# THE UNORGANISED SECTOR - AN EXPLORATORY SOCIOLOGICAL STUDY OF CONSTRUCTION WORKERS IN MADRAS

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## CERTIFICATE

Certified that the material presented in this dissertation has not been submitted for any diploma or degree of this or any other university.

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# PREFACE

Several discriptive and evaluatory studies have been made and many are in the making of the modern industrial sector, the rural agricultural sector and their labour force. Where the modern industrial sector is concerned, the one central referent is the capitalist production system of the urban metropolis; as for agriculture, there has been a hot debate among our social scientists around the question of characterization of the peasantry in India. However, when we deal with activities which are outside of these two basic sectors, then, the problems we confront are two fold.

An industry such as construction for instance, occupies a place somewhere between these two basic sectors. It exhibits features of both sectors, but at the same time belong to neither of them. If as an example, we consider the patterns of investments in this industry, we will be confronting even the multi-national componations with a huge capital out-lay, undertaking construction work; while if we consider the organizational structure of this industry, the relationships that rule the labour force are highly traditional and the primordial ties binding the workers and their employers are perhaps the carry-over from a pre-industrial-agrarian Indian society.

The labour force remains partially uprooted from its village set up, while at the same time, is not quite integrated into the urban industrial millieu. The geographical migration of this population from rural to urban is followed by the occupational mobility from agriculture to non-agricultural operations. Men and women, who were previously skilled in agricultural tasks stand reduced as unskilled and semi-skilled manual labourers. Their struggle for existence in the cities is accompanied by a complete change in the working and living conditions in their lives. Therefore, a study of the labour force in the construction industry is important from the point of view of understanding the social costs that the vast majority of people in the Third World have to pay as a price of transition from a well integrated agrarian structure to a haltingly emerging industrial society.

Yet, as social scientists, we are faced with the problems of choice of criteria and points of reference to characterize construction activity as belonging to one or another sociological and economic category and classification.

Secondly, the problem of severe shortage of source material concerning the labour force in construction industry, has left its scars on this work, and to that extent the task has been made more difficult for me.

However, with the help of existing data and repeated visits to construction sites at Madras, we have tried to describe the general features of this industry and the working and living conditions of the labour force in the city. We have also tried to point out the several sociological issues involved while studying this section of labour force. We hope our work would serve as a preliminary to further study and research in this field.

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# CHAPTER I

# CHAPTER - I

## INTRODUCTION AND MAJOR ISSUES

### 1. Introduction:

Construction[1] is one of the oldest organized activities of human societies. Almost all societies have been carrying out this activity since much before the industrial phase. As a result, the pre-industrial societies evolved, rather advanced, though labour intensive techniques of construction, and established modes of integrating this activity with the socio-economic structure of the society. The advanced state of the techniques of construction in pre-industrial India is apparant from the large number of architectural specimens scattered all over the country. The integration of the activity into the socio-economic structure was achieved through a rather elaborate caste system even today; there are separate castes for each of the various skills involved in construction.

During the industrialization phase, with the emergence of urban metropolis, construction activity moves to the city and the earlier modes of integration

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1. Building construction, road, railways, irrigation canals and maintenance operations.

of this activity in the socio-economic fabric became obselete.[2] At the same time, due to various factors, associated largely with its history and the limited industrialization witnessed in the Third World, construction does not get fully incorporated into the capitalist structure. Thus, construction industry in the newly industrializing nations like India occupies a peculiar place; somewhere between the agrarian-rural sector and the industrialized-urban sector. The peculiarity of this industry can be best understood by examining some of the special features of the industry in India. These are:

(i) The pre-capitalist type of organization and the production relations;

(ii) The low level of mechanization;

(iii) The social background of the workers and their working and living conditions.

(i) <u>The Pre-capitalist type of organization and the production relation</u>

The construction industry is not organized along the lines of an industry in the formal industrial sector; many of the features of the organization of this industry as well as the work relations are a

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2. The modes of integration of handicraft industry, textiles, weaving, iron and steel, etc. with the socio-economic fabric of an agricultural society of the Pre-British India and the subsequent colonization effecting changes so fundamentally in both, the agriculture and industry, is better

carry-over from a pre-industrial society. For example:

- The masons' status as artisans remains intact even today.
- The head mason or the Maistry is a sub-contractor as well, and heads a team of construction workers involved in a particular task.
- The Maistry usually works with a team of workers of his choice and moves from site to site with more or less the same team.
- The Maistry is often, especially in small construction work sites, free to choose the way he works; the order in which the work is to be completed etc.
- All the jobs are undertaken on a piece-rate basis. A maistry is contracted to complete a piece of work for a certain fixed payment.
- The caste system is still the institution within which apprentices are trained to become skilled workers, carpenters, masons etc. This is in contrast to the guild system of feudal Europe.

(ii) <u>The low level of mechanization</u>

The level of mechanization in the construction industry in India remains low. Wherever some mechanization has taken place, it has been only marginal.

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Contd. 2
understood today. For an excellent survey of this see Clude Alvares, Homo Faber technology and culture in India, China and the West 1500 to the present day (Allied Publishers Privated Ltd. 1979). In the case of construction industry, the absence of any such systematic historical evidence leaves us to deduce (hypothetically) that similar changes would have occured even here.

Besides the cheap supply of labour, a major cause of this low level of mechanization is perhaps the fact that construction in this country has a hoary past, during which optimal techniques must have been evolved. Mechanization therefore may not make immediate economic sense. Whatever the reasons, the fact of a low level of mechanization with the retention of labour intensive processes, makes it impossible to integrate the construction industry in the usual capitalist pattern. In fact, full integration of this industry into the capitalist stream can take place only when mechanization has advanced to the 'prefabrication' technology stage, so that buildings can be constructed in factories and assembled on site. In India, this level of mechanization is still quite far away.

(iii) The Labour Force

The majority of the labour force in the construction industry in India is constituted of migrants[3] from the village drawn to the urban centres due to pauperization and expropriation of peasantry and large

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3. C.K. Johri and S.M. Pandey, Employment relationship in the building industry a study in Delhi (Shri Ram Centre for industrial Relations and Human Resources New Delhi, 1972) mentions as many as 96 percent building workers migrated to Delhi out of which an overwhelming majority (90 percent) were of rural origin.
Research study on building construction labour, Madras city, (Department of statistics of the Govt. of Tamil Nadu 1978) gives the migrants figure as 66 percent.

scale unemployment in the villages - caused perhaps by the commericialization of agriculture. We shall deal with these points in detail later. These migrants from the village, in particular the temporary migrants, retain habits and attitudes acquired in a setup which is quite different from the urban-industrial setup. The construction industry into which the fresh migrants often drift does not offer an organizational structure that will help their integration into the urban society. In fact, the construction industry in India, as shall be discussed in detail in subsequent chapters, is patterned in a way so as to exploit the primordial village ties for maximization of profits. This along with the casual nature of construction work and the need to keep moving from site to site makes it difficult to organize the construction workers into strong trade unions.

Thus, both the men and machines in the construction industry stand on the meeting point between a pre-industrial rural society and the industrialized urban society. The effects of this transition can, therefore, be observed most profoundly in the lives of construction workers - in their family lives, in their working and living conditions, and in their social and cultural behaviour.

For a sociologist, interested in studying the social costs of the transition from an agrarian to an industrial society, construction industry offers a continuous source of rich data. The objective of this dissertation is to make a preliminary investigation in this direction by looking closely at the construction industry in the city of Madras .

## 2. Review of the issues involved in the study of the construction industry

Lack of well researched and documented information concerning both, qualitative and statistical aspects of the construction industry and its labour force imposes severe limitations on our study. The paucity of information is particularly severe with regard to Tamil Nadu and the South India. The few existing studies[4] concentrate on the industry in North These studies too highlight some of the peculiar character of this industry mentioned above.

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4. C.K. Johri and S.M. Pandey, op. cit.
K.N. Vaid and Gurdial Singh, Contract Labour in Construction Industry, A study in Rajasthan (New Delhi, Shri Ram Centre Press, 1966).
S.N. Ranade and G.P. Sinha, Women in a Developing Economy - I: Women Construction Workers (Based on the surveys conducted in Delhi and Bihar in 1974) (Allied Publishers Privated Limited, New Delhi).
C.K. Johri, S.M. Pandey, V.K. Pathak, C.M. Vikram, Kamalesh Vaid, R. Muthuswamy and G.P. Dalal; Management of Construction labour in selected chemical plants in Western India (1970)(mimeographed).
S.M. Pandey and C.M. Vikram, Trade Unionism in Delhi's Building Industry, India Journal of the Industrial Relations, January 1969, pp. 298 - 321.

Several sociologists and economists consider construction activity in the third world as belonging to the "informal sector" of the economy. Therefore, in this section, we first review the discussion on the concept of 'informal sector' and its relevance to the construction industry. However, the following discussion will reveal that inspite of the tremendous efforts by several social scientists to study the enterprises of the "informal sector", there is still very little consensus on the definition, of the term and standards of measurements.

Eversince the concept of informal sector was coined by Hart in 1971[5] it has been given official recognition by several international agencies, especially the International Labour Organization (ILO) and the World Bank[6]. In 1972, the ILO - UNDP employment mission /

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5. Keith Hart, Informal Income Opportunities and Urban Employment in Ghana, Journal of Modern African Studies, (March, 1973, pp. 61 - 89).

6. Apart from the fact that a large number of studies have been carried out under the patronage of ILO and the World Bank, the role of these international bodies in promoting this new concept has been clearly summarized by T.S. Papola, Informal Sector: Concept and Policy, Economic and Political Weekly, May 3, 1980, pp. 817 - 824. Also see, Jan Breman, A Dualistic Labour System: A Critique of the 'Informal Sector Concept', Economic and Political Weekly, November 27, December 4 and 11; S.V. Sethuraman 'The Urban Informal Sector : Concept, Measurement and Policy, International Labour Review, July-August, 1976, p. 72.

to Kenya adopted this term to analyse the employment situation and to work out a strategy for employment generation in Kenya.[7] This study characterises informal sector as the following: easy entry for the new enterprises, reliance on indigenuous resources, family ownership, small scale operations, unregulated and competitive markets, labour-intensive technology, and informally acquired skills of workers.[8] According to Sethuraman "the basic reason for the introduction of this term in Kenya Employment Mission Report followed from the widely recognized fact that it takes a very long time for the benefit of general development policies to trickle down to the poorest sections of the population and the Employment Mission considered that perhaps the most important of such target group in urban areas was what it described as the informal sector".[9] Most of the literature using this concept has been studied under the auspices of these international bodies.[10] Since then, several

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7. ILO: Employment, incomes and equality : A strategy for increasing productive employment in Kenya (Geneva, 1972).

8. T.S. Papola, op.cit., p. 819.

9. Ibid., p. 820.

10. Ibid., p. 817.

studies have been carried out in Asia, Africa, and Latin America, to study the enterprises in the "informal sector" especially at the academic and policy making levels.[11]

The discussion on the concept of informal sector stems from a particular development ideology advocating an alternative to the modern, capital intensive, large scale, production organisation. The shift towards a small-scale production using less

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11. See A.N. Bose "The informal sector in the economy of metropolitan Calcutta, World Employment Programme Research Working Papers ILO Geneva, 1977; T.S. Papola, Informal Sector in an Urban Economy: A Study of Ahmedabad; D. Mazumdar "Notes on informal sector" ILO Geneva 1974; B. Dasgupta "Calcutta's informal sector", Institute of Development Studies (IDS) Bulletin No.5, 1973;Bienfeld, M and Godfrey, M, "Measuring unemployment and the informal sector - some conceptual and statistical problems", IDS Bulletin Vol. 7, 1975; Bhattacharya 'Shoe Shiners of Patna' Sociological Bulletin XVIII, 1969; Friedmann and Sullinan 'The absorption of labour in the urban economy - the case of developing countries' Economics Development and Cultural change Vol. XXII, 1974; T.S. Papola 'Typologies of labour markets within an urban labour market ILO Geneva 1974; S.V. Sethuraman "The informal sector in Developing countries - some policy implications" Social Action July-September, 1977; S.V. Sethuraman "Urban informal sector in Africa" International Labour Review December 1977; S.V. Sethuraman, International Labour review 1976; Jan Breman "A Dualistic Labour system" A critique of the 'informal sector' concept" Economic and political Weekly November 27, 1976 ; M. Van den Bogat "Enterpreneurial patterns in the urban informal sector: The case of tribal enterpreneurs in Ranchi" Social Action July-September, 1977; Vijai Joshi and Heather Joshi "Surplus labour and the city: A study of Bombay (OUP) 1976; Pamlo R. Souza and Victor E. Tokman "The informal urban sector in Latin

sophisticated technology recommended by this debate, rests on the assumption that the informal sector has greater potential to absorb the number of workers who are in any case abundant in the third world, while at the same time possessing the capacity to economise on capital which is scarce. Prompted and assisted by the policy making bodies locally as well as internationally, the findings of the research and their recommendations are often offered with a view to suggest ways and means to grapple with the mounting unemployment/underemployment facing the third world. These studies suggest that since the informal sector seems to possess an unlimited capacity to absorb the existing surplus labour, the rising population growth and the constatly migrating workers from villages, there is an urgent need to buttress and patronize the small enterprises on the part of the government.[12]

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America", International labour Review 114 (n. 3, November-December, 1976); John Weeks, "Policies for expanding employment in the informal urban sector of developing economies" International Labour Review III (n.1, January 1975); Heather Joshi, Harold Lubell and Jean Monly, "Uran Development and Employment in Abidjan" International Labour Review III (n.4. April 1975).

12. See T.S. Papola, Informal Sector in an Urban Economy : A study of Ahmadabad (Giri Institute of Development Studies).

Views questioning some of the above assumptions are put forward by the advocates of informal sector themselves. An important attribute of this concept namely easy entry for individuals and enterprises into the sector has been questioned by Jan Breman.[13] According to him, entry into this sector has to be aided and preceeded by a knowledge of individuals and factors operating within this sector. "The frequently heard view, that small scale and non-institutionalized activities are capable of almost unlimited expansion and that new comers can set themselves up as self-employed with almost no money or without too much trouble and with few tools, because those already present obligingly make room for them, is a dangerous and misplaced romanticisation of the hard fight for existence at the bottom of the urban economy".[14] A similar point is also raised by Deepak Mazumdar.[15] On the basis of his study he argues that the informal sector does not play a predominant role as a point of entry into the labour market for fresh migrants to the urban areas. According to Mazumdar the empirical

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13. Jan Breman, op. cit.

14. Ibid., December 4, p. 1907

15. Deepak Mazumdar, Notes on the Informal Sector (discussion paper) Research Conference on Urban Labour Market (Geneva, September 1974).

evidence that stand out in his papers reveal that there is a pronounced selectivity of workers found in the informal sector, as that of " a disproportionately large proportion of females as well as those out side the prime working age group (say under 25 and above 50) will be found in informal sector".[16] He points out that the popular myth that great masses of low income earners would be found in particular pockets of the urban economy namely the informal sector, the self-employed or the tertiary occupation, should be discarded. By this Mazumdar goes against one of the basic tenets of the informal sector concept.

Other criteria such as smallness of the operation, illegal existence and lack of access to government favour have also been questioned by some. The concept as it originally evolved, represented single worker establishments with only self employed family ownership employing few hired hands. However, the ILO report and subsequent literature extended the scope to enterprises, small in operation. Since official enumeration is applied to units above a certain employment size, a general cut-off point was suggested as 10 workers. According to Sethuraman

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16. Ibid., p. 657.

smallness of operation is a necessary condition to call it informal sector as "smallness is usually accompanied by several other attributes which make such enterprises disadvantaged".[17] On the other hand Papola[18] refutes the above basis by drawing attention to small enterprises that operate with high capital intensity, high rate of return on capital due to low wages, factory type organisation, assured market among high income group (such as luxury items or by catering to another industry) which goes against the objectives and concern on which the informal sector concept is based. He also points out that several enterprises operate illegally as they want to stay out of the purview of government regulations.

Similary, there is another view which questions the wisdom of defining urban labour market in terms of two sectors. According to Guy standing[19] the dichotomous classification of formal and informal sectors is indequate as there are more than two well distinguishable sectors in the urban labour market. According to him the informal sector itself contains two subsectors namely, the "irregular sector"and the "informal sector

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17. T.S. Papola, op. cit (6) p. 821.

18. Ibid., p. 821.

19. Ibid., p. 818.

proper". Breman[20] argues strongly against such dichotomous or trichotomous splits of urban labour market. "In my own terminology the concept 'market' should be applied to the entire labour force. The structure of this market is not dualistic, but has a far more complex ranking. Does this mean that the labour market in pluralistic rather than dualistic? Not if this is taken to imply a great many separate and identifiable sub markets .... labour market fragmentation is the most appropriate term".[21] Mazumdar[22] from the methodological point of view maintains that if we were to go by casual empiricism, then the view that the formal sector is separated sharply in some ways from the rest of the urban market is more valid than the contrary one for many less developed countries urban markets. Secondly, even if the difference between two types of employments is one of degree rather than of kind, so long as it is of marked degree, the methodology of economics can be applied successfully by operating with models which assume that the labour market is split into two different sectors.

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20. Jan Breman, op. cit., 1905 - 1906.

21. Ibid., p. 1905

22. D. Mazumdar, op. cit.

Sethuraman in his paper "The urban Informal Sector: Concept, measurement and policy"[23] concludes that an enterprise may be included in the informal sector if it satisfies one or more of the following criteria:

(a) it employs 10 persons or less (including part-time and casual workers)

(b) it operates on "illegal basis" contrary to government regulations

(c) members of the household of the head of the enterprise work in it

(d) almost all those working in it have less than 6 years of formal schooling

(e) it does not own power-operated mechinary and equipment

(f) it is engaged in the construction of semi-permanent or temporary buildings only.

Sethuraman also points out that this term has no specific analytical meaning in itself; it is used "for lack of better alternatives".[24] According to Papola, "the various attributes of the urban'informal sector' suggests that it is difficult to identify it as a distinct analytical category; the various characteristics attributed to it are not necessarily consistent with each other, nor are they to be found universally in different empirical situations.

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23. Quoted in Van den Bogaert, op. cit.

24. T.S. Papola, op. cit., p. 821.

Nor do these characteristics provides a clear identification of the 'informal sector' as the only and certainly disadvantaged sector deserving supportive policy measures".[25] According to him "its greater vagueness makes it more inclusive and flexible to suit different empirical situations".[26]

It can be observed from the above discussion, that no single attribute of the 'informal sector' has found universal acceptance from among its own advocates. From the point of view of our research, if we were to look for commonalities between construction activity and the characteristic features of "informal sector" as defined above by Sethuraman, we might find very little strictly in common. The construction activity is an industry recognized by the government, which is officially enumerated. Legislations regulating construction industry have been already enacted and some more are in the offing. The industry often involves a massive capital outlay including investment from even multinational companies. More often than not, more than 10 workers are employed

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25. Ibid., p. 823.

26. Ibid., p. 821.

on the same site (although almost always on a temporary basis). Yet the construction industry does not quite fall in the modern factory type of industrial sector either. There are several traditional features such as continuation of labour-intensive techniques of production; low level of mechanization, and retention of primordial ties among workers and employers (especially sub-contractors or maistrys). The industry differs from the modern, organised sector also in the fact that almost all the labour is employed on a temporary basis; and the labour force remains in a continuous state of flux. Further, in this industry there is a highly evolved traditional hierarchy of relationships ensuring a massive buffer between the primary employer and the construction workers. The main effect these features have had on the construction industry is to make it impossible for the workers to be organized along the lines of the industrial workers in the organized sector.

Clearly, in our study of the construction industry, we do not find the debate on informal sector with its focus either on the methodological relevance of this concept, or on the importance of this sector in the development strategies and policies for the third world, is of much sociological relevance. Our interest in this

industry is not from the view point of advocating an alternate strategy of development, nor from its place in the conceptual classifications of the economists. We are concerned mainly with the organizational patterns within the construction industry and the working and living conditions of labour in this industry. From this view, we do find that construction industry is distinct from the industries of the organized sectors. As described earlier, the major distinction is the impossibility of organizing the labour force, and the major sociological concern is the study of the problems and difficulties faced by this unorganized labour force thrown at the fringe of the urban industrial process. In this sense, we feel, it would be more appropriate to call this sector "unorganized sector" rather than "informal sector".

## 3. Construction industry in India

The importance of construction industry in the post-independence Indian economy is obvious from the various government reports. According to one such report, construction sector at the all India level contributes to 61% of the gross Domestic Capital formation at current prices and the share of construction sector in the Domestic Product is estimated to be 6.2%. [27]

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27. Department of Statistics, Government of Tamil Nadu op. cit.m p. 1. The basis for arriving at these figures however has not been mentioned.

This industry employs a very large number of workers including women and children. The national statistics from the 1971 census data estimated over 2 million workers in this industry which has steadily increased since 1961.[28] The increase in their numbers are mainly due to the following two significant factors: (i) the increase in construction activity itself in the country and (ii) the pressure of rural unemployment resulting in increasing number of labourers, mainly from the expropriated peasantry in the rural areas, being drawn into this industry. In this context, it should be noted that construction industry everywhere in India engages a high degree of migrant population from rural areas[29], and in majority of cases, economic harship has been the leading factor in their migration to cities.[30]

The increase in construction activity in India during the last few decades can be sufficiently substantiated with the aid of statistical information about the total housing stock, the increase in public sector investment in construction etc., provided from the census

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28. 15.9 lakhs, source: census of India 1961.

29. C.K. Johri and S.M. Pandey, op. cit.

30. Department of statistics, government of Tamil Nadu, op. cit.
K.N. Vaid and Gurdial Singh, op. cit.

of India and other government sources.[31] What really demands substantiation here is the phehomenon of pauperization of the Indian peasantry, resulting in migration to urban areas, absorbed mainly by the unorganised sector. Though social science research in India today can provide us with ample evidence to prove this, we would essentially restrict ourselves to a few studies:[32]

(i) Pauperization of the peasantry

In a direct estimation of surplus labour in agriculture Ashok Rudra[33] brings out a few pertinant facts. This paper was the result of an exercise that was carried out with data relating to 148 farms drawn at random (with probability proportionate to farm size) from the Hoogly district of West Bengal. For each farm the nature and intensity of farm work done by family workers as well as by hired labourers of all categories were studied as a function of time for the year 1970-71.

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31. See Appendix - I.

32. Also see Mehra, S; Surplus labour in Indian agriculture, Indian Economic Review, Vol.1966, pp. 111 - 128.
Studies in the economics of farm management, Ferozepur District, Directorate of Economics and Statistics, Ministry of Agriculture, 1973.
Ashok K. Mitra, Economic and Political Weekly, July 10, 1976, p. 1041.

33. Ashok Rudra in collaboration with Ramdev Diswas; Direct estimation of surplus labour in agriculture, Economic and Political Weekly, Annual Number 1973.

Only male adult labourers were considered, women and children were not considered as constituting labour supply for agriculture. Had they been included, the estimate for labour supply would have been much higher. On the other hand, a very "huge" number of farm family members have part time occupations outside agriculture - their inclusion in the agricultural work force would exaggerate any measure of surplus labour or underemployment: their exclusion however would underestimate the same. The authors chose to exclude them.

In the above survey, the estimate of surplus labour was found to be very large. Twenty seven percent (27%) of the adult members of farm families (without counting those who are too old or disabled, who have whole time or part time non agricultural occupation, women, children and those who are still studying) can be spared from any farm work without affecting family work load even during peak period. The average unemployment throughout the year is so high that even after removal of this 27% from the work force, the average employment per day for the remaining workers does not go beyond 4.5 hours. The improvement is from 60% of the time unemployed to 45% of the unemployed. This degree of underemployment,

even after removal of surplus labourers is so high, that if the remaining family workers were to work more intensively on their farms they could completely do away with the employment of nonfamily labour (chiefly hired casual labour on farms.

In this connection, Prabhat Patnaik[34] points out that Pauperization of Indian peasantry through eviction of peasants and of small tenants and increased mechanization along with increase in population growth has increased the proportion of wage labourers to the total rural work force. The comparison of 1961 and 1971 census data suggests that the proportion of agricultural labourers to the total rural work force has increased in several states and nationally by almost 10%.

(ii) Failure of Indian industry to absorb the surplus labour force

The failure of Indian industries (in the organized sector) to absorb this surplus labour has resulted in the emergence of an unorganized sector in the urban centres, where the labour force is involved in a variety of enterprises. Although the beginnings of modern industry in India dates back to 1854, at the

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34. Report of the Committee on differential interest rates, RBI July 1971, is referred to by Prabhat Patnaik in, On Political Economy of Underdevelopment, Economic and Political Weekly, Annual Number 1973.

time of independence the modern large-scale industry together with mines, accounted for only 7% of the national income compared with the small-scale industry's share of 10% agriculture 49% and construction and service sector 34%. In 1951, the employment in factories was 2.9 million, and in factories and mines together the figure was a mere 3.5 million which amounted to 2.5% of the total work force. In contrast, small enterprises engaged 7% of the work force, agriculture 71.8% and construction and service sector including trade and transport 18.7%.[35]

Industrial development in India had virtually negligible impact on either the unemployment situation or the sectoral distribution of work force. The annual compound growth rate of factory employment was 1.7% during the first plan, 3.9% during the second plan and 5.7% during the third plan followed by more or less 'secular' stagnation. For the entire period 1951-1968, the rate comes to 2.9%, just about enough to absorb the natural growth of employed labour force. Quite obviously this can neither make a dent in the back-log of urban unemployment which also experienced natural growth overtime, nor to absorb the migrants from the rural India.

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35. Prabhat Patnaik, Industrial Development in India since Independence, Social Scientist, Vol. 7, No.11, June 1979, pp. 3 - 19.

The economic stagnation since the mid sixties, which continued even after 1968, has of course worsened the unemployment situation. Between March 1966 and March 1977, the total employment in public and private sectors together, including mines and factories rose from 5.195 million to 6.258 million, an average of 1.7% while the number of job seekers registered with the employment exchange between April 1977 and April 1978 was 10.75 lakhs, bringing the total number of employed to 114.12 lakhs. Taking large and small industries together the ratio of the total industrial work force with respect to the total work force in 1971 was no higher than in 1901, whether we count only male workers or include even female workers.[36] Thus, the development of modern industry in India right from the very strategy pursued has been characterised only by marginal changes in the employment pattern, growing unemployment, stagnant real wages, "almost complete technological parasitism and growing indebtedness to foreign countries".[37]

(iii) Migration

In India, the volume of gross migration is certainly large. It is estimated that over 30% of

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36. Ibid., pp. 9 - 10.

37. Ibid., p. 10.

India's population is born outside the town.[38] Thus a huge mass of this floating labour from rural areas, unable to find work in the organized industrial sector, engage themselves in a variety of enterprises in the vast unorganized sector of the urban economy.

The percentage of unorganized workers in the total labour force in a few urban centres reveals that they constitute almost half of the urban work force. For instance in Ahmedabad[39] and Calcutta[40] it is about 45%. In Bombay[41] it is 50.90%, and the figure for all India[42] is 51.90%. Studies reveal that a considerable proportion of the surplus labour that

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38. John Connell, Biplab Dasgupta, Roy Laishley, Michael Lipton, Migration from rural India, The evidence from village studies (OUP 1976), p. 1

39. T.S. Papola, op. cit (12).

40. Harold Lubell, Urban Development and Employment: The prospects for Calcutta (ILO, Geneva, 1974) A.N. Bose, op. cit.

41. Vijai and Heather Joshi, op. cit., pp. 123-125.

42. Ibid., pp. 123 - 125.

migrates to the cities and settles down in slums is absorbed by the construction industry. In the sample survey conducted by Heather and Vijai Joshi among the migrants, over 80% (except in 63-64 when the percentage was only 65.7%) moved to cities due to economic difficulty at home in the village, such as (insufficient land, low income or unemployment) and there was a "marked concentration" of the most recent migrants in construction". The over representation of recent migrants in construction could be interpreted in two ways: (a) newly arrived migrants tend first to work in construction before moving on to other industries or (b) construction in particular, draws its labour supply from a population which does not settle down in the city and in which, therefore, migrants of short duration of residence are over-represented.[43]

A study of squatter settlements in Delhi emphasizes this point further. This study mentions that the urban poor are the same as those in rural areas. Their social origins are the same. According to the study 93 percent of the urban poor come from villages. Of the total number of households

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43. Ibid.

studied, 35 percent of the heads of the households were formerly marginal farmers (owning 1- 3 acres of land), 20 percent share croppers, 24 percent landless labourers, 15 percent artisans and occupational castes. The study reveals that 60% of these rural migrants were engaged in construction. The sample consisted of 32,025 earners in 21,000 households.[44]

Studies on migrant women in some urban slums[45] show that the burden of increasing poverty falls heavily on women, particularly since migration results in the loss of support from their own family and kin groups. These studies have pointed out that the selection of metropolitan city by migrants depends upon the opportunities that it offers for employment to women in the domestic service sector or in construction work. These studies also suggest that even though there has been no significant increases in the wages or changes in the conditions of work during the past seven years, more and more women are seeking work in the unorganized sector. Also among the later migrants, an increasing percentage come from families with no

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44. Tapan Mazumdar, The Urban poor and social change: A study of squatter settlements in Delhi, Social Action July-September 1977, p. 218. The paper was based on a survey of a sample of 21090 households out of a total of 142000, in 1375 squatter settlements scattered all over the city of Delhi.

45. Leela Kasthuri, South Indian migrant women in Delhi slums, ICSSR programme of women's studies (on going). Veena Mazumdar and Kunud Sharma, New perceptions and challenges, Economic and Political Weekly, January 20, 1979, p. 117.

tradition of women working for monetary benefits outside their homes.

Evidently, construction industry employs a significant number of migrant population, temporary as well as permanent*. There is direct evidence for this assertion from the studies on construction workers carried out Delhi, Bihar, Rajasthan and on construction workers at several fertilizer and chemical plant in the public sector all over the country. The process of migration of the working class from rural to urban areas is closely linked to the socio-economic conditions relating to both, the city as well as the villages.

The major questions connected with migration that need to be answered are : (a) What social, economic and demographic are linked to migratory movements (b) Who are the migrants who leave the villages of India? (c) What is the nature of migration? Is it seasonal migration to augment family income or is it permanent migration in search of urban employment? The period and destination of the migrant is also related to whether there is a recruitment drive by employers from outside the village, such as factories, mines, plantations;

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* By'permanent' we mean the migrants who do not return to villages after completion of the work. These are the workers who are permanently settled in the slums of urban cities over a long period of time.

whether migration is organized or voluntary and whether it is related to the perceived variations in the economic opportunities between urban and rural labour markets. Certain types of migration called "household part-migration" - a form of "share family migration" is also mentioned by Biplab Das Gupta and Roy Laishley.[46] In this case the households maintain two establishments, one in the village and the other in town in which the individual members change over a period. This is developed due to the system of 'Badli' (substitute) prevalent in many Indian factories where worker is allowed to keep a substitute of his choice during his long absence when he returns to his village.

Although there is no dearth of material relating to theories and patterns of migration, it must be pointed out, that there are few studies which operate with the multiple variables necessary for a sound understanding of the process of migration. A fairly exhaustive attempt at this has been made in the recent

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46. Biplab Dasgupta and Roy Laishley, Migration from rural areas, Economic and Political Weekly, October 18, 1975, pp. 1654.

years by a group of social scientists.[47] This work besides putting together the numerous studies and theories on migration in the third world, also helps to analyse and interpret migration from the villages in India. It brings out clearly the limitations of popular theories and models, such as "push-pull" distinction between village based and town based factors, which have been traditionally used to explain rural to urban migration; it brings to light the more fundamental factor in migration as the economic by providing data from forty Indian villages.

The authors argue that among both village based and urban related factors inducing migration, the following are the major ones: Land shortage, low fertility of land, skewed distribution of land and the resulting high proportion of landless agricultural workers.

'.... analysis of data from 40 Indian villages suggests that high emigration from a village is intimately associated with the unequal distribution of resources (usually land) in those villages, and the migration flow tends to consist of both rich educated villages and poor illiterate villager'.[48]

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47. John Connell, Dasgupta, Laishley and Lipton, op.cit.

48. Ibid., p. 10.

'The relatively high incidence of household migration among the poor, landless groups in the villages with scanty resources of land in our north-eastern Indian sample reinforces the scattered world-wide evidence relating scanty and maldistributed land to high rates of both individual and household emigration.[49]

The two major urban based factors according to the authors, are (i) commericialization of agriculture as indicated by the percentage of village produce sold and the percentage of land under main cash crop, and (ii) access to the town. Unequal land distribution between the village household implies concentration of the returns of agriculture to a few well-endowed households. This results in dualistic pattern of migration; the younger sons of prosperous farmers, relatively well educated, migrating to secure urban employment; and various family members or whole families from the labouring class moving to other rural areas or to low-paid insecure, marginal urban employment. Clearly it is the poor who are 'pushed' from the village and well-to-do-who are 'pulled by the town. To quote again:

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49. Ibid., p. 14.

'.... yet throughout, intra-village inequality, especially of land holdings, seem the most important, single variable underlying both 'push' and 'pull'.[50]

Thus it is pointed out that migration is also the father of inequality by conferring cumulative gains upon the richer migrants' families, including access to further probable migration; while for the poor, migration is increasingly a wandering search for work, and even if the search succeeds, it is unlikely to do more for his family than prevent a decline into even deeper poverty.

Ester Boserup[51] points out that a main factor determining the direction and size of further migration is the frequent communication between migrants and their relatives back home in the village. According to her, the flow of migration is stimulated whenever villagers learn from emigrant co-villagers about improved employment opportunities in a given town. Conversely, the flow is restrained by bad news and by the spectacle of disappointed villagers returning home.

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50. Ibid., pp. 198 - 199.

51. Ester Baserup; Women's role in economic development (London) George Allen and UNWINLTD (1970), p. 201.

It is obvious from the above, that the unorganized sector offers an abundance of material for the sociologist to work on. In this dissertation we study the construction industry in Madras, as a prelude to a full-fledged sociological analysis. The objective is to evolve a general understanding of this industry and its labour force. We have gathered information about the number, and unionization, working condition of the construction labour force in Madras; and about the organization of the construction industry in Madras.

As mentioned earlier, there is a severe shortage of source material on which we could base our study. With regard to Madras, the main source of data on construction industry is the commissioner of statistics, which in turn feeds the census of India and the National Building Organization (NBO). The available quantitative data concerning the public sector in Madras provide merely investment patterns and housing stocks for building construction (data for other types of constructions such as roads, bridges etc. are not available) costing Rs.20000/- and above. Therefore, any understanding based on available statistical data can provide only a partial view especially with regard to the workers and the problems they face in this industry.

Hence it becomes essential to base our findings to a great extent on personal experiences in the field; informal discussions and interviews with workers, contractors, government officials; union leaders and members, as well as personal observations.

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# CHAPTER II

# CHAPTER - II

## CONSTRUCTION INDUSTRY IN MADRAS

In this chapter, we give the details of the economic organisation of the construction industry in the city of Madras, followed by a preliminary survey of the sociological issues involved. While the first part is a more or less exhaustive description of the economic organisation, the latter part outlines the sociological problems raised by the peculiar organisation of this industry and of possible areas for deeper investigation.

### A. Economic Organisation of the Construction Industry

#### 1. Organisation - General

In a broad sense the construction industry is organised similarly throughout the country. For instance, the industry everywhere is highly labour intensive, and the work is carried out all over by the system of labour-sub-contract[1]. However, the

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1. C.K. Johri and S.M. Pandey, op. cit. Labour conditions in the building and construction industry in India, (Labour Bureau, Delhi manager of publications, 1954) Contract labour: A survey of selected industries,(Labour Bureau, Delhi manager of publications, 1957 - 61). K.N. Vaid and Guardial Singh, op. cit. Research study on building construction labour, op. cit.

nature of the work-force and the relationships that prevail in the industry are highly complex and extremely varied from region to region. With the help of the existing studies and from the available government reports we can, broadly outline the general organisational structure of the industry. Later, we shall direct our attention to the specific conditions prevalent in the city of Madras.

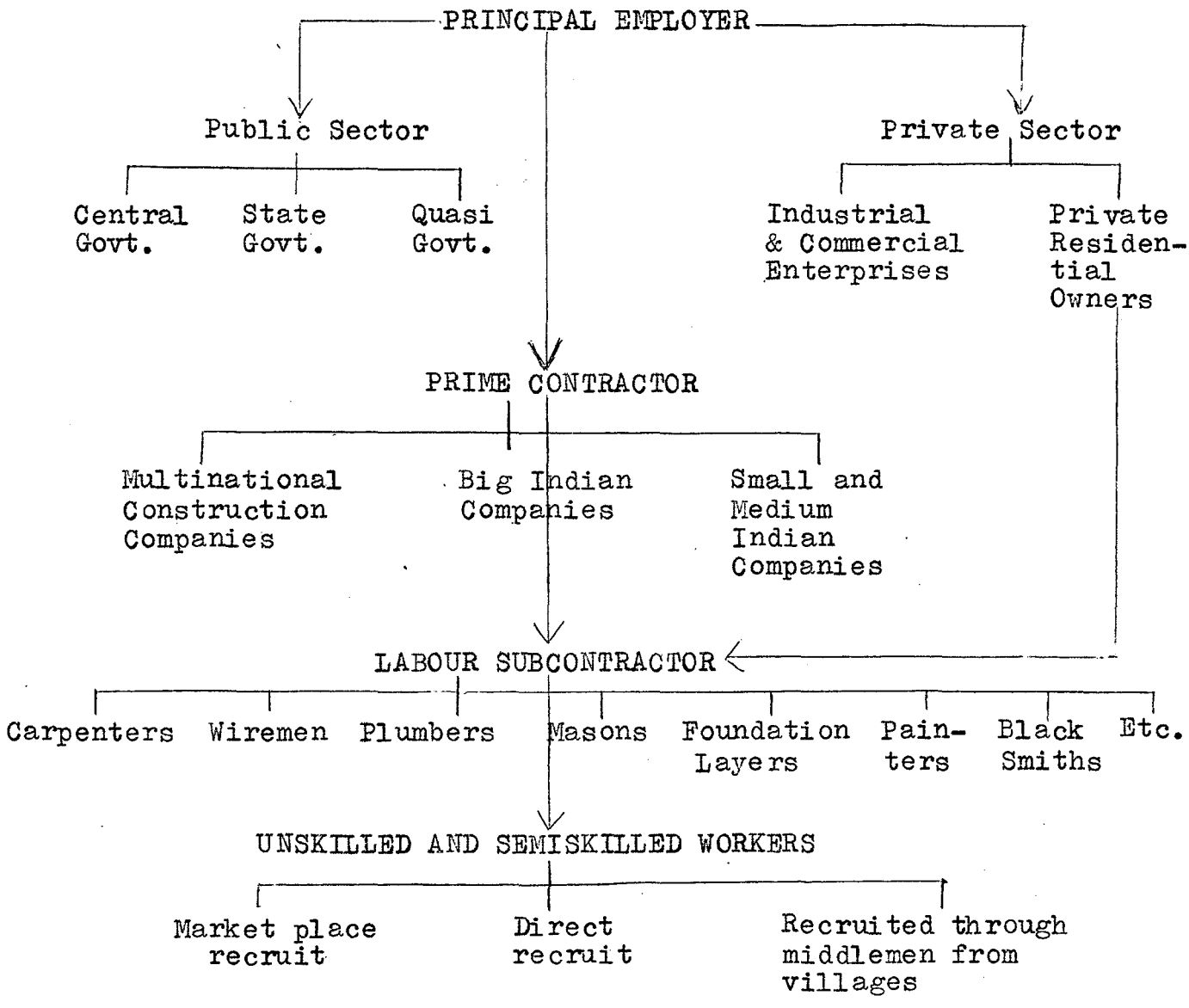
Construction industry covers a wide range of activities and operations such as building for commercial, industrial and residential uses, construction of roads, railways, airports, bridges, irrigation canals, maintenance operations etc. The Centre and the state governments are the biggest employers in the construction industry. They get their work done through the Central Public Works Department (CPWD) and through the State Public Works Departments. The Defence Departments of the Government of India undertakes building operations on a very large scale through Military Engineering Service. Apart from the PWD's in the states, the State Electricity Boards are also responsible for large scale construction work. Construction work in several river valley projects is directly managed by the state PWD's, while some of the giant projects are deputed to semi-government bodies with government control. The

semi-government agencies engaged in construction work include Housing Boards setup in several states, local bodies such as municipal corporations, municipalities, and District Boards, Development Boards and improvement Trusts and statutory bodies like the coal mine welfare fund. In some states, cooperative House Building Societies are also responsible for building activity. The railways are also responsible for building activity. They are an important sector in the building and maintenance work. Apart from this there is a private sector carrying on residential and industrial/commercial construction, especially in the cities and among the industrial belts. The organizational structure of the construction industry is indicated in the chart, on the following page.

Construction industry everywhere in India is highly labour intensive with a complex hierarchical structure. The entire construction activity is carried out on the basis of labour sub-contracts. In the case of government and quasi-governmental bodies, the work is allotted to prime-contractors who are registered with the respective departments, on the basis of tenders submitted by them. The registered contractors are graded into four categories namely, A, B, C, & S. Construction operations that involve investments

Chart No. 1

Organizational Chart of the Construction Industry in India




(Arrows indicate direct employer-employee relationship)

upto 45 (forty five) lakhs are assigned to grade 'A'; upto twenty lakhs are allotted to grade 'B'; upto five lakhs are given to grade 'C' category, and construction work costing fifty lakhs and above go to the special category 'S'.

The contractors in turn assign the work to several sub-contractors, who are in fact the direct employers of the construction workers. The labour sub-contractors, commonly known as 'Maistrys', supervise the work. On very small construction sites, usually the private residential buildings, the maistrys themselves are also the prime contractors. Thus contractors range from huge multinational companies to petty maistrys. The sub-contractors are assigned different types of work such as masonry, carpentry, excavation, laying of foundations, electrification, flooring, roofing, plumbing etc. on a piece-rate basis.

The sub-contractors in turn recruit semi-skilled and unskilled labour either (i) through a system of market place recruitment, or (ii) through direct recruitment, or (iii) through middlemen in villages. The details of these recruitment methods will be described later in the context of the situation in the city of Madras.

Thus in the construction industry there are the principal employers with massive capital outlay at one end of a complex chain of relationships and lakhs of construction workers with highly insecure, subsistence level of living at the other end. In between lies a whole hierarchy of intermediaries - contractors, sub-contractors or maistrys, middlemen etc. with no direct link between the employer and the worker.

The system of tenders inevitably leads to contractors keeping their quotations low in order to acquire the contract and subsequently recovering their profits mainly through sweated labour, depriving the workers of the safety measures, amenities, compensations etc. and economising with poor quality work. The principal employer in majority of cases, enters into an agreement with the prime-contractor, which however is restricted mainly to the financial cost involved in construction and specifications of the duration of the construction. This contract has practically little or nothing to do with the terms of employment of labourers, wages,hours of work, working conditions, living conditions, accident relief, compensation or any welfare measures.

The system of sub-contract and the temporary nature of work has resulted in the recruitment of millions of construction workers on a casual basis, not withstanding the fact that maintenace work on road, buildings, airports, irrigation canals, railways, operating and maintaining construction machinery etc. are activities that have a permanent character. A large majority of casual workers engaged in these operations are employed by the government and public authorities as 'muster roll' or 'work-charged staff'. As the Labour Investigation Committee appointed by the Government of India in 1944 put it ".... employment in the CPWD is a highly fluctuating affair, depending as it does upon the work programmes of the government from time to time. The consequence of this has been that a large mass of floating labour has to be kept in intermittent employment without any direct responsibility for security of employment or other rights of labour being thrown upon the principal employer viz. the government .... this has given rise to a system of contract labour being maintained for government construction, as a standing army of workers in different areas. Now, so far as the contractor is concerned, he is not subject to much legal regulation, and it is an unfortunate feature of the situation

that the government is able to avoid its own responsibility towards labourers in this vacarious fashion. A general impression which is thus gathered, is that, in so far as work-charged men and contract labourers are concerned - and these constitute a majority of the total number of workers employed directly and indirectly under the CPWD - the government are in the company of some of the worst employers in the country".[2] This situation even to this day remains the same.

The Planning Commission during the second Five Year Plan recommended that the government (a) regulate the contract system and secure for contract labour the conditions and protection enjoyed by other labourers engaged by the principal employer and (b) set up a scheme of decasualisation wherever feasible. In accordance with the policies, the Central Public Works department (CPWD) framed model rules prescribing norms for working conditions for construction workers to be adhered to in the public sector undertakings[3]. The ineffectiveness of these rules is aptly pointed out by the Labour Bureau itself. To quote the report of the Labour Bureau "The various rules and regulations

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2. Quoted in Labour Conditions in the Building and Construction Industry in India, op. cit., p. 3.

3. See Appendix II.

relating to labour in the building and construction industry are observed more in their breach than in their compliance".[4]

Being unorganised and due to the huge reserve pool of labour created by rural unemployment, construction workers form the cheap casual/contract labour for the construction industry in the cities. In spite of the fact, that construction workers have been to some extent brought under the purview of labour legislation, in reality this makes little difference to the workers. On the other hand, the entire system of labour subcontract is organized in a way that helps the employer to evade all responsibility without the least bit of effort. Construction industry as such today is allowed to function in the most arbitrary manner with out any effective regulation, resulting in severe exploitation of the workers by their employers.

## 2. Organisation in Madras City

### (a) Labour Statistics

Reliable data on the number of workers employed in the construction industry is difficult to come by. However, some information can be obtained from the various census reports and other official enumerations.

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4. Labour Bureau 1954, op. cit., p. 52.

According to the 1971 census, there were 33,497 construction workers in the city of Madras. The census data also provides sex-wise break up of these workers both for the state of Tamil Nadu and the city of Madras (Table I).

Table I[5]

Sex-wise distribution of construction workers in Tamil Nadu and Madras

| | Tamil Nady | Madras City | Total |
|---|---|---|---|
| Male | 2,05,038 | 31,067 | 2,36,105 |
| Female | 29,197 | 2,430 | 31,627 |
| Total | 2,34,235 | 33,497 | 2,67,732 |

According to this data, women form about 13 percent of the labour force employed in the construction work in Tamil Nadu and about 7 percent of the work force in Madras. This low percentage is obviously incorrect.[6] Construction work is highly labour intensive, involving a very high proportion of unskilled work. Traditionally, most of the unskilled work in Tamil Nadu is

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5. Source : Census 1971.

6. According to the report of the Department of Statistics, Tamil Nadu, op. cit., the women workers constituted 26% of the total work force. According Johri and Pandey the percentage of women workers to the total work force was close to 20%.

carried out by women. Today, typically about 40 percent of the workers on any construction site are women. According to the newly emerging trade-union of the construction workers in Madras, the proportion of women in the total construction work force in the city is between 35 to 40 percent. This vast discrepancy between the census figures of 1971, and the reasonable estimates based on the situation in the city today, puts a question mark on the reliability of the census data on construction workers.

Besides the census data, only other sources of information about the construction industry in Madras are : A report published by the Department of Statistics of Tamil Nadu in 1978 entitled 'Research study on Building Construction Labour in Madras City', and indirect estimates provided by the Commissioner of Statistics. The Department of Statistics report referred to above uses (a) quantum of building construction (leaving out all other type of construction activity), (b) quantum of (building) construction carried out in the public sector, and (c) wage levels, as indicators of the size and nature of the labour force involved in construction activity. The report, leaves out major construction activities in other areas of public sector such as road laying, bridges, dams,

irrigation works, railways and repair works, and factories and plants. It also leaves out the erections in the private sector. All of these employ a large number of workers. The indirect estimates of the Commissioner of Statistics are based on projections made from the amount of money spent on public sector housing and building activity, and from the data covering private sector dwelling units obtained from the number of licenses issued. This also does not give a concrete picture of the number of workers actually involved in the construction industry.

The paucity of data concerning even the mere numbers of workers in the industry makes it imperative that field studies be conducted to acquire any understanding about the construction work force. Our preliminary investigations indicate that there has been an influx of construction workers in the city of Madras. According to their trade union, referred to earlier, the number of workers in 1980 was close to two lakhs as opposed to only 33,497 enumerated by the 1971 census data. We also notice that in spite of the fact that a major proportion of these two lakhs workers are employed in the public sector, there is no direct enumeration or information available on the number and

condition of construction workers. The task of obtaining such data is made difficult by the existing system of sub-contract, seasonal nature of work leading to the transitory character of the labour force, casual/unorganised nature of the work force, and by the lack of any proper licensing policy and public regulation measures that could exercise control over the contract system.

(b) Employer breakup

The principal employers in Madras are usually the PWD, Housing Board, Slum Clearance Board, Electricity Board, Corporation of Madras, Madras Metropolitan Development Authority (MMDA), Highways Department, Water and Drainage Board, Port Trust, P & T, International Airport Authority of India, and private owners of residential and industrial/commerical enterprises. In the city of more than 50 per cent of the construction work is carried out in the public sector.* Even a partial view of the public sector investment (housing and building activity alone) can reveal a reasonable picture of the fact that it is the single biggest

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* Source : Tamil Nadu Construction Workers' Federation Office, Madras.

principal employer responsible for a large number of workers. (See Table II).

Table II[7]

Public Sector Investment in Housing and Building Activity for the city of Madras

| | 1971-72 | 1972-73 | 1973-74 | 1974-75 | 1975-76 | 1976-77 |
|---|---|---|---|---|---|---|
| Residential (Rs.in'000') | 68815 | 95838 | 71494 | 101638 | 602555 | 131997 |
| Percentage to total | 63.28 | 71.21 | 55.83 | 64.38 | 75.59 | 60.92 |
| Non-residential (Rs.in'000') | 39923 | 38741 | 56574 | 56425 | 194532 | 84686 |
| Percentage to total | 36.72 | 28.79 | 44.17 | 35.70 | 24.41 | 30.08 |
| Total (Rs.in '000' | 108738 | 134579 | 128068 | 158063 | 797087 | 216183 |

(c) Recruitment of labour

There are three types of labour recruitment methods prevalent in Madras, namely (i) market place recruitment on a daily wage basis, (ii) labourers known to maistry recruited directly on the basis of weekly

7. Source: Commissioner of Statistics, Tamil Nadu.

payments and (iii) agricultural workers from rural areas recruited by middlemen employed by big construction companies through sub-contractors. Depending on the size and the nature of construction activity, any one of these recruitment patterns is adopted. All these three categories differ vastly from one another in terms of work, wages, living conditions, relationship to sub-contractors, social cultural factors etc.

(i) Market place Recruitment

The phenomenon of market place recruitment is rather an unusual one peculiar to Madras. This form of recruitment is generally practised at the small construction sites where there is not much scope for work over a long period of time. Among the 120 divisions in the corporation of Madras city, all of them contain atleast one market place where workers are recruited. A personal interview with these workers revealed that they reach this market spot very early in the morning and wait for the sub-contractors to take them to the construction site. Since there is scarcity of employment, the workers are prepared to go to any construction site with any maistry irrespective of the distance, even for a day's work. And if for some reason there is no sand or stone at the work site, there

there is no work for that day and they have to remain idle for the day. They are not assured of work through out the week and they may be working for a different contractor each time. They work on a daily wage basis. Interviews with some of the women workers revealed that it is not uncommon to find sub-contractors running away with their daily and weekly payments. Since the subcontractors are often strangers to workers in the market place recruitment, the labourers are sometimes cheated easily in this manner. Sub-contractors can run away from the work site because they are employed by the principal employers or contractors on a piece-rate basis and there exists no line of communication between the workers and principal employer. The subcontractor can shift his area of operation to another and can make fresh recruitment at a different market place. In such cases of non-payment, the workers can not hold the prime contractor responsible. Interviews with workers revealed that, in one such case where the workers were demanding payment from the prime contractor, he threatened to have them all arrested by calling in the police and thus managed to disperse the workers. Thus the labour sub-contract system in this industry is most condusive to the prime contractor and principal employers maximizing their profits; while carrying with it no obligation on the part of the employer towards the employee.

ii) Direct Recruitment

In this case the workers are recruited by the maistries or masons through personal acquaitance. The workers thus employed usually, belong to the same locality in which the maistry belongs, and work more or less permanently with the same maistry/ maistries.

In the case of direct recruits, recruited through sub-contractors known to them, there is relative security of jobs at least until the work at a particular site is completed. Once the work is completed at one site, they often move with the same maistry to the next site. Unlike the market-place recruits, these recruits do not face the danger of being cheated out of their wages. But in return for the relative security, he often gets paid a lower wage in comparison to the market-place recruit. We shall discuss the payment patterns in detail later. This direct-recruitment system is in fact another indicator of the semi-formal character of this industry. Both the worker and the sub-contractor, by this method, avoid direct competition in the market, falling back upon the traditional ties.

iii) Middleman Recruitment

This form of labour recruitment is practised throughout the country. In the South, the middlemen

are called KANKANI (the one who supervises). In the North he is known as MUKUMDAM or JAMADAR. This system of recruitment is known as Peshgi or Jamadari system of recruitment. The middlemen recruits are only unskilled ~~in~~ or semi-skilled workers.

This category of workers differs from the other two in almost all respects. The workers recruited through market-place recruitment or direct, recruitment belong to the city-slums with similar social and cultural background and all of them are migrants to the city settled for a long period of time. The middleman-recruits are on the other hand fresh temporary migrants.

The temporary migrants are recruited in gangs, essentially to serve multi-national and big construction companies but they nevertheless work under the sub-contractors. The big construction projects employ several hundreds of workers at the site for a long period of time. The organizational structure of the big companies are designed so as to be compatible with the recruitment of migrant labour for their work. Multinational companies undertake huge construction projects like factories, power plants, dams etc., In general, they maintain a vast organization consisting of permanent administrative as well as technical staff. For e.g. in a study of the chemical plants in West India[8], one

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8. C.K. Johri, S.M. Pandey and research team, op. cit.

of the multinational construction companies has a strength of over 15,000 technical and administrative personnel, exclusive of construction and field staff. Since 1955, the company has been operating in India, mostly with Indian personnel nearly 200 professional and technical men working in close association with around 1200 Indians at the field offices of the construction sites. Their organization consists of project manager, area wise field managers, industrial relations managers, area wise supervisers according to the craft, technicians, professional hands, clerical staff, foreman charge hands, security hands and so on. These foreign companies are awarded contract on actual cost plus fixed commissions basis (a certain % of the actual cost). These contracts are far more profitable than the contract that are based on fixed cost without any commission which is mostly awarded to their Indian counterparts. The contracts based on actual cost plus commission basis allow a huge profit by completely insulating the company against any rise in costs either in materials or labour.

The vast personnel department of these companies attend to the recruitment of labour. They resort to

different types of recruitment depending upon the nature of sub-contract. According to the study made on chemical plants in Western India, the multinational resorted to both direct recruitment as well as recruitment through middlemen. In the case of prime contractor himself (the company) undertaking most of the work of the construction plant, they encouraged direct recruit; wherever, they sub-contracted the work, migrant labour were brought in. At times, it resorted to both types of labour recruitment. And wherever there was land acquisition for industrial development, the principal employer had to agree to employ a certain percent of the displaced labour originally working on that land. They are either recruited for the entire project period or recruited daily at the gate. In the case of daily recruitment, the company adjusts itself to the daily labour requirements and weeds out "troublesome" labourers. The company also does away with the several intermediaries who would otherwise undertake recruitment. The direct daily recruitment especially helps the company to overcome the temporary shortage of labour brought about when the migrant labour from the villages return home for short spells during the periods of monsoon and harvest. By thus creating a reserve pool of labour, the company keeps the wages from any sharp rise.

d) Categories of workers

The 3 main categories are 'sithal' - unskilled; 'perial' - semiskilled; and skilled workers such as masons, carpenters, painters, mosaic workers etc.*

Sithal

Unskilled workers are as a rule women and vice-versa. In fact, women qualify for only unskilled work in construction industry. The work of sithal consists of carrying heavy loads of stones, bricks, 'kalavai' or mix,** jally,*** carrying water, heavy iron plates and iron rods for reinforced concrete, removing earth and mud from foundation site etc. It is a common sight to find sithal with 12 to 16 bricks in pairs stacked on their heads, climbing great heights to reach the mason or bricklayer at work. They carry loads up several stories, balancing on very flimsy wooden make-shift ladders attached to the wooden (casurina) scaffoldings. On these precariously balanced ladders they have to carry out a number of unskilled jobs. Apart from the above mentioned work, they are also in charge of sieving sand, to sprinkle water on the building to help the cement set, of pouring a solution

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* The categories of skilled, unskilled and semiskilled are used as it is used at the work site. This also corresponds with the classifications given in the minimum wages act.

** Cement, sand & water mixed in certain proportion into a smooth paste.

*** In the older type construction this means crushed bricks and lime. In modern construction it means small granite stones and cement.

of jaggery to take care of the leaks in the traditional construction and to give finishing touches to plastered walls with cement throughout the building. The sithal also breaks granite stones which are used for jally. They are often overloaded for example, the woman is made to carry the 'kalavai' in sacks instead of a "bond" (a flat circular iron tray) so that more quantity can be transported with fewer hands. In short sithal do the most arduous but unskilled tasks; the work always consisting of heavy and dangerous manual labour.

Sithal are the lowest paid category of workers in the construction industry and at any work site they are the largest group. Normal wages for sithals in Madras city are supposed to be Rs. 5 - 6 per day if they are assured of work at least for the whole week. If they are engaged only for a day or two they are paid upto Rs.8/-. In the case of market place recruits, a higher wage is paid. In cases where they are directly recruited by maistrys, they normally work for a whole week, or even longer (until a particular construction activity at a site is ended). In this case, they work six to seven days in a week. But the maistry pays them wages for only 5 days. One day's wage (Rs.5/-) goes to the maistry as a commission for having hired these workers for a whole

week and another day's wages are withheld as a security for future work i.e. in order to make sure that they would go back to the same ~~a~~ maistry for work the following week.

Sithal recruited in the market place are often asked by the recruiter (maistry or even a mason or perial on behalf of the maistry) whether they are prepared to mix the kalavai. If the sithal agrees to it or knows how to do it, she would be readily given work. Usually mixing kalavai is the job of a perial, and so, a sithal mixing the kalavai means that the maistry saves several rupees per day in wages which may otherwise have been given to a perial. In spite of the fact that women are well equipped to do the skilled and ~~un~~semi skilled work of their male counterparts, there has been a traditional demarcation which keeps them at the lowest position in the hierarchy among construction workers. This practice can be witnessed in almost all industries which fall outside the organized sector, and sometime even in the organized sections in the private sector. For example, paying women a token less for the same work is common in the tea estates; certain export-oriented industries such as garment industry and food processing plants, where women are used as cheap labour, are typical cases of such discrimination based on

sex.[9] Due to this factor women are never promoted to do the semi-skilled and skilled work which are strictly restricted to male workers.

Pregnant women construction workers carry on with this hard labour throughout the period of pregnancy. They leave the site a few days before the delivery and remain at home for a short period without work. In the case of those who are the sole breadwinners in their families, hardly a few days of rest can be afforded by them. Wherever there are other earning members in the families, they leave the work site for a month or even longer. When the women resume work after delivery, they usually carry their infants with them to the work site, and sneak out now and then to nurse them. Some of them leave their infants behind with other members of their families like old parents and older children and with neighbours and relatives.

Sithalmx mostly work under a mason, as they carry the mix, water and stones, upto the spot at which the mason is at work. Often the sithal are subjected to

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9. Towards equality: Report of the Committee on the status of women in India. Government of India, Department of Social Welfare, Ministry of Education and Social Welfare, 1975.

sexual indignity as the masons and maistrys tease them and otherwise harass them. According to a woman worker, the masons sometimes demand the contractors to engage only young girls to work under them. The women workers are rarely in a position to oppose these abuses and humiliations as their jobs are always at stake.

Perial

Men start straightaway as perials. They are the semi-skilled workers at a construction site. They belong to two categories, namely, the more experienced hands and those who do the less skilled jobs. The senior perials are used for special jobs like construction of 'Saram' (scaffolding) all along the construction, using long sticks of the casuarina tree and wooden planks tied to them. These senior hands also undertake digging foundations and earthwork. The junior hands mostly do mixing and carrying stone and weights along with the sithals. For this reason, the labour contractors usually dispense away with junior perials and engage women to do these jobs for a lower wage. The perials get a daily wage of Rs.10 per day while the senior hands get upto Rs.16 per day. However, there is a great deal of difference in wages paid in the urban and rural areas. For all the above categories of

construction labour the wages paid in the rural areas are about half of those in the urban areas.

Although perials join the work as semi-skilled hands, they pick up more skills gradually. During the initial stages, they learn from the masons. Occasionally, the masons allow the perial to handle the job of laying bricks and plastering, thus encouraging them to master more skills. The traditional practice in the construction industry is also that every labour contractor also starts as a perial. As he slowly gains more skill, he moves up in the hierarchy and eventually ends up as a petty labour contractor or maistry. However, this apprenticeship is practiced strictly within the caste system. The two major castes traditionally carrying out construction work are the Kothanar caste (mason) and Achariyar caste (carpenters) as masonry and carpentry are the two basic activity involved in construction work. Thus they became the occupational castes,- the artesans, unlike plumbers and electricians.

B. Sociological Issues

In this section, we make a preliminary survey of the working conditions, living conditions, cultural and social background and the migration patterns of the construction workers in the city of Madras. It must be admitted that this is an

explorative survey based on information obtained from informal discussions with the members of the construction workers' union, interviews with workers and from personal observations in their living places. This section is organised only to indicate the possible areas in which a thorough analysis needs to be done and is by no means exhaustive.

1. Working Conditions

The working conditions of construction workers reflect the fact that they are unorganised (or, are only beginning to be organised in a few places). As has been described elsewhere in this study, construction labour force is engaged almost invariably on a casual/temporary basis, wandering from place to place and site to site. The only kind of employment security they can obtain is due to the personal, primordial links they have with the maistry - and this is due to the organisation of the construction industry on pre-industrial lines and not due to any trade union or legal rights that have been won as in the case of industrial workers in the formal sector. Some of the laws that supposedly govern construction workers and ensure safe and fair working conditions will be discussed in the next chapter.

Construction workers in general labour for 8 to 10 hours a day. There is no division between regular time and overtime work as in the case of industrial workers in the formal sector. That is, there is no statutory limit on the length of a working day, and allowances granted if work goes beyond this period. At times, a day's work may stretch to 12 hours duration; in such cases they may be paid a little more (at the discretion of the maistry) or merely provided with a cup of tea. The number of hours of work for any day is usually pre-determined by the amount of 'kalavai' or mix of cement (or other construction material) that is available for the day. Usually, the work at any site goes on till the entire kalavai is exhausted. During the summer, the maistrys usually do not start the work till late noon and keep working late into the evening. While this is more convenient from the point of view of the weather, this schedule causes great hardship, particularly to the women workers who may sometimes reach home as late as midnight. This is especially hard in cases where workers have travelled long distances away from their homes to the construction site. Discussions with sithal revealed that it is quite common for workers returning home late at night to be harassed by the

police or to be arrested on charges of vagrancy or mere suspicion.

Often contractors add a night shift in order to get some piece of work finished before a deadline. In such cases, there is a break in work for an hour or so in the evening; and then the work goes on till the early morning hours. Contractors, of course, do not treat such work as being eligible for overtime payment. The workers are paid wages at the normal rate; and the work at the site is resumed with a fresh batch of workers the next day under different maistrys. These long hours of work, involving continuous handling of cement or lime and other construction materials, leaves the workers completely exhausted, with their palms and soles of their feet bruised and burnt or eaten away.

The tendency to complete construction at break-neck speeds is an inherent character of the system of sub-contracting. As the sub-contractors are paid on a piece-rate basis, their profits lie in the speedy completion of the work undertaken. Therefore, the profit margin is pushed up by overworking the labourers - this is done both by speeding up the work and increasing the length of the working day. (This is perhaps akin to the early period of industrialization in the West when

profits were increased by increasing the quantum of work extracted from the workers per day by similar means).

This being the condition of construction workers, in general, the migrant labour population is exploited even more. In Madras, migrants are involved in earth and road work and in big construction projects. Almost all large construction companies are dependent on this migrant labour population. By hiring temporary migrants, they are assured of a regular supply of cheap labour throughout the period of construction. The migrants start work very early in the morning and work for almost 12 hours a day under the sub-contractors. Contractors and workers alike express the opinion that the migrant workers ('those villagers') are capable of harder and more strenuous work than the market place or direct recruits from the city slums. For example, earth work which involves carrying huge baskets packed with 10 to 15 spades-full of mud (weighing approximately 30 - 45 kgs), needs enormous endurance and strength which usually only the migrant willagers seem to possess. However, they are overworked and paid less than their city counterparts. Being complete strangers to the city, and entirely dependent on the middlemen and maistrys for work, they meekly labour away, seemingly not minding the meagre wage or the

long hours of work.

Employers often find loopholes to see that the workers cannot take advantage of (even if they had the means to do so and knowledge of the provisions under the law), the law to get any protection of their jobs or compensation from retrenchments or for accidents etc. In big projects, work schedule of labour gang itself is arranged in a way that they would not complete the statutory minimum qualifying period of two years in continuous service, which qualifies the workers to fight for retrenchment compensation provided by ID (Industrial Disputes) Act.[10] In other words, the workers who are in services on the same project for more than two years at a time, are retrenched before the complete two continuous years of serivce and 'retired' to get around the law.

The risk involved in construction work is very high, particularly for the unskilled workers, who have to climb great heights carrying heavy loads. Fatal injuries are often caused to workers by (a) falling from great heights (b) scaffoldings, iron rods, stones

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10. Retrenchment benefits: Workmen who have not completed 12 months of service, but have actually worked for 240 days are entitled to notice or notice pay and retrenchment compensation as per Industrial Disputes Act.

or other heavy construction materials falling on them (c) workers getting trapped inside foundation holes, especially after heavy rains etc. A very common risk to the workers is the injury caused by constant handling of lime, cement or other corrosive materials. Damage to skin or more serious injury to lungs leading to TB or other respiratory diseases caused by cement and sand dust, is not uncommon. Pregnant women workers who carry heavy loads run a high risk of abortion. Workers, both skilled and unskilled, who work on high construction projects (water tanks, towers, chimneys etc), climb up the scaffolding on completely unprotected and broken-down wooden ladders, without any safety precautions. These workers take great pride in their ability to do such difficult work without any fear of injury. Victims of accidents are sometimes hospitalized - at the employer's expense - but this happens only at the personal intervention of supervisors etc. and not as a matter of course. Injured workers may find that they are unfit to work again after a serious accident, and there is no question of any compensation for loss of life or limb. Workers are quite aware of these risks but the lack of organization leaves them in a situation where absolutely no occupational safety or health issues can ever be taken up.

2. Living conditions, family life, etc.

Construction workers who reside in the city live in slums in and around Madras. These slums are usually situated in low-lying areas with ill ventillated mud huts lacking water, sanitation, electricity etc. Most of the workers live in rented huts paying Rs.15 - 20 per month as rent. The monsoon season is the worst season for these workers as far as living conditions are concerned. Rains which are very heavy in Madras during October to January bring disastrous consequences. During this period, construction activity comes to a virtual standstill. Since often entire families earn their livelihood from or depend heavily on construction work, they fall into heavy debts during these months. They are forced to borrow from moneylenders at exorbitant rates of interest. This debt is met more often than not by pawning all their possessions that can fetch any money. Workers' dwellings usually get waterlogged as low-lying areas get flooded during every monsoon season. This often results in huts collapsing completely and all the workers' possessions getting damanged or washed away. This forces them into deeper distress and debts, incurred in order to put up or repair their huts once again after the rainy season. The rest of the year is a long struggle to clear these

debts and free themselves from the stranglehold of money-lenders. However, their efforts can never retrieve them from the vicious cycle of general job insecurity, seasonal unemployment and repeated indebtedness.

Under these conditions of work and living, family life of construction workers is subjected to severe stresses. Where both parents leave for work, the family is left without any protection whatever. Infants are taken care of by the mothers, who carry them to the work site. Or else, older children remain home to take care of the younger ones. Children start going to work by the age of 13 or 14. Since children have to shoulder family responsbilities from a very early age, they are in no position to attend school, and so remain illiterate. A very small minority manages to attend school for a year or two.

Women workers find their work and living conditions heavily weighted against them. Besides undertaking very heavy manual work at the site, they have to undertake household chores - such as cooking, cleaning, fetching water etc.

Living conditions of migrant workers in general are much worse than the city-dwelling workers. Migrant workers usually live in make-shift shacks at the construction site itself. In addition to all the oppressive living conditions that city-workers are subjected to, migrant workers often do not even have a proper shelter to protect them from the sun and rain.

3. Social and cultural features

In Madras, among the unskilled and semi-skilled construction workers, there is a very high percentage of illiteracy. As mentioned earlier, the children of these workers also do not have any opportunity to receive education. This seems to be the situation with construction workers all over the country. Maren Bellwinkel's study[11] among the Delhi construction workers suggests that 98 percent of the unskilled workers are illiterate. Johri and Pandey[12] suggest that the rate of illiteracy is close to 80 percent among the semi-skilled and unskilled workers. Other studies too suggest a high rate of illiteracy.

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11. Maren Bellwinkel, Rajasthani contract labour in Delhi : A case study of the relationship between company middleman and worker, Sociological Bulletin Journal of the Indian Sociological Society, Vol.22, No. 1, March 1973.

12. Johri and Pandey, op. cit.

Among the construction workers, in general, caste and communal feelings are very strong. These rifts and schisms among the workers find their way at every level of social interaction. The two major caste divisions among the construction workers of Madras are, the Naickers and the Scheduled Caste. These caste-wise demarcations are rarely violated. All the caste norms are strictly adhered to - for example, these castes do not intermarry and to a large extent, they are residentially segregated. The labour gang is recruited along the caste-kinship lines; skills such as carpentry and masonry are passed along within the respective castes; etc.

Maren Bellwinkel[13] mentions the same phenomena in her study of Rajasthani contract labour and the construction companies in Delhi. She points out that the kinship and caste norms of a rural peasant society rule the relationships in construction industry.

Between migrant villagers and the city dwellers too, there exist differences, both social and cultural. The migrant workers are isolated from the rest of the construction workers due to two reasons: (a) As they

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13. Maren Bellwinkel, op. cit.

reside near work sites, they are physically segregated from the rest; (b) there are significant differences at the level of attitudes and habits. Basically, migrants view their stay in the city only as temporary. They feel no sense of belonging in the city. This is because, they leave behind their families in the village, and in many cases some property too. They come to the city with the clear intention of returning to their home in the village. They maintain unbroken links with the village through various channels, such as, sending money regularly for maintaining families or property; women returning home for childbirth; paying visits during festivals etc.

Often the migrants are separated from city-workers in the nature of employment. They are used mostly for road work and for big construction projects. Where both migrants and city-dwellers work together, the city-dwellers often look down upon the migrants' 'village ways and habits'. For example, the city workers, consume tea and rusk during breaks, while the migrants bring with them potfuls of fermented ragi or other cereal. Thus throughout their stay, the migrants completely retain their rural outlook, attitudes and habits and they remain untouched by the city ways of life.

4. Migration

In Madras city a large number of migrants come from the district of Salem in Tamil Nadu. As mentioned in the previous chapter, there is a close correlation between the extent of poverty facing the peasant families and the high rate of migration to the city in search of employment. Although we have made no empirical studies on this problem, we can substantiate this argument by giving a detailed case-study of the Salem migrants.

Salem district is a dry region with predominantly small, fragmented land holdings. The percentage of cultivated land which is irrigated is only 20.6 percent, out of which, only 10.9 percent of the cropped area is under paddy; and 23.2 percent is under groundnut.[14] Other important crops are pulses and millet, all of which are less labour intensive than paddy in cultivation. The cultivation in this district can support only 451 persons per square mile of the rural area. Among the cultivating households, only 10.4 percent possess landholdings larger than 10 acres and 40 percent possess less than 2.5 acres. As compared to this, in Thanjavur

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14. C.T. Kurian and Joseph James, Urbanization and Economic change in Tamil Nadu, Economic and Political Weekly, February 22, 1975.

district, 78.68 percent of the cultivated area is irrigated and almost all of the irrigated area (96.4 percent) is under paddy cultivation. As paddy cultivation is labour-intensive, it is able to support a relatively high proportion of the population in this area. The density of population is about 716 persons per square mile.[15]

In the case of Salem, a high proportion of the work force is engaged in household and other activities. From the village survey monographs of Census India, 1961, we learn that in some of the villages, nearly 70 percent of the population is involved in activities other than agriculture. These villages were witnessing at that time an occupational mobility from agriculture to household industries such as weaving. Although we have little data with regard to socio-economic conditions of individual and household migrants from Salem district, we can still deduce that the high degree of migration from this district is due to village-based factors mentioned earlier, such as the extent of irrigated cultivable area, types of crops, breakup of landholdings,

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15. Ibid.

subsistence farming, the proportion of the population depedent on agriculture, density of rural population etc. Migrants from Salem not only move to cities in the South but also to Northern parts of India. This can be noted particularly in the study of Andrea Singh[16] on the Salem migrants in a settlement in Delhi and in the study of Maren Bellwinkel.[17] Apart from the Salem migrants, workers are also brought from other parts of the state to the city of Madras; districts such as Ramnad and Coimbatore which can also be categorised as dry regions, or drought-prone areas. Thus the migration process, so essential to the supply of labour force for the construction industry, is intimately linked to the economic situation in the villages.

Conclusion

In this chapter, we have tried to give a general picture of the organisation of the construction industry in the city of Madras. We have also tried to provide some idea of the working conditions and living conditions of the workers in the city, and of the migration process that brings these workers out of their traditional village society. We are aware that the details given

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16. Andrea Singh, 'Rural-Urban Migration among Urban Poor in India: Causes and Consequences', Social Action, Vol.28, October-December 1978, pp. 526 - 56.
17. Maren Bellwinkel, op. cit.

in this chapter do not amount to a complete understanding of this rather interesting sector of the **urban** working population. We only hope that we have brought together all the major features of the industry and that the analysis defines the directions along which studies for an understanding of this industry need to proceed.

We have not, so far, referred to two important aspects of this industry: Legal protections and Unionization. These are the two instruments through which the construction workers can attempt to ameliorate their rather hard lot. We shall discuss these aspects in the next chapter. We shall once again find that the peculiar character of this industry makes the use of these instruments itself a rare phenomenon.

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# CHAPTER III

## CHAPTER III

## PROTECTIONS AVAILABLE TO THE WORKERS

In this Chapter we discuss the two instruments of protection that are available to the workers: Legal rights and Organized Unions.

### 1. Laws Relating to Construction Workers

There are a number of laws and rules - both central and at the state level - governing almost all aspects of workers' welfare. These laws are supposed to regulate everything - from the minimum wages payable to the workers to the minimal working and living conditions that must be ensured to them. Let us give a brief resume of the more important of these laws:

First, there are model rules for the protection of health and sanitory arrangements, - working and living conditions and safety codes - for workers employed by Central Public Works Departments (CPWD) or its contractors, applicable to all building and construction workers.[1]

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1. See Appendix II.

Apart from this, contract labour (Regulation and Abolition) Act of 1970 and the central rules framed under this Act in 1971, are designed to regulate the conditions of work and welfare programmes of contract labour in all industries including construction. In addition to the parent Act, the Government of Tamil Nadu has passed Contract Labour Rules in 1975. Some of the important provisions of the Act which have special significance to construction industry can be enumerated below:

This Act governs the principal employer, prime contractor as well as sub-contractors. It is applicable to all establishments/contractors, where 20 or more workers are or were employed on any day of the preceding 12 months; although establishments where work is of intermittent or casual nature are excluded from the perview of the Act, no work can be considered intermittent and of casual nature if it was performed for more than 120 days in a year. This Act would cover not only all major constructions in the public as well as private sector, but it would even apply to small constructions such as a house where not less than 20

workers are engaged for a sufficiently long period of time. Further, the Act provides for the registration of all eligible principal employers engaging contract labour directly or indirectly; provides for licensing of all such contractors; prevents the contractors from engaging more than the permitted member of contract workers.

Along with this, the central rules that have been framed make provisions for welfare and health of contract labour. According to this, every contractor is required to provide sufficient number of latrines, urinals, washing, bathing facilities for men and women, drinking water, first aid, canteens, separate rest rooms for men and women, recreation rooms for workers children etc.[2] For the maintenance of these facilities, both, the principal employer as well as the prime contractor are held equally responsible.

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2. These rules over lap with model rules of the CPWD, but are nevertheless more elaborate.

The payment of wages act which was extended to building industry in 1957 was passed to regulate payment in a particular form without any unauthorized deduction. It can fix and regulate the following: responsibility of the employer towards payment of wages; fixation of wages; period and time of payment; lawful deductions and penalties for its violation.

The minimum wages act of 1948 was passed with the objective of protecting the workers by ensuring them atleast a subsistence wage. The unorganized labour especially, with no power to bargain is vulnerable to the most inhuman forms of exploitation and hence the aim of this legislation was to ensure a bare minimum for the workers. A minimum wage is fixed for all categories of skilled/unskilled/ semiskilled workers. Since 1948, the Government of India has revised the minimum wages of construction workers five times (1951, 1952, 1960, 1964, 1969) on the basis of the recommendation of various committees appointed by the Government.[3]

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3. C.K. Johri and S.M. Pandey, op. cit., pp. 100 - 102.

Two other important legislations concerning construction workers are workmens' compensation act and ESI Act. Workmen's Compensation Act provides for compensation for injuries sustained during or in the course of employment. The Act provides a chart fixing the rates of compensation to workmen in proportion to their wages. The ESI - employees state insurance scheme ensures benefits to the workers in the events of illness, employment injuries, disablement, and also materinity and medical benefits. The employees state insurance fund is mainly collected through contributions from workers and employers; and partly through state contributions.

The rather wretched state of the construction workers living and working conditions described in the last Chapter persists in spite of all these laws. In fact one does not expect that the construction workers who are largely urban slum dwellers and fresh migrants to the city and are always in search of employment will be able to derive any benefits from any of these laws persumably enacted to protect their interests. As we have seen earlier, all the employers in the industry - from the state itself, to the pettiest sub-contractors - know how to get around these laws. Only way the workers can possibly ensure the enforcement of their legal rights is through unionization. In the next section we shall see that the construction-workers are denied even this remedy, which is normally available to the

urban workers in the formal industrial sector.

## 2. Unionization among Construction Workers

The large majority of the construction workers all over the country are almost completely unorganized. There have been sporadic attempts at unionization at sites where large number of workers are employed over long periods. In fact, the construction of several big projects in this country has been marked by a great amount of labour militancy. The demands of the workers on these sites have largely revolved around security of service and better working conditions. To give an example, 15000 workers at the Pong Dam Project in Punjab carried out a long struggle against mass retrenchment.[4] An indicator of the conditions of the construction workers is the fact, that in this case termination notices were issued to 4000 workers, many of them skilled, who had been working at the Dam for two decades. Another example of organized struggle against mass-retrenchment is that of the workers employed in the construction of Bhilai steel plant. In this case over 8000 workers, majority of whom had

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4. Dam construction workers fight, Peoples Democracy, September 29, 1974.

worked for 10 - 15 years were faced with the loss of job[5]. Similar examples can be multiplied. However, unionization in all these cases is sporadic and for the limited purpose of securing continued employment. These workers in most cases ~~use~~ are unionized by the existing trade unions such as CITU, AITUC and INTUC etc.

Besides the big public sector projects, other places where unionization could have been expected are the big construction projects managed by multi-national companies. However, unionization at these sites has been effectively prevented by the strong antipathy of the management of these companies against unionaization. The attitude of the management is accurately summed up by the following remark by the residential manager of an American construction company: 'I never had any problem either in recruiting or retrenching workers. I use the bamboo telephone'.[6] These companies keep large watch and ward staff consisting of ex-police and army personnel and do not hesitate

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5. Working class (monthly journal of CITU) March 1972, p. 4.

6. C.K. Johri, S.M. Pande, V.K. Pathak, C.M. Vikram, Kamalesh Vaid, R. Muthuswamy, G.P. Dalal, op. cit., p. 163.

from using excessive force to curb all union-activities. The workers of another American construction company struggled for 52 days and lost 8 lives in police firings to gain recognition for their union from the company.[7]

Outside of these large scale projects there has been no systematic attempts at unionization of the miscellaneous construction workers[8]. The causes for this lack of organization are not far to seek. As pointed out often in this thesis, construction industry does not fall in the regular pattern of urban formal-sector industries. The work force is characterized by its casual/migrant nature. The workers keep moving from site to site. At any given site also the workers have no contact with the principal employer on whom demands may be made. As far as the workers are concerned, they are in the employment of the maistry/sub-contractor, who for all practical purposes is only mone amongst them - albeit more skilled and slightly better off. What is more the construction workers, a large majority of whom are

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7. Ibid., p. 184.

8. Except for a recent one in Madras city under the banner of 'Tamil Nadu Construction Workers' Federation'. This case shall be discussed in detail in what follows.

fresh from the village, retain the old attitudes and behaviour patterns characteristic of another (rural) set-up and are not proletarized in the sense of the urban worker in the formal-sector. All this makes unionization along the regular industrial lines impossible.

In the city of Madras, there has been a recent attempt at unionizing the construction workers under the banner of an organization called Tamil Nadu Construction Workers' Federation . The strength of this organization seems to be in having recognized the above mentioned difficulties, and having tailored the organization to suit the peculiar character of the construction industry. Therefore, it is quite instructive to have a closer look at this organization. It may be remarked that it is a relevant pointer of the peculiar character of this industry that the attempt at unionizing this vast labour force in the city (comprising about 2 lakhs workers - see Chapter II) has not been made by any one of the established trade unions, but by a new organization which is willing to try out new methods and new ideas.

TCWF/Introduction

Tamil Nadu Construction Workers Federation (TCWF) was formed in early 1979. Prior to this federation, Madras city had several associations organized on the basis of skills and registered as societies. TCWF is the result of amalgamation of three such associations - those of masons, mosaic workers and carpenters. However, unlike those associations TCWF is a registered trade union with semi-skilled and unskilled workers forming a majority of its members. The federation has seemingly found wide acceptance among the construction workers in the Madras city. In the very first procession taken out by TCWF in March 79 to present a charter of demands to the Ministry of Labour, several thousand workers took part. The ~~defe~~Fede ration is fast emerging as a powerful force in the city of Madras and the districts of Tamil Nadu.

TCWF - Organization

The Oraganization of this federation reveals interesting features: (i) The workers are organized on the basis of the city-divisions in which they reside. This organization of the workers at their living places is in contrast to the formal trade

unions wherein workers are always organized at their work places. This orthodox method of unionization is obviously not available in the case of construction workers because of the extremely temporary nature of their jobs and their high mobility from site to site. (ii) The federation brings together both the semi-skilled and unskilled workers and sub-contractors, who in a sense are the direct employers of the former (iii) The status hierarchy within the federation bears a close resemblance to the status-hierarchy at the work-place. The union leaders and local organizers are almost invariably the sub-contractors. These are two features seem to be a shrewd attempt to exploit the traditional ties between the workers and maistries (which are a hurdle in the way of unionization in the formal way) for the purpose of unionization itself.

This organizational structure while allowing the federation to work easily towards improved living conditions by taking the union to the living-place itself, imposes a number of restrictions on the demands that the union can make on the state. In these demands the union has to find a balance between the demands of the workers and those of the sub-contractors. A look

at the Charter of demands of the federation[9] shows the attempts at this balance. The federation has given prominent position to demands like the supply of adequate quantities of building materials at fair prices, relaxation of the Urban Land Ceiling Act., approval of plans for house-building in less than one ground; allotment of housing plots to construction workers etc. - all of which are quite obviously the demands from the subconstractors who stand to gain by increased construction activity at low cost. However, these demands do not come in conflict with the needs of the workers - increased construction activity means more employment opportunities for them also. Similarly, the demands upon the State for the welfare of the construction workers - eg. insurance against accidents, retirement benefits, job-security, provision for creches - also find a prominent place in the charter. These demands are clearly demands of the workers on the State; the immediate employer ( the sub-contractor ) is not expected to take any part in the fulfilment of these demands. On the other hand, subcontractor, who are themselves often skilled workers will gain by these welfare measures. The charter is interesting in what it omits to demand - immediate increase in wages

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9. See Appendix - III.

or the regularization of wage-payment. These demands would have been the demands of the workers on the immediate employer - the sub-contractor. The charter does not mention these.

Thus the federation does find a new organizational pattern to organize workers in an unusual industrial set-up, and does find a balance between the demands of the workers and their direct employers, both of which it must bring together in order to survive. However, at some stage the workers are going to make demands that conflict with the interests of the maistries/ sub-contractors. It will be interesting to watch how the federation resolves these conflicts. Nevertheless, for the movement the federation is proving to be quite useful in getting the living and working conditions of both the workers and subconstructors improved; and above all in instilling confidence in the workers that they too can stand up to the unfamiliar urban industrial set-up.

The example of TCWF and its relative success indicates that unionization of workers in the construction industry requires new approaches and new initiatives,

in keeping with the peculiar character of the industry. In this context detailed sociological studies into the peculiar characteristics of this vast work-force lying on the transition line between traditional rural societies and 'modern' urban societies should be of immense value.

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# CHAPTER IV

# CHAPTER IV

## CONCLUSION

In this dissertation we have sketched the broad features of the construction industry in India in general, and the specific features of this industry in the city of Madras. We have paid particular emphasis on two points: one, we have tried to obtain as much data as possible on the size of the construction industry its organization, and the living and working conditions of the workers, and their social-cultural backgrounds as prevalent in the city of Madras. In the absence of any well decumented studies or reliable statistics, this task has not been very easy. We have relied largely on personal observations and personal interviews to obtain this data. We do not claim to have made a thorough job of this data collection. But we do hope that we have collected sufficient information to lay a basis for a thorough investigation. Two, we have tried to show that construction industry occupies a peculiar place in the capitalist organization. It seems to be the midway point between a throughgoing 'modern' industrial set-up and the traditional rural set-up. We have tried throughout to bring out the special features of this industry due to its

characteristic position, and have tried to relate all available data to these special features. Our finding about the migration patterns of the workers in the construction industry and the state of unionization are particularly relevant to understanding these features. On this point again this dissertation remains indicative rather than exhaustive. We, however, hope that we have made a case for the need for understanding these special features, especially with a view to understand the social costs that the vast majority of people have to pay as a price of the transition from a well organized rural society to a haltingly emerging industrial society. We believe that a more detailed study of the migration patterns of the workers in the industry and of their attempts at unionization shall be of great help in this understanding. The former shall provide information about the societies these workers leave behind and the latter about their attempts at socialization in the new set-up.

In the end we wish to point out two areas about which almost nothing has been said in this dissertation and which are quite relevant towards a

total understanding of this industry and its position in Indian society. These two areas of investigation are of special significance for the task that we have set before us : the understanding of the social costs of transition from 'rural' to 'urban' society. The areas we have in mind are: (i) The impact of introduction of advanced technology: As pointed out in the text, technology in the construction industry is introduced rather selectively and slowly, without effecting the over-all labour intensive and traditional pattern of organization of the industry. What is more, within the country, even within the city of Madras, We can find construction establishments varying in technology from absolutely traditional no-mechanization state, to absolutely 'modern' pre-fabrication technology state (The Tamil Nadu Housing Board has been experimenting with pre-fabrication technology in Madras). This provides an excellent source for the study of the impact of introduction of high technology on the workers and on the organization of the industry. It is as if we could see the whole history of mechanization in slow motion within this single industry.

(ii) Organization of construction activity in pre-British India: It has been claimed often in this

thesis that the organization of this industry still retains a number of traditional features. Within the capitalist urban set-up these features act as restraints on unionization and on the effective socialization of the construction work-force in the urban industrial milieu. It should be of interest to see how in a different time and different milieu these traditional features of the industry were integrated with the vast of society. Such a study is important in understanding the full functionality/ disfunctionality of these features and hence for evolving appropriate action plans for helping the construction workers out of their sad plight.

We believe that an investigation in the above mentioned areas along with better statistics on the industry and its work force and broader investigation of the issues like migration patterns, unionization and socialization raised in this dissertation will provide a fairly complete picture of this industry. Such a study will go a long way towards a sociological understanding of the transition to urban industrial set-up of a third-world country today.

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## APPENDIX I

### Table 1

HOUSING STOCK IN MADRAS AND TAMIL NADU (In Lakhs)

| | 1961 | | 1971 | |
|---|---|---|---|---|
| | MADRAS (No.) | TAMIL NADU (No.) | MADRAS (No.) | TAMIL NADU (No.) |
| Rural | - | 58.36 | - | 68.50 |
| Urban | 2.73 | 19.63 | 4.64 | 27.14 |
| Total | 2.73 | 77.99 | 4.64 | 95.64 |

Source : Census of India.

### Table 2

NUMBER OF RESIDENTIAL HOUSES IN TAMIL NADU AND MADRAS CITY (In Lakhs)

| | 1961 | | 1971 | |
|---|---|---|---|---|
| | MADRAS | TAMIL NADU | MADRAS | TAMIL NADU |
| Urban | 2.2 | 14.02 | 3.9 | 21.9 |
| Rural | - | 49.63 | - | 57.9 |
| Total | 2.2 | 63.65 | 3.9 | 79.8 |

Source : Census of India.

Table 3

TRENDS IN BUILDING ACTIVITY

| As on 31st March | Public Sector (No.) | Private sector (Dwelling units based on Licences issued) (No.) |
|---|---|---|
| 1974-75 | 11856 | 10969 |
| 1975-76 | 35542 | 10762 |
| 1976-77 | 28206 | 14537 |
| 1977-78 | N.A. | 21662 |

N.A. = Not Available.

Table 4

PUBLIC SECTOR INVESTMENT IN HOUSING AND BUILDING ACTIVITY FOR THE CITY OF MADRAS

| | 1971-72 | 1972-73 | 1973-74 | 1974-75 | 1975-76 | 1976-77 |
|---|---|---|---|---|---|---|
| Residential (Rs.in '000') | 68815 | 95838 | 71494 | 101638 | 60255 | 131997 |
| Percentage to total | 63.28 | 71.21 | 55.83 | 64.38 | 75.59 | 60.92 |
| Non-residential | 39923 | 38741 | 56574 | 56425 | 194532 | 84686 |
| Percentage to total | 36.72 | 28.79 | 44.17 | 35.7 | 24.41 | 30.08 |
| Total(Rs.in '000' | 10738 | 134579 | 128068 | 158063 | 797087 | 216183 |

## APPENDIX II

### MODEL RULES FOR THE PROTECTION OF HEALTH AND SANITARY ARRANGEMENTS FOR WORKERS EMPLOYED BY CENTRAL P.W.D. OR ITS CONTRACTORS

1. APPLICATION

These rules shall apply to all building and construction workers in charge of Central Public Works Department.

2. DEFINITIONS

(a) "Work place" means a place at which, at an average, 500 or more workers are employed in connection with construction work.

(b) "Large work place" means a place at which, at an average, 500 or more workers are employed in connection with construction work.

3. FIRST AID

(a) At every work place, there shall be maintained in a readily accessible place first aid appliances including an adequate supply of sterilized dressings and sterilized cotton wool. The apliances shall be kept in good order and, in large work places, they shall be placed under the charge of a responsible person who shall be readily available during working hours.

(b) At large work place, where hospital facilities are not available within easy distance of the workers, First

Aid posts shall be established and be run by a trained compounder.

(c) Where large work places are remote from regular hospitals, an indoor ward shall be provided with one bed for every 250 employees.

(d) Where large work places are situated in cites, towns or in their suburbs and no beds are considered necessary owing to the proximity of city or town hospitals, suitable transport shall be provided to facilitate removal of urgent cases to the hospitals. At other work places, some conveyance facilities, such as a car, shall be kept readily available to take injured person or persons suddenly taken seriously ill to the nearest hospital.

4. DRINKING WATER

(a) In every work place, there shall be provided and maintained at suitable places, easily accessible to labour, a sufficient supply of cold water fit for drinking.

(b) Where drinking water is obtained form an intermittent public water supply, each work place shall be provided with storage where such drinking water shall be stored.

(c) Every water supply of storage shall be at a distance of not less than 50 feet from any latrine, drain or other source of pollution. Where water has to be

drawn from an existing well which is within such proximity of latrines, drain or any other source of pollution, the well shall be properly chlorinated before water is drawn from it for drinking. All such wells shall be enitrely closed in and be provided with a trap-door which shall be dust and water-proof.

(d) A reliable pump shall be fitted to each covered well, the trap-door shall be kept locked and opened only for cleaning or inspection which shall be done at least once a month.

5. WASHING AND BATHING PLACES

(a) Adequate washing and bathing places shall be provided, separately for men and women.

(b) Such places shall be kept in clean and drained condition.

6. SCALE OF ACCOMMODATION IN LATRINES & URINALS

There shall be provided, within the precincts of every work place, latrines and urinals in an accessible place, and the accommodation, separately for each of them shall not be less than the following scale:

| | |
|---|---|
| (a) Where the number of persons does not exceed 50 | 2 seats |
| (b) Where the number of persons exceeds 50, but does not exceed 100 | 3 seats |
| (c) For every additional 100 persons | 3 per 100 |

In particular cases, the Executive Engineer shall have the powers to vary the scale, where necessary.

7. LATRINES AND URINALS FOR WOMEN

If women are employed, separate latrines and urinals, screened from those for men and marked in the vernacular in conspicuous letters "For women only", shall be provided on the scale laid in Rule 6. Those for men shall be similarly marked "For men only". A poster showing the figure of a man and a woman shall also be exhibited at the entrance of latrines for each sex. There shall be adequate supply of water close to the urnals and latrines.

8. LATRINES AND URINALS

Except in work places provided with water-flushed latrines, connected with a water-borne sewage system, all latrines shall be provided with receptcles on dry-earth system which shall be cleaned at least four times daily and at least twice during working hours and kept in a strictly sanitary condition. The receptacles shall be tarred inside and outside at least once a year.

9. CONSTRUCTION OF LATRINES

The inside walls shall be constructed of masonry or some suitable heat-resisting non absorbent material and shall be cement-washed inside and outside at least once a year. The dates of cement washing shall be noted in a register maintained for this purpose and kept available for inspection. Latrines will not be of a standard lower than bore-hole system and should have thatched roofs.

10. DISPOSAL OF EXCRETA

Unless otherwise arranged for by the local sanitary authority arrangements for proper disposal of excreta by inineration at the work place shall be made by means of a suitable incinerator approved by the Assistant Director of Public Health or the Municipal Medical Officer of Health as the case may be, in whose jurisdiction the work place is situated. Alternatively excreta may be disposed of by putting a layer of nightsoil at the bottom of a pucca tank prepared for the purpose and covering it with a 6" layer of waste or refuse and then covering it up with a layer of earth for a fortnight (when it will turn into manure).

11. PROVISION OF SHELTERS DURING REST

At every work place there shall be provided, free of cost, two suitable sheds one for meals and the other

for est separately for men and women for the use of labour. The height of the shelter shall not be less than 11 feet from the floor-level to the lowest part of the roof. The shed should be roofed with at least thatch and mud flooring will be provided with a dwarf wall around not less than 2 1/2 feet. Sheds should be kept clean and the space should be on the basis of at least 5 square feet per head.

12. CRECHES

(a) At every work place, at which 50 or more women workers are ordinarily employed, there shall be provided two huts for the use of children under the age of 6 years, belonging to such women. One hut shall be used for infants' games and play and the other as their bedroom. The huts shall not be constructed on a lower standard than the following:

(i) thatched roofs;

(ii) mud floors and walls;

(iii) Planks spread over the mud floor and covered with matting.

The huts shall be provided with suitable and sufficient openings for light and ventilation. There shall be adequate provision of sweepers to keep the places clean. There shall be two Dais in attendance. Sanitary utensils shall be provided to the satisfaction

of the Health Officer of the area concerned. The use of the hut shall be restricted to children, their attendants and mothers of the children.

(b) Where the number of women workers is more than 25 but less than 50, the contractor shall provide at least one hut and one Dai to look after the children of women workers.

(c) The size of creche or creches shall vary according to the number of women working.

(d) The creches or creches shall be properly maintained and necessary equipment like toys. etc. shall be provided.

13. CANTEEN

A cooked food canteen on a moderate scale shall be provided for the benefit of workers wherever it is considered expedient.

14. The above rules shall be incorporated in the contracts and in notices inviting tenders and shall form an integral part of the contracts.

## CLAUSES REGARDING WORKING AND LIVING CONDITIONS AS GIVEN IN CONDITIONS OF CONTRACT OF C.P.W.D.

CLAUSE 19F: Leave and pay during leave shall be regulated as follows:

1. LEAVE

Maternity benefit rules for female workers employed by contractors.

(a) in case of delivery, maternity leave not exceeding 8 weeks, 4 weeks upto and including the day of delivery and 4 weeks following that day.

(b) In the case of miscarriage - up to 3 weeks from the date of miscarriage.

2. PAY

(a) In case of delivery - leave pay during maternity leave will be at the rate of the woman's average daily earnings, calculated on the total wages earned on the days when full time work was done during a period of 3 months immediately preceding the date on which she gives notice that she expects to be confined or at the rate of rupee one only a day whichever is greater.

(b) In case of miscarriage - leave pay at the rate of average daily earnings calculated on the total wages earned on the days when full time work was done during a period of 3 months immediately proceding

the date of such miscarriage.

3. Conditions for the grant of maternity leave - No maternity leave benefit shall be admissible to a woman unless she has been employed for a total period not less than 6 months immediately preceding the date on which she proceeds on leave

CLAUSE 19 H

The contractor(s) shall at his/their own cost provide his/their labour with a sufficient number of huts (hereinafter referred to as the camp) of the following specifications on a suitable plot of land to be approved by the Engineer-in-Charge.

1. (a) The minimum height of each hut at the eye level shall be 7' and the floor area to be provided will be at the rate of 30 sq. ft. for each member of the worker's family staying with the labourer.

(b) The contractor(s) shall in addition construct suitable cooking places having a minimum area of 6' x 5' adjacent to the hut for each family.

(c) The contractor(s) shall also construct temporary latrines and urinals for the use of the labourers each on the scale of not less than four per each one hundred of the total strength, separate latrines and urinals being provided for women.

(d) The contractor(s) shall construct sufficient number of mathing and washing places, one unit for every 25 persons residing in the camp. These bathing and washing places shall be suitably screened.

2. (a) All the huts shall have walls of sun-dried or burnt bricks laid in mud mortar or other suitable local materials as may be approved by the Engineer-in-Charge. In the case of sun-dried bricks, the walls should be plastered with mud gobri on both sides. The floor may be katcha but plastered with mud gobri and shall be at least 6" above the surrounding ground. The roofs shall be laid with thatched or any other materials as may be approved by the Engineer-in-Charge and the contractor shall ensure that throughout the period of their occupation the roofs remain water tight.

(b) The contractor(s) shall provide each hut with proper ventilation.

(c) All doors, windows, and ventilators shall be provided with suitable leaves for security purposes.

(d) There shall be kept an open space of at least 8 yards between the rows of huts which may be reduced to 20 ft. according to the availability of site with the approval of the Engineer-in-Charge, back to back construction will be allowed.

3. WATER SUPPLY

The contractor(s) shall provide adequate supply of water for the use of labourers. The provisions shall not be less than 2 gallons of pure and wholesome water per head per day for drinking purposes and 3 gallons of clean water per head per day for bathing and washing purposes. Where piped water supply is available, supply shall be at stand posts and where the supply is from well or river, tanks which may be of metal or masonry shall be provided. The contractor(s) shall also at his/their own cost make arrangements for laying pipe lines for water supply to his/their labour camp from the existing main wherever available, and shall pay all fees and charges therefor.

4. The site selected for the camp shall be high ground removed from jungle.

5. DISPOSAL OF EXCRETA

The contractor(s) shall make necessary arrangements for the disposal of a excreta from the latrines by trenching or incineration which shall be according to the requirements laid down by the Local Health Authorities. If trenching or incineration is not allowed, the contractor(s) shall make arrangements for

the removal of the excreta through the Municipal Committee/authority and inform it about the number of labourers employed so that arrangements may be made by such committee/authority for the removal of the excreta. All charges on this account shall be borne by the contractor and paid direct by him to the municipality/authority. The contractor shall provide one sweeper for every 8 seats in case of dry system.

6. DRAINAGE

The contractor(s) shall provide sufficient arrangements for dr draining away sullage water so as to keep the camp neat and tidy.

7. The Contractor(s) shall make necessary arrangements for keeping the camp area sufficiently lighted to avoid accidents to the workers.

8. SANITATION

The contrator(s) shall make arrangements for conservancy and sanitation in the labour camps according to the rules of the Local Public Health and Medical Authorities.

## C.P.W.D. SAFETY CODE

SAFETY CODE

1. Suitable scaffolds should be provided for workmen for all works that cannot safely be done from the ground, or from solid construction except such short period work can be done safely from ladders. When a ladder is used an extra mazdoor shall be engaged for holding the ladder and if the ladder is used for carrying materials as well, suitable footholds and hand-holds shall be provided on the ladder and the ladder shall be given an inclination not steeper than ¼ to 1 (¼ horizontal and 1 vertical).

2. Scaffolding or staging more than 121 feet above the ground or floor, swung or suspended from an overhead support or erected with stationary support shall have a guard rail properly attached, bolted, braced and otherwise secured at least 3 feet high above the floor or platform of such scaffolding or staging and extending along the entire length of the outside and ends thereof with only such opening as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent it from swaying from the building or structure.

3. Working platform, gangways, and stairways should be so constructed that they should not sag unduly or

unequally and if the height of the platform or the gangway or the stairway is more than 12 feet above ground level or floor level, they should be closely boarded, should have adequate width and should be suitably fenced as described in (2) above.

4. Every opening in the floor of a building or in a working platform be provided with suitable fencing means to prevent the fall of persons or materials by providing suitable fencing or railing whose minimum height shall be 3' 0".

5. Safe means of access shall be provided to all working platforms and other working places. Every ladder shall be securely fixed. No portable single ladder shall be over 30 feet in length while the width between side rails in rung ladder shall in no case be less than 11 1/2" for ladder up to and including 10 feet in length. For longer ladders this width should be increased by at least 1/4" for each additional foot of length. Uniform step spacing shall not exceed 12". Adequate precautions shall be taken to prevent danger from electrical equipment. No materials on any of the sites of work shall be so stacked or placed as to cause danger or inconvenience to any person or the public. The contractor shall provide all necessary fencing and

lights to protect the public from accident, and shall be bound to bear the expenses of defence of every suit, action or other proceedings at law that may be brought by any persons for injury sustained owing to neglect of the above precautions and to pay any damages and cost which may be awarded in any such suit, action or proceedings to any such persons or which may with the consent of the contractor be paid to compromise any claim by any such person.

6. Excavation and Trenching - All trenches, four feet or more in depth, shall at all times be supplied with at least one ladder for each 100 feet in length or fraction thereof. Ladder shall be extended from bottom of the trench to at least 3' above the surface of the ground. The side of the trenches which are 5' or more in depth shall be stopped back to give suitable slope or securely held by timber bracing, so as to avoid the danger of sides to collapse. The excavated material shall not be placed within 5 feet of the edges of the trench or half of the depth of the trench whichever is more. Cutting shall be done from top to bottom. Under no circumstances undermining or undercutting shall be done.

7. Demolition - Before any demolition work is commenced and also during the process of the work-

(a) all roads and open areas adjacent to the work site shall either be closed or suitably protected;

(b) no electric cable or apparatus which is liable to be a source of danger over a cable or apparatus used by the operator shall remain electrically charged;

(c) all practical steps shall be taken to prevent danger to persons employed from risk of fire or explosion or flooding. No floor, roof or other part of the building shall be so overloaded with debris or materials as to render it unsafe.

8. All necessary personal safety equipment as considered adequate by the Engineer-in-Charge should be kept available for the use of the person employed on the site and maintained in a condition suitable for immediate use and the contractor should take adequate steps to ensure proper use of equipment by those concerned.

(a) Workers employed on mixing asphaltic materials, cement and lime mortars shall be provided with protective foot-wear and protective goggles.

(b) Those engaged in whitewashing and mixing or stacking of cement bags or any material which is injurious to the eyes shall be provided with protective goggles.

(c) Those engaged in welding works shall be provided with welder's protective eyesight lids.

(d) Stone breakers shall be provided with protective goggles and protective clothing and seated at sufficiently safe intervals.

(e) When workers are employed in sewers and manholes, which are in use, the contractor shall ensure that the manhole covers are opened and are ventilated at least for an hour before the workers are allowed to get into the manholes, and the manholes so opened shall be cordened off with suitable railing and provided with warning signals or boards to prevent accident to the public.

(f) The contractor shall not employ men below the age of 18 years and women on the work of painting with products containing lead in any form. Wherever men above the age of 18 are employed on the work of lead painting the following precautions should be taken:

(i) No paint containing lead or lead products shall be used except in the form of paste or ready made paint.

(ii) Suitable face masks should be supplied for use by the workers when paint is applied in the form of spray or a surface having lead paint dry rubbed and scrapped.

(iii) Overalls shall be supplied by the contractors to the workmen and adequate facilities shall be provided to enable the working painters to wash during the cessation of work.

9. When the work is done near any place where there is risk of drowning all necessary equipments should be provided and kept ready for use and all necessary steps taken for prompt rescue of any person in danger and adequate provision should be made for prompt first aid treatment of all injuries likely to be sustained during the course of the work.

10. Use of hoisting machines and tackle including their attachments, anchorage and supports shall conform to the following standards or conditions:

(1) (a) These shall be of good mechanical construction, sound material and adequate strength and free from patent defect and shall be kept in good repair and in good working order.

(b) Every rope used in hoisting or lowering materials or as a means of suspension shall be of durable quality and adequate strength, and free from patent defects.

(2) Every crane driver or hoisting appliance operator shall be properly qualified and no person under the age of 21 years should be incharge of any hoisting machine including any scaffolding winch or give signals to operator.

(3) In case of every hoisting machine and of every chain ring hook, shackle surival and pully block used in hoisting or as means of suspension the safe working load shall be ascertained by adequate means. Every hoisting machine and all gear referred to above shall be plainly marked with the safe working load. In case of a hoisting machine having variable safe working load, each safe working load of the conditions under which it is applicable shall be clearly indicated. No part of any machine or any gear referred to above in this paragraph shall be loaded beyond the safe working load except for the purpose of testing.

(4) In case of departmental machines, the safe working load shall be notified by the Electrical Engineer-in-Charge. As regards contractors' machines the contractors shall notify the safe working load of the machine to the Engineer-in-Charge whenever he brings any machinery to site of work and get it verified by the Electrical Engineer concerned.

11. Motors, gearing, transmission, electric wiring and other dangerous parts of boisting appliances should be provided with efficient safeguards, hoisting appliances should be provided with such means as will reduce to the minimum the risk of accidental descent of the load, adequate precautions should be taken to reduce to the minimum the risk of any part of a suspended load becoming accidentally displaced. When workers employed on electrical installations which are already energized, insulating mats, wearing apparel, such as gloves, sleeves and boots as may be necessary should be provided. The workers should not wear any rings, watches and carry keys or other materials which are good conductors of electricity.

12. All scaffolds, ladders and other safety devices mentioned or described herein shall be maintained in safe conditions and no scaffold, ladder or equipment shall be altered or removed while it is in use. Adequate

washing facilities should be provided at or near places of work.

13. These safety provisions should be brought to the notice of all concerned by display on a notice board at a prominent place at work spot. The person responsible for compliance of the safety code shall be named therein by the contractor.

14. To ensure effective enforcement of the rules and regulations relating to safety precautions, the arrangements made by the contractors shall be open to inspection by the Labour Officer, Engineer-in-Charge of the department or their representatives.

15. Notwithstanding the above Clauses from (1) to (14) there is nothing in these to exempt the contractor from the operations or any other Act or Rule in force in the Republic of India.

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## APPENDIX III

The demands of TCWF are the following:

1. Cement, bricks, iron and wooden goods be made easily available in adequate quantities at fair price.
2. Employment opportunities be increased by relaxing Urban Land Ceiling Act thus promoting easy purchase and sale of plots and thereby construction activity.
3. Tamil Nadu Government must help the construction workers to better their economic conditions by cooperative schemes.
4. Insurance scheme must be provided to the construction workers so that they get Rs.10,000/- at retiring age or when they die.
5. Rs.10,000/- must be paid to families of construction workers who die due to accidents while working.
6. Jobs under Food for Work Programme on the days workers do not get work OR unemployment benefit.
7. Free supply of implements.
8. 25% of the Slum Clearance Board tenements be allotted for construction workers.
9. Allotment of housing plots for construction workers.
10. Commission to determine the minimum wages for construction workers.
11. Creches in the residential areas for the children of construction workers.

12. Plans must be approved for house building in less than one ground.

13. Cement control to be cancelled so that adequate cement is available at fair prices.

14. The Central Government has extended the E.S.I. scheme to construction workers in companies where more than 20 workers are working. Tamil Nadu Government must take necessary steps to change this provision so that E.S.I. scheme is made available for all construction workers.

15. Central Government has announced that it would enact a legislation to provide insurance, medical benefits and compensation for construction workers. Tamil Nadu Government must recommend to the Centre to enact the legislation quickly and to implement the legislation in Tamil Nadu.

16. Central Government has made financial allocation in the 1979-80 Budget for the benefit of construction workers. Tamil Nadu Government must announce the benefit schemes for the construction workers, utilising the finances allotted by the Central Government.

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