaten up or dismissed for talking to you." Though the *malik* said that he was an ordinary worker, the workers said that he was the *jamadar*.

In spite of these pressures, many workers talked to us individually and in some cases managed to make many important remarks even in groups before the *malik* arrived. Hence this report gives an idea of the situation on the construction sites. But it should be clear from the repression described above, that the real situation was worse than what comes out of this report.

Mode of Recruitment

The first factor most Asiatic labourers had in common with construction workers elsewhere was the *jamadar* or the labour contractor system. This method of recruitment originated in the 19th century when the British required captive labour in the Assam and North Bengal plantations. Moneylenders and other *dikus* (foreigners or non-tribals) became company agents who lent money to the poor tribals, reduced them to bondage and turned them into captive labour, at the disposal of the British plantation companies (Sarkar 1983: 38-42). The victims of this exploitative system were primarily tribals from Chotangapur who had till then developed a symbiotic relationship between the forest and land on the one hand and their own human needs on the other. They had thus developed a culture linked to land and forests. The introduction of the *zamindari* system that deprived the tribals of the ownership of their land, and the British forest policy that turned their habitat into state property, began the process of destabilisation, impoverishment and bondage among them (De Sa 1975: 33-40). The labour contractors (*jamadar*) who exploited this poverty to take tribal workers to the plantations, deliberately kept them poor and indebted to ensure their subordination and dependence on themselves (Rothermund 1983: 62-65).

Thus, apart from bondage, the arrival of British plantation and later mining companies led to two more types of captivity viz. the captive market of the managing agency and the labour recruitment system that took the peasants, particularly tribals, from agricultural bondage to the captivity of indentured labour (Rothermund 1978: 18-19). The indentured labour system would continue to cater to the

labour needs of British plantations in their colonies all over the world, from Guayana, Kenya and Mauritius to Sri Lanka, Malaysia and Fiji (Jayaraman 1981: 111-122). The management would develop a vested interest in the *jamadar* system in order to ensure complete control over the labourers.

Thus colonial destabilisation and commercialisation strengthened the forces of exploitation and led to greater marginalisation of those who were already weak. This system has continued and has been further strengthened after 1947. Traditionally, certain castes from specific areas like Salem district in Tamilnadu and Jaipur in Rajasthan have been used as construction workers. They have been exploited by the *jamadars* and the signs of exploitation can be seen in many aspects such as high incidence of third degree malnutrition, very high child mortality, frequent outbreak of disease etc. (Singh and de Souza 1976: 244). However, they were rarely bonded.

However, in recent decades, new groups that had so far been fairly independent have joined the ranks of cheap unskilled labour. Unlike the traditional construction workers from Salem, Jaipur and elsewhere that are exploited, malnourished and indebted but rarely bonded, oftener than not the new entrants are bonded and can be included in the category of forced labour. The most prominent among the new entrants are tribals from Chotanagpur in Bihar, Chattisgarh in Madhya Pradesh and from Orissa. These are the groups that had till recently depended on forests and land, had developed a culture and social structures geared to keeping a balance between human and environmental needs and had developed what can be called a symbiotic relationship between themselves and forests (Gupta, Banerji, and Guleria 1981: 9-10).

However, planned development in recent decades, based on industrialisation, has only been thought of in terms of the productivity of the forest areas. With these areas being rich in mineral, timber and water resources, national development has resulted in the displacement without rehabilitation of large numbers of its inhabitants. Several million tribals have been displaced over the last three decades. But fewer than 25% of them have been rehabilitated two or three decades after displacement (Hansda 1983: 23). The rest have been left at the mercy of moneylenders and other exploiters; and they have to choose between bondage and starvation. The moneylenders become *jamadars* have taken charge of them as captive labour who have little freedom of movement.

Building of dams, factories, roads, railway lines etc. is an essential part of the present development plans. Hence the newly

impoverished tribals do not any more join the plantations as in pre-independence days, but become part of the unskilled construction labour force. Such tribals who have been impoverished by the present pattern of development and have been reduced to bondage, have been found among the migrant labourers working under the Green Revolution farmers in Punjab, on the border roads in Nagaland, Arunachal Pradesh, Kashmir and elsewhere, on irrigation dams on the Narmada and wherever construction is in progress. Of much greater importance is the fact that a large number of them are forced labourers (Fernandes, Menon and Viegas 1984: 243-245). They are promised good jobs abroad and once they go to a construction site or farm, they are turned into slave labourers.

We found all these forms of recruitment in existence at the Asiad construction sites. The biggest contingent i.e. about a quarter of the estimated 150 000 labourers, were from Rajasthan, around 40,000, most of them bonded labourers, were tribals from Orissa and Chattisgarh, the rest being from Bihar, West Bengal, Uttar Pradesh and other states. By and large the *jamadar* system was very strong in the recruitment and control of the workers. Most workers had been brought from their village by the moneylender turned *jamadar*. Besides, several workers from North Bihar and Chattisgarh had come by themselves to Delhi and had been recruited individually by the contractors, particularly at the Asian Games village and at Hotel Samrat. But during the three months they worked directly under the contractor, they were constantly harassed by the supervisor and were asked to go under a *jamadar*. Their daily attendance would not be recorded, their wages were not paid properly, the supervisor would regularly find fault with them till they went under a *jamadar*. We met many other workers who had come to Delhi by themselves and wanted to get employment directly. But the contractor insisted on their working under a *jamadar*. Only skilled workers like electricians and plumbers seem to have been employed directly as individuals and most of them came from Kerala.

In other words, in the Asiad construction, as elsewhere in India, we found clear signs that the contractors had a vested interest in the *jamadar* system. Most contractors tried to evade the question by stating that they did not need any *jamadars* since they got most work done on the piecemeal work (PRW) basis or through sub-contractors. In practice, however, most sub-contractors and persons who supervised PRW, turned out to be *jamadars* and PRW was only a mode of circumventing the law. Only a few junior officials, as for example a junior ITDC official at Hotel Samrat, acknowledged the

existence of the system and some showed considerable knowledge of how it worked. Most senior officials denied its existence.

That in spite of official denials the system was rampant became evident in our interviews with the workers. Most of them discounted the contractors' claim of not being under a *jamadar*. When confronted with this reality, most contractors as well as DDA and other government officials insisted that since it was not possible to get local workers in Delhi, the contractors had no choice but to depend on *jamadars* for supply of regular labour. Another junior engineer who felt that the *jamadar* system is an evil that should be abolished, thought that it was inevitable under the present system. Labour keeps changing continuously and even the junior engineers do not know all the workers and rely on the *jamadars* for identification when required. The chief engineer of the Indraprastha Complex told us that apart from identifying workers for purposes of wages, the *jamadar* worked as the leader of the workers and supplied rations to them. When questioned closely, several officials and contractors stated that they preferred the system mainly because the *jamadar* took up full responsibility for keeping the workers under control and they themselves did not have to worry about any disciplinary and other problems. It is true that some contractors did not depend on the *jamadar* for a section of their labour force but employed the same workers over and over again. They are never made permanent but are always on daily wages. However, since they are in practice, though not in theory, permanent, the contractors provide them with better facilities and service conditions than they do to the others. But this is a small number. Most workers are directly controlled by the *jamadar*.

In other words, the contractors had a vested interest in the *jamadar* system since it ensured a regular supply of captive unskilled labour. The recruitment system ensured the subservience of the workers. It is because by and large the *jamadars* recruited workers by lending them money and using their labour as a mode of repayment. Each *jamadar* brings between 50 and 200 workers and controls their entire life. They take them from one site to another according to the need of contractors. The workers told us that since they had borrowed money they had no choice but to work under the *jamadar*. Asked what would happen if some workers decided to leave the *jamadar*, the wife of a *jamadar* asked us bluntly "where will they go? The village is controlled by our men."

However, most of those under the *jamadar*, though exploited, were not bonded labourers in the proper sense of the term. On the other hand, at the Asian Games village, Hotel Samrat and elsewhere

we found groups of Oriya tribals who are called *dadan* (bonded) labourers but were in fact forced (slave) workers. They had not become bonded by borrowing money from a moneylender, but had been brought to Delhi by *jamadars* with promises of being sent to Iraq. With the hope of becoming rich, these illiterate tribals had sold their meagre belongings or had borrowed money in order to come to Delhi. Once they came here, they were told that they would have to work without wages for six months in order to collect money for the passport and ticket etc. Later it became one year but they were not allowed to go beyond Delhi. Ignorant of the local language, illiterate and total strangers to city life, they were lost in the city without any contacts and were completely at the mercy of their *jamadars*.

Once in a way a few (say one out of hundred) are sent to Iraq in order to maintain the illusion for the others. But even when they are sent to Iraq, they are made to sign a bond to the effect that they owe something like Rs. 10,000 to the *jamadar* and that they authorise the employer to pay Rs.250 to 300 a month as repayment of this amount to the *jamadar*. No such money has been borrowed by the workers but the *jamadar* claims that he has paid that amount to the employer in order to get the job for him. Thus, the tribal works without salary (but is given only food) for a year and more for a ticket that is paid for by the employer in Iraq and continues paying the *jamadar* even after going there. The others who have sold everything they have, continue working without salary with the hope of going to Iraq and becoming prosperous. For all practical purposes they have become slaves. They are constantly kept under watch by the *jamadar's* strongmen and are denied freedom of movement. When some Oriya students tried to organise some workers at a privately owned five-star hotel construction site in 1981, the *jamadars* turned the work camp into a concentration camp, complete with barbed wire and armed guards.

Once work is completed on one site, these workers are taken by force to other construction sites, and continue as slave labour with no freedom of movement. Once in a way a few of them are identified and freed as a voluntary organisation did with some fifty tribals from the drought stricken Kalahandi district of Orissa working in Manipur (ibid: 243). Otherwise, they have little or no hope of ever returning to their families. In fact we have met dozens of tribal families in the Ganjam, Puri and Kalahandi districts of Orissa, whose young sons and husbands were taken away by *jamadars* with promise of well paid jobs and have not been heard of since they left.

Waags and Allowances

When one sees the savings in allowances, wages and other facilities, one begins to realise why a vested interest has been created in the *jamadar* system. Apart from ensuring a steady supply of unskilled workers over whom the *jamadar* has total control, it also enables the employer to circumvent many labour laws. One such law is the Inter-State Migrant Labour Act which requires the employer to pay to the migrant worker the expenses of the journey and food, and Rs. 75 or 50% of a month's salary, whichever is higher, as displacement allowance.

A few contractors told us that they had paid the amount to the *jamadars*. If they had really paid the said sum then the *jamadar* had misappropriated it because their workers stated unimously that they had received no such allowance. Most contractors stated that they were not bound by the Act since they had employed the workers locally. In other words, the *jamadar* forces the workers to borrow money from himself for the journey. Once the workers reach the construction site, the contractor employs them as local workers, thus circumventing the Inter-State Migrant Labour Act and pushing the labourers back into the moneylender's hands. Once work is completed on one site, the *jamadar* takes them to the next site where the contractor employs them once again as local workers.

We noticed a similar contravention of the law concerning wages. It requires that workers be paid the minimum wage (Rs 11.60 per day in Delhi in 1982) directly once a fortnight. The DDA, ITDC and other officials assured us that the contractor paid the salaries directly and that though it was not their responsibility, due to the orders of the labour ministry dated May 14, 1982, consequent upon the Supreme Court orders of May 11, 1982, they (the DDA, ITDC etc.) were supervising the payment of salaries. All contractors except one stated that they kept the law. Only the main contractor at Hotel Samrat told us that in most cases his company paid the wages through the *jamadar* since he alone could identify all the workers. The contractors, ITDC, DDA and other government officials assured us that even in PRW junior engineers supervised the payment of wages by the sub-contractor to make sure that he paid the minimum wages. They informed us that it was easy for them to supervise the payment since they had given an identity cum attendance card to each and every worker. When we asked the contractor's agent to show us a sample copy of the identity card, we were told that all the spare cards were at their head office at Connaught Place.

However, most junior engineers (or for that matter even several senior DDA, ITDC, NDMC officials and contractor's representatives)

did not know what the legal minimum wage in Delhi was, or the meaning of displacement allowance. Whenever we went to the work site at the time fixed for the payment of wages, we could not see any payment being made nor was there any labour officer present.

In fact, during one of our visits, the contractor's representative at the Talkatora stadium showed us a book with thumb impressions of all the workers indicating that they received Rs.16 per day. Similar books were shown also at other sites. But our interviews with the workers particularly at the four major sites, gave us a different picture. During our first visit to the Asian Games village on June 3, we met a *jamadar's* wife who told us that her husband had brought 35 workers from Rajasthan. Before coming from Rajasthan the workers had borrowed between Rs. 1300 and 2500 from her husband. On the work-site, the contractors gave the whole amount of the worker's salary to the *jamadar* who distributed it to the workers without any supervision. The *jamadar* kept back Rs.1.30 per day as his commission and another amount as repayment of loan. We were left with the impression that the workers received less than Rs.5 per day.

Our subsequent interviews with the workers and *jamadars* at all the other sites confirmed this impression. The workers were certain that no one supervised the payment of wages. They did not have any attendance or identity card and had to depend on the *jamadars* who paid them directly. The contractor handed the whole amount over to the *jamadar* and did not supervise payment to the workers. As mentioned above, even direct recruits were harassed into going under a *jamadar* and these had to pay on an average Rs.1.25 per day as commission to the *jamadar*. But they received the remaining amount. Also the *jamadars* and their family members whom we met confirmed that the contractors handed the whole amount over to them and they paid the wages without any supervision. Apart from his commission and loan repayment instalment (of which the workers could not keep count), most workers seem to have been exploited also in the name of savings. At the Indraprastha Complex, for example, the *jamadar* had told the 1500 workers that it was dangerous for them to keep all the money in their huts, since it could be stolen. Hence he volunteered to save their salary for them. The *jamadar* would thus keep all their money and give the workers about Rs.10 a week for provisions, which they had to buy from the provision shops run by the *jamadar's* relatives. None of the workers knew how much the *jamadar* owed them. Being illiterate, they could not keep count and would have to accept whatever the *jamadar* gave them at the end.

The workers told us that only in a few cases the *jamadar* paid the workers every week and a few workers had even been able to save

something. But in all these cases the *jamadar* always kept five days' wages as security that the worker would continue under him.

The women whom we interviewed told us that their husbands received their own wages as well as those of their wives from the *jamadar*. Their husbands gave the women some money for their daily provisions. In most cases they were not given their full wages but the *jamadar* gave them some money as and when they needed it. The workers were only made to put their thumb impression on a register. In most cases, money was given by the *jamadar* at the workers' doorstep and not on the worksite.

Briefly, the contractors and DDA and other government officials stated that they supervised individual payment of wages. But in practice all that they seem to have done was to get the thumb impressions of the workers and hand the amount over to the *jamadar*. We could not meet a single junior official who had actually supervised the payment of wages. But they had signed the register. One NDMC official's statement is worth quoting:

I too can say that I am supervising. But you would realise that we are understaffed and are under great pressure from the government to complete the sites on target. Hence we have to keep saying that we keep all the laws and violate them in practice. Anyone who says that he supervises the payment of wages or keeps any other law properly is a liar because we are understaffed, overworked and do not have time for supervision of labour laws which is time-consuming.

Though this situation cannot be justified, one can at least understand the pressure under which most officials worked. Much more difficult to understand is the attitude of most officials who resented any talk of the right of workers to a decent human living. Their attitude is symbolised by a senior DDA engineer who felt that the workers should be grateful for what they got. He could not understand why we were so worried about the unskilled workers who would be starving in their village if they did not come to Delhi. He felt that all the engineers working on the site had to put in plenty of overtime but there was no one to look after their interests but all were worried only about the unskilled workers. He thought that the labour laws created problems and thought it was fortunate that "Rome and the Taj Mahal were built before the labour laws were enacted."

Working Hours, Women and Child Labour

Working hours differed from place to place. Most had three shifts. The proportion of men to women was 60/40 on the major sites.

The law forbids the employment of women between 7 p.m. and 6 a.m. The contractors and officials invariably claimed that women were never allowed to work after 7 p.m. An official even felt that this was causing problems because ordinarily men liked to work together with their wives and if women were not allowed to work after 7 p.m. then it was difficult to get their men to work.

But the women as well as others had a different story to tell. At Indraprastha we were told that they were regularly made to work at night not just as an exception but as a norm. Our conversation with the first aid centre staff confirmed this. They attended to all emergency minor accident cases and the staff treated several women workers injured on the site at night. The women we interviewed stated that the *jamadar* often forced them to work at night though they themselves liked to be with their children in the evening and at night.

Though all the contractors and DDA and other officials claimed that the workers were given a weekly holiday, all the workers told us that only one or two contractors gave them a weekly holiday. Most others gave them only half a day every week but marked a full holiday on the register.

The government officials and the contractors claimed that no child labour was employed. The DDA chief engineer at Indraprastha said that clear instructions were given to this effect. But in practice we saw several children working on all the sites. The incidence of child labour seemed to be the highest at the Asian Games Village where we estimated the number as not far below two hundred. We could get the names of many children below 14 years working at this site as well as at Hotel Samrat.

But more information was difficult to come by since even parents were reticent to discuss the question with anyone. For example, in a group of 40 workers which we interviewed at Talkatora, we saw two boys one of whom seemed to be about 10 years old but did not know his age. He told us that both his father and mother were working on the site. However, a man whom the child pointed out as his father, said that the boy was an orphan and had been employed in order to give him some relief. We were left with the impression that the father was afraid that his child would be deprived of the little additional income he got. The boy told us that they were paid Rs. 9 per day while some others got Rs. 5. But they did a full day's hard work like any adult. This was the case also with the child workers we met at other sites.

In most cases the contractor (or *jamadar*) employed the whole family together and gave a lump sum. No individual salary was paid.

An 11 year old boy we interviewed at Hotal Samrat said that he was assistant to a *maistry* and did not receive any salary. His whole family including his parents worked there and he thought that the whole family together received Rs.200 every ten days.

When we brought the presence of children in the workforce to the notice of some senior officers, they said that at times parents pleaded with the contractor to take their children in order to earn some additional income. It was difficult for the contractor to go against the parents' wishes and the officials thought that the number of such children would not exceed ten. On closer questioning a few recognised that they themselves encouraged child labour for a few types of tedious but low paid jobs.

Briefly, the desire of the parents to earn some extra income, absence of any educational facilities adapted to the needs of a migrant labour force like construction workers, and the vested interest of the contractors and *jamadars* in having a cheap and subservient labour force came together to ensure that the construction workers' children were deprived of access to all avenues of social promotion and forever remained unskilled manual labourers.

Facilities

By and large the contractors, DDA and other government officials gave us a rosy picture of the facilities provided and of the working conditions. At the Indraprastha Complex, for example, the DDA chief engineer claimed in June 1982 that there had not been a single major accident at the site till then because of the precautions they had taken, that the DDA had created a lake near the stadium besides which the workers could stroll and even go for boating, and that after the first rains most of the 110 acres area had been turfed so that the workers could live in decent surroundings.

Another engineer of a construction company showed us some tents with three beds in each of them and were clean. He told us that all workers lived in this type of tents.

However, our conversation with persons living in the tents revealed that all of them were skilled workers coming mostly from Kerala. The unskilled workers lived far from the office and from the turfed area and the lake which was part of the stadium landscape. The workers were not allowed to go near the turfed area or the lake, lest they disfigure the landscape. Besides some workers just asked us "if we had enough time to stroll around or had money to go boating as the *sahibs* do, do you think that we would be slogging in this heat?"

In every place we inspected several huts in detail and measured

a few of them. After this inspection, we feel that we can make general statements about all the huts, because there was very little difference between them. The only huts which had a hard surface and a wooden wall were about 25 dwellings of *maistries* (masons) next to Hotel Samrat and the tents of skilled workers elsewhere. All the others had either a mud wall or jute cloth for their walls. They had one room, measuring about two and a half metres in length, two meters in breadth and one and a half metre in height with a one metre high entrance. Over 50% of the huts were on bare ground. Many of them were only tent roofs on poles. On an average three adults and three children lived in each hut.

The situation of the huts can probably be gauged from the situation we witnessed at the Talkatora Swimming Pool on July 27, 1982. Five workers suffering from malaria were sleeping near the entrance to the stadium since their huts were under knee deep water because of rain during the preceding days. According to the data we got from the meteorological department, rain on the three previous days at the Safdarjung station was as follows: 0.0 mm for 24 hours ending 08.30 hrs on July 24; 169.9mm for 24 hrs ending 08.30 hrs on July 25; and 20.6mm for 24 hrs on July 27th. This would hardly suffice to flood the huts but for the fact that at Talkatora, as on other sites, the huts were in low lying areas which could not be used for any other purpose. An officer who was more open than most others explained to us that neither the government nor the contractors think of a place for the workers' *jhuggis* (huts) while planning a construction. As a result, makeshift arrangements are made and the huts are shifted constantly and no attention paid to their quality.

Another badly neglected item was water supply and toilet facilities. For example, one group of 150 workers at the Asian Games Village reception centre had two soak pit type of *katcha* toilets. The group of about 70 huts near the water tower at the Asian Games Village had no toilet facilities whatever and the workers had to use the open field. Though the contractors as well as the DDA officials at the Indraprastha Indoor Stadium told us that they had provided all facilities to the workers, inspection of the area showed that this was far from true. Toilet facilities were provided to the clerical staff and skilled workers but they were badly maintained and not cleaned. But the situation of the unskilled workers was far worse. Their 250 *jhuggis* did not have a single toilet. When we brought this to the notice of the contractors and DDA officials, they stated that it was no use giving toilet facilities to the workers because they are used to going to the fields and they do not use the toilets in any case.

This was contradicted by the *jamadars* and workers in our interviews with them. They were unanimous in denouncing the contractors for not providing these facilities and claimed that it was true that in their villages they went out to the fields or hills. But there is plenty of place there. Besides, dogs and other animals keep the area clean. In this *jhuggi* complex, more than 250 families had to use a small plot. Hence the area was filthy and stinking and they found it extremely difficult to go there. But they had to use that field since no alternative facilities were provided. The present writer who has often lived in the tribal villages in Orissa and Chattisgarh can vouch for what the workers said about the situation in their villages and how they kept the surroundings clean.

That when facilities are provided, the workers use them, was substantiated at the Moolchand flyover. We were told that initially no toilets and other facilities were provided. But the huts were near middle and upper class colonies and their inhabitants objected to the surroundings being dirtied, thus forcing the contractor to provide the workers with the facilities. Inspection of these facilities showed us that the workers used them since they were kept clean. On the other hand, the toilets near a cluster of huts at Talkatora were never washed and the workers complained that they could not be used. The situation was similar at one of the clusters of huts at the Lodhi Hotel Flyover where facilities were provided but never cleaned. The situation deteriorated in all places as construction neared completion and the date for the inauguration of the Asian Games approached. The huts were moved further and further away from the worksite and no attention was paid to the facilities.

What is said about the toilets was equally true of water and other facilities. The 60-70 *jhuggis* near the water tower did not have a single water tap. The workers there as well as those working at the reception centre at the games village drank the water used for construction purposes. The same was true of persons working at the Talkatora swimming pool stadium. The two clusters of huts with about 70 *jhuggis* each had one water tap. The contractors' representatives told us that there were two more taps but we could not see any. When we asked where these taps were, they give us a very vague reply.

The situation had deteriorated during our visits to Talkatora in September and November. In September the huts had been moved away from the construction site and the workers had to use the only tap near the stadium under construction. On November 9, when we visited the swimming pool stadium site, many workers were on strike, not for higher wages but to demand drinking water. The *jhuggis* had

been moved outside the fence of the swimming pool complex and the workers were not allowed to enter any place inside the complex either for drinking water or for washing. No water tap had been provided to the workers who were still there and they had to walk about a kilometre to the *Rashtrapathi Bhavan* Police Lines to bring water from the only tap there. Some of them had been unable to bathe for a week. The workers told us that on October 21 they tried to enter the stadium complex to get water but were beaten up by men employed by the NDMC. There certainly was sufficient water in the swimming pool, but not for those who constructed it! The 1500 workers at the Indraprastha Indoor Stadium had two wells. The contractors told us that there were two more tube-wells but we could not see them.

Creche

The Asian Games Village with about 10,000 workers had only one creche run by the Delhi Council for Child Welfare. The creche itself was well run but had only about 35 children, though we saw several hundred children playing with mud near the huts. Also the only creche at the Indraprastha Stadium was well run by *Mobile Creches*, but had fewer than 40 children for 1500 workers. The same organisation had to close down its creche at Hotel Samrat, since very few children were sent there. At the Talkatora Swimming Pool Stadium there were up to 100 children of the 5-12 age group. The flyover sites did not have any creche. The contractors at the flyovers told us that they did not need any creche since most of their workers came without their families. In reality we saw several children near the huts or playing near their parents. Also the contractors in other places told us that there were very few children in the creches because the workers liked to have their children close to them when they worked.

However, the workers told us that they would have liked to send their children to the creche but they could not. The creche opened only at 8.30 and the workers had to be on the worksite earlier than that. It was not possible for the organisation (*Mobile Creches*) to open the creche earlier than that but the employers would not make allowance for mothers who wanted to leave their children there or make alternate arrangements. Supervisors discouraged women from going to the creche to feed their children during working hours. Hence, everything was loaded against the parents taking their children to the creche though the organisations that ran the creches did a good job. Briefly, a creche was started to attend to the legal minimum, but everything was done to circumvent the law.

Also the rest rooms provided seemed to be geared more to circumventing the law than to provide any facilities to the workers. At the Indraprastha stadium, for example, we saw a rest room in the form of a conical tent standing on one large pole in the middle and two smaller poles on the side holding a roof covering of PVC sheets or jute bags. The workers found this accommodation unsatisfactory since it did not provide any protection from heat during the summer. It was just a symbolic roof over bare ground. At the Samrat Hotel we were shown a corner of the building under construction which was marked as rest room. The workers told us that the sign was put up after the Supreme Court order of May 11. They did not have any place to rest before that and even after the board was put up, it was difficult to use it. At all the flyover sites, we saw fresh signs marked "rest room" painted just before we went since we had given the contractors prior information of our visit. When we went without prior information, we did not find any such place.

Canteen

Another facility the contractor is bound by law to provide is a canteen. At the Indraprastha Stadium we were shown a canteen in which, according to the contractor, all the workers ate. But our interviews indicated that only the skilled workers went there. The unskilled workers had to depend on some relatives of the *jamadar* who ran a shop near the huts and gave them provisions on credit.

Though legally every site except the one at Samrat had a canteen provided by the contractors, in practice this facility was not available to the unskilled workers. At the Indraprastha site, the canteen which was near the contractor's office could seat about 25 persons at a time. Also at the Talkatora swimming pool stadium, the canteen was near the office of the main civil contractor and was frequented only by skilled workers. The representatives of the contractors in both places insisted that "all are free to come." But the workers at the Indraprastha complex as well as Talkatora were categorical that they could not go to the contractor's canteen. Even if they were allowed to go there, their salary would not be sufficient even for food, since they would have to spend Rs 5.00 each for every meal and that was far beyond their means. In practice this was only an academic question since the contractor would not let them enter the canteen.

No such canteen existed at Hotel Samrat and the contractor as well as a senior ITDC official gave us what we consider an incredible reason for that. They told us that ITDC ran a canteen in the neighbourhood and was prepared to subsidise the workers. As such they

did not see the need of having another canteen. That "canteen in the neighbourhood" turned out to be the five-star Ashoka Hotel and the workers laughed at the very idea of their being allowed to enter the hotel or of their being able to afford food from that "canteen" even at subsidised rates!

A junior ITDC official gave us another reason. Their experience had shown them that the contractor ran a canteen which is often in the hands of the *jamadar* who makes use of it to control the workers further and fleece them since he sells them provisions on credit and confuses the illiterate workers about the amount they owe. He felt that the Samrat construction site was in an area with many shops. In practice, however, we saw a canteen just outside the construction site and it seems to have been run by just one such "exploiter."

Though a DDA official at the Asian Games village Reception Centre told us that the contractor subsidised the canteen, he could not specify the nature of that subsidy other than saying that the contractor provided the site. In reality, even the site belonged to the DDA and the canteen was run by an outsider, not by the contractor and the rates were high. The only canteen that seemed to have been run by a contractor was at the water tower under construction at the Asian Games Village. It only sold a few snacks and no meals. All the others were run by outsiders, most of them relatives of *jamadars*.

The same was the case also with provision stores. Though the contractors at all construction sites told us that they ran subsidised provision stores, in practice all the provision stores were owned either by the *jamadars* themselves or by some of their friends or relatives. This resulted in further exploitation. The *jamadars* did not pay the workers regularly, but kept giving them provisions on credit, thus further tightening the vicious circle of indebtedness and usury. Even without such usurious practices, prices were 20 to 30 per cent higher than outside. There were, however, a few cases of the workers resisting these usurious practices. For example, realising that patronising these shops and canteens only ensured the complete hold of the *jamadars* over them, many workers at the Talkatora Complex pooled their meagre resources to encourage a Rajasthani worker, Prakash Gupta, to open a small tea shop. Some others decided to buy provisions outside the construction site, not from the shops patronised by the *jamadars*. But these were stray incidents limited to Rajasthani workers most of whom are indebted to the *jamadar* but not bonded, and have a longer tradition as construction workers. Most labourers, particularly tribals, had very little choice.

Medical Facilities

On all the sites there was a first-aid kit in the contractor's office. This contained the minimum requirements i.e., iodine, bandage and a few tablets. The officials at the Samrat Hotel told us that a doctor came there for two hours a day and that the contractor paid his salary. The worker agreed that a doctor came there but many of them stated that their *jamadar* did not allow them to go to the doctor when they fell ill. They had to buy medicine from a particular place outside and pay for it. They resented this extra expense and some of them suspected that the *jamadar* received a commission from the pharmacy to which they were forced to go.

At the Indraprastha Complex there was a malaria dispensary during the day and a first aid dispensary running 24 hours a day. Though the DDA Executive Engineer told us that it was attending to all diseases and that DDA paid Red Cross Rs 20,000 a month for its services, the dispensary staff told us that it was only a first aid centre. All cases of serious injury were sent to some hospital or nursing home outside the complex. This was confirmed by the workers who told us that if a doctor attended to them at the dispensary they had to pay for his services. Most of them went to Shakurpur for serious illness. Children with diseases like scabies and conjunctivitis were left unattended to since the parents could not afford to give them any medicine. The situation was similar at most other sites. Because of lack of medical facilities which the law requires the contractor to provide, most workers had to go to private medical practitioners and pay them an average of Rs 10 for consultation and more for medicines. Besides, several unqualified persons posing as doctors 'treated' them for the same price. In addition to paying these high fees, the workers also lost their daily wages on days when they were ill, which was quite frequent, given the unhygienic conditions and malnutrition that prevailed in the hutment colonies. They had to pay a high price for being ill!

Security, Accidents and Compensation

As expected, we were informed by the government officials and the contractors' representatives that there were very few accidents. Also the government of India took the same stand and informed the Parliament that there were only twelve deaths among the Asian construction workers.

The reality was much more serious. For example, at Hotel Samrat we were told by the ITDC officials that there had been only one accident: an engineer had fractured his leg but was not eligible for compensation. The workers told us that there had been several

accidents. We could identify two of them: one who had lost two fingers while greasing a cement mixer and another who lost a leg when an iron rod fell on him due to the failure of the brakes of a crane. When we questioned the contractors' representatives about these accidents, they described the former as minor. The victim told us that he did not claim any compensation because the contractors said that it was his fault and that he was not entitled to any compensation, though the accident occurred when he was on duty and owing to lack of security precautions. The cost of his treatment was borne by the Company. The latter was hospitalised and the Company paid for his treatment at the hospital for one month. But he received no salary during his hospitalisation. After that he was forced to go to his village. When the workers approached the management for compensation, they were told that the company had already spent Rs 18,000 on his treatment and crutches and therefore no compensation was due to him.

We are aware of at least three deaths at the Asian Games Village and the workers speak of several more major accidents leading to fractures and probably some deaths. Normally little compensation was paid. However, in one case when a labourer was buried alive when a five metre deep pit in which he was working collapsed, trapping him under the debris, the dispensary staff heard of the incident and informed the journalists who reached the spot before the body could be taken away. Hence the family of the victim was paid Rs. 15,000. In other cases of deaths and accidents as that of a woman buried alive, the workers alleged that no compensation had been paid (Anon 1981).

The biggest number of major accidents seems to have been at the Indraprastha Indoor Stadium Complex, though both the chief engineer of DDA and the contractors had told us categorically that there had not been a single major accident. The first aid centre staff told us that since they were not a full scale dispensary, they referred all serious accident cases to the hospital. They had referred about forty such cases during the first six months of 1982.

Since we had read about some accidents and deaths in a South Indian weekly, we decided to question the DDA officials and contractors' representatives about them. Besides, during our interviews with the workers on 20th June, we were told that on 18th June at least one person had died and some injured in an accident. The workers claimed that it was difficult for them to know the details because in case of accidents the contractors ordinarily removed the bodies from the site immediately and tried to hush up the matter.

When we questioned a junior DDA official about these accidents, he stated that he had heard about the one of June 18, 1982 and about a few others, but he himself could not give any details since his work was mostly in the office, not on the site. When we contacted the chief engineer of DDA, he maintained that it was a minor accident in which a few had suffered only minor injuries and was absolutely certain that none of them was fatal. "If that is all the information you want, then the interview is over" were his last words. When we questioned the contractors' representatives, they at first denied that there was any casualty. When we insisted that it was serious, they agreed that one person had died and that two had suffered minor injuries. When we questioned them about reports of other deaths about which we had read in a South Indian Weekly, they confessed to two such deaths of Keralites during the preceding eight months. When we asked for the accidents register which is mandatory according to the law, the contractors' representative went in and after several minutes returned with a book in which there were names of three persons who had died in October 1981, March 1982 and June 1982, (the three deaths we have just mentioned). There was no mention of any other injury or death. All three names were in the same handwriting and the same ink and looked freshly written.

The contractors' representative informed us that of the three persons who had met with an accident on Friday June 18, one person had died and two had sustained minor injuries. He told us that after post-mortem at the AIIMS, the body of Harsh Kishori had been sent to Jaipur and that three or four other persons were sent to accompany the body. The relatives of the deceased had come to Delhi after the body had been sent to Jaipur. He informed us that the other two had suffered only minor injuries and had already been discharged from the AIIMS. Only to give them some rest, the contractors had put them in a private nursing home, but he did know its address. He did not have any other details except that Harsh Kishori was working there for about fifteen days only.

When we asked to see the FIR or any other police report or the post-mortem certificate, the two representatives of the contractor told us that the police did not give them any copy. When asked whether the police had been informed, they were non-committal. When asked for the insurance registers they told us that the documents were at their head office in Connaught Place. Even till the end of the inquiry no insurance or police document could be obtained from them. They always had the stock reply that the documents were at their head office.

With great difficulty we managed to get the address of the private nursing home where the persons with supposedly minor injuries were sent for a rest, as the contractors' representative stated. They were not minor injuries as the DDA chief engineer and the contractors' representatives had claimed. One had broken both bones of the left leg and fractured the eighth rib on the left side. He also had a lacerated wound about 3 cm below the fractured rib. His leg was expected to remain in plaster for at least eight weeks. The doctor stated that he would need at least a month after that to be able to move about freely and would not be able to do heavy work for at least three more months after that. He was father of five children, had worked at Indraprastha for two months before the accident but had received no wages. The other person had suffered fracture of the pelvis. The doctor felt that he required bed rest for three months and that he would not be able to do any heavy work for three more months after that. The doctor stated that one could not be certain that he would be able to walk normally after that but since there seemed to be no complication, it was probable that there would not be any permanent deformity. Both of them had first been admitted to AIIMS and had been brought to the private nursing home a few days later. We were told that the accident occurred on 18th June when the packing where twelve persons were working, gave way and the beam collapsed, trapping three persons under it. One of them, Ram Kishori Joshi about 45 years old, father of two boys and three girls, died on the spot. He was working for just about a month at Indraprastha. The body was at first sent to AIIMS and later taken to Jaipur. The relatives of the deceased were asked to go with the body.

Our enquiries with the workers revealed that there had been many more major accidents and deaths at the complex. This was confirmed by the staff members of the nursing home whom we interviewed. They could remember at least one hundred cases of major accidents during the previous eighteen months. The cases treated at the nursing home were only those in which the patients or their close relatives did not want any medico-legal action. They included leg fractures, broken ribs, brain injury etc. The doctors had sent many more cases to AIIMS since there was no choice but to have legal recourse since in many of these cases there was a danger of the victim dying.

The other staff told us that the contractors paid for the food and medicines of the accident victims but did not know anything about compensation and other facilities. They did not know what happened to the accident victims after they left the hospital.

Information about what happened to the victims once they left the hospital was given to us by more than fifty workers and three *jamadars* at the Indraprastha complex. If a person died, the victim's family members i.e., wife and children, brothers and sisters were forced to go back to the village even against their will. The family members were paid about Rs. 2,000 and usually the contractor bore the expenses of the funeral. The workers thought that the family was forced to leave the place in order to hide evidence.

The workers mentioned that accidents were quite common on the site. Some thought that on an average there was one major accident everyday while others stated that perhaps there were three or four a week. They estimated that there was at least one death every week at the complex and they knew about at least three deaths in the previous one month. One person was electrocuted in May. A woman fell down when she was carrying a heavy load on a narrow path on the fifth floor, remained unconscious for three days and died on 19th June. The woman's husband demanded Rs. 15,000 as compensation but was given only Rs. 2,000 and was asked to go back to his village. The third victim they mentioned was Hari Kishori Joshi who died on 18th June. The workers and *jamadars* estimated that 70-80 persons had died at the Indraprastha complex alone. Most of them had fallen from heights owing to lack of security precautions.

As for the injured, when they were in the hospital, the contractors' company paid for the medicines etc. Once the person was discharged from the hospital, he/she was forced to go back to the village. The other workers were not quite sure whether the victims got any compensation, but they were certain that they did not get wages for the days they were absent from work. Besides, pressure was brought on them to say that they did not want a medico-legal case.

One of the *jamadars* stated that given the pressure under which the workers were forced to work, accidents were inevitable. The Government was bent on getting the buildings ready on schedule. As a result, the contractors ignored all precautions in order to keep to the target. Very few holidays were observed, women and children worked at night and safety measures were minimal. As a result, there were many more accidents on the Asiad site than on other construction sites where he had taken his workers. But he stated that accidents were common wherever there was construction work and legal procedures and compensation were unheard of.

Asked why they did not fight for higher compensation for the workers, the *jamadars* said that all that the contractors wanted was

work from the labourers. If any *jamadar* demanded better facilities or higher compensation for his workers, his services were discontinued and other workers employed. In other words, the contractors wanted the *jamadar* only to supply regular workers and to supervise them, irrespective of the facilities and safety of the labourers.

Accidents seem to have been very few on the flyovers, which came under our purview. Most accidents immobilised the workers only for a few days. However, even during these days, they do not seem to have received any wages, though it was a work-related accident. There seem to have been several accidents at the Asiad Village and Hotel Samrat. The Jawaharlal Nehru Stadium was not included in our purview by the Supreme Court. But informal inquiries there indicated more than fifty deaths and many more major accidents. Thus our estimate is that about 150 persons had died during the 21 months of construction work on the Asiad sites. Major injuries numbered several hundreds.

Conclusion

We have given the case of the Asiad construction workers because it is not an isolated event. The type of persons employed, exploitation in the form of bondage, violation of laws, lack of any facilities and suppression of news about accidents are factors that are common to most construction work which depends primarily on migrant labour. The type of migrants may differ from place to place. But as elsewhere in the country so also in Asiad constructions, we found thousands of tribals migrating and living in conditions of near bondage because they have been impoverished by displacement for development projects such as irrigation dams and factories and by deforestation through industrial clearfelling. Though most traditional construction workers are not bonded, the influx of several million new unskilled workers has deprived the traditional workers of the little negotiating power they had. They are thus forced to put up with much more exploitation than they suffered earlier. Many of them have today become bonded labourers. They are unable to make any demands even for compensation or better working conditions because owing to the abundant supply of cheap (often bonded) labour, there is competition even among the *jamadars*. In other words, the vested interest of the contractors in the exploitative *jamadar* system has increased since today they can have much greater control over the workers not merely by dividing the working class but even by ensuring competitions among the labour suppliers themselves. Only a few contractors have the same set of *jamadars*. Most keep changing them in order to have the most subservient set of workers.

In other words, the aspect that comes out clearly is the powerlessness of the construction workers and of other victims of the present pattern of development. This powerlessness can be seen in every aspect of their life. It is because of this that we state that what we discussed here is not merely a case study of the Asiad construction workers. It is an analysis of the development and modernisation of one small section of Indian society that has resulted in the marginalisation of other sections and of further strengthening of the feudal forces that keep the majority under their control. Thus, what is called modernisation, instead of weakening the feudal forces, further strengthens them. Thus one sees the continuation of the processes set in motion in the British era when commercialisation that formed part of capitalism in the West, in the colonial economy of India strengthened feudal elements like the moneylenders and *jamadar* (Sarkar 1983: 44)

Consequently, unless the factors that result in the *jamadar* system are tackled effectively, there is little or no possibility of ever changing the exploitative status of the weaker sections, particularly the construction workers. Exploitation of migrant workers is the result of the "push factor" in the villages that forces them to leave their village in search of work elsewhere. As stated above, oftener than not, they have little choice even in this decision because of impoverishment. Hence every effort has to be made to eliminate the moneylending system in the rural areas, by ensuring the flow of financial resources to the weaker sections. In reality, however, all resources flow to the already powerful and the situation of the weak deteriorates further and the moneylending system is strengthened (Misra 1983: 78). The *jamadar* system is an offshoot of rural indebtedness which results from the impoverishment of groups like the tribals and the Scheduled Castes who have for centuries depended on natural resources and traditional technologies. Modernisation has involved destruction of these resources and technologies without anything else to replace them. Thus these classes have been rendered totally powerless, indebted and bonded.

These factors have to be attended to. Together with efforts to eliminate indebtedness in the rural areas and to seriously implement the *Abolition of Bonded Labour Act*, one needs to control and regulate the *jamadar* system. Today it is not recognised. At the same time, the whole construction industry depends on this system. As a result, the workers are rendered totally powerless. It is true that the *jamadar* system is the result of the anti-poor pattern of development. However, as long-term measures are taken to change the system in favour of the powerless, it is also important to take measures to deal with the elements that have developed a vested interest in it.

These vested interests are often maintained through an alliance between them and the State, thus rendering the weaker sections still more powerless. This powerlessness of the construction workers is further seen in the fact that the government officials only echoed what the contractors said and almost always showed an anti-labour attitude. They included labour officers and others who are appointed to protect the interests of the working class. In every case concerning wages, accidents, compensation or working conditions, they gave the version of the contractors in a much stronger way. In other words, one could see at the Asiad sites, as one sees elsewhere, a very close alliance between the exploiting class of the contractors and government officials who seem to represent them. Moreover, trade unions and other organisations meant to protect the interests of the working class are conspicuous by their absence. In fact trade union leaders themselves agree that they have concentrated on the less powerless and easier to organise workers in the organised sector and have ignored the labourers in the unorganised sector (Fernandes 1984: 12-17).

The powerlessness of the construction workers is further seen in the fact that there is no single law governing them. Other smaller but more powerful groups have legislation protecting them. Among them we can mention the working journalists who may be fewer than ten thousand in the country. But there is a law governing their working conditions. The estimate of construction workers varies between 2 million and 10 million but there is not a single law governing them. Clauses have to be selected from other laws such as the Inter-State Migrant Labour Act, the Minimum Wages Act, Child Labour (Abolition) Act etc. A uniform legislation governing this group has to be enacted, in order to protect their interests.

When it is enacted, it has to take the particular circumstances of construction workers into consideration. For example, the draft bill on construction workers introduced in the Tamilnadu legislature* spoke of maternity benefits for women who have worked for the same employer for one year. In reality, no person works on the same project for a year. If they work on different sites, it is entered in the books as fresh employment. Besides, contractors and sub-contractors keep changing.

Consequently, a totally new set of criteria have to be used for a highly mobile set of workers like construction labour. The government has to be directly responsible for schemes such as maternity

*This bill has recently been enacted into a law by the Tamilnadu legislature. The final approved version as approved by the two houses is not available at moment of writing. Hence all comments are on the original draft.

benefits, ESI and others. Moreover, the government has to initiate schemes such as savings banks, that would counteract exploitation by moneylenders. A uniform law for construction workers and proper control over *jamadars* are essential.

Ultimately, however, it is important to remember that none of these benefits can be acquired by the workers, unless they have more negotiating power. It should be remembered that construction workers and other labourers in the informal urban sector are only a sign of the neglect of the rural areas and of the oppression under which the rural poor live. Their powerlessness in the village has forced them to migrate and join the urban informal sector where they are rendered further powerless by their mobility and lack of organisation. Hence though the government keeps making laws concerning the allowances for inter-state migrant labour, creches and compulsory education for children, abolition of bonded labour etc., the victims of exploitation lack any negotiating power and organisation. Consequently, they themselves are unable to enforce their rights and the government and other implementing agencies work with the vested interests.

That is where the trade unions have failed in their task. As several leaders like Datta Samant, George Fernandes, Shankar Guho Niyogi etc. acknowledged in their interviews (Fernandes 1984: 12-15), because of factors such as exclusive concentration on economic issues, control by and competition between political parties and the lack of will to fight, trade unions have all but ignored the rural poor and the urban unorganised sector. They are the only ones who can support this section in their organisation to demand their rights.

Briefly, a solution to the exploitative situation of construction workers and labourers from the unorganised sector can be found only through a combination of legal protection, organisation, measures to eliminate rural indebtedness and initiation of development policies in favour of the rural and urban poor.

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